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New Hampshire

HOUSE RECORD

Second Year of the 168th General Court

Calendar and Journal of the 2024 Session

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Friday, February 16, 2024

No. 7

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

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Thursday, February 22nd at 9 a.m., which is the deadline to act on House Bills going to a second committee.

We will not have a session day during the week of February 26, 2024, when most schools are on vacation. However, please hold your Thursdays in March for possible session days. Our first session date in March will be announced in next week's Calendar.

As we forge ahead through the busiest, most intensive time of our legislative calendar, I ask you to be mindful of how you treat and interact with each other and citizens who appear before the legislature. We are guided by language in our state constitution (Part II, Article 22), which demands of us an environment free from threats, disrespect, ill-treatment, and disorder. Furthermore, we can look to our own ethics guidelines, which state, "Legislators shall treat each other, legislative employees, and the public with dignity and respect."

Disagreement in political matters is inevitable. But we all have the responsibility to be professional, respectful, and lead by example. As public office holders, we have a duty to hold ourselves to a higher standard and put civility first. Our fellow legislators and our constituents have the right to be heard, and we owe them the respect and dignity of listening. Everyone has a right to present an opposing viewpoint. No legislator or member of the public should feel intimidated or fear hostility over testimony they give before a committee. No legislator should feel intimidated or fear hostility over remarks they may deliver before the House or a vote they may take in committee or in session.

Your safety and security are a high priority in and around the State House Complex. To report a security concern, please visit the nearest Protective Services post, or call 603-271-2200. If there is an emergency situation, dial 9-1-1 first.

Pursuant to House Rule 44(d), if any House business is canceled due to inclement weather, notice will be posted on the General Court website at gencourt.state.nh.us. In addition, email notification will go out to affected committees and staff.

As a reminder, State Offices will be closed on Monday, February 19th in observance of Presidents Day.

Sherman A. Packard, Speaker of the House

NOTICE

The February 27th meeting of the chairs and vice chairs is cancelled. The next meeting of the chairs and vice chairs will be announced in an upcoming Calendar.

Sherman A. Packard, Speaker of the House

NOTICE

There will be a Democratic Caucus on **Thursday, February 22nd at 8:00 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, February 21, 2024
 Wednesday, February 28, 2024
 Wednesday, March 6, 2024

AVAILABLE ON:

Friday, February 23, 2024
 Friday, March 1, 2024
 Friday, March 8, 2024

Paul C. Smith, Clerk of the House

2024 HOUSE DEADLINES**Second Year Session Deadlines**

Thursday, February 22, 2024
 Thursday, March 21, 2024
 Thursday, March 28, 2024
 Thursday, April 4, 2024
 Thursday, April 11, 2024
 Thursday, April 25, 2024
 Thursday, May 2, 2024
 Thursday, May 16, 2024
 Thursday, May 23, 2024
 Thursday, May 30, 2024
 Thursday, June 6, 2024
 Thursday, June 13, 2024
 Tuesday, September 3, 2024

Friday, September 13, 2024

Friday, October 25, 2024
 Wednesday, November 6, 2024

Friday, November 22, 2024

Thursday, January 2, 2025
 Friday, January 24, 2025

Last day to act on House Bills going to a second committee
 Last day to report House Bills not in a second committee
 Last day to act on House Bills not in a second committee
 Last day to report all House Bills
 CROSSOVER – Last day to act on all House Bills
 Last day to report Senate Bills going to a second committee
 Last day to act on Senate Bills going to a second committee
 Last day to report all Senate Bills
 Last day to act on all Senate Bills
 Last day to form committees of conference
 Last day to sign committee of conference reports (4:00 p.m.)
 Last day to act on committee of conference reports
 First day for incumbents running for re-election to file LSRs with complete information
 Last day prior to the General Election for incumbents running for re-election to file LSRs with complete information
 Last day to file 2024 Interim Study reports
 First day for all Representatives to file LSRs with complete information
 Last day to file LSRs with complete information (4:00 p.m.)
 Ten-day signoff begins
 Last day to sign-off on all LSRs (12:00 p.m.)
 Last day to introduce House Bills
 Last day to amend House Rules by majority vote

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

BILLS LAID ON TABLE

HB 147, relative to membership of the advisory committee on the education of students with disabilities. Pending question: No pending question.

HB 232-FN, adopting section 1910 OSHA standards for public sector employees in New Hampshire. Pending question: Amendment (2429h).

HB 267, relative to criminal records checks in school employment. Pending question: Refer for Interim Study.

HB 301, relative to recusal by members of the general court for conflicts of interest. Pending question: Amendment (2326h).

HB 369, establishing a task force to provide energy relief on farms. Pending question: No pending question.

HB 375-FN, relative to the licensure of nonresident aliens temporarily residing in New Hampshire. Pending question: Inexpedient to Legislate.

HB 437-FN, relative to a reading assessment and intervention program. Pending question: Refer for Interim Study.

HB 439-FN, relative to the duty to provide an education and contracts with private schools. Pending question: No pending question.

HB 499-FN, requiring the rules of evidence to apply in family court cases and relative to the admission of certain evidence in family court proceedings. Pending question: Inexpedient to Legislate.

HB 505-FN, relative to comprehensive mental health education in schools. Pending question: No pending question.

HB 546-FN-L, relative to the school building aid program. Pending question: No pending question.

HB 553, relative to school district information on personnel salaries. Pending question: No pending question.

HB 570, relative to Real ID compliant New Hampshire driver's licenses. Pending question: Inexpedient to Legislate.

HB 577-FN-L, relative to state aid for special education pupils. Pending question: No pending question.

HB 651, authorizing the department of education and local school districts to contract with transportation network companies to provide school transportation services. Pending question: Inexpedient to Legislate.

HB 1560-FN-A, relative to unassigned moneys in the education trust fund. Pending question: Ought to Pass.

HCR 8, applying to congress for a limited national convention for the exclusive purpose of proposing an amendment to the United States Constitution relative to elections. Pending question: Ought to Pass.

SB 218-FN-A, establishing an early educator professional development grant. Pending question: No pending question.

HOUSE BILLS AMENDED BY THE SENATE

HB 135-FN, (Second New Title) relative to requisites for a criminal search warrant. (SJ 2/8/2024)

HB 154, (New Title) relative to electronic ballot counting devices. (House Concurs 2/15/2024)

HB 261, (New Title) relative to rights of tenants in cases of domestic violence. (SJ 2/8/2024)

THURSDAY, FEBRUARY 22 CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1027, relative to allowing child support to include the period of pregnancy. **INEXPEDIENT TO LEGISLATE.** Rep. Maria Perez for Children and Family Law. This bill has good intentions, but it limits the rights of sexual assault victims to have an abortion, a contradiction of existing laws. **Vote 15-0.**

HB 1341, relative to the liability of grandparents to provide assistance. **OUGHT TO PASS.**

Rep. David Bickford for Children and Family Law. This bill repeals the law that could require grandparents to support the children of their unwed minor children. The US Supreme Court decision in *Troxel v. Granville* (2000) determined that grandparents share no rights which we believe transfer to no liability. **Vote 13-0.**

HB 1511, relative to liability for children with disabilities in certain court ordered placements or episodes of treatment. **OUGHT TO PASS.**

Rep. Mark Pearson for Children and Family Law. This bill would ensure that New Hampshire supports the best interests and educational rights of New Hampshire students with disabilities, receiving support and services both in New Hampshire and in out-of-district placement by placing added responsibility at the Department of Health and Human Services, Bureau for Children's Behavioral Health, to notify the Department of Education on the date that the court order is signed, or the need for an episode of treatment is determined, stating the initial length of time for which such placement if made. This bill does not add any costs, but simply adds an agency to those who must give notice. **Vote 13-0.**

HB 1590-FN, relative to training regarding child abuse and neglect for licensed physicians, advance practice nurses, and physician assistants. **REFER FOR INTERIM STUDY.**

Rep. Patrick Long for Children and Family Law. Training for medical professionals is an important requirement in assuring the early detection of abuse and neglect to children. It is also important to identify the best training available and implement a process with which we can log in and collect the data for those that are trained, and update current and future changes needed in training. We heard testimony that many more details need to be addressed. There is a group of professionals willing to help in articulating those needs. **Vote 13-0.**

HB 1667-FN, relative to establishing a department for children, youth, and families. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for Children and Family Law. There is simply nothing to be gained by separating out the Department of Children, Youth and Families (DCYF) from the Department of Health and Human Services (DHHS), though there may be some things to lose. Much of the testimony on this bill concerned needed improvements at DCYF, such as accessibility, transparency and accountability. After years of seeming mismanagement and public outrage, the present director's predecessor was brought in to clean things up. The measures he took are now being enhanced by the present director who heartily acknowledges the needs mentioned in testimony for further improvements demonstrated by his continual work on them. This work

will continue and does not need DCYF's detachment from DHHS for this to happen. DCYF regularly makes reports to the Children's Oversight Committee, and, since it is under DHHS, it periodically makes reports to the DHHS Oversight Committee. The Office of the Child Advocate regularly works with DCYF. The Special Committee on the Family Division of the Circuit Court learned the regularity with which family court intersects with DCYF. Court Appointed Special Advocates (CASA) works with DCYF. DCYF's director regularly attends meetings of the Governor and Executive Council. The director regularly gets calls on his cell phone and passes them along to his staff for follow-up. Besides such constituent relations, the Director regularly leaves his office to meet with various stakeholder groups. Again, this work will continue and does not need DCYF's detachment from DHHS for this happen. The vast majority of other states place their DCYF's under their Departments of Health and Human Services. To do the work of separating out DCYF from DHHS would require a considerable amount of money for no apparent gain, money better spent in further strengthening the staff at DCYF, rather than making more difficult the synergy, staff sharing and data system synchronization now enjoyed, both here in New Hampshire and in many other states **Vote 13-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1183-FN, relative to prohibiting the sale of agricultural land and land essential to critical industries to China. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill as introduced provides that certain companies owned, in whole or in part, by the People's Republic of China or the Chinese Communist Party shall not own, lease, possess, or exercise any control over agricultural or farm lands and land essential to critical industries in this state. The committee is concerned about the legality of enforcing such a law and therefore needs more before we could go forward with this bill. **Vote 19-0.**

HB 1198-FN, relative to liquor stores. **OUGHT TO PASS.**

Rep. John Potucek for Commerce and Consumer Affairs. The committee agreed with the sponsor that the NH Liquor Commission, store management, and store employees located on a "highly trafficked" route should be allowed to be "Open For Business" on any Sunday or holiday deemed appropriate. Full and part-time employees will have the option of working the hours (at 1.5 times their regular rate), but none shall be "required" to work the overtime hours. The Commerce and Consumer Affairs Committee concurred, and unanimously supported this bill. **Vote 18-0.**

HB 1207-FN, relative to single-use disposable plastic foodware accessories. **REFER FOR INTERIM STUDY.**

Rep. Karen Calabro for Commerce and Consumer Affairs. While the intent of the bill has merit, there are a number of issues with its wording that drew our attention. The committee is concerned about issues of parity across commerce in directing the bill only to restaurants and take-out establishments. The majority of the suggested products to be prohibited is unfair at a time when most of this industry is struggling to survive in a post-COVID economy. With most of the restaurant industry running tight and low profit margins, this is not the time to introduce costly regulations. However, Interim Study would allow the issues of parity to be better addressed, and if the economy is more conducive to a slight increase costs and less harm to profits, this bill may be ready to be considered. **Vote 18-0.**

HB 1232, prohibiting state or local governments from using central bank digital currency. **REFER FOR INTERIM STUDY.**

Rep. Carry Spier for Commerce and Consumer Affairs. This bill seeks to prohibit the state treasurer, state agencies, and political subdivisions from accepting a payment using central bank digital currency (CBDC) or participating in a test of CBDC by any Federal Reserve branch. Based on direct communications with the Federal Reserve, they have thus far made no determination as to what a United States CBDC would look like. When investigations are complete, the Federal Reserve will provide a set of recommendations to Congress. If any of those recommendations are reviewed and approved, Congress will have to pass legislation if they decide that a CBDC is needed and will have to delineate what is to be implemented. The Federal Reserve cannot and will not implement a CBDC without such legislation. Therefore, the majority of the committee feels that the best course of action is to monitor the activities of Congress and the Federal Reserve and make a decision when more information becomes available. **Vote 18-0.**

HB 1406-FN, relative to gender-based pricing of goods and services. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. This bill seeks to prohibit price discrimination based upon to whom goods or services are marketed and establishes a mechanism for enforcement. The Deputy Director of Consumer Protection of the NH Department of Justice testified that if a product is targeted toward women (e.g.: by its color or packaging) and is provided at a higher cost than that targeted toward men or with no specific target, it would be impossible to tell the cause of the increase in price. It could be because of manufacturing or distribution limitations or any number of other reasons. The resources it would take to investigate each incidence only to find out there were legitimate reasons for the increase would be prohibitive if not impossible for the Justice Department. **Vote 18-0.**

HB 1621-FN, requiring the liquor commission to distribute certain information in liquor stores. **REFER FOR INTERIM STUDY.**

Rep. Jane Beaulieu for Commerce and Consumer Affairs. The committee agrees with the bill's intent regarding the need for alcohol use disorder information, including provisions for the 988 hot-line number to be readily available to customers at check out. After discussion regarding posters, receipts and brochures, the Liquor Commission announced the creation of a video with important information including the crisis hot-line. The video will be played in liquor stores. There will be no fiscal impact to the state. Interim Study will give the commission time to produce the video. **Vote 18-0.**

HB 1636-FN, relative to creating the New Hampshire container deposit, refund, recycle, and reuse system. **REFER FOR INTERIM STUDY.**

Rep. Dick Thackston for Commerce and Consumer Affairs. This bill establishes a New Hampshire container deposit, refund, recycle and reuse system. It establishes a producer responsibility organization (PRO) to implement a beverage container recycling redemption refund program to issue redemption refunds to consumers for beverage containers. It contains labeling requirements, establishes performance targets for the PRO, contains reporting requirements, requires the PRO to establish an operations advisory committee and an equity and access advisory committee and contains provisions concerning reimbursement, enforcement, administration and other provisions. This proposal, being a complex combination of public and private stake holders, requires greater study before this committee can make an informed recommendation to the house. For these reasons, the committee recommends this bill be referred for Interim Study before final action is taken. **Vote 19-0.**

HB 1645-FN, establishing a condominium dispute resolution board. **REFER FOR INTERIM STUDY.**

Rep. Dick Thackston for Commerce and Consumer Affairs. This bill establishes a condominium dispute resolution board. The sponsor suggested an amendment was necessary that would have created and made an appropriation to fund the position of board administrator in the Department of Administrative Services to resolve matters involving condominium associations and unit owners. This proposal, being a complex combination of public and private stakeholders, requires greater study before this committee can make an informed recommendation to the house. **Vote 19-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY**HB 1025-FN**, relative to disorderly conduct. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen Reid for Criminal Justice and Public Safety. This bill would potentially place people in situations that could quickly escalate to violence especially in cases where alcohol might be involved such as bar closing times. This bill would basically allow someone to use obscene, derisive, or offensive language in public with the recipient having no recourse which could lead to violent altercations. **Vote 18-0.**

HB 1217, relative to an exception to allow the state or a municipality to use video monitoring to identify the cause of damage to historic covered bridges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. This bill will allow a municipality to place a camera on a municipality owned covered bridge for the purpose of identifying and recovering damages. Covered bridges are historic tourist attractions that towns go to great lengths to keep at a very high standard. The maintenance and repairs of these bridges are the responsibility of the town even if they are on state property. If and when a bridge is damaged it often times costs a town thousands of dollars in repairs and negatively affects commerce in the town. The municipality shall cause notice of video monitoring to be posted on the highway leading to the bridge within 100 feet of the bridge and if the highway is a state highway the Department of Transportation shall be responsible to cause notice for the camera. **Vote 18-0.**

HB 1260-FN, relative to the criminal penalty for violations of privacy involving minors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. This legislation will fix RSA 644:9 from being used as a loophole in prosecution of perpetrators that knowing and willingly violated a minors privacy from only being charged with a misdemeanor crime instead of a felony offense that we would see in any other child protection law. Since RSA 644:9 does not take the age of a victim into consideration when a person violates a minors privacy in any place that a reasonable person would consider to be private, the perpetrator faces the same consequence as someone that secretly recorded a person in their kitchen. As amended, this bill will address the heinous nature of the victim being a minor and address the need to recognize an increased penalty for repeat offenses for violations a minor's privacy. **Vote 18-0.**

HB 1295-FN, relative to penalties for criminal violations of the therapeutic use of cannabis. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. The committee agreed that the existing penalty enhancement for anyone convicted of selling cannabis when they are medical card holders, treats them differently than similarly situated patients who may be convicted of selling their prescriptions for another substance, such as an opioid. The committee agreed that equal treatment under the law is key to public trust and constitutional validity. **Vote 16-0.**

HB 1337-FN, relative to the return of weapons and ammunition upon expiration of protective orders. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Amy Bradley for Criminal Justice and Public Safety. The committee agrees that this bill will put victims at increased risk and also puts the burden on a victim to prevent their abuser from accessing deadly weapons. This bill also makes unnecessary changes to RSA 173-B, a statute intentionally written to establish protection and enshrine best practices when it comes to responding to domestic violence in NH. **Vote 19-0.**

HB 1428-FN, relative to inmate illness or emergency. **REFER FOR INTERIM STUDY.**

Rep. Terry Roy for Criminal Justice and Public Safety. The committee unanimously voted to send this bill to interim study at the request of the sponsor in order to give him time to work on it further with stakeholders. **Vote 19-0.**

HB 1448-FN, relative to requiring retention of a blood sample for the duration of a criminal case, including appeal. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Stone for Criminal Justice and Public Safety. After hearing witness testimony, it is the opinion of the committee that this bill as written should be found inexpedient to legislate. The Department of Safety spoke on the issue of storage and time frames and stated they could support increasing to six months with minimal financial impact. Some members of the committee felt nine months was also a reasonable time frame. The sponsor was given an opportunity to submit an amendment in regards to the time frames of holding samples and failed to do so. **Vote 18-0.**

HB 1462-FN, relative to requirements for reporting hate crimes. **REFER FOR INTERIM STUDY.**

Rep. Alissandra Murray for Criminal Justice and Public Safety. After the public hearing, the committee received additional information from the attorney general's civil rights unit that indicated further study was needed to ensure new requirements did not conflict with existing processes. **Vote 19-0.**

HB 1502-FN, relative to alcohol-related offenses and prohibitions. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Criminal Justice and Public Safety. This bill arose in response to the roadside littering of beer cans in a particular town. The supposition was that this littering was due to the open container law and that people were irresponsibly jettisoning empty cans rather than risk being cited. This bill would repeal the open container law but would give law enforcement a new tool: the roadside use of the gaze nystagmus test upon reasonable suspicion. The refusal to take the test would result in license suspension. The state police testified that the mechanics of this test, administered roadside, would be unreliable for a variety of reasons. The committee felt that a license suspension based on such a refusal would be unreasonable, if not actually unconstitutional. The state police further pointed out that testing possibly leading to license suspension currently is not done without a substantially greater level of indicators. The committee determined that it would be too complex from both a policy and procedural standpoint to amend the bill to be useful. **Vote 17-0.**

HB 1566-FN, relative to the review of police investigations. **REFER FOR INTERIM STUDY.**

Rep. Terry Roy for Criminal Justice and Public Safety. The committee after hearing testimony from the public and the attorney general's office, agreed that the bill as written needs significant work to be able to accomplish the intended purpose. Furthermore, study and examination of the current processes must be completed in order to avoid redundancies and ensure effective avenues for citizens to request assistance with issues between themselves and law enforcement. The committee agreed that interim study will give a chance for that to be done. **Vote 18-0.**

HB 1658-FN, relative to developing a notification database for those individuals with orders of commitment or revocations of conditional discharges. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. The committee believes this bill as introduced is well intended however the implementation of it has unintended consequences that will ultimately be an invasion of a person's privacy. A person's medical history, regardless of how recent it is should be kept confidential. This bill directs the division of state police to develop a database capable of sharing with the state police system to allow the police to be aware if someone is under an order committing them to the NH hospital or has had a conditional discharge revoked. It further requires the probate court and NH hospital to provide the division of state police with updates concerning orders. This is a concern to the committee considering the invasion of privacy concerning a person's personal medical records; and given that communications over the radio are available to the public to listen to live. **Vote 19-0.**

HB 1701-FN, relative to annulments of records related to involuntary commitments. **INEXPEDIENT TO LEGISLATE.**

Rep. Jodi Newell for Criminal Justice and Public Safety. This bill sought to create a process for the annulment of records pertaining to involuntary confinement. After hearing from several experts, it was clear that the language of the bill was extremely problematic. While it is generally desirable to reduce negative impacts resulting from a short term mental health crisis after recovery, the bill failed to provide a reasonable standard, time table or clear definition for proper implementation. **Vote 19-0.**

EDUCATION

HB 1153-FN, relative to mandatory and elective public school curricula. **INEXPEDIENT TO LEGISLATE.** Rep. Stephen Woodcock for Education. The intent of this bill was to require local public schools to develop and offer anti-communism courses at both the middle and high school level. The bipartisan majority of the committee felt that the bill was too prescriptive and intruded on a local school board's control and oversight of curricula. **Vote 17-3.**

HB 1586-FN-A-LOCAL, establishing a foundation opportunity budget program for funding public education. **REFER FOR INTERIM STUDY.**

Rep. Margaret Drye for Education. Any attempt to revise, revamp, or re-envision a subject as far-reaching and complicated as education funding warrants more than just a few meetings of a subcommittee. This bill would establish foundation opportunity budgets and state foundation opportunity grants; complex subjects that need more in-depth examination. The committee believes that Interim Study is the appropriate venue for such a discussion. **Vote 19-1.**

ENVIRONMENT AND AGRICULTURE

HB 1182-FN, adding certain equine practices to the definition of animal cruelty. **INEXPEDIENT TO LEGISLATE.**

Rep. Judy Aron for Environment and Agriculture. RSA 644:8 - Cruelty to animals in the criminal code states: "I. In this section, 'cruelty' shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any animal without proper provision for its care, sustenance, protection or shelter." Furthermore, the penalty for these acts is stated as: "III-a. A person is guilty of a class B felony who purposely beats, cruelly whips, tortures, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured, or mutilated." This bill sought to add four specific heinous and obvious acts of cruelty to horses (hoof soring, gingering, tail nicking and tail blocking) into statute. Those acts are already covered under current NH law as criminal acts of animal cruelty. The bill would also allow for a misdemeanor for the first offense, so our current statute is even more stringent in penalties. The committee felt that beginning to enumerate specific acts of cruelty in this statute is wholly unnecessary. Doing so would only create a precedent to encumber the statute with a laundry list of narrowly defined acts of cruelty which may then serve to allow other acts of cruelty that are omitted. It was also noted that these four specific horrific acts have been federally banned since the passage of the Federal Horse Protection Act of 1970 (15 USC section 1821). These acts of cruelty are also banned by organizations such as the US Equine Federation, and the US Dressage Federation who runs and polices horse competitions, especially the Tennessee Walking Horse competitions which do not occur in NH. **Vote 17-3.**

HB 1293-FN, relative to prohibiting the use of certain fertilizers using phosphorus. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. In recent years cyanobacteria blooms have become more common in New Hampshire lakes. These toxic bacteria blooms make lake water undrinkable, a danger to pets and humans, and unswimmable, and are problematic for boaters. One significant cause of blooms is excess phosphorus ending up in the lakes' watershed coming from fertilizer run-off from over-fertilized lawns. This bill aims to reduce phosphorus run-off by clarifying the low allowable phosphorus content for fertilizer designed for turf. The bill also spells out turf fertilizer management practices for lawns to minimize nutrient run-off. In addition, it requires that retailers of fertilizer display posters designed by the department to educate consumers about which fertilizers are acceptable for lawns and about appropriate fertilizer management practices. The amendment re-organizes the bill to fit more appropriately into the structure of the existing turf fertilizer law. **Vote 20-0.**

HB 1294-FN, relative to prohibiting the state of New Hampshire from enforcing the regulations of the Environmental Protection Agency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Allison Knab for Environment and Agriculture. While the original bill, which would have prohibited the State of New Hampshire from enforcing the regulations of the Environmental Protection Agency, was considered untenable by the committee and by advisement from the Department of Environmental Services, we heard in committee that it did seek to address a real issue. Some towns in New Hampshire are seeking clarity on their alleged violation of federal environmental standards with regard to water quality, and looking for assistance with their ability to fund the means to address these alleged violations. The committee amendment would replace the original language of the bill and seeks to address these real concerns through the formation of a committee to study ways to facilitate municipal compliance with federal Clean Water Act requirements. Questions the committee will seek to address include: having the Department of Environmental Services assume the role of National Pollutant Discharge Elimination System permitting authority, as happens in many other states; considering additional ways municipalities can fund requirements around the federal Clean Water Act; and considering the possibility of legislation around regional sewage management programs that would help with adherence to the federal Clean Water Act. **Vote 20-0.**

HB 1327, relative to the definition of farmers' market. **INEXPEDIENT TO LEGISLATE.**

Rep. Judy Aron for Environment and Agriculture. The sponsor of this bill requested that the committee vote Inexpedient to Legislate because the bill was based on erroneous information. Since it was too late to withdraw the bill, we had to hold a hearing at which we introduced the bill, promptly closed the hearing, and then voted Inexpedient to Legislate. **Vote 17-0.**

HB 1565-FN, relative to the sale of homestead food to consumers and local food production. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Coulon for Environment and Agriculture. This bill amends RSA 143-A:12 to allow certain types of high acid processed foods, like pickled vegetables, relishes and salsa, to be produced and sold by homestead food producers. The amended bill was reached through compromise with the Department of Health and Human Services (DHHS) Food Safety Division and members of the committee to achieve an outcome everyone felt was safe and responsible. **Vote 20-0.**

HB 1572-FN, prohibiting using mRNA technology in food and requiring the labeling of lab grown meat and food containing insects. **INEXPEDIENT TO LEGISLATE.**

Rep. Nicholas Germana for Environment and Agriculture. As indicated in the title, this bill combines several separate concerns into one bill: use of mRNA technology in food sold in New Hampshire, labeling of meat grown in laboratories for sale in New Hampshire, and labeling of food purposefully containing insects for sale in New Hampshire. Provisions in the bill dealing with mRNA technology are complex and unworkable because of a lack of clarity regarding the current and future potential uses of this technology in food products. While concerns about proper labeling of food for consumers are worthy of consideration, requiring specific labeling for New Hampshire – independent of changes in federal regulations – is problematic and unworkable. That kind of labeling would have to be mandated at a federal level. The committee sees a possible path forward for addressing these concerns through drafting and sending a letter to the New Hampshire federal delegation requesting diligent attention to the rights of consumers accomplished through federal truth in labeling legislation so that consumers will know what is in the food they are buying. **Vote 20-0.**

HB 1618-FN, mandating a cooperative agreement with USDA for “organic” certification. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Comtois for Environment and Agriculture. The bill, while well intentioned, would have mandated that the NH Department of Agriculture, Markets & Food (DAMF) enter into a cooperative agreement with the US Department of Agriculture’s (USDA) Organic Program. As we learned in committee this bill is unsustainable. Not only do we not have the personnel (at least 8 additional new hires), but the cost to fund this program would be over ¾ of a million dollars annually. It would also require us to certify farm products that we do not currently certify. There are several entities already certified by the USDA here in New England that our certified organic farms can use for organic certification. **Vote 20-0.**

HB 1685-FN, redefining “homestead foods” as “artisan foods,” creating an artisan food operations exemption, establishing artisan food products sales venues, and allowing the production and sale of artisan food products requiring refrigeration. **REFER FOR INTERIM STUDY.**

Rep. Judy Aron for Environment and Agriculture. This bill seeks to make some significant changes to the Food Services Licensure Law (RSA 143-A). The bill redefines homestead foods as artisan foods, creates a licensure exemption for those foods and allows the production, sale, and distribution of those artisan foods. The committee recognizes the importance of encouraging local community small scale food production, but also understands the concerns of the Department of Health and Human Services (DHHS) Food Safety Division with regard to risks involved with the expansion of unlicensed and/or uninspected food production in non-commercial kitchens. The committee therefore would like to have some time to study this issue more closely and seek ways to expand local food production and encourage “cottage food” entrepreneurship without compromising food safety. To that end, our plan is to gather together food producers, DHHS Food Safety representatives, Environment and Agriculture committee members, and other interested parties, to study current NH food safety and licensure law and see where changes, improvements, and possible lifting of restrictions can be made. **Vote 18-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

CACR 21, relating to the oath of civil officers. Providing that the default oath of office shall be a non-religious oath. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This constitutional amendment concurrent resolution would change the default oath of office for civil officers from a religious oath to non-religious oath. The majority of the committee felt that this change was as not necessary as the option to use whatever oath is preferred is already available. Furthermore, the oath change would not have applied to town officers. **Vote 13-1.**

HB 1016, relative to the New Hampshire state flag. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill requires the words “Live Free or Die” be added below the state seal on the NH state flag. The committee learned that the North American Vexillological Association has design rules for flags and the NH flag is ranked as a badly designed flag because it uses the state seal on the flag. Although there was a general agreement that the NH flag needs a redesign, the majority of the committee did not think adding our motto would make it more interesting. The committee also thought public input would be more appropriate to design a new flag should the legislature have that goal in the future. **Vote 12-2.**

HB 1211-FN, relative to part-time employment of a retirement system retiree. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Simon for Executive Departments and Administration. This bill was brought forward as a mechanism to address workforce shortages by increasing the number of hours a person can work for an employer of the New Hampshire Retirement System (NHRS) while still collecting a retirement benefit. The committee feels that increasing the cap from 1,352 hours to 1,872 hours annually is unnecessary since employees are not maxing out the number of hours currently allowed. Furthermore, the increase would average out to 36 hours a week, bringing the employee back to full time status. Allowing employees to work full time while not paying into the retirement system weakens the overall system and shifts costs to other employers in the NHRS. For these reasons the committee found the bill Inexpedient to legislate. **Vote 20-0.**

HB 1433-FN, relative to the donation of archival records to the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey Goley for Executive Departments and Administration. This bill formally allows the Division of Archives and Vital Records within the Secretary of State’s office to accept donations of archival materials and potential monetary donations to restore and maintain archival materials. As amended, it also increases the labor grade for two Records Clerk positions within the division. The division testified the cost of the labor grade increase will be less than \$5K and the lapse related to vacancies can cover the increase. **Vote 13-0.**

HB 1454-FN, relative to benefits for New Hampshire child care employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill allows licensed daycare workers to participate in the state employer’s healthcare benefits with the caveat that they pay for it. Providing this benefit was thought to enhance job opportunities for these employees. Although the committee recognizes the need for daycare workers, we did not agree that this mechanism would serve that purpose. Although the risk pool is considered small, this measure enrollment would significantly increase the pool, putting constraints on the existing system. Furthermore, this policy would open the door for other individuals to participate in a healthcare program originally designed for state employees **Vote 19-0.**

FISH AND GAME AND MARINE RESOURCES

HB 1024, relative to the use of air rifles for hunting game. **REFER FOR INTERIM STUDY.**

Rep. Carroll Brown for Fish and Game and Marine Resources. The prime sponsor of the bill brought forward that due to the improvements in the design and capabilities of “air guns” that there is interest in using them for hunting small, medium, and large game animals. An amendment was offered to clarify the calibers that could be used for each type of game. As a result of comments that the prime sponsor received before the hearing, he stated that the bill should go to interim study while the capabilities, particularly the lethality, of these air guns can be fully tested and verified in New Hampshire. There was concern in the committee about verifying that these air guns would be adequate to assure that animals are not injured and left to die. New Hampshire Fish and Game Commission is in opposition to the bill until the suggested testing is completed including understanding what the impacts of New Hampshire changing temperatures would be on the air pressure that would be available for shooting, for example the impact on lethality. Additionally, more study needs to be done to see if there is an impact on New Hampshire Fish and Game due to potential significant loss of federal revenue associated with the Pittman Robertson Act. The committee was in agreement that this bill is worthwhile but needs to go to interim study for the reasons noted above. **Vote 17-0.**

HB 1148, relative to the fish and game commission. **REFER FOR INTERIM STUDY.**

Rep. Kimberly Abare for Fish and Game and Marine Resources. The proposed bill aims to revise multiple aspects of RSA 206 related to the Fish and Game Commission, with a particular emphasis on the appointment, qualifications, and dismissal procedures for commission members. Proposed alterations include broadening the nomination process, delineating specific qualifications for commissioners, and detailing removal protocols. Following the recommendation of the bill’s sponsor, the committee has opted to refer the bill to interim study. **Vote 18-1.**

HB 1532, relative to land owner rights and responsibility pertaining to game cameras and tree stands. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey Goley for Fish and Game and Marine Resources. Changes were made last year to the statute regarding game cameras and tree stands and fish and game has been promoting these changes. The majority

of the committee agrees some changes may need to be made in this statute, including when tree stands need to be removed, we believe making changes less than a year after implementation could be confusing to those who have already seen them. And this would also require fish and game to once again promote these new changes in a short period of time. A study committee would allow for the time to work on the proper changes and also let the current laws passed last year be implemented. **Vote 18-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1661-FN, relative to immunization reporting requirements. **REFER FOR INTERIM STUDY.**

Rep. Yuri Polozov for Health, Human Services and Elderly Affairs. The committee agrees that it is in the public interest to have better data on health outcomes and on causes of death. At the same time, we need to ensure that the proposed legislation does not conflict with other statutes regarding the vaccine registry, and has a clear, workable path to implementation. Moreover, the committee feels it needs to hear from professionals who will be able to provide additional information on death certificates. For these reasons, we ask to send this bill to Interim Study. **Vote 19-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1072-FN, relative to prohibiting employers from using polygraph testing. **INEXPEDIENT TO LEGISLATE.** Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. This bill prohibits certain employers from using polygraph testing. Testimony relating to this bill brought up quite a few issues with the use of polygraph testing outside of hiring practices. For those reasons and others we recommend not to move forward with this bill. **Vote 19-0.**

HB 1315-FN, relative to the definition of wages for purposes of unemployment compensation. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. The committee, at the request of the sponsor, agreed to recommend this bill Inexpedient to Legislate. The sponsor explained to the committee that the concept needed more work before being proposed as law. **Vote 19-0.**

HB 1597-FN, relative to the maximum weekly unemployment benefit amount. **REFER FOR INTERIM STUDY.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. When a worker has become unemployed through no fault of their own and begins receiving unemployment benefits, that worker may work part time while seeking a return to full time employment. If the worker earns less than 30% of the weekly benefit amount, there is no impact on benefits received. Above that threshold, earned wages reduce the benefit dollar for dollar. This bill was submitted to allow a part-time worker to keep some of those additional earnings above the cap. The committee also has HB 1522 (and, potentially, a bill from the other chamber) which would revamp unemployment compensation. Our vote to refer this bill for Interim Study reflects a desire to implement its intent within one of the larger policy changes as an amendment to another bill. **Vote 19-0.**

HB 1668-FN, relative to establishing a 4-day work week. **INEXPEDIENT TO LEGISLATE.**

Rep. Mike Drago for Labor, Industrial and Rehabilitative Services. This bill, if passed, creates a 32-hour work week. NH businesses will now be faced with less work time per employee. This will result in an increase in wait times for services as businesses already struggling to meet demand will now have employees working fewer hours per week. Employers will be faced with trying to hire additional employees, which will exacerbate the already tight labor market and worker shortage NH is facing. The second half of the bill requires employers to pay overtime for any hours worked over eight hours in one day. This will take away the ability of a business to choose to pay overtime as an accumulation of hours over an entire work week or pay off daily hours. Forcing a business into policies such as this is not the NH way. **Vote 20-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1052, relative to the format of excavating and dredging permit applications. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Brown for Municipal and County Government. This bill simplifies and clarifies the permitting process for excavation and dredging. The new process requires only one copy of the paper documents and one digital copy of the documents. Changing the paper copy requirement from four to one reduces reproduction expense and also storage space requirements for the documents handled in municipalities. Providing a digital copy allows electronic storage of the documents, simple posting on local or state websites and easy transfer or retrieval of the documents. **Vote 19-0.**

HB 1105-FN-LOCAL, relative to application of a local tax cap. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Diane Pauer for Municipal and County Government. This bill as amended clarifies the legislative intent of RSA 32:5-b, I, Local Tax Cap. The purpose of a local tax cap is to limit the tax effort of warrant articles

that raise and appropriate money as recommended by the elected body (i.e. governing body or official budget committee) at the annual meeting. Accordingly, a local tax cap is not a “spending cap”—it is a “tax effort” cap. Presently, a local tax cap, which is enabling statute, is being incorrectly interpreted and improperly applied in a number of the towns and districts that have adopted this provision. These towns and districts erroneously interpret the term “the budget” to exclusively mean the operating budget. Under this section, “the budget” is actually the operating budget warrant article and all other warrant articles with a tax impact. Additionally, this bill further clarifies that the estimated amount of local taxes to be raised for the fiscal year as presented by the elected body shall not exceed the local taxes raised for the prior year, adjusted by the tax cap authorized when the section was adopted. The amendment to the bill replaces the term “appropriations” in the original bill language with “warrant articles with a tax impact” since an appropriation is an authorization by the legislative body granted to the governing body to spend a certain sum of money designated for a certain purpose. Finally, this bill as amended does not affect the voters’ ability to override a local tax cap nor does it limit the voters’ authority to increase or decrease the amount of any appropriation or the total amount of all appropriations. **Vote 18-1.**

HB 1154, relative to property tax exemptions for certain disabled veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Diane Pauer for Municipal and County Government. This bill as amended clarifies RSA 72:36-a, Certain Disabled Veterans, to more precisely define eligibility criterion. The statute has proven to be confusing in its interpretation and application. As a result, both veterans and municipalities incorrectly believe that certain disabled veterans qualify for this property tax exemption when in fact they do not qualify. First, this bill adds a reference to the New Hampshire statutory definition of a Veteran under RSA 21:50. Second, this bill’s added language clarifies the eligibility requirement that the veteran must own a home adapted with an approved Special Adapted Housing (SAH) grant or with a Special Home Adaptation (SHA) grant obtained through the Veterans Administration (VA), or that the veteran must own a home that has been specially adapted having been acquired from the sale of a previously owned home that had been adapted through an approved SAH grant or SHA grant obtained through the VA. Third, the amended bill language adds a reference to the statutory definition of a surviving spouse under RSA 72:29, V, pertaining to the eligibility criterion for surviving spouses. By more precisely defining eligibility criterion for the Certain Disabled Veterans property tax exemption, the bill, as amended, makes it easier for veterans, surviving spouses, and municipalities to understand the law and importantly for municipalities to correctly and fairly grant the property tax exemption to those who qualify. **Vote 19-0.**

HB 1258-LOCAL, relative to a waiver from property taxes for disabled veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Brown for Municipal and County Government. This bill would allow municipalities to provide a 100% tax credit for veterans with a service-connected total disability. The current law has an upper limit of \$4,000. The primary issues are that this revision would provide no upper limit on the proposed credit and has no qualifications in regard to income in order to receive the credit. Municipalities would also have difficulty in determining the impact of these credits on its tax rate year to year with the 100% credit. **Vote 19-0.**

HB 1708-FN, relative to local records retention. **INEXPEDIENT TO LEGISLATE.**

Rep. Len Turcotte for Municipal and County Government. The Chairman, of the House Judiciary committee requested that the contents of this bill be incorporated into a Judiciary bill, therefore the committee voted unanimously to Inexpedient to Legislate this bill. **Vote 16-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1202-FN, relative to the issuance of permits for the alteration of driveways exiting onto public ways. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Boyd for Public Works and Highways. This bill is a product of the Special Committee on Housing that places reasonable timelines on the New Hampshire Department of Transportation to sign driveway permits relating to housing. The Special Committee on Housing crafted the initial language of the bill and the Public Works and Highways Committee vetted and changed some language to get it to a unanimous bipartisan vote. **Vote 18-0.**

HB 1234-FN, relative to the repair of class VI roads not maintained by a municipality. **INEXPEDIENT TO LEGISLATE.**

Rep. Martin Jack for Public Works and Highways. RSA 231:81-a was enacted in 2019 to address the problem that residents on private roads could not obtain certain types of federally guaranteed mortgages in the absence of a written agreement to maintain the road. This bill would extend the same provisions to Class VI roads, which are unmaintained public roads, so that residents who refuse to fund maintenance can be sued. The committee heard testimony that there is no problem obtaining mortgages on Class VI roads. The only

testimony in support of the bill came from one citizen. Stake-holders such as Timberland Owners Association and the Farm Bureau are opposed to the bill because it mandates spending private funds on public assets and arriving at a methodology to apportion the cost “equitably” is difficult when there are widely varying demands on the road made by different property owners. **Vote 19-0.**

HB 1262-FN, relative to the installation of a traffic signal at the intersection of Route 111 and Ermer Road in Salem. **INEXPEDIENT TO LEGISLATE.**

Rep. David Milz for Public Works and Highways. This bill as written would have required the New Hampshire Department of Transportation to install a traffic signal in the town of Salem. This intersection improvement is already in the Ten Year Transportation Improvement Plan, Project Number 43790, and is in the process of design review. If this change were to be made to the Ten Year Transportation Improvement Plan, it would delay the safety improvement. **Vote 18-1.**

HB 1439-FN, relative to vehicle registrations and reciprocal toll collection enforcement agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Boyd for Public Works and Highways. This bill was created to tackle constituent concerns regarding the Department of Transportation’s (DOT) EZPass program for the turnpike system. Those concerns include users not being assessed timely for unpaid fees due to transience and being assessed a higher user fee for not participating in the EZPass program. Non-payment of these user fees could also result in suspension of the vehicle’s registration. The bill sought to ease the financial burden of users by eliminating the administrative fees associated with toll collection in New Hampshire and with other states where New Hampshire retains reciprocity agreements for toll collections. The DOT opposed the bill citing a myriad of financial concerns relating to turnpike operations. All tolls collected through EZPass are redirected back into the system to maintain the roads and infrastructure within the system for the user’s benefit. Users are required to pay the toll at the time of collection with several options available to users when timely payment is not available to the user. The committee believes that the options available to turnpike users provide ample opportunity to settle up with the turnpike when a user is impacted by an inability to pay the toll. Eliminating the administrative fees associated with managing the turnpike system would cost the turnpike money and there could be further impact to our interstate EZPass users with the reciprocity agreements New Hampshire has established with other states. **Vote 19-0.**

HB 1631, relative to extending the commission to study revenue alternatives to the road toll. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McConkey for Public Works and Highways. This bill extends the legislative study commission on revenue alternatives to the road toll, popularly known as the gas tax for the funding of improvements to the state’s highways and bridges. A commission originally established in 2023 has made great progress to date exploring alternatives to the road toll for electric powered, hybrid, and fuel-efficient vehicles, and is studying other emerging vehicle fuels and technologies, for funding improvements to the state’s highways and bridges, ensuring that all motor vehicles contribute proportionally to their impact on New Hampshire’s highway infrastructure. The amendment to this bill expands the charge of the commission to examine all vehicle registration fees. The commission will be extended to December of 2026 and this bill would take effect upon its passage. **Vote 19-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1114, extending the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Londonderry, and Litchfield. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. This bill will extend the five-year term of the Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals, first established in statute in 2019, for an additional five years. The commission has made great progress in data collection, education, legislative recommendations, etc. but there are continuing issues to address, including the decommissioning of the Saint-Gobain facility this year and a Phase III cancer study. As amended, the Town of Hudson will be added to the commission as they have been shown to be impacted by Saint-Gobain contamination and are a key geography for water line extensions to replace contaminated wells. **Vote 19-0.**

HB 1140, relative to requirements for homeowner installations of septic systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tim McGough for Resources, Recreation and Development. This bill allows a homeowner to install their own “replacement” septic system or to repair an existing septic system provided they comply with the same rules and regulations already in place by the Department of Environmental Services in regards to such systems. This bill had bipartisan support and supports a homeowner’s right to improve and maintain their property without undue regulations. The amendment clarifies the specific requirements, such as those required for a new system versus a replacement system or repairing an existing system. **Vote 20-0.**

HB 1143, including control of cyanobacteria blooms under the New Hampshire clean lakes program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. This bill is a recommendation included in the Cyanobacteria Response Plan prepared by the New Hampshire Department of Environmental Services (NHDES) with input from the plan's community advisory committee. It proposes to expand the NH Clean Lakes Program as defined in RSA 487:17 to support the actions necessary to remediate cyanobacteria blooms. As amended, the bill ensures consistency with other state statutes and administrative rules. The amended version allows NHDES to issue permits for physical and chemical in-lake treatments, with consultation with the New Hampshire Fish and Game Department. These activities are currently permitted under RSA 485-A but it makes sense to consolidate that authority in the same place as the other cyanobacteria and lake management provisions. **Vote 20-0.**

HB 1209, relative to observers in motorboats. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessica LaMontagne for Resources, Recreation and Development. This bill provides that an observer is not required in a motorboat towing water skiers, aquaplanes, or similar devices, or while engaged in wake surfing, when the motorboat is equipped with a mirror allowing the operator to view the water skiers. Specifically, the bill amends statute (that an observer is not required in specific circumstances if the boat is equipped with a wide angle, 48 square inch mirror) to allow no observer with any mirror. The intent is to allow a jet skier to pull a person on a water sport device with no observer and a simple handlebar mirror. The Department of Safety opposed the bill because one person could not both operate the boat and assist an injured person back to shore, and the committee unanimously agreed the bill was a detriment to safety. **Vote 20-0.**

HB 1229, relative to the purchase and sale of any interest in real property abutting public waters. **REFER FOR INTERIM STUDY.**

Rep. Rosemarie Rung for Resources, Recreation and Development. This bill intends to provide new shoreland property owners at time of sale with a notification of their responsibilities under the Shoreland Protection Water Quality Act. New Hampshire Department of Environmental Service (NHDES) and the New Hampshire Realtors Association agree that this is important for shoreland owners, but there may be alternatives to more effectively make this notification to not only new owners, but existing owners as well. The committee voted unanimously for Interim Study for these opportunities to be explored. **Vote 20-0.**

HB 1249, relative to the towing of inflatables by motorboats. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tim McGough for Resources, Recreation and Development. This bill modifies and clarifies existing language on the number of observers required aboard a watercraft when towing an inflatable. Current law allows up to six towables with up to six passengers. This new language clarifies that one observer is acceptable per towable with less than three people on it, and two observers for up to six people on two separate inflatables, with a limit on two towed inflatables per water craft without a special permit such as for a waterski show as required in existing law. The bill has bipartisan support along with Marine Patrol support for the clarifying language as discussed in the amendment. **Vote 20-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1644-FN, requiring the department of energy to initiate an investigation of the benefits and key considerations regarding support for clean or non-carbon emitting power generation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. This bill started life as a transformation of the Renewable Portfolio Standard (RPS) into a Zero-Emissions Portfolio Standard. That proved to be too expensive, so the bill was changed into an investigation by the Department of Energy of ways to support non-carbon emitting power generation. As amended by the committee, this investigation was dropped in favor of adding nuclear generated electricity to the RPS for any such facility that becomes operational after September 1, 2024. This change signals that NH understands the future importance of nuclear power and is prepared to set the stage for its adoption. The committee amendment eliminates any spending associated with the bill. **Vote 19-1.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1485, establishing a committee to study the totality of circumstances surrounding the COVID-19 epidemic. **REFER FOR INTERIM STUDY.**

Rep. Larry Gagne for State-Federal Relations and Veterans Affairs. The subject is being addressed through other measures. The prime sponsor acknowledged this while also stating that his resolution needed work on its language. He himself recommended the Interim Study option so the committee acceded to his wish. **Vote 17-1.**

HR 22, urging Congress to remove the exception from the Thirteenth Amendment to the United States Constitution: "except as a punishment for crime whereof the party shall have been duly convicted." **OUGHT TO PASS.**

Rep. Christine Seibert for State-Federal Relations and Veterans Affairs. In 1796, a young, black woman named Ona Judge fled Philadelphia to seek refuge in New Hampshire. Although she was a slave of then-President George Washington, the Granite State protected her from capture. In her newfound freedom, Ona married,

worked, and raised children in our state. She lived a long life, dying at 75 years old at her home in Greenland, New Hampshire. Our state has always been on the right side of history; consequently, the committee unanimously supports this resolution calling on Congress to close the loophole in the 13th Amendment. A resolution is a statement representing the opinion of this legislature and does not have the effect of law. The loophole, or exception, in the 13th Amendment, allows states to force prisoners into slave labor. New Hampshire does not use slave labor in its correctional facilities. However, some prisons exist today on former plantation land where prisoners still pick cotton to this very day. In passing this resolution, New Hampshire continues its long, unbroken history of opposition to a very deep moral wrong. **Vote 18-0.**

SB 317, relative to establishing a New Hampshire-Ireland trade council. **OUGHT TO PASS.**

Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. Ireland and New Hampshire have deep historic ties, going back to 1719 when Irish settlers helped build a community in what is now Londonderry. Our third governor, General John Sullivan, was from Ireland. New Hampshire is the most Irish state in America, with 20% of Granite Staters boasting Irish ancestry. As over \$400 million worth of New Hampshire goods are exported to Ireland annually, a robust trade council would be helpful in maintaining good ties and smooth exchanges of products and people. **Vote 11-0.**

WAYS AND MEANS

CACR 18, relating to the tax exempt status of churches. Providing that churches shall not be exempt from state taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Fred Plett for Ways and Means. This bill would embed in the constitution a prohibition to granting tax exempt status for churches. Churches have had this tax exempt status since the beginning of the country. Churches can often provide social and welfare services to their constituents and the broader community more efficiently than government. Tax impositions would drive many churches to close, requiring state and local governments to pick up the newly unserved needs. The First Amendment to the US Constitution states that Congress shall make no law in respect to an establishment of religion, or prohibiting the free exercise thereof. This prevents government from establishing a church, but it does not prevent government from even-handedly providing tax breaks or preventing churches from establishing themselves and providing these services. **Vote 20-0.**

HB 1191-FN, relative to the establishment of an exemption to the meals and rooms tax for participants in the restaurant voucher program. **OUGHT TO PASS.**

Rep. Fred Plett for Ways and Means. This bill would eliminate the collection of meals and room tax by restaurants participating in the Meals on Wheels bureau of elderly and adult services restaurant voucher program. Restaurants charge the state \$13 for every meal provided through this program, including \$1 for taxes, and in round numbers, this charge would become \$12 without the tax. The loss in revenue to the state in meals and rooms tax will be made up since Meals on Wheels will ask for grants from the state for this program which will also be \$1 less. **Vote 20-0.**

HB 1422-FN-A-LOCAL, relative to the rates of the business profits tax, business enterprise tax, communications service tax, and meals and rooms tax. **REFER FOR INTERIM STUDY.**

Rep. Fred Plett for Ways and Means. This bill is an amalgamation of several potential tax cuts, including reductions in the business profits tax rate, business enterprise tax rate, communications service tax, and rooms and meals tax. Each of these potential tax cuts may have merit, and in future years could be taken up individually, but this year is a non-budget year. It is prudent to take up any tax changes, up or down, in a budget year when a fresh look can be taken of revenue estimates, revenues versus plan for the previous biennium, and the potential impact of any such changes. **Vote 20-0.**

HB 1515-FN, relative to the meals and rooms tax rate. **INEXPEDIENT TO LEGISLATE.**

Rep. Walter Spilsbury for Ways and Means. This bill would reduce the meals and rooms tax rate, only for taxable meals, from 8.5 percent to 7.5 percent and set a minimum amount of revenue apportioned to towns. The Department of Revenue Administration's (DRA) fiscal note estimates a fiscal impact per year of \$37.7 million for FY 2025, increasing to over \$50 million in each of FY 2026 and FY 2027, for a cumulative 3-year revenue impact of about \$143 million. About a quarter of the revenue loss estimated beyond the first year is attributable to the bill's provision that would change the municipal revenue sharing scheme from a percentage of prior year meals and rooms revenue into one that would incorporate a guaranteed minimum figure, which would compound the decline in net revenues available to support state expenses. The Ways and Means Committee recently held hearings on several bills that would have either reduced or increased the rates of various taxes that currently contribute a major portion of the state's revenue projections and concluded that on balance it would be unwise to move the dial significantly in either direction in the middle of the biennial budget cycle. In this context, the committee wishes to hold two other bills for interim study, including HB 1422, a much more extensive bill that would reduce rates on both meals and rooms as well as reduce various other tax rates, and HB 1492, which would reinstate the interest and dividends tax. The committee will have ample opportunity to take action on bills such as these when the next biennial budget is being fashioned in 2025. **Vote 19-0.**

THURSDAY, FEBRUARY 22 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1111-FN, relative to the penalty for false reports of suspected abuse and neglect made to the division for children, youth, and families. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sheila Seidel for Children and Family Law. In committee, DCYF reported that an average of 10,000 calls are received annually regarding child abuse and/or neglect, 50% of which are weeded-out. The Parents Rights Foundation's national statistics show that of 20,000 calls annually, 10,000 are weeded-out, and that 83% of reports of child abuse are false reports, which increases to 96% when there is no penalty against false reports. In NH, everyone is considered a mandatory reporter. Currently, NH does not have any penalty to those who intentionally make false claims of child abuse and/or neglect. This bill, as amended, removes immunity without imposing any penalty on one who reports in good faith. **Vote 8-7.**

HB 1282-FN, relative to the duration of child support. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lorie Ball for Children and Family Law. This bill will close the loophole in cases where a child turns 18 while in school, but then chooses not to graduate. The committee agreed that using the guidelines currently in place as part of the Social Security Survivors Benefits would provide consistency in the duration of child support and close this loophole. Those guidelines state that child support ends when the child graduates, or until 2 months after the child reaches age 19, whichever is first. The bill also gives clear guidance as to the application when the child is enrolled in a charter school or participates in a home school education program in accordance with RSA 193-A. Furthermore, the bill aligns with RSA 186-C:2, I regarding the duration of child support for a child with a disability who is receiving special education and related services **Vote 13-0.**

HB 1425-FN, relative to prohibiting the suspension of drivers' licenses in child support enforcement matters. **INEXPEDIENT TO LEGISLATE.**

Rep. Heather Raymond for Children and Family Law. While the goal of ensuring that obligors maintain their licenses and their ability to transport themselves to and from employment, 42 USC 666(a) requires states to establish procedures to withhold, suspend or restrict drivers' licenses and other licenses. Passage of this bill would place NH out of compliance and result in significant federal sanctions under Title IV-D of the Social Security act. The fiscal note accompanying the bill estimates the loss of funding to be \$16.9m in federal funds, \$1.2 M in child support incentive funds and \$1.9M in TANF Block grant funds annually, which would create an undue burden on the NH taxpayers. **Vote 14-0.**

HB 1564-FN, relative to the child support guidelines. **OUGHT TO PASS.**

Rep. Debra DeSimone for Children and Family Law. This bill addresses three child support issues that have been pointed out in the state's quadrennial child support review as needing to be fixed. First, it increases the self-support reserve from 115% to 130% of the federal poverty guideline. Secondly, it allows for expenses associated with childcare, health care and extracurricular activities to be split between the parties. Thirdly, it allows for rebuttable presumptions of deviations to the child support calculator, based upon shared parenting time. The Special Committee on the Family Court heard much testimony of how these updates were needed because many were struggling to support their children during their parenting time, particularly when parenting time was approximately equal and no deviation from the support amount was allowed to offset the costs. As a result, several legislators worked over the summer with many relevant stakeholders including mediators and family law attorneys from NHAJ and NHLA, to create this bill. **Vote 13-0.**

HB 1573-FN, relative to oversight of and criteria for residential placement of children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Children and Family Law. After the scandal last fall at the Bledsoe Academy of Gallatin, Tennessee, where two New Hampshire children had been placed in what turned out to be "horrific conditions," the desire emerged to make sweeping changes in how the placement of children with behavioral problems would take place. HB1573 was quickly, and at the deadline, filed as a "place holder." The Office of the Child Advocate and the Department of Health and Human Services, two agencies with overlapping jurisdictions, began the task of determining what those sweeping changes would be. They came to agreement on 95% of the needed changes. Two separate amendments were crafted and the committee unanimously accepted 0427 because we concluded it gave better flexibility and greater speed for the handful of youth needing highly specialized care. **Vote 15-0.**

HB 1595-FN, relative to adjustment of the child support guidelines based on parenting time, medical support, and child care expenses. **OUGHT TO PASS.**

Rep. David Bickford for Children and Family Law. This bill addresses two recommendations from the most recent federally mandated quadrennial "Review of the NH Child Support guidelines," along with two supporting changes. It defines a parenting time adjustment formula utilized in 22 states to provide a smooth

adjustment without “cliff-effects” across the entire parenting time spectrum. The cross-credit formulation reflects the surveyed consensus preference of judges, court staff, attorneys, parent representatives, and was the second choice of Bureau of Child Support Services. The adoption of this formula may cut the already high 48% deviation rate in half. The bill shifts childcare expenses and out-of-pocket medical costs from income deductions to child costs as per recommendations for consistency with the Income Shares methodology. The bill strengthens ability-to-pay checks by including obligor direct child expenditures in the threshold calculation for a reduced obligation. The bill extends proration to include add-on child costs to correct implementation shortcomings of the Income Shares methodology identified by the 2004 HB310 Commission. This proration change regularizes calculations in line with the New Hampshire Supreme Court definition in Anderson (Case No. 2019-0039). **Vote 7-6.**

COMMERCE AND CONSUMER AFFAIRS

HB 1633-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Anita Burroughs for the **Majority** of Commerce and Consumer Affairs. This bill intends to legalize cannabis so that it can be regulated to ensure that these products are tested and labeled to ensure that consumers are informed and protected. The bill delineates that cannabis will not be sold to minors under the age of 21. Many years of work have led to this effort, which focuses the State of NH on harm reduction, not profits, and allows the state to control distribution and access through state laws, administrative rules, and local control. The bill will limit initial cannabis retail outlet licenses to 15 while providing a pathway for expanded licenses. This legislation ensures that laws and administrative rules do not pick favorites but rather create a transparent administrative process for applications and selection criteria. The legalization of cannabis will move production and sales from the underground, sometimes dangerous, illicit market to legal businesses, allowing for appropriate regulations and control. **Vote 17-3.** Rep. Lilli Walsh for the **Minority** of Commerce and Consumer Affairs. The minority feels this bill is still not ready or suitable for the citizens of New Hampshire. Introducing drastic cultural change, increased healthcare costs, and significant societal impact is not in the best interest of the state. Additionally, the unambiguous question of creating conflict with federal law specifically regarding the sale and distribution of a federally controlled substance, has not been addressed. Many stakeholders on both sides agree several issues brought up by the previously established commission are not in the bill or in the amendment. For those reasons and others, the minority of the committee supports a motion to Refer for Interim Study.

HB 1649-FN, relative to prohibiting certain products with intentionally added PFAS. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for the **Majority** of Commerce and Consumer Affairs. As amended, this bill would prohibit manufacturers of certain consumer products in our state that have PFAS added, products the people of this state use in our everyday lives. Effective July 1, 2028, New Hampshire would join other states that have banned the sale of products which expose us, our families, friends and neighbors to PFAS, including food packaging, cosmetics, products sold to children, carpets and upholstered furniture. The products to be banned by this bill were those with the highest PFAS load entering our waste stream via landfills and wastewater treatments plants or are sources of the greatest direct exposure. They include items most commonly banned in the 14 states enacting such legislation. New Hampshire is one of the states in this country most burdened by PFAS contamination. The state and its towns have spent no less than \$110 million already on remediation and there is no end in sight. The health of our citizenry has suffered. The toxicity level to which our drinking water must now be tested in the one-trillionths. These “forever chemicals” have invaded our water, our soil, our air and virtually everyone now has PFAS in their bodies. Our neighbors who live in the Merrimack area have suffered greatly with the Saint-Gobain PFAS contamination. Once released into the environment, these chemicals are almost impossible to destroy. While technology is advancing, destruction is impractical and impossibly expensive. The Committee received testimony in support of this bill from a broad spectrum of entities and individuals. Few, if any issues, could bring people together in the way PFAS brought together the supporters of this bill. The committee was impressed at the great statewide consensus of opinion on banning PFAS-added products, including public and private solid waste facility owners and operators, wastewater treatment and drinking water facilities, public health associations, professional firefighters, the NH Municipal Association, a consortium of environmental organizations and many individuals with personal experience dealing with PFAS contamination. There is non-partisan agreement that to stop the contamination, we must stop using these products wherever we can. The committee also received testimony from a number of trade associations representing products sought to be banned. Although the NH Department of Environmental Services (NHDES) remains neutral on the bill, the committee also accommodated most concerns of the department. As amended, the bill has largely answered these concerns by excluding federally controlled and preferred products, and by removing the reporting and labeling requirements. Although NHDES

remains neutral on the bill, the committee accommodated most concerns of its concerns. To effectuate the ban, the bill would create a position at NHDES, which would sunset five years after the ban goes into effect to ensure the position would not continue unnecessarily. After an extensive discussion and comprehensive review of the legislation, the majority of the committee was convinced that the best and only way to stop the influx of these dangerous chemicals into our state is to prohibit their sale and recommended passage of this bill as amended. **Vote 16-3.** Rep. Keith Ammon for the **Minority** of Commerce and Consumer Affairs. This bill, as amended, introduces a prohibition, effective from July 1, 2028, against the sale, use, or promotional distribution of consumer products containing PFAS, specifically targeting carpets or rugs, cosmetics, fabric treatments, feminine hygiene products, fluorine-treated containers, food packaging and containers, juvenile products, personal protective equipment, dental floss, mattresses, and upholstered furniture such as sofas, among other products within the state. Despite identified areas of groundwater PFAS contamination within our state, which have posed health risks and harm to nearby residents, the sources of such contamination are primarily linked to industrial discharge from manufacturing facilities, fire stations, and military bases rather than the consumer products targeted for a ban under this legislation. Consequently, the rationale for banning these consumer items lacks substantial evidence demonstrating their contribution to PFAS pollution in our state. Additionally, the bill imposes an arduous process on manufacturers, compelling them to seek legislative exemptions for their products. Given the lack of direct evidence linking these consumer products to groundwater PFAS contamination and the undue burden placed on product manufacturers and consumers, the minority recommendation is to recommend this bill as Inexpedient to Legislate.

HB 1674-FN, relative to establishing the New Hampshire legal tender act and establishing a state bullion depository. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Dick Thackston for the **Majority** of Commerce and Consumer Affairs.

This proposal, being a complex combination of public and private stake holders, requires greater study before this committee can make an informed recommendation to the House. We recommend this bill be referred for Interim Study before final action is taken. **Vote 14-5.** Rep. Keith Ammon for the **Minority** of Commerce and Consumer Affairs. Section 1, Articles 8 and 10 of the U.S. Constitution grants Congress the power to coin money and regulate its value. It prohibits states from coining money, emitting bills of credit, or making anything but “gold and silver coin” a tender in payment of debts. As of January 2024, the US national debt has exceeded \$34 trillion, with projections indicating exponential growth. Annual interest payments on this debt now surpass \$750 billion, nearly surpassing the entire US defense budget. The national debt has exceeded 120% of gross domestic product (GDP), with one-third to one-half of GDP coming from government spending. The federal government may be incentivized to print more money to manage the runaway debt, leading to further currency devaluation. The inflation caused by this would act as a hidden tax and for a time allow the government to repay debt with devalued currency without needing to enforce much-needed fiscal restraint through congressional action. Devaluing the currency would have detrimental effects on the citizens of New Hampshire. It would erode savings, increase living costs, and undermine the economic stability of individuals and businesses. The proposed amendment to this bill numbered 2024-0373h, replaces and refines the original bill to make gold and silver legal tender within New Hampshire as provided for in the US Constitution. This initiative mirrors actions taken by Utah in 2011 and followed by Louisiana, West Virginia, Arizona, Kansas, Oklahoma, Indiana, Texas, Missouri, South Carolina, Tennessee, and Wyoming, establishing a legal foundation for using precious metals as currency. In New Hampshire, encouraging sound money, such as gold and silver, could offer benefits by preserving purchasing power, promoting savings, and ensuring economic stability amidst national fiscal uncertainty. The minority position, supporting an amendment advocates for the passage of this measure as a prudent first step towards ensuring financial security for New Hampshire citizens.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1050-FN, relative to establishing a voluntary waiver of the right to purchase a firearm. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the **Majority** of Criminal Justice and Public Safety. In most parts of the country, including New Hampshire, there is no ability to voluntarily add yourself to the federal background check system so you can't purchase a firearm. What this bill does is authorize the Department of Safety to establish a voluntary firearms do not sell list for people who wish to voluntarily waive their firearms rights. During the public hearing, members of the medical and mental health communities testified that this change in our law could be a lifesaver for people suffering from episodic depression or severe bipolar disorder who have a history of contemplating or attempting suicide. In New Hampshire, close to 90% of all gun deaths are suicides. What's more, the vast majority of firearms suicide attempts result in the death of the victim. This bill provides a mechanism for people who believe they are at risk for suicide to voluntarily take the most lethal means of attempting suicide off of the table, but only for themselves. Once a person is on the list and is added to the

federal NICS system, he or she won't be able to pass a background check for any type of firearm. Although the bill includes a penalty for a listed person who attempts to purchase a firearm, the intent is not to subject a person who may be in a mental health crisis to a harsh criminal penalty. Instead, the bill includes the lowest penalty available to us under New Hampshire law, a violation level penalty, because one of the first states to pass a law like this learned the hard way that unless a state level prohibition carries a penalty, it can't be entered into the federal NICS database. However, the bill imposes a much harsher penalty for individuals who may attempt to enroll another individual onto the list without their knowledge. Also recognized explicitly in the bill is that people who enroll on the list have the right to change their mind. To that end, it includes a process for a listed person to get off of the list after having been listed for a minimum of 60 days. The bill was supported by NAMI-NH, the NH Medical Society, the NH Psychiatric Society, and the New Hampshire Department of Health and Human Services. **Vote 11-8.** Rep. Terry Roy for the **Minority** of Criminal Justice and Public Safety. This bill would establish a program whereby someone could put themselves on the FBI instant background check list of prohibited persons. The majority argued that this would allow someone who knew themselves to have suicidal tendencies, to remove their own access to a firearm. The minority disagrees. If someone has suicidal ideations, the cure is not the disappearance of firearms. If that were the case, countries like South Korea, where firearms are extremely difficult to obtain, would not have more than double the suicide rate of the United States. The same can be said of Japan, Finland, Hungary, France and Austria. The minority believes the real reason for this proposed law was given by the psychiatrist who testified for the New Hampshire Medical Society. The doctor shockingly testified, that the New Hampshire Medical Society is in favor of this list, which would be maintained by the state, because the society has long been in favor of obtaining lists of gun owners and the guns they own, and that this would be a good first step. The minority believes the doctor said the quiet part out loud, and that we should listen. Additionally, there were serious unanswered concerns about the privacy of these records and about people being influenced by others to put their names on this list. Given the testimony of the New Hampshire Medical Society, chief among those who may influence someone to do this might be their own therapist, by saying "If you do not put your name on the no gun list, I can no longer treat you." Finally, the issue of whether or not someone would be able to take themselves off of this list is dubious at best. The FBI is under no obligation to remove someone's name from the list when placed for mental health reasons unless the state has an approved restoration of rights program in law. New Hampshire has no such law.

HB 1186-FN, relative to firearm purchaser's privacy. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jason Janvrin for the **Majority** of Criminal Justice and Public Safety. This bill as amended, would prohibit a merchant category code being used in New Hampshire that would denote that a firearm or accessory was purchased. Seven states have passed a similar bill prohibiting the use of the code. One, California, has passed a law mandating its use. In 2022 the International Organization for Standardization (ISO) introduced a merchant code for retailers of firearms and firearms accessories that would, in effect, identify persons who purchased such items. In 2023 seven states introduced legislation to prohibit its use in their state. The major credit card companies paused their plans to implement the use of the code due to it being made illegal in their states. As with all consumer protection functions of the government, this bill calls for enforcement by the state attorney general who can file an injunction in court, assess a civil penalty, and allow the state to recover the cost of enforcing the statute. In New Hampshire our motto is Live Free or Die and we recently amended our constitution to enshrine a citizen's right to privacy. This bill is an extension of that right. **Vote 12-7.** Rep. Amanda Bouldin for the **Minority** of Criminal Justice and Public Safety. This bill would require the New Hampshire attorney general to pursue legal action against a payment processor when the processor correctly codes a firearms transaction within their system. Such codes are most familiar in their use within "rewards programs". These codes enable payment processors to identify, for example, the purchase of gasoline. In 2022, the International Organization for Standardization implemented merchant category code 5723 to identify firearms retailers, creating a distinction among other merchant types. Supporters of this bill argued that the bill would secure privacy rights and limit government interference by requiring the NH attorney general to bring legal action against a payment processor. However, this bill does not limit government action in any way. The minority of the committee is concerned that this legislation will interfere with federal law enforcement investigations into terrorist activities or illicit firearms trafficking. According to a 2002 report from the FBI, terrorists rely on credit cards to fund their activities, including those responsible for the attacks on September 11th, 2001. Additionally, drug cartels are known to make use of credit cards in money laundering schemes. The minority recommends that those concerned with privacy pursue legislation which would not obstruct our nation's security.

HB 1330-FN, relative to establishing an emergency medical services disciplinary review panel, and relative to procedures for removal of records of discipline. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. This bill will create a review board to handle discipline of licensed EMTs in New Hampshire. Currently it is handled by one person who happens to

be a law enforcement officer with no EMT or paramedic experience. All of the other licensed professions that we were aware of are handled by a board and not one individual. The majority of the committee agreed that the bill should pass if a floor amendment is added that adds specificity to the board appointments, addresses the time discipline remains on record, and deals with the public posting of information regarding disciplined EMTs. Unless and until that amendment is made, the majority could not vote ought to pass. The majority encourages the members to support a floor amendment that deals with the above mentioned items and then to pass the bill as amended. **Vote 12-7.**

Rep. Mark Proulx for the **Minority** of Criminal Justice and Public Safety. This bill creates an EMS review board. The committee is working on a bipartisan floor amendment to address last minute concerns with the bill **HB 1339-FN**, relative to department of safety firearm background checks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jonathan Stone for Criminal Justice and Public Safety. After hearing witness testimony, it is the opinion of the committee that this bill ought to pass with amendment. After hearing from the department of safety, domestic violence coalition, and the NH police chiefs association, this bill meets concerns with outlining and establishes timeframes for court hearings to return firearms and ammunition to their lawful owners after a motion is filed in the court of jurisdiction. The court has the authority to request a NICS check prior to holding a hearing and the department of safety may issue a response providing vital information to the court. It is in the interest of the public for the government to return an individual's property back in an expeditious fashion after there are no legal prohibitions. **Vote 19-0.**

EDUCATION

HB 1128-FN, relative to the definition of a scholarship organization for purposes of the education tax credit. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill requires a third-party contractor that administers the state's education tax credit and education freedom account programs be a New Hampshire non-profit corporation. Currently, these programs are administered by a non-profit organization in New York that works with 22 partner organizations (all non-profits) incorporated in 19 other states. It is not clear on the New York organization's Form 990 for year ending 8/31/2022 how state funds retained for administrative purposes were allocated, whether those funds were used to support programs in other states, and where state money used to fund the Education Tax Credit and Education Freedom Account programs is disclosed. The members who support the Ought to Pass motion believe the public deserves clear, accurate, and transparent financial accounting for these taxpayer-funded programs. The process to incorporate a non-profit charitable organization in New Hampshire is well established and such an organization would be among the largest 1% of charities in the state. Existing law allows the organization to be a NH-based nonprofit, so there is no need to wait.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: This bill changes the definition of scholarship organization for purposes of the education tax credit program (ETC) by striking "or qualified to do business." The removal of this language changes the definition so that only charitable organizations incorporated in the state may qualify as a scholarship organization. The Department of Revenue Administration states the 2023 – 2024 ETC program year only has one approved scholarship organization, which is incorporated outside of New Hampshire, but is in good standing with the state. The passage of this bill would disqualify the current approved scholarship organization for the FY24 ETC program year and beyond. The Children's Scholarship Fund New Hampshire has successfully managed and grown the tax credit and education freedom account programs (EFA) since their start. The Children's Scholarship Fund New Hampshire has provided and continues to deliver a very successful education choice and opportunity program to students throughout the state. This bill would eliminate the Children's Scholarship Fund, the organization that has provided families and children flexibility to thrive while using customized learning that best fits their educational needs.

Rep. Alicia Lekas

HB 1288-FN, relative to establishing certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill establishes a minimum floor for due process to be administered by the Community College System of NH (CCSNH) and University System of NH (USNH) regarding students, organizations, and faculty accused of wrongdoing. This bill is timely, as recently, federal guidelines for due process have been significantly weakened and we have received much testimony of uneven and inconsistent policies currently in place in USNH and CCSNH. These policies appear inconsistent, including in cross-examination of witnesses, as in testimony it was suggested by college representatives cross-examination is prohibited in some cases despite it being a fundamental practice of due process as enshrined in the Bill of Rights, and dating to time immemorial, to be found even in Proverbs 18:17. In recent years,

stories have proliferated across the nation of persons having been persecuted by unjust processes at colleges and universities, and has even resulted in student suicide after persecution over what we now know were false allegations, and where due process was not afforded. There is a broad perception that the university environment is unfriendly to certain accused. This bill seeks to correct that.

Rep. Mike Belcher

Statement in support of Inexpedient to Legislate: This is a bill looking for a problem in NH. The sponsor of the bill could not offer one problem that was not resolved in our NH university and college system. Our university and colleges have long standing disciplinary systems that are set up to resolve issues. These procedures are working and do not preclude the people involved in issues to pursue a criminal or civil legal resolution. This bill has many issues that need to be addressed. It is problematic with union contracts that include the contract resolution processes for faculty and staff. We cannot ignore the cost, time and money, for the university and colleges to address and implement changes in their current policies. This bill would put at risk the disciplinary process that has been specifically developed and used to deal with mental health and sexual assault. Provisions in this bill, such as allowing cross-examination by the accused in an open meeting without the guardrails afforded in an official court trial, may cause life-threatening trauma to the victim and cause more victims to not seek help or report assaults.

Rep. Linda Tanner

HB 1517-FN, relative to the statewide education property tax and excess revenue from games of chance. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill annually reduces the state education property tax by the amount of revenue paid to the state through games of chance in excess of the estimated amount paid in the 2023 fiscal year. We are frequently being told that property taxes are too high, and the state needs to do something about it. This is the perfect opportunity to do just that. This bill takes any excess revenue coming from games of chance and applies it directly to the state property tax. It is then up to the local community to vote on whether or not to spend extra money, which would have saved money for their residents. That is up to local control, but the state would be giving an actual tax break to our citizens at no extra cost to the state.

Rep. Alicia Lekas

Statement in support of Inexpedient to Legislate: This bill would reduce the Statewide Education Property Tax (SWEPT) by using revenue from lottery games of chance that exceeds \$6,600,000. Bill advocates want to reduce property tax through this means. Two years ago we reduced the SWEPT by \$100,000,000 and this action had a marginal impact on reducing local property tax and placed a heavy burden on other revenue sources.

Rep. Mel Myler

HB 1583-FN-A, relative to the per pupil cost of an opportunity for an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for the **Majority** of Education. This bill, along with three other school funding bills, was assigned to a bipartisan education subcommittee comprising six members from Education policy, two members from Finance, and two members from Ways and Means. In considering this bill, the subcommittee reviewed previous education costing reports completed in 2008, 2017, and 2020, and recommended that the universal base cost within the education funding formula be increased from the current projected base of \$4,182 per pupil for FY25 to a base cost of \$4,404 per pupil. The subcommittee also studied Department of Education data regarding staff salaries throughout the state and determined that the average minimum salary for a teacher is \$42,560 and used this data in developing the base cost universal cost per pupil. The bill, as amended, also recommends that the current K-2 pupil teacher ratio (PTR) be expanded to include grade 3. While adjusting the base cost for teachers, costing adjustments for other formula elements were also completed for: principal, administrative assistant, guidance counselor, library/media specialist, technology coordinator, custodian, instructional materials, technology, teacher professional development, facilities operations and maintenance, and transportation. These considerations are part of the universal base cost of \$4,404 per pupil, an increase of \$222 per pupil from the current base cost. As amended, the bill also establishes fiscal capacity disparity grant funding in the amount of \$39 million, (from the low equalized valuation per pupil to the mean equalized valuation per pupil) and enhanced free or reduced price meal (FRPM) grant funding in the amount of \$25 million (48% FRPM max grant per average daily membership in residence (ADMR) to 12% FRPM minimum grant per ADMR). In summary, this bill as amended recommends that the funding formula be increased by \$64 million effective July 1, 2024, and effective July 1, 2025, the universal base cost be implemented at a cost of \$4,404 per pupil, with a total cost of \$34.3 million. The funding formula adjustments as amended will better support school district operational costs. During the brief time the subcommittee had available to complete its productive work, membership from policy, Finance, and Ways and Means was invaluable; an excellent committee process for continued study. **Vote 16-4.** Rep. Mike Belcher for the **Minority** of Education. This bill, as amended, would significantly increase multiple funding mechanisms to government-run schools, including base aid and differentiated aid. The total estimated new spending from this bill is approximately \$130 mil-

lion per year. The minority finds that while costs are certainly increasing in our inflationary environment there is yet much wasteful spending to be cut in government-run education before reaching deeper into the taxpayer's pocket is justifiable. This is highlighted by the significant increases in administrative positions relative to teaching positions and the radical redesigning of our education system away from foundational, constitutional academics, and towards expensive therapeutics, healthcare, diversity, equity and inclusion programming, and more. We find no reason to believe that the increased funding proposed would lend towards an adequate education through expenditure on foundational academics, rather than an increase in this unnecessary, divisive programming and expansion of administrative roles and salaries. Local schools must meet their requirements, per Part II, Article 83, regarding the scope, goals, and subjects of education. Only then can we truly meet our constitutional requirement for an adequate education.

HB 1656-FN-LOCAL, relative to increasing the adequacy grant for pupils receiving special education services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. Most states recognize that certain student populations require additional funding to meet state achievement expectations or standards. The NH education funding formula provides an additional funding amount beyond base adequacy for students having a special education disability. There are 13 disability categories: autism, deaf-blindness, developmental delay, emotional disturbance, hearing impaired, multiple disabilities, intellectual disability, other health impairments, orthopedic impairments, specific learning disabilities, speech or language impairments, traumatic brain injury and visual impairments. Within the adequacy formula, all disabilities are currently funded at the same amount; however, it is well understood how the total expenditure to educate a school-aged student with a disability varies depending on the type of disability. This bill, as amended, uses data provided by the Department of Education to establish three weighted categories for special education differentiated aid. Of NH's total special education population, that is projected to include 30,965 students in FY25, the category A disability includes 24,153 pupils receiving special education services for less than 80 percent of the day, category B disability is projected to include 6,193 pupils receiving special education services for 80% or more of the school day, and category C disability will include approximately 619 pupils receiving special education services in separate schools, residential facilities, or home bound hospital placements. As amended in this bill, categories A, B, and C would be funded in accordance with the percent of time the student receives special education support each day. By applying the weighted formula proposed in this bill, the categories would be funded as follows: A = \$2,642 per pupil, B = \$5,285 per pupil, and C = \$7,927 per pupil. As with the current funding formula, special education aid, previously identified as catastrophic aid, is not a part of adequacy and is not impacted by the weighted adjustments reflected in this bill. In conclusion, all individualized education programs (IEP) and corresponding disabilities are not alike. Some IEP's may require a few hours a week, while others may require full time instruction and assistance from trained, qualified personnel. The Education Committee recognizes the need for the three-tiered categorical areas that are aligned with data submitted to the department from districts in accordance with the NH Special Education Information System (NHSEIS) pursuant to IDEA Part B, Indicator 5 data reporting for individual students receiving special education and related services. Special education funding mechanisms throughout the country, more often than not, utilize multiple student weights based upon need and other factors in order to establish costing formulas. Other states that utilize this system of funding include, but are not limited to: Alaska, Florida, Georgia, Indiana, Iowa, Kentucky, Nevada, Ohio, New Mexico, Pennsylvania, Oklahoma, South Carolina, Texas, Wyoming, and Washington and many others including New England states have similar hybrid models. The effective date of this bill as amended is July 1, 2024, and the increase cost for implementing this more appropriate funding mechanism is projected to increase differentiated aid by \$35 million. **Vote 19-1.**

HB 1675-FN-A-LOCAL, relative to adjusting education adequacy grants based on pupil proficiency. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill is well intentioned in that it seeks to promote greater student proficiency in core subjects. Student proficiency needs to be improved state wide, but this bill takes an approach of withholding school funding if all students are not proficient in math or English language arts. An increasing percentage of funds will be withheld for each student not proficient beginning in 2026. The majority believes that this approach of withholding funds will have the opposite effect of the intent to improve proficiency. **Vote 16-4.** Rep. Alicia Lekas for the **Minority** of Education. This bill would slowly phase out education grants made to pupils who are not proficient in either math or language arts. All students receiving special education services would be exempt and English language learners would be exempt for the first two years. The minority does not want any school to lose grant money over this bill. What the minority would like instead is for every student who does not have learning disabilities to become proficient in both math and English, and for those with learning disabilities to move in that direction and eventually become proficient if possible. Half of the students in the public schools in NH do not meet proficiency in language arts, and only 42% meet proficiency in math in 3rd grade. By 8th grade only 35% of students are proficient in math. Too many school systems keep doing things pretty much the same but expect different results. The

purpose of this bill is to give a real incentive for school districts to consider approaching teaching in a different way. For them to stop using curriculum which has repeatedly been shown to be ineffective if not downright counterproductive, but instead to use evidence based scientifically supported teaching methods. Beyond that, the minority is hoping school districts will be incentivized to think outside the box and try new things. It is risky to try new things, but when money is on the line, it is even more risky not to. Some educators claim that the proficiency levels we are asking for are too high, but evidence shows otherwise. Too many of our students after graduation are not able to do the basic math and English necessary to succeed in college and have to have remediation. We would argue that shows a clear lack of proficiency. And that is after graduating high school. The minority is waiting for a clear explanation for why every child without a learning disability cannot become proficient in reading, writing, and arithmetic.

HB 1686-FN, relative to requiring excess revenues raised through the statewide education property tax to be remitted to the education trust fund and prohibiting the department of revenue administration from setting negative local and county tax rates on real property. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill requires that all of the proceeds of the Statewide Education Property Tax (SWEPT) be spent by municipalities on the funding of a constitutionally adequate education or be remitted to the state for deposit in the education trust fund. This bill also prohibits the Department of Revenue Administration from setting negative local or county state rates. Based on FY 2005 preliminary data, “excess SWEPT” for all municipalities totals \$29,036,7762. As introduced by the Commission Studying the Costing of an Adequate Education in 2008, excess funds were then returned to the treasury to support statewide adequacy costing and to address educational challenges that exist among some districts. This process has since been curtailed. It is further the position of those supporting Ought to Pass that to better understand a number of technical concerns within the bill, that the bill be sent to a second committee where necessary issues associated with taxation and methods of dealing with revenue can be addressed with time to work with the Department of Revenue Administration.

Rep. Rick Ladd

Statement in support of Inexpedient to Legislate: This bill would require any excess amounts collected by towns for the Statewide Education Property Tax (SWEPT) to be sent to the state. Current law provides for all funds collected by SWEPT to be retained by the towns to send to their schools. Arguments have been raised that it is unfair, however, all property is valued and taxed in a uniform and proportionate manner. That is what is required by Part II, Article Five of the NH Constitution. In addition, in many towns where there is an excess SWEPT, there are cooperative district towns that share in that excess amount.

Rep. Glenn Cordelli

ELECTION LAW

HB 1426-FN-A, relative to establishing an advisory redistricting commission. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill establishes an advisory redistricting commission that will make the redistricting process more transparent and impartial by establishing standards for who can serve on the commission and criteria that must be followed when drawing district maps. Our current process of redistricting allows the majority party to create districts that will assist continuing party power and control in state and federal delegations. Gerrymandering discourages participation by voters in our constitutional democracy and makes our constituents jaded and cynical. Why should they vote if the outcome is already skewed towards one party, even though we live in a purple state? It is imperative that we change our redistricting system to make it more transparent and less political. We may never be able to remove politics totally from redistricting, but we certainly owe it to our constituents and our constitutional democracy to try. This bill complies with the NH constitution, which states that the legislature shall make the apportionment of representatives, or redistrict. The constitution does not say how the legislature is to make the apportionment or what process it must follow. In this bill, the legislature participates in the redistricting process by establishing a process in which it participates while reducing the political influence in the drawing of the maps. The amendment that was adopted is a housekeeping measure that corrects one typo and clarifies another section.

Rep. Connie Lane

Statement in support of Inexpedient to Legislate: This bill attempts to establish an “independent” redistricting committee. While the current redistricting process is certainly fractious, it is a system that has served our state well for over 200 years. Attempts to establish an “independent” redistricting committee merely further separates the people from the process and seeks to further embolden judges in interfering with a process that the constitution firmly places in the hands of the legislature. In other states, “independent” redistricting committees have had disastrous effects including legislatures outright ignoring and overriding the committee’s work or, as in the case of Michigan, having the unintended consequence of suppressing the voting power of minority voters. This occurs because these bodies ignore one cold, yet true, reality--that redistrict-

ing is an inherently political process and should therefore be handled by the political bodies that represent the people. Judges, the Executive Branch, and all other outside bodies should have a minimal say, if any, in redistricting. The legislature is tasked with this often confrontational and controversial task because we are closest to the people and we should not attempt to pawn it off on anyone else.

Rep. Ross Berry

HB 1577-FN, relative to digital images of ballots. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: Voter confidence in the use of machines for counting votes in the election process is dependent on the use of accurate and reliable machines, and the ability to verify the machine's accuracy. This bill provides an opportunity for any New Hampshire voter to verify the accuracy of his or her vote on the new digital ballot tabulating devices by confirming that the votes on the ballot have been correctly interpreted. This verification process also enables an inexpensive means of informally auditing the results and looking for possible idiosyncrasies or irregularities by determining if the vote totals agree with the machine report totals. Supervision of this process and protection of the original election data would be under the purview of the Secretary of State, and the verification process would be done in a manner that protects the integrity of the original ballots and machine results. This bill also provides a path for an official audit or an investigation if results warrant.

Rep. Robert Wherry

Statement in support of Inexpedient to Legislate: This bill would allow any number of citizens to inspect ballots in an election, allowing independent groups to carry out their own unofficial recounts and tests of voting machines. Because such 'independent' audits will not follow any regular procedure, their errant and unreliable results will erode confidence in elections. Additionally, this bill will create an enormous administrative burden for the Secretary of State's office, and with that, significant new costs that the bill does nothing to fund. Further, the bill makes write-in ballots showing the handwriting of the voter a public record, thus destroying the secrecy of that voter's ballot. Lastly, the bill no longer makes the copy of the write-in ballot, required by law, a non-public document and no longer requires that the ballot be used in a manner that limits the risk of exposing, through recognition of handwriting, the candidate written in by a voter. For these reasons, we recommend the motion of Inexpedient to Legislate.

Rep. Connie Lane

ENVIRONMENT AND AGRICULTURE

HB 1184-FN-A, relative to making an appropriation to the organic certification program. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The New Hampshire Department of Agriculture, Markets, and Food (the Department) has provided organic certification for New Hampshire farms since the 1990s. The Department is accredited as a certifying agent by the US Department of Agriculture National Organic Program (USDA-NOP) and must meet program requirements, which have gradually increased over the years. While the Division of Regulatory Services has two staff persons trained as inspectors and will have a third person qualified in the near future, there is no position defined in the department as an organic inspector. What this bill does is create one full-time and one part-time inspector position in the department, which helps meet USDA-NOP expectations. The current fee structure does not provide enough income to cover the position costs. Although fee increases are planned for the coming fiscal year, they will not yet be sufficient to fill the gap. The appropriation in this bill pays for both positions and for necessary equipment. Any fee revenue will be returned to the general fund to provide a partial balancing of appropriation cost. The farmers who are certified by the Department have expressed a strong desire to continue to be certified by the state because they feel they have an excellent working relationship with the Department and find that their customers really value the New Hampshire Organic certification.

Rep. Peter Bixby

Statement in support of Inexpedient to Legislate: This bill would continue to fund the NH Organic Certification program with an appropriation of \$220,000 per year. We are 1 of only 12 states in the US that have an organic certification program. Currently, out of 4,000 farms in NH, 132 are certified organic and only 66 of those are certified through the NH Department of Agriculture, Markets & Food (the Department) certification program. Farms can, and already do, obtain organic certification from other agencies despite NH's low fees for certification (\$350) as compared to other certifiers, specifically Northeast Organic Farming Association (NOFA) and Maine Organic Certification Services provided by the Maine Organic Farmers and Gardeners Association (MOFGA), Baystate Organic Certifiers based in Massachusetts, and through NOFA Vermont. The department commissioner, Shawn Jasper, noted that if this bill does not pass he did not believe it would harm NH organic farmers. He also noted that the reality is that the NH organic certification program cannot become self-sufficient, and that even with NH's unrealistically low fees we have a large number of farmers who use those other certification agencies. Realistically, we will have to raise our fees and that will

only drive more producers away from the NH program according to a NOFA-NH survey. The program has already had decades to reach the break even point and it hasn't. The commissioner said that if we fund this and continue the program we should do so knowing that it can never be self-funding and therefore it would have to be taxpayer subsidized. If we do not continue to fund the NH program, then it will just end after the 2024 growing season. While the members of the committee do appreciate the importance of organic farmers in NH, members recommending Inexpedient to Legislate could not justify the cost of this program especially since certification is available to our organic farming community by other agencies.

Rep. Judy Aron

HB 1630-FN, relative to extended producer responsibility. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Judy Aron for the **Majority** of Environment and Agriculture. This bill would establish an Extended Producer Responsibility (EPR) program in NH. While we all recognize that improved recycling is important, as is keeping toxic substances out of our landfills, the majority felt that this bill was too broad and that EPR legislation should be enacted in more specific targeted pieces. This bill had many concerning provisions and it would also cost the state \$1,000,000 to \$1,624,000 a year to administer. This bill sets up a huge state bureaucracy with a great reliance on the Department of Environmental Services for administration as well as the establishment of a Packaging Reduction Organization. There is also no guarantee that the proposals in this bill will accomplish the goals set forth and it also sets up unattainable standards. It also may have significant impact by banning specific critical products from being used or sold in NH. Other states, like Maine, have embarked on extensive EPR programs like this one and have encountered many problems in its implementation which after a lot of time and money invested is still not functional. In NH, we are already looking at managing and reducing solid waste going into our landfills in other pieces of legislation. Additionally, the legislature's Solid Waste Working Group is also seeking ways to accomplish waste reduction through suggested legislation as it works with legislators, stakeholders, waste haulers, and state regulators. **Vote 12-8.** Rep. Sherry Dutzy for the **Minority** of Environment and Agriculture. This bill requires manufacturers and producers of products to be financially responsible for the trash their packaging creates. Presently, municipalities and taxpayers pay these costs. The minority recognizes that a bill that makes sweeping changes to current practices can be complex and needs careful consideration and stakeholder input. The minority would have preferred Interim Study.

HB 1680-FN, relative to prohibiting the sale of dogs and cats by retail pet shops. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kelley Potenza for the **Majority** of Environment and Agriculture. The majority felt that this bill would not truly address the purported concern about NH pet retail stores selling cats and dogs which have come from "puppy mills" or from out-of-state-breeders which are not reputable. The majority felt that the focus of legislation should not be about attacking or banning pet retail stores in NH, but rather regulating the sourcing of these animals for resale. Additionally, based on the number of dogs and cats sold at the five retail pet stores in NH alone, passing this bill would barely impact curbing the alleged "puppy mill" sourcing issue in NH, and it wouldn't affect it at all if the five stores are grandfathered into the law. It should be noted that not all pet retail stores obtain their dogs from "puppy mills" so why should we punish those who don't? The majority felt it was wrong to attack a particular business type because of a possible few bad actors. This bill would prohibit any new pet retail stores from being established in NH and create more of a monopoly for rescues and shelters. It might also push people to purchase dogs online to dubious scammers willing to take money and not deliver an animal. Pet stores in NH are already fully regulated, inspected, and require veterinarian signed health certificates for all cat, dog, and ferret transfers. As a result, more regulation is currently taking place in the private sector for these retail pet stores than in the nonprofit sector for shelters and rescue operations. That being said, the majority also felt that health certificates should be required for ALL entities in the state where people are paying for a dog or cat. Furthermore, any NH retail pet stores that are deceptive in their business practices or selling sick animals should be reported to the authorities immediately. The pathway for the public is already in place for them to report a problem to the Department of Justice - Consumer Protection & Antitrust Bureau. **Vote 14-6.** Rep. Sherry Dutzy for the **Minority** of Environment and Agriculture. This bill grandfathers in the five pet stores currently selling dogs and cats in NH. It prohibits new stores from opening and requires existing stores to stop selling dogs and cats if ownership changes. The minority believes that this bill is a good first step in reducing the number of "puppy mill" dogs sold in the state. Many emails in opposition to the bill were from out of state breeders.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1307-FN, providing a supplemental appropriation for members of the retirement system receiving an accidental disability retirement allowance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Fred Davis for Executive Departments and Administration. This bill seeks to put into statute that those members in accidental disability benefits receive all COLAs or supplemental appropriations authorized by

the legislatures in the future. This is to include the one time supplemental appropriation passed last year of \$500. This is without regard to number of years of service unless the terms of such authoring legislation specifically provides otherwise. This is to be paid out of the general fund in the fiscal year ending June 30, 2024. The committee agrees that because group II members do not receive social security and as group II members on accidental disability should be treated equally as indicated in the amended bill. **Vote 20-0.**

HB 1394-FN-A, relative to licensure and regulation of music therapists and making an appropriation therefor. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill establishes the licensure and regulation of music therapists under the office of professional licensure and certification (OPLC). This bill further establishes a new program assistant II position at the OPLC and makes an appropriation to the OPLC. The committee heard a lot of testimony about the value this service offers residents, most notably our veterans. Without licensing, clients can not use their insurance to pay for a service that notably improves their wellbeing. The amendment updates statutory language to agree with changes made to the OPLC framework last year.

Rep. Sherry Gould

Statement in support of Inexpedient to Legislate: The committee heard ample testimony that music therapists practice in New Hampshire, either for private pay or in clinics that provide their services. We were not convinced that creating a new, specialized license for yet another sliver of the therapy workforce was appropriate.

Rep. Carol McGuire

HB 1466-FN, relative to providing disaster relief funding to municipalities after a natural disaster. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. Small towns that suffer from natural disasters often have difficulty because they do not have the resources to repair their infrastructure, nearby towns with mutual aid pacts also suffer from the same disaster, and the process to get state or federal aid is lengthy and bureaucratic. This bill, as amended, allows towns to get a modest grant from the state disaster relief fund quickly, allowing the towns to start the process for applying for state or federal disaster relief. The funds received are intended to be included in the state or local match for federal funds. **Vote 20-0.**

HB 1647-FN-A, relative to the calculation of group II retirement benefits in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill is the recommendation of the retirement commission that met last summer. It adjusts the final average compensation multiplier for group II members of the New Hampshire Retirement System who commenced service before July 1, 2011 and who had not attained vested status prior to January 1, 2012 and for members who commenced service on or after July 1, 2011. For members who fall into these categories, their average final compensation multiplier varies for the first 10 years of creditable service and then adjusts to 2.5% for every year of creditable service beyond 10 years. For members who had 4 years of creditable service on January 1, 2012 the multiplier for their first 10 years of creditable service is 2.1%. For members who had 4 years but less than 6 years of creditable service their multiplier is 2.2%. For members who had at least 6 years but less than 8 years of creditable service their multiplier is 2.3%. For members who had at least 8 years but less than 10 years their multiplier is 2.4%. Members who commenced service on or after July 1, 2011 will have a multiplier of 2% for their first 10 years of creditable service. The bill also makes adjustments to supplemental disability retirement requirements and calculations. Because of the substantial estimated cost of \$55,900,000 an amendment was introduced to reduce the expense of the bill and incentivize member retention. The amendment requires all members to work until they reach their full age and service requirement or until they attain the age of 60 in order to qualify for the increased 2.5% multiplier after their first 10 years of creditable service. The appropriation for the bill will be drawn from the general fund. **Vote 20-0.**

HB 1689-FN, relative to the use of personal identifying information by state agencies. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Jaci Grote for the **Majority** of Executive Departments and Administration. This bill prevents the sharing of personal identifiers between state agencies. The testimony between the Office of the Secretary of State and the Department of Health and Human Services (DHHS) indicated that there would be difficulties in obtaining the necessary data if this bill passed. For example, deaths, births, and divorces are shared with election law, DHHS and welfare. This data provides low income families with healthcare, child support, and international adoptions. Since the committee agrees that privacy of personal information is important, yet the need for the data is also important, it is thought that interim study can address anticipated and unforeseen issues with the passage of this bill. **Vote 14-5.**

Rep. Matthew Santonastaso for the **Minority** of Executive Departments and Administration. This bill limits state agencies' access to personal data, ensuring they only share necessary information for public health, without personal identifiers. This bill protects privacy by restricting unnecessary government data sharing.

It's a straightforward approach to keep personal information private, reflecting a sensible balance between public health needs and individual rights. This legislation is an essential step toward minimizing government overreach into our personal lives.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1303-FN, relative to the estate of Tekeste Berhanu. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. Mr. Berhanu was an immigrant who came to the US as a child and overcame severe physical and economic challenges to achieve his Associate's degree and a career. He lived a frugal life and died possessed of a considerable estate, estimated to be worth approximately \$140,000. Mr. Berhanu died without a will, but left a handwritten note requesting that his estate be used for the benefit of refugee children. The State of New Hampshire does not recognize holographic (handwritten) wills. Under New Hampshire law, when a person dies without a will and without any next of kin, their estate passes by operation of law to the general fund of the State of New Hampshire. As amended, HB 1303 honors Mr. Berhanu's wishes by providing that the money coming into the general fund from his estate be appropriated in equal shares to three organizations which provide services to refugee children to further their work with the resettlement of refugee children. These organizations are: Ascentria Care Alliance of New Hampshire, International Institute of New England in Manchester, NH, and the Roca Kidz Club of Manchester, NH. The committee majority believed this disposition would provide a balance of services and locations to serve refugee children in many ways. The monies coming into the general fund from this estate were unanticipated, so this appropriation would have no effect on the budget as currently adopted. **Vote 19-1.**

HB 1593-FN, relative to funding for developmental services community integration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The recent disruption to the developmental services program has caused a problem where individuals previously receiving community services, like bowling and other activities with the general public vs disability-only programs, no longer receive these benefits. This amendment would provide \$600 per person through the end of this budget cycle, prioritizing those who participated in these programs under a prior individualized service budget, and it would be effective upon passage rather than waiting until July 1, 2024 to restore these important services. Finally, this is a one-time fix and does not create an ongoing obligation for the legislature to address this and other issues in providing services to the developmental disability community. **Vote 17-3.**

HB 1669-FN, relative to restricting data sharing through the state immunization registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The Department of Health and Human Services (DHHS) currently does not share information in the immunization information system (registry) with other states. In the event that DHHS would like to share personally identifiable information within the immunization information system, the bill requires the DHHS to ensure the receiving party agrees to comply with New Hampshire laws that protect personal privacy within the immunization registry. The bill allows healthcare providers to extract personally identifiable information in the immunization information system for their patients. **Vote 19-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1178-FN, relative to an employee's unused earned time. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: As amended, this bill protects employees from loss of earned but unused time when employment ends through no fault of their own. This would include a layoff, change of ownership or closing of the company.

Rep. Michael Cahill

Statement in support of Inexpedient to Legislate: This bill attempts to define certain benefits as wages due upon separation from employment. It also creates a mandate for employers to have a policy regarding used and unused earned time. A lot of our businesses in our state are seasonal operations and this bill would negatively affect them by forcing them to pay out earned time even if the employee plans to return to that seasonal employer.

Rep. Lino Avellani

HB 1322-FN, relative to the state minimum hourly rate. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The minimum wage in NH has not changed since 2009. New Hampshire has the 8th-highest cost of living in the country. Every other New England state has raised their minimum wage to more than \$13, while NH remains at \$7.25. This bill raises the minimum wage slowly to \$17.00 by 2029. The Massachusetts Institute of Technology Living Wage Calculator calculates that \$17.23 is the living wage for a single person in the Granite State. Our failure to raise the wage sends a powerful mes-

sage to young workers that the state does not value workers. Our state is currently experiencing a worker shortage. There are three unfilled jobs for every person currently looking for work. This worker shortage will be the limiting factor in future economic for the state. In order to be competitive in attracting and retaining workers we must raise the minimum wage.

Rep. Kathy Staub

Statement in support of Inexpedient to Legislate: This bill would set the new minimum wage in NH at \$9.50 per hour as of September 1, 2024 and increase it to \$11.00 as of January 1, 2025. The rate would continue to increase every year on January 1st until it reached \$17.00 per hour in 2029. This bill sets a wage floor and has automatic increases based on the Northeast Consumer Price Index (CPI). Utilizing the CPI takes this issue out of our legislative hands and that is not what we are charged to do. The bill also increases the base rate for tipped employees. Jobs and wages should be between employees and employers to negotiate and many believe that NH employers pay a higher hourly rate than surrounding states that are mandated to pay a certain amount by law.

Rep. Lino Avellani

HB 1377-FN, relative to granting workers free choice to join or refrain from joining labor unions. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill would allow workers who are not members of a union to cease paying into unions that do not represent them and their interests. It stands to common sense that independent workers who do not wish to be represented by a union should not be forced to pay into unions, however due to federal law, unions can negotiate with employers to force non-union members to pay in. Opponents of this bill say that non-union workers should just quit their job if they don't like it, however federal law forces employers to exclusively negotiate with unions when over 50% of the workforce decides to unionize. Unions are then offered the option to either represent only their members, or to represent all members. Most unions opt to "represent" all members including non-union employees who do not wish to be represented by the union. This means that if over 50% of the workforce at a firm decides to unionize, all the remaining employees are stripped of their negotiating rights and are instead chained to the contracts that the union negotiates, even if they don't want that contract and even if that contract is a generally bad deal. As the federal labor laws are out-of-touch with common sense and basic fairness, the solution is to protect these independent employees at the state level and protect them from getting money taken from their wages to support a union that they do not wish to support. Opponents of this bill call it "union busting," however, "Right to Work" legislation in other states has not made any impact to "bust up" unions. Opponents of this bill may refer to independent workers as "Free Riders." This is an unfair way to characterize the 90% of the workforce that prefers not to be in a union. Their reasons for eschewing a union are likely varied, however it is likely that many of them simply prefer a non-union workplace. Such workers should not be held hostage by unions, they should not be made into tokens that unions can use to their benefit in their negotiation, and they should not be forced to quit their job just because some third party interjected itself into the private contracts between employers and non-union employees. Independent workers have a right to work if the employer wants to pay them, and they should not be stuck in an abusive relationship with a union that they never agreed to be a part of in the first place.

Rep. Michael Granger

Statement in support of Inexpedient to Legislate: This so-called "Right to Work" bill has been addressed in every biennium for decades. It has never been supported and 10 members of the Labor Committee continue to oppose this bill. The bill would prevent employers and the employee organizations from bargaining an agency fee to be collected from employees who choose not to be members of the union that represents all employees in the bargaining unit. These agency fees are intended to cover the expense involved with collective bargaining and contract maintenance. This bill causes the government to interfere with an agreement between the employer and the union to authorize an agency fee. Employees who choose not to join the union while shielded from an agency fee by a right to work statute are effectively receiving services from the union without paying anything for those services. It is the opinion of those who support an Inexpedient to Legislate motion that receiving these services without paying is unfair to the dues-paying employees and to the union. We also believe that using the phrase "right to work" is inherently misleading. Passage of this bill will not provide any particular right to work and failure to pass it will not interfere with anyone's right to work. Right to work is not right for New Hampshire.

Rep. Brian Sullivan

HB 1522-FN, relative to weekly benefit amounts for unemployment compensation. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: As amended, this bill aims to revise NH unemployment benefits that have not been amended since 2008. The benefit amounts are out of date and the wage replacement value has decreased from 50% to less than 35% in some cases over the years. There is a similar bill coming from the Senate that offers a slightly better solution and has a reasonable effect on the trust fund balance without increasing the wage amount unemployment tax is based on.

Rep. Brian Sullivan

Statement in support of Inexpedient to Legislate: This bill aims to revise NH unemployment benefits that have not been amended since 2008. The benefit amounts are out of date and the wage replacement value has decreased from 50% to less than 35% in some cases over the years. There is a similar bill coming from the Senate that offers a slightly better solution and has a reasonable effect on the trust fund balance without increasing the wage amount unemployment tax is based on.

Rep. William Infantine

PUBLIC WORKS AND HIGHWAYS

HB 1468-FN-A, directing the department of transportation to develop a Conway Branch rail line master plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McConkey for Public Works and Highways. This bill, as amended, removes the \$200,000.00 fiscal note to fund a master plan, and instead directs the Department of Transportation to work with the New Hampshire Trails division, selectmen, legislators, a freight rail representative, and a member of the public to determine the best use of the “Conway Branch” rail bed from Center Ossipee/Moultonville road north to Route 113 in Madison, approximately ten miles. The “Conway Branch” is an old unutilized asset that would make a fantastic rail trail to be utilized by snowmobiles, cross country skiers, hikers, runners, and bicyclists, until such time that freight service returns. The committee heard overwhelming support for the bill and amendment in oral and written testimony from municipal boards, snowmobile clubs, and residents. Rail trails have been proven to provide both an economic and physical benefit to the towns and surrounding communities that host them. **Vote 19-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1423-FN, requiring the commissioner of the department of natural and cultural resources to identify all old growth and mature forests on public land in the state of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tanya Donnelly for the **Majority** of Resources, Recreation and Development. This bill aims to circumvent an existing State Forest Action Plan that was developed in 2020. This plan is a comprehensive document that identifies the issues, trends and concerns affecting NH forests. This bill would bypass the recommendations of the State Forester and the Division of Forestry, who are experts in this field. The Division of Forest and Lands and the NH Timberland Owners Association testified that inventorying 1.3 million acres of state forest would require additional manpower, equipment and data management. The NH Timberland Owners Association, who opposed the bill, argued that this would be an excessive and unnecessary effort to inventory one-third of the state forest for one specific element. They suggested that the existing State Forest Action Plan already provides a framework for addressing such tasks. This bill would only create a large fiscal burden for the taxpayers and impose an uncoordinated activity outside the existing plan. **Vote 15-5.** Rep. Rosemarie Rung for the **Minority** of Resources, Recreation and Development. The minority of the committee believes that this bill which aims to identify and map mature and old growth forests is important to flood and drought mitigation, water quality, biodiversity, and the sequestering of atmospheric carbon. In response to issues arising at the public hearing, the prime sponsor submitted an amendment limiting the scope of forests to be mapped to those only under the management of the state, with a specified public schedule and reporting process with its findings included into the State Forest Action Plan. The minority believes an amendment to the bill would have addressed concerns and allowed this important bill to move forward.

HB 1709-FN, establishing a tax on land used for carbon credits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eamon Kelley for the **Majority** of Resources, Recreation and Development. This bill, as amended, establishes a commission to study the effects of the sale of forest carbon credits on local tax revenues and the existing timber industry. The sale of carbon credits in place of the harvesting of timber is a relatively new concept, but it is growing in New Hampshire. Municipal timber taxes and the existing forest industries could face significant impacts from the growth of this practice. This commission will hear from a wide array of experts and stakeholders to better understand this issue. **Vote 18-2.**

Rep. Tim McGough for the **Minority** of Resources, Recreation and Development. This bill started as a bill to tax carbon credit projects in New Hampshire, but has since been amended to replace the original language with a commission, not beginning until 2025, to study issues related to carbon credit projects and their impacts on timber tax revenues for local communities. The Director of the Division of Forest and Lands under the New Hampshire Department of Natural and Cultural Resources and the New Hampshire Timberland Owners Association oppose this recently amended version of the bill. Another piece of legislation on this same topic was passed out of the Science, Technology and Energy Committee with an amendment and will also be before the body in this same House Session. This other legislative vehicle was appropriately vetted with two days of hearings and two work sessions and involved all stakeholders agreeing to the finished product. The

amendment to this bill had no hearings, no work sessions, and, in the opinion of the minority of the committee, is unnecessary because of the extensive work done on the other bill. As the Director of Forest and Lands indicated in an email to the entire Resources, Recreation and Development Committee on the amendment, the study is premature because there is currently not any data or known trends on which to base a commission at this time. Furthermore, the minority believes this bill would bind a future Legislature, and exclude the voice of private landowners and experts on carbon credit projects. A commission with appropriate representation and focus can easily be created by legislation next year. Tabling this bill may be another appropriate motion for the full House.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1465-FN, relative to studies of nuclear energy technologies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill, as amended, renames the Office of Offshore Wind Industry Development to the Office of Energy Innovation to better reflect new energies such as offshore wind, nuclear, hydrogen, and other innovative energies that may present in the future. It establishes a position of coordinators of nuclear development and regulatory activities and assigns duties thereof. These administrative changes do not become effective until 2025 and therefore no funding is required. **Vote 17-3.** Rep. Wendy Thomas for the **Minority** of Science, Technology and Energy. There are several concerns with this bill as amended. One issue is that it calls for participation of the Public Utilities Commission on nuclear energy projects, which is not within their purview. Nuclear is regulated by the Federal Nuclear Regulatory Commission (NRC) which oversees any new nuclear energy facilities. It is unclear how the New Hampshire Department of Energy would interact with the NRC, and who owns what roles in the process. There are no new nuclear facilities planned in New Hampshire in the near term. Estimates are 10+ years in the future for nuclear development, so this bill is premature and puts the cart before the horse. There is also concern about the financial impact. The New Hampshire Department of Energy gave testimony that they would need additional staff to cover the new role(s). We have been warned by the House Finance Committee that any bills with fiscal notes will not continue this calendar year. Lastly, we already have an energy facility siting process already in place and it is unclear what if anything else is needed for new nuclear in New Hampshire. We believe that this bill requires significant study and revision before being passed by the full House.

HB 1472-FN, relative to rebates of energy efficiency funds for electric vehicles. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass with Amendment:** This bill with amendment 2024-0506h, creates a two-year pilot program using Renewable Greenhouse Gas Initiative (RGGI) funds, which are intended to be used to advance energy policy in New Hampshire. This “cash on the hoods” program is designed to provide point-of-sale electric vehicle rebates of either \$1,000 or \$2,000 to electric vehicle (EV) buyers and lessors, with an income cap of \$150,000 for married couples, \$112,500 for heads of households, and \$75,000 for all other filers. EV pilot funds will only go to NH residents and support local NH businesses. The pilot shall be administered by the Department of Revenue Administration. In addition to the Federal EV rebates, currently available, ME, VT, MA, CT, and RI all offer state-based EV rebate programs with similar incentives. This pilot program offers Granite Staters the same opportunities. The total program funding is \$3 million over two years, taken out of the total funds that are presently slated to be rebated to individual electricity ratepayers during the same time period. The reduction of average NH residential electric consumer RGGI rebate will be approximately \$0.17 per customer per month.

Rep. Rebecca McWilliams

Statement in support of Inexpedient to Legislate: This bill would remove \$1.5 million from the Renewable Greenhouse Gas Initiative (RGGI) funds and transfer it to a new account to provide subsidies to those who buy electric vehicles (EV). This money is presently returned to the ratepayers (who were the source of the funds to begin with) so ratepayers will pay an extra \$1.5 million per year. This is a reverse Robin Hood bill as most lower income people cannot afford an electric vehicle even with this subsidy. On the other hand, a married couple making \$300,000 per year would be able to receive \$2,000 towards the purchase of an \$80,000 electric truck. The majority of buyers of EV's make over \$100,000 per year. Additionally, there are existing federal subsidy programs for purchase of electric vehicles.

Rep. Michael Harrington

HB 1697-FN, suspending New Hampshire's participation in emissions reduction credit programs for a period of 2 years. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Thomas for Science, Technology and Energy. The amendment changes the original bill by replacing all after the enacting clause and (1) requires the Department of Revenue Administration to conduct a study of the issues related to lost timber tax revenue as a result of forest lands located within New Hampshire being enrolled in carbon credit offset programs and (2) requires the Division of Forestry to establish and maintain

a public record of all forest lands enrolled in a carbon program. Testimonies revealed that forest lands that contract for the carbon reduction would adversely affect the timber industry, timber taxes, and potentially inhibit recreational use of those lands so important to the north country and around the state. Not much was known about how many forest lands were involved as there were no records kept involving carbon programs. The committee felt a study was needed to establish the impact of these programs and to begin maintaining records as a start to determine a course of action. **Vote 20-0.**

SPECIAL COMMITTEE ON CHILDCARE

HB 1611-FN, relative to establishing a child care workforce fund. **OUGHT TO PASS WITH AMENDMENT.** Rep. Rebecca McWilliams for Special Committee on Childcare. New Hampshire is in the midst of a childcare crisis. The economics of the business of childcare are bleak. Parents can't pay more, and childcare centers are not bringing in enough revenue to pay quality wages for professional work. The problem is exacerbated by the fact that many childcare workers can't afford care for their own children, forcing them to stay home. Childcare employers are struggling to recruit and retain staff, and often cannot afford to provide employee benefits. Childcare employees are the workforce behind the workforce, enabling parents of young children across the state to participate in the NH economy. This bill, as amended, sets up a dedicated childcare workforce recruitment and retention fund administered by the Department of Health and Human Services. The intent of this fund is to provide grants for childcare employers to reimburse employees for proven costs after expenditures for: health savings, retirement savings, continuing education, childcare tuition assistance for the employee's own child, and insurance. **Vote 8-0.**

NOTICE

Pursuant to House Rule 44 (b), executive session on bills may be taken up during the day in which they are heard.

COMMITTEE MEETINGS FRIDAY, FEBRUARY 16

ADMINISTRATIVE RULES (RSA 541-A:2), Room 306-308, LOB

9:00 a.m. Regular meeting.

COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73-a), NH DES Building, 29 Hazen Drive, Concord

3:00 p.m. Regular meeting. Join Zoom: Meeting ID: 861 1781 8803 Passcode: 669915
<https://us06web.zoom.us/j/86117818803?pwd=cWRXdGwQnQvc2ZRbkNOBhGc3M0dz09>

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

10:00 a.m. Regular meeting.

LONG-TERM SEACOAST COMMISSION ON DRINKING WATER (RSA 485-F:6), New Hampshire Department of Environmental Services (NHDES), Portsmouth Regional Office in Room A, Pease International Tradeport, 222 International Drive, Suite 175, Portsmouth

2:00 p.m. Regular meeting.

NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2), NH Department of Transportation, 7 Hazen Drive, Room 112-113, Concord

9:00 a.m. Regular meeting. Join Zoom:
https://us06web.zoom.us/j/84138921579?pwd=WDGbcPam41TsawifTzS_6vuwp_rgA.V8w_9bW-GZcK_Ftqdl
By Phone: +1 312 626 6799 US (Chicago) Webinar ID: 841 3892 1579 Passcode: 332042

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

9:00 a.m. Regular meeting.

SPECIAL COMMITTEE ON HOUSING, Room 302-304, LOB

9:00 a.m. **HB 1168**, establishing a committee to study the impact of the housing crisis on people with disabilities.
9:30 a.m. **HB 1065**, relative to fire sprinkler requirements in residential buildings.

- 10:00 a.m. **HB 1215**, relative to subdivision regulations on the completion of improvements and the regulation of building permits.
- 10:45 a.m. **HB 1361**, relative to municipal land use regulation for manufactured housing and subdivisions.
- 1:00 p.m. **HB 1399**, allowing municipalities to permit 2 residential units in certain single-family residential zones.
- 1:45 p.m. **HB 1400**, relative to the required maximum number of residential parking spaces.
- 2:30 p.m. **HB 1291**, relative to accessory dwelling unit uses allowed by right.

STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE (SIEC) (RSA 21-P:48, IV), NH Fire Academy, Classrooms 5 & 6, 98 Smokey Bear Blvd., Concord

- 9:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 20

CHILDREN AND FAMILY LAW, Room 206-208, LOB

- 9:30 a.m. **HB 1013**, relative to amending the definition of temporary alimony.
- 10:00 a.m. **HB 1192-FN**, relative to contempt actions in domestic relations matters.
- 10:30 a.m. Executive session on **HB 1261**, relative to voluntary services under the CHINS program; **HB 1269-FN**, relative to the use of child restraints in schools; **HB 1659-FN**, relative to interference with child custody and shared parenting; **CACR 17**, relating to the rights of parents. Providing that parents shall have a fundamental right to direct the upbringing, education, and care of their minor children; **CACR 25**, relating to the rights of children and parents. Providing that parents and children have the right to control their health, education, and welfare.

COMMERCE AND CONSUMER AFFAIRS, Room 305, LOB

- 10:00 a.m. Subcommittee work session on **HB 1081**, relative to insurance payments to ambulance providers; **HB 1296**, relative to insurance coverage for diagnostic and supplemental breast examinations; **HB 1225**, relative to prescription drug affordability board conflicts of interest; **HB 1571-FN**, relative to requiring insurance coverage for glucose monitoring devices for people with diabetes; **HB 1155**, relative to insurance coverage for living organ donors; **HB 1257**, relative to contracts between public adjusters and the insured; **HB 1259**, relative to property and casualty insurance laws administered by the insurance department.

EDUCATION, Room 205-207, LOB

- 9:15 a.m. Executive session on **HB 1265**, relative to the penalty for failure to file school expenditure reports, and relative to certain adequacy grants; **HB 1311**, relative to school district collection development and reconsideration policies; **HB 1452-FN**, relative to credentials for the position of superintendent of schools and school business officer; **HB 1552**, relative to the duties and responsibilities of superintendents of school administrative units; **HB 1014**, relative to the registration of high school students to vote; **HB 1312**, requiring parental notification of student health or well-being and certain curricula by school districts; **HB 1162**, relative to teaching discrimination in public schools and discrimination in public workplaces; **HB 1671-FN**, relative to the complaint process for teaching discrimination and allowing educators and school officials a right of action for damages and costs for false accusations; **HB 1356**, relative to the use of children's names and pronouns by public school employees; **HB 1509-L**, prohibiting spending of special education moneys for any other purpose and requiring reporting of fund balances to the school board; **HB 1176**, establishing a commission to study current funding for special education and potential other funding sources; **HB 1382-FN**, relative to special education support for military-connected students; **HB 1594-FN**, establishing an annual review and qualification to determine eligibility to participate in the education freedom accounts program; **HB 1287-FN**, relative to the definition of the term "evidence-based" within public education; **HB 1453**, relative to degree granting authority of certain institutions of higher education; **HB 1512-FN**, limiting education freedom account funding to budgeted amounts; **HB 1108**, relative to establishing a committee to study the role of colleges and universities in contributing to the student loan crisis; **HB 1305-FN**, relative to freedom of speech and association at public institutions of higher education.

ELECTION LAW, Room 306-308, LOB

- 9:00 a.m. **CACR 19**, relating to redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices.
- 9:25 a.m. **HB 1098**, relative to ballots delivered to elder care facilities.
- 9:50 a.m. **HB 1200-FN**, relative to controlled and secured storage of printed paper ballots.
- 10:15 a.m. **HB 1264-FN**, relative to the definition of accessible voting systems.

- 10:35 a.m. **HB 1310-FN**, relative to meetings of supervisors of the checklist.
- 11:00 a.m. **HB 1384**, relative to noncompliance by a town or ward moderator and clerk.
- 11:25 a.m. **HB 1523**, revising the moderator's worksheet for counting votes in elections.
- 1:00 p.m. **HB 1557-FN**, requiring the secretary of state to enter into a membership agreement with the Electronic Registration Information Center.
- 1:25 p.m. **HB 1569-FN**, relative to eliminating voter identification exceptions.
- 2:00 p.m. Executive session on **HB 1119**, relative to absentee ballots; **CACR 26**, relating to election reform and ballot reconciliation. Providing that requirements for elections shall include provisions and penalties in regard to ballot reconciliation, access, retention, polling location limits, poll workers, allowance of registered voters for post-election ballot viewing, ballot lot and voting documentation viewing, and scanning and recording photographically during citizen audits; **HB 1085**, relative to public inspection of absentee ballot lists; **HB 1092**, creating a period for the placing of and removal of political advertising on public property; **HB 1099**, relative to partisan school district elections; **HB 1126**, relative to candidate requests for absentee ballot information; **HB 1134**, relative to inventory controls for paper ballots; **HB 1136**, relative to requiring a reconciliation of votes cast and undervotes with the total of ballots cast; **HB 1157**, relative to overvoted and undervoted ballots; **HB 1149**, relative to domicile residency, voter registration, investigation of voter verification letters, and relative to the terms "resident," "inhabitant," "residence," and "residency."; **HB 1348**, relative to polling places at which total ballot counts exceed the total number of registered voters; **HB 1381-FN**, relative to required training on election procedures.
- 2:30 p.m. Full committee work session on **HB 1091**, relative to the financing of political campaigns; **HB 1133**, relative to enabling UOCAVA voters to email back completed ballots.

ENVIRONMENT AND AGRICULTURE, Room 301-303, LOB

- 9:00 a.m. DES Rules Update Subcommittee.
- 10:00 a.m. Executive session on **HB 1386-FN**, relative to prohibiting the disposal of lithium-ion batteries in solid waste landfill facilities, composting facilities, or incinerators; **HB 1376-FN**, relative to prohibiting certain packaging from carrying the recycling logo; **HB 1681-FN**, relative to sale of products labeled as biodegradable or compostable; **HB 1687-FN**, relative to disposal of construction and demolition debris from state construction projects; **HB 1132**, relative to permits for the siting of new landfills; **HB 1170-FN**, requiring public benefit and community impact assessments from the department of environmental services; **HB 1620-FN**, relative to suspending the issuance of new landfill permits until 2031.
- 11:00 a.m. Full committee work session on **HB 1221**, relative to including solid waste landfills in the definition of development of regional impact; **HB 1145-FN**, prohibiting the private ownership of landfills; **HB 1632-FN**, relative to out-of-state solid waste.
- 1:00 p.m. **HB 1351**, prohibiting the sale and use of adhesive-based rodent traps.
- 2:00 p.m. **HB 1325-FN**, relative to allowing private ownership of small tailed monkeys, raccoons, foxes, otters, skunks, and kangaroos.
- 2:45 p.m. **HB 1505**, establishing an animal abuse offender registry.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306-308, LOB

- 10:00 a.m. Subcommittee work session on **HB 1385-FN**, relative to establishing the veteran licensing acceleration program; **HB 1222**, relative to physician assistant scope of practice; **HB 1408**, relative to the merger of and reorganization of various occupational boards.

Room 307, LOB

- 10:30 a.m. **HB 1188-FN**, relative to qualifications for licensed nursing assistants.
- 11:30 a.m. **HB 1190-FN**, relative to adopting the interstate social work licensure compact.
- 1:00 p.m. Subcommittee work session on **HB 1222**, relative to physician assistant scope of practice; **HB 1408**, relative to the merger of and reorganization of various occupational boards.

Room 104, LOB

- 1:00 p.m. Subcommittee work session on **HB 1387**, relative to revisions to the state building code; **HB 1059**, relative to the state building code.

FINANCE, Room 210-211, LOB

- 9:30 a.m. **SB 395**, relative to establishing the position of assistant commissioner of the department of agriculture, markets, and food.
- 10:00 a.m. Full committee work session on **SB 395**, relative to establishing the position of assistant commissioner of the department of agriculture, markets, and food.
- 10:30 a.m. Executive session on **SB 395**, relative to establishing the position of assistant commissioner of the department of agriculture, markets, and food.

SCIENCE, TECHNOLOGY AND ENERGY, Room 302-304, LOB

- 10:00 a.m. Full committee work session on **HB 1036**, relative to assessment of cost effectiveness of the systems benefit charge; **HB 1600-FN**, relative to participation in net energy metering; **HB 1623-FN**, relative to the state energy policy.
- 1:00 p.m. Executive session on **HB 1036**, relative to assessment of cost effectiveness of the systems benefit charge; **HB 1600-FN**, relative to participation in net energy metering; **HB 1623-FN**, relative to the state energy policy.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. Full committee work session on **HB 1637**, relative to reducing requirements for vehicle inspections; **HB 1273-FN**, relative to the protection of personal information in driver licenses; **HB 1158**, relative to establishing an exception to vessel registration; **HB 1457-FN**, establishing penalties for driving over covered wooden bridges in vehicles that exceed posted limits and for vehicular damage to covered wooden bridges.
- 1:00 p.m. Executive session on **HB 1637**, relative to reducing requirements for vehicle inspections; **HB 1273-FN**, relative to the protection of personal information in driver licenses; **HB 1158**, relative to establishing an exception to vessel registration; **HB 1457-FN**, establishing penalties for driving over covered wooden bridges in vehicles that exceed posted limits and for vehicular damage to covered wooden bridges.

WAYS AND MEANS, Room 202-204, LOB

- 10:00 a.m. **HB 1179-FN**, relative to state park system fees for retired members of the armed forces.
- 10:15 a.m. **HB 1391-FN**, allowing new vehicles purchased in the model year or before to be inspected in the second year after purchase.
- 10:30 a.m. **HB 1278-FN**, relative to qualifying medical conditions for purposes of therapeutic cannabis.
- 11:00 a.m. **HB 1429-FN-A**, establishing a procedure for the department of environmental services to transfer ownership of dams to municipalities or others, including making loans.
- 11:30 a.m. **HB 1626-FN-A**, relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.
- 1:00 p.m. Full committee work session on **HB 1179-FN**, relative to state park system fees for retired members of the armed forces; **HB 1391-FN**, allowing new vehicles purchased in the model year or before to be inspected in the second year after purchase; **HB 1278-FN**, relative to qualifying medical conditions for purposes of therapeutic cannabis; **HB 1429-FN-A**, establishing a procedure for the department of environmental services to transfer ownership of dams to municipalities or others, including making loans; **HB 1626-FN-A**, relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.
- 1:30 p.m. Executive session on **HB 1179-FN**, relative to state park system fees for retired members of the armed forces; **HB 1391-FN**, allowing new vehicles purchased in the model year or before to be inspected in the second year after purchase; **HB 1278-FN**, relative to qualifying medical conditions for purposes of therapeutic cannabis; **HB 1429-FN-A**, establishing a procedure for the department of environmental services to transfer ownership of dams to municipalities or others, including making loans; **HB 1626-FN-A**, relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.

WEDNESDAY, FEBRUARY 21**COMMERCE AND CONSUMER AFFAIRS, Room 302-304, LOB**

- 10:00 a.m. Subcommittee work session on **HB 1018**, relative to on-premise and off-premise liquor licenses; **HB 1076-FN**, relative to wine manufacturer licenses; **HB 1151**, relative to the carrying of alcoholic beverages on hotel premises; **HB 1227**, relative to extending the hours of alcoholic beverage sales for on-premises licensees; **HB 1358**, relative to contract manufacturers of beer, wine, and liquor; **HB 1374-FN**, relative to liquor licenses for restaurants; **HB 1380-FN**, relative to brew pub licenses; **HB 1540-FN**, relative to the definitions of full course meals and full service restaurant for purposes of alcohol licensing; **HB 1582-FN**, relative to allowing for the consumption of alcohol in artist performance areas; **HB 1624**, relative to allowing the distillation of hobby liquors; **HB 1591-FN**, relative to fines for prohibited sales of tobacco.
- 1:15 p.m. Subcommittee work session on **HB 1129**, relative to the authority to vote by proxy in a condominium association; **HB 1172**, relative to meetings of condominium boards and committees; **HB 1224**, relative to amendment of condominium instruments; **HB 1306**, relative to special assessments for capital improvements in condominiums; **HB 1357**, relative to condominium board meetings; **HB 1645-FN**, establishing a condominium dispute resolution board.

COMMISSION ON NEW HAMPSHIRE CIVICS (RSA 21-N:8-c), Events Center (2nd Floor), Department of Education, 25 Hall Street, Concord

2:00 p.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 202-204, LOB

- 9:30 a.m. **HB 1038-FN**, relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors.
- 10:00 a.m. **HB 1204**, relative to government agent entries into secured premises.
- 10:30 a.m. **HB 1276-FN**, relative to repealing the prohibition on the possession or sale of blackjacks, slung shots, and metallic knuckles except by or to minors.
- 11:00 a.m. **HB 1539-FN**, relative to annulling, resentencing, or discontinuing prosecution of certain cannabis offenses.
- 12:00 p.m. **HB 1270-FN**, relative to protective custody statutes.

EDUCATION, Room 205-207, LOB

- 10:00 a.m. Continued executive session on any remaining bills from February 20th, 2024

ENVIRONMENT AND AGRICULTURE, Room 301-303, LOB

- 10:00 a.m. Full committee work session on **HB 1351**, prohibiting the sale and use of adhesive-based rodent traps; **HB 1325-FN**, relative to allowing private ownership of small tailed monkeys, raccoons, foxes, otters, skunks, and kangaroos; **HB 1505**, establishing an animal abuse offender registry.
- 11:00 a.m. **HB 1316**, relative to co-ownership of dogs.
- 1:00 p.m. **HB 1173-FN**, relative to the disposition of vicious dogs.
- 2:00 p.m. **HB 1501-FN-L**, repealing the requirement to register dogs annually.
- 2:30 p.m. **HB 1556-FN**, relative to exemptions from the rabies vaccine.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306-308, LOB

- 9:00 a.m. Subcommittee work session on **HB 1352**, relative to firefighting personal protective equipment.
- 10:00 a.m. **HB 1328**, relative to public safety providers defined as essential services.
- 10:30 a.m. **HB 1622-FN**, relative to administrative rulemaking and license renewals by the office of professional licensure and certification.
- 11:15 a.m. **HB 1174**, relative to plumbing apprentices.
- 1:00 p.m. **HB 1252**, relative to establishing a committee to study the needs of Native Americans in New Hampshire.
- 1:30 p.m. **HB 1474**, relative to the commission on Native American affairs.
- 2:00 p.m. **HB 1335**, removing Columbus Day as a holiday.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 203, LOB

- 9:30 a.m. **HB 1347**, relative to administration of the New Hampshire refugee resettlement program.
- 10:00 a.m. **HB 1638-FN**, relative to requiring case reviews and remedial measures for any department of health and human services employee who improperly performs their job.
- 11:00 a.m. Executive session on **HB 1171**, extending the commission to study environmentally-triggered chronic illness; **HB 1231**, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use; **HB 1318**, relative to the duties of the opioid abatement advisory commission; **HB 1042**, relative to eliminating specific requirements of pharmacy continuous quality improvement programs beyond the establishment of such programs; **HB 1067**, relative to a patient's right to sterilization treatment; **HB 1194**, relative to the definition of noncommunicable disease; **HB 1213-FN**, relative to immunization requirements for private schools and child care agencies; **HB 1240**, relative to eating disorders as a qualifying condition for the therapeutic cannabis program; **HB 1349-FN**, relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program; **HB 1350-FN**, relative to therapeutic cannabis possession limits; **HB 1482**, relative to the sale of human blood and organs; **HB 1609-FN**, relative to the commission on the primary care workforce and the state office of rural health.

JUDICIARY, Room 206-208, LOB

- 9:00 a.m. **HB 1664-FN**, relative to legal remedies for individuals who receive medical detransitioning.
- 10:00 a.m. **HB 1672**, relative to tenants in section 8 public housing.
- 11:00 a.m. **HB 1684**, relative to loss of consortium.
- 1:00 p.m. Full committee work session on **HB 1002**, relative to fees for records under the right-to-know law.
- 2:00 p.m. Continued Executive session from 2/15/24 as needed.

MUNICIPAL AND COUNTY GOVERNMENT, Room 307, LOB

- 9:30 a.m. Executive session on **HB 1242**, relative to the establishment of county-wide communication districts; **HB 1250**, enabling the creation of certain village districts; **HB 1302**, relative to elected conservation commissions in towns; **HB 1359**, relative to appeals of certain zoning decisions by abutters; **HB 1478**, prohibiting a person from membership on the school board and select board

concurrently; **HB 1449**, relative to prohibiting the board of tax and land appeals from ordering retroactive re-appraisals outside of the years in question or relying on the department of revenue administration to provide investigative services; **HB 1120**, repealing the provision that requires the reflection of municipal body votes on warrant articles; **HB 1124**, relative to limiting conflicts of interest and excessive concentration of power for municipal board and committee members; **HB 1125**, relative to requiring public notice and comment at all county commissioner and delegation meetings; **HB 1180**, relative to the scope of the homestead exemption.

- 1:00 p.m. **HB 1371**, relative to allowing the land use master plan to include a section on waste reduction.
- 1:20 p.m. **HB 1506-L**, relative to required votes to approve issuance of bonds.
- 1:40 p.m. **HB 1345**, relative to the length of terms for Coos county officers.
- 2:00 p.m. **HB 526-FN**, regulating the use of temporary traffic control personnel.
- 2:30 p.m. **HB 1053**, relative to permissible residential units in a commercial zone.
- 3:00 p.m. **HB 1175**, relative to the official ballot referendum form of town meetings.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Full committee work session **HB 2024**, relative to the state 10-year transportation improvement plan.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Executive session on **HB 1326-FN**, relative to notification processes for large groundwater withdrawal applications; **HB 1360**, relative to emergency authority on the public or coastal waters of the state; **HB 1415**, relative to PFAS facility liability; **HB 1268-FN**, relative to prohibiting the issuance of large groundwater withdrawal permits for the commercial sale of bottled or bulk water; **HB 1277**, establishing a committee to study alternatives for funding the operation, maintenance, and repair of state owned dams; **HB 1314-FN**, relative to the comprehensive state development plan; **HB 1440-FN**, relative to establishing a life jacket loaner station program along the Merrimack river; **HB 1483**, allowing subdivision regulations concerning water supply.
- 11:00 a.m. **HB 1494**, relative to OHRVs.
- 1:00 p.m. **HB 1503-FN**, relative to the definition of wetlands.
- 2:00 p.m. **HB 1542-FN**, relative to possession and presentation of safe boater education certificates.
- 2:30 p.m. **HB 1554**, relative to certified culvert maintainer program reporting.

SPECIAL COMMITTEE ON CHILDCARE, Room 104, LOB

- 10:00 a.m. Executive session on **HB 1056**, relative to administration of the child care scholarship program; **HB 1405-FN**, relative to limiting publication of child care center violations; **HB 1407**, relative to child care staffing ratios; **HB 1567-FN**, relative to zoning provisions concerning family and group family child care uses; **HB 1409**, relative to review by the advisory council on child care of child care center licensing violations; **HB 1584**, relative to home day care licensing requirements.

SUBCOMMITTEE ON ALZHEIMER'S DISEASE AND OTHER RELATED DEMENTIA (RSA 126-A:15-a), Room 103, SH

- 3:00 p.m. Regular meeting.

THURSDAY, FEBRUARY 22

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

- 2:00 p.m. Regular meeting. Join Zoom:
<https://nh-dhhs.zoom.us/j/87051453763?pwd=K1Zud0wzL2t4R0Rsa0lyckl3SzdJQT09>
 Meeting ID: 870 5145 3763 Passcode: 838525
 The following email address will be monitored throughout the meeting, should participants have technical difficulties: Danielle.Hernandez@dhhs.nh.gov

FRIDAY, FEBRUARY 23

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 202-204, LOB

- 9:30 a.m. Executive Session on **HB 1012-FN**, exempting from criminal penalty certain parenting decisions intended to encourage a child's independence and freedom; **HB 1038-FN**, relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors; **HB 1039-FN**, relative to alternative sentencing for primary caregivers; **HB 1021**, relative to body-worn cameras and exculpatory evidence; **HB 1061-FN**, relative to motor vehicle stops of uninspected vehicles; **HB 1097-FN**, replacing two-party recording of conversations with one-party recording of conversations; **HB 1197**, relative to criminal background checks; **HB 1204**, relative to government agent entries

into secured premises; **HB 1214**, relative to establishing a committee to study best practices for the development of a restorative justice model for misdemeanor-level behavior and hate crimes committed by juveniles under the age of eighteen; **HB 1270-FN**, relative to protective custody statutes; **HB 1276-FN**, relative to repealing the prohibition on the possession or sale of blackjacks, slung shots, and metallic knuckles except by or to minors; **HB 1319-FN**, relative to prohibiting the nonconsensual dissemination of synthetic sexual images; **HB 1336**, relative to employees' firearms in locked vehicles; **HB 1344-FN**, relative to criminalizing the enticement and manipulation of minors to engage in sexual activity; **HB 1500-FN**, relative to prohibiting the unlawful distribution of misleading synthetic media; **HB 1539-FN**, relative to annulling, resentencing, or discontinuing prosecution of certain cannabis offenses; **HB 1711-FN**, authorizing the state to report mental health data for firearms background check purposes and providing for processes for confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities; **HB 1528**, relative to reporting by the northern border alliance program; **HB 1366-FN**, relative to penalties for the negligent or reckless operation of boats.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1), New Hampshire State House 107 North Main St, Concord Executive Council Chambers (Room 207)

9:30 a.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 210-211, LOB

10:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Full committee work session **HB 2024**, relative to the state 10-year transportation improvement plan.

11:00 a.m. Executive session on **HB 2024**, relative to the state 10-year transportation improvement plan.

SOLID WASTE WORKING GROUP (RSA 149-M:61), NRRA Offices – 2101 Dover Road, Epsom,

9:30 a.m. Regular meeting. Remote attendance option:
<https://attendee.gotowebinar.com/register/3435858814888164108>

SPECIAL COMMITTEE ON COVID RESPONSE EFFICACY, Room 301-303, LOB

9:00 a.m. Timeline of major COVID-19 response activities.

SPECIAL COMMITTEE ON THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES (DCYF), Room 203, LOB

1:00 p.m. Organizational meeting.

MONDAY, FEBRUARY 26

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

9:30 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

9:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 27

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3),

9:00 a.m. Regular meeting. Via Zoom link:
<https://us02web.zoom.us/j/87193477508?pwd=a2JKQVlSeTBwQjduKzVueTJNL2pJZz09>.

MONDAY, MARCH 4

COMMISSION TO STUDY OFFSHORE WIND AND PORT DEVELOPMENT (RSA 374-F:10), NHDES, Pease Office, 222 International Drive, Suite 175, Portsmouth

4:30 p.m. Regular meeting.

COMMISSION TO STUDY THE EFFECT OF RECENT CHANGES MADE TO CHARITABLE GAMING LAWS, INCLUDING THE NEWLY AUTHORIZED HISTORICAL HORSE RACES (RSA 284:6-c), Room 100, SH

10:00 a.m. Regular meeting.

TUESDAY, MARCH 5

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), Edward Cross Training Center Facility, 722 Riverwood Drive, Pembroke

5:00 p.m. Regular meeting.

WEDNESDAY, MARCH 6

ENVIRONMENT AND AGRICULTURE, Room 301-303, LOB

9:00 a.m. Subcommittee meeting: DES Rules Update.

LEGISLATIVE ADMINISTRATION, Room 203, LOB

10:00 a.m. Executive session on **HB 1080**, relative to the legislative youth advisory council; **HB 1388**, relative to recusal by members of the general court for conflicts of interest; **HB 1479-FN**, relative to prohibiting the use of federal, state, or local funds for lobbying activities.

RESOURCES, RECREATION AND DEVELOPMENT, Room Reps Hall, SH

9:00 a.m. **HB 1562**, relative to personal watercraft.

1:00 p.m. **HB 1390**, relative to regulating wakeboating and wakesports.

FRIDAY, MARCH 8

COMMISSION TO STUDY THE DELIVERY OF PUBLIC HEALTH SERVICES THROUGH REGIONAL PUBLIC HEALTH NETWORKS (RSA 127:12), NH Fire Academy, 98 Smokey Bear Blvd., Concord

1:00 p.m. Regular meeting.

Join Zoom:

<https://us02web.zoom.us/j/82731252212?pwd=Q3pyYncvcW55Zkg0ZVVNQW5USGlzZz09>

Meeting ID: 827 3125 2212 Passcode: 392939

MONDAY, MARCH 11

COMMISSION ON BEHAVIORAL HEALTH CRISIS SERVICES (RSA 135-C:68), Room 103, SH

1:00 p.m. Organizational meeting.

COMMISSION TO STUDY COMMUNITY IMPACTS OF THE SECURED YOUTH DEVELOPMENT CENTER (RSA 169-B:48), Room 100, SH

1:00 p.m. Regular meeting.

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), 2nd Floor Conference Room at the Department of Safety, 33 Hazen Drive, Concord

10:00 a.m. Regular meeting.

NEW HAMPSHIRE OPIOID ABATEMENT ADVISORY COMMISSION (RSA 126-A:85), Dept of Justice, 1 Granite Pl., South Concord

1:00 p.m. Regular meeting. Join Zoom: Meeting ID: 762 964 6757 Passcode: 782701

<https://nhdhhs.zoom.us/j/7629646757?pwd=dUJnaTVCOEk1bnZMTepDZEkrOGk4QT09&omn=83760052265>

NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), REMOTE

2:00 p.m. Regular meeting. Join Zoom:

<https://us02web.zoom.us/j/84327646605?pwd=R0lwOWFVK0w2U2FKYTVybXM1MjNhdz09>

Meeting ID: 843 2764 6605 Passcode: 731679

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

10:00 a.m. Regular meeting. This meeting will end at 12:00 p.m.

WEDNESDAY, MARCH 13

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306-308, LOB

10:00 a.m. Continued executive session on **HB 1075**, relative to abolishing daylight saving time.

MONDAY, MARCH 18

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

10:00 a.m. Regular meeting.

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB38, HB 91, HB 116, HB 135, HB 194, HB 272, HB 276, HB 282, HB 300, HB 318, HB 345, HB 436, HB 439, HB 447, HB 449, HB 462, HB 463, HB 527, HB 533, HB 535, HB 537, HB 559, HB 560, HB 565, HB 566, HB 571, HB 593, HB 606, HB 608, HB 614, HB 616, HB 618, HB 620, HB 622, HB 627, HB 628, HB 645, HB 652, HB 1005, HB 1046, HB 1274, HB 1386, HB 1422, HB 1426, HB 1492, HB 1522, HB 1561, HB 1563, HB 1566, HB 1567, HB 1570, HB 1571, HB 1579, HB 1582, HB 1589, HB 1592, HB 1593, HB 1594, HB 1597, HB 1598, HB 1599, HB 1600, HB 1608, HB 1610, HB 1614, HB 1615, HB 1619, HB 1623, HB 1629, HB 1630, HB 1632, HB 1633, HB1634, HB 1636, HB 1639, HB 1640, HB 1641, HB 1644, HB 1645, HB 1647, HB 1651, HB 1654, HB 1660, HB 1663, HB 1665, HB 1675, HB 1677, HB 1681, HB 1682, HB 1686, HB 1687, HB 1689, HB 1702, HB 1706, HB 1710, HB 1711, SB 97, SB 106, SB 151, SB 176, SB 177, SB 180, SB 235, SB 249, SB 252, SB 267, SB 306, SB 317, SB 447, SB 454, SB 465, SB 467, SB 470, SB 514.

OFFICIAL NOTICES

The Coos County Delegation will meet on **Monday, March 4, 2024 at 11:00 a.m.** The meeting will be held at Coos County Nursing Home, located at 364 Cates Hill Road, Berlin, NH.

Rep. Corinne Cascadden, Clerk

The **Grafton** County Executive Committee will meet **Monday, March 25, at 9:00 a.m.** at the Grafton County Administration Building, 3855 Dartmouth College Hwy in North Haverhill, NH.

Rep. Heather Baldwin, Clerk

The Executive Committee of the **Merrimack** County Delegation will meet on **Monday, February 26, 2024** in the 2nd floor conference room at **10:00 a.m.** of the Old Courthouse, 163 N. Main Street, Concord, New Hampshire. The purpose of the meeting is as follows: 1. 4th Quarter Financial Review/Approval 2. 2024 Budget Review/Approval 3. Adoption of Grant Resolution 4. Any other business.

Rep. James MacKay, Chairman

Notice is hereby given that the Executive Committee with the Full **Strafford** County Delegation has been scheduled for **Friday, March 1, 2024 at 9:00 a.m.** The Executive Committee meets to receive reports and review the Subcommittees' recommendations and any other business that may legally come before the Committee at that time. Location: Cafeteria Conference Room, Lower Level, Justice and Administration Building. Public access via Zoom: <https://us06web.zoom.us/j/81429396215?pwd=JZraRRgtBIu2a0anaVkWbpLC6GjMGY.1> Meeting ID: 814 2939 6215 Passcode: 500668 Dial by your location: +1 305 224 1968 US

If you have any questions regarding this information, please feel free to contact Janet Hilber, Administrative Assistant at 603-516-7100.

Rep. Peter Schmidt, Chairman

Notice is hereby given that the Full **Strafford** County Delegation Public Meeting is scheduled for Wednesday, **March 20, 2024, 7:00 p.m.** (snow date: Wednesday, March 27, 2024, 7:00 p.m.) The Delegation meets to review Executive Committee recommendations and to adopt final budget for 2024, and to discuss any other business with may legally come before the Delegation. Superior Courtroom I, Justice and Administration Building. The budget must be approved by April 1st, or the Commissioners' Proposed Budget will be in effect. Public access via Zoom:

<https://us06web.zoom.us/j/89611842722?pwd=bulXb3oKQwYYUhaRErtXnThLAcIJqa.1>

Meeting ID: 896 1184 2722 Passcode: 312030 Dial by your location: +1 1 646 931 3860 US

Rep. Peter Schmidt, Chairman

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 a Bible Study and Prayer, during the Lunch Break on Session Days. We will meet in LOB 104 with Pastor Peter Chamberland for this time together. Come and be refreshed both physically and spiritually during our lunch hour. Looking forward to seeing you there!

Rep. Deb Hobson

Most occupational licensing boards have members of the public serving on them. Those board members are intended to represent the public, the customers of the professions being licensed. The Office of Professional Licensing and Certification (OPLC) has difficulty filling those positions because most people don't even know they exist and OPLC does not have a good way to advertise. As representatives we know many people in our districts, so Representatives are asked to let citizens who might be interested in serving on a board to contact Lindsey B. Courtney, Executive Director, at lindsey.b.courtney@oplcnh.gov. Alternatively, they may apply online at <https://www.oplc.nh.gov/interested-becoming-oplc-board-member>.

Reps. Tony Lekas and Jaci Grote

Pursuant to Executive Order 2023-06, the Public Higher Education Task Force to Study the Strategic Alignment of Public Higher Education in New Hampshire will meet at 25 Hall Street, Concord, NH 03301 on the following dates:

Friday, February 23, 2024; 9:00 a.m.– 2:00 p.m.

Friday, March 1, 2024; 9:00 a.m.– 2:00 p.m.

Friday, March 8, 2024; 12:30 p.m.– 4:30 p.m.

Rep. Rick Ladd

The Rare Disease Counsel will have a table set up with rare disease pins and literature in the State House Cafeteria on **February 22** during the lunch break. Please stop by and show your support and ask questions. Rare disease day is February 29, 2024.

Rep. Fran Nutter-Upham

The annual Water's Worth It! legislative breakfast is set for **Wednesday March 6, 2024** at the Holiday Inn on Main Street in Concord. Check in for the event begins at **7:00 a.m.** with a breakfast buffet. Water quality professionals will present information on drinking water and wastewater treatment challenges in New Hampshire. This year Tilak Subrahmanian, Vice President, Energy Efficiency at Eversource and Sharon Nall, NHDES Water Energy Efficiency Program will be speaking to the importance of energy efficiency to the water community, and why Water's Worth It. In addition, Water Division staff for NH-DES will also address the audience. All legislators and staff are invited to enjoy a hearty breakfast and learn more about New Hampshire's water infrastructure. This event is free.

Please RSVP to info.nhwpca@gmail.com by February 23rd to reserve your seat at this important breakfast. The breakfast is sponsored by the NH Water Pollution Control Association in conjunction with a wide-ranging coalition of other NH non-profit water organizations. There is no cost for enjoying breakfast with your legislative peers and attending this event.

Rep. Tom Buco

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 1052 (2024-0354h)

Proposed by the Committee on Municipal and County Government-c

Amend the bill by replacing section 1 with the following:

1 Excavating and Dredging Permit; Certain Exemptions; Format. Amend RSA 482-A:3, I(a)(1) to read as follows:

(1) A complete application form that has been signed by the town or city clerk of the municipality in which the impacts to jurisdiction are located or, if the impacts to jurisdiction are located in more than one municipality, by the city or town clerk of each such municipality, certifying that the municipality has received ~~[4 copies]~~ **one paper and one digital copy** of the form and attachments as provided in subparagraph (a)(2). ***Such digital copy shall be provided as a PDF or other digital format approved by the department.*** The town or city clerk shall send a ***digital or paper copy (as requested by the body)*** of the form and attachments to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and shall retain ~~[one]~~ **a** copy ~~[to be made reasonably accessible to the public]~~. Applications and fees for projects by agencies of the state may be filed directly with the department, with ~~[4 copies]~~ **one paper and one digital copy** of the application, plan, and map filed at the same time with the town or city clerk. ***Such digital copy shall be provided as a PDF or other digital format approved by the department.***

Amendment to HB 1105-FN-LOCAL (2024-0212h)

Proposed by the Committee on Municipal and County Government-c

Amend the bill by replacing section 1 with the following:

1 Local Tax Cap. Amend RSA 32:5-b, I to read as follows:

I. In a town or district that has adopted this section, the estimated amount of local taxes to be raised for the fiscal year~~[-as shown on the]~~ ***shall include the operating budget and all other warrant articles with a tax impact,*** certified by the governing body or the budget committee and posted ~~[with]~~ ***on*** the warrant for the annual meeting pursuant to RSA 32:5~~[-]~~. ***The estimated amount of local taxes to be raised for the fiscal year*** shall not exceed the local taxes raised for the prior year, as shown on the same budget and adjusted as provided in paragraph I-a, by more than the tax cap authorized when this section was adopted.

Amendment to HB 1111-FN (2024-0245h)

Proposed by the Committee on Children and Family Law-r

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

1 Child Protection Act; Reporting Law; Nature of Report; Liability. Amend RSA 169-C:30 and RSA 169-C:31 to read as follows:

169-C:30 Nature and Content of Report. An oral report shall be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department. Such report shall, if known, contain the name and address of the child suspected of being neglected or abused and the person responsible for the child's welfare, the specific information indicating neglect or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the department. ***Reports made to the department may include the name, address, or phone number of the person or persons making the report of suspected abuse or neglect of a child under this chapter. The department shall inform the complainant that should the complaint be made maliciously or with the intent to harm, the complainant may be subject to criminal and civil penalties.***

169-C:31 Immunity From Liability.

I. Anyone participating in good faith in the making of a report pursuant to this chapter or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.

II. ***Nothing in this section shall provide civil or criminal immunity for a mandatory reporter who knowingly fails to make a report of suspected abuse or neglect under RSA 169-C:29 or for a person who knowingly files a false report of abuse or neglect with malice or the intent to harm under RSA 169-C:31-a.***

2 New Sections; Child Abuse; Intentional False Report; Civil Liability. Amend RSA 169-C by inserting after section 31 the following new sections:

169-C:31-a Intentional False Report of Abuse or Neglect. No person shall maliciously or with the intent to harm make false statements of suspected child abuse or neglect as defined by RSA 169-C:3 to the department, to any court, to any law enforcement agency, to any social services agency, or to any professional mandatory reporter of suspected child abuse identified in RSA 169-C:29. Any person in violation of this section may be subject to civil and criminal liability under RSA 169-C:31-b and RSA 169-C:39, respectively.

169-C:31-b Civil Liability.

I. Any person harmed by the intentional submission of a false report of abuse or neglect under RSA 169-C:31-a may bring a civil action against the responsible party for monetary damages and other appropriate relief.

II. Any person who, in their professional capacity as a mandatory reporter under RSA 169-C:29, knowingly or intentionally fails to report suspected abuse or neglect may be subject to civil liability, including monetary damages, for the harm caused by the failure to report such abuse or neglect.

3 Effective Date. This act shall take effect January 1, 2025.

2024-0245h

AMENDED ANALYSIS

This bill provides that reports of suspected abuse and neglect may include the name of the person making the report and that a report made maliciously or with the intent to cause harm may be subject to civil and criminal penalties. The bill also provides that a person who in their professional capacity is a mandatory reporter of suspected abuse and neglect may be subject to civil liability for the failure to report.

Floor Amendment to HB 1111 (2024-0627h)

Proposed by Rep. Seidel –r

Amend RSA 169-C:31, II as inserted by section 1 of the bill by replacing it with the following:

II. Nothing in this section shall provide civil or criminal immunity for a professional mandatory reporter who knowingly fails to make a report of suspected abuse or neglect under RSA 169-C:29 or for a person who knowingly files a false report of abuse or neglect with malice or the intent to harm under RSA 169-C:31-a.

Amendment to HB 1114 (2024-0267h)

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

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

AN ACT extending the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Londonderry, Hudson and Litchfield.

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

1 Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals; Hudson Included. Amend RSA 126-A:79-a, I through II(a)(9) to read as follows:

I. There is established a commission to study environmental and public health impacts resulting from per fluorinated chemicals (PFAS) releases to the air, soil, and water in Merrimack, Litchfield, Londonderry, **Hudson**, and Bedford.

II.(a) The members of the commission shall be as follows:

(1) Five members of the house of representatives, 3 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the house minority leader.

(2) Two members of the senate, appointed by the president of the senate.

(3) The program manager from the department of health and human services environmental public health tracking program, or designee.

(4) The commissioner of the department of environmental services, or designee.

(5) The director of the university of New Hampshire Institute for Health Policy and Practice, or designee.

(6) A representative from the New Hampshire Medical Society, appointed by the society.

(7) Two citizens with backgrounds in environmental science and/or public health, recommended by the senators appointed to the commission and appointed by the president of the senate.

(8) A representative from each of the affected towns of Merrimack, Bedford, Londonderry, **Hudson**, and Litchfield, appointed by the governing body of such town.

(9) ~~Four~~ **Five** residents, one from each of the affected towns of Merrimack, Bedford, Londonderry, **Hudson**, and Litchfield, who are members of drinking water related environmental advocacy citizen organizations which are not affiliated with any government or state agency, recommended by the senators appointed to the commission and appointed by the president of the senate.

2 Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals; Reporting Date Extended. Amend RSA 126-A:79-a, V to read as follows:

V. The commission shall submit an interim report of its findings on November 1, each year between 2020 and [2024] **2028**, and a final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [2024] **2029**.

3 Prospective Repeal Extended; Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals. Amend RSA 2019, 335:3, I to read as follows:

I. Section 2 of this act shall take effect November 1, [2024] **2029**.

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

2024-0267h

AMENDED ANALYSIS

This bill extends for 5 years the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Londonderry, Hudson, and Litchfield.

Amendment to HB 1140

(2024-0219h)

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

Amend RSA 485-A:36, II as inserted by section 1 of the bill by replacing it with the following:

II.(a) Any person who desires to install **a replacement waste disposal system** or **to** repair a waste disposal system for [his] **their** own domicile shall not be required to obtain an installer's permit as provided in paragraph I, provided [he complies] **they comply** with rules adopted by the department relative to such systems.

(b) Any person who desires to install a new waste disposal system for a property they are developing to be their own domicile shall not be required to obtain an installer's permit as provided in paragraph I, provided that:

(1) The person complies with rules adopted by the department relative to such systems;

(2) The property owner or a permitted septic system installer perform all work to construct the waste disposal system;

(3) The property owner hires a permitted septic system designer or permitted septic system installer to certify that the waste disposal system, including but not limited to the base of the effluent disposal area, was constructed in accordance with the approved design and rules adopted by the department relative to such systems; and

(4) The property owner certifies through an affidavit that the property will be their domicile for at least 2 years, starting from the date on which the waste disposal system receives approval to operate from the department, violation of which will be subject to penalties pursuant to RSA 485-A:43.

III. The department shall adopt rules pursuant to RSA 541-A relative to this section.

2024-0219h

AMENDED ANALYSIS

This bill enables a homeowner to install a new or replacement waste disposal system in their own domicile without a permit.

Amendment to HB 1143

(2024-0369h)

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

Amend RSA 487:17, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(2) The most environmentally sound treatment technique determined by water quality analysis shall be used, which also meets the requirements adopted in administrative rules, including rules adopted under RSA 430. Notwithstanding any law or interagency agreement to the contrary, the department's recommendation to use chemical applications or physical treatments shall be made in consultation with the fish and game department.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; New Hampshire Clean Lakes Program; Rulemaking. Amend RSA 487:24 by inserting after paragraph VII-c the following new paragraph:

VII-d. The issuance of permits for in-lake management projects including but not limited to the use of chemical or physical in-lake treatments for the specific purposes of preventing or remediating cyanobacteria blooms.

**Amendment to HB 1154
(2024-0198h)**

Proposed by the Committee on Municipal and County Government-c

Amend the introductory paragraph of RSA 72:36-a as inserted by section 1 of the bill by replacing it with the following:

72:36-a Certain Disabled Veterans. Any person, who is discharged from military service of the United States ~~[under conditions other than dishonorable, or an officer who is honorably separated from military service, who owns a specially adapted homestead which has been acquired with the assistance of the Veterans Administration or which has been acquired using proceeds from the sale of any previous homestead which was acquired with the assistance of the Veterans Administration,]~~ ***and who meets the veteran eligibility criteria established by RSA 21:50, and who owns a home which has been specially adapted by the Veterans Administration through an approved Special Adapted Housing (SAH) or Special Home Adaptation (SHA) grant or owns a home that has been specially adapted and has been acquired using proceeds from the sale of such an SAH or SHA home,*** the person or person's surviving spouse, ***as defined in RSA 72:29, V,*** shall be exempt from all taxation on said homestead, provided that:

**Amendment to HB 1178-FN
(2024-0652h)**

Proposed by the Committee on Labor, Industrial and Rehabilitative Services-r

Amend RSA 275:35-a as inserted by section 1 of the bill by replacing it with the following:

275:35-a Unused Earned Time.

I. An employer that employs 15 or more employees and offers paid earned time to such employees shall comply with the following:

- (a) Inform employees in writing of any policy regarding accrual or use of unused earned time and any limits on accrual or use. In the absence of an accrual system, earned time shall be paid on a prorated basis.
- (b) Provide a means through which earned time requests and approvals are processed.
- (c) Provide employees with an accounting of earned time used and unused earned time remaining.
- (d) RSA 275:43, V-a.

II. For the purpose of this section, the terms "earned time," "vacation" or "vacation time," and "paid time off" have the same meaning.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Protective Legislation; Wages. Amend RSA 275:43 by inserting after paragraph V the following new paragraph:

V-a. Notwithstanding RSA 275:43, V, if an employee is separated from employment from an employer as defined in RSA 275:35-a, I because the employer's business closed, changed ownership or because their seasonal employment ended with no reasonable assurance of the employee being able to return to work, unused paid time off such as vacation, holiday, and personal time, but not sick days, whether earned by accrual or awarded in some other manner shall be considered wages pursuant to RSA 275:42, III and due upon separation from employment pursuant to RSA 275:44.

(a) When an employer does not delineate the types of paid time off awarded to an employee described in RSA 275:43I the entire balance of unused paid time off shall be prorated upon separation from employment.

(b) In lieu of payment for unused paid time off an employee described in RSA 275:43, V-a, I may agree in writing that their unused paid time off can be carried forward and transferred to their subsequent employer following a change in ownership.

**Amendment to HB 1186-FN
(2024-0604h)**

Proposed by the Majority of the Committee on Criminal Justice and Public Safety-r

Amend the bill by replacing section 2 with the following:

2 New Chapter; Firearm Purchaser's Privacy. Amend RSA by inserting after chapter 159-E the following new chapter:

CHAPTER 159-F
FIREARM PURCHASER'S PRIVACY

159-F:1 Definitions.

In this chapter:

I. "Electronic payment transaction" means a transaction in which a person uses a payment card or other payment code or device issued or approved through a payment card network to debit a deposit account or use a line of credit, whether authorization is based on a signature, personal identification number, or other means.

II. "Firearms code" means the merchant category code 5723, approved in September 2022 by the International Organization for Standardization, for firearms retailers.

III. "Firearms retailer" means any person or entity physically located in this state engaged in the lawful sale of firearms, ammunition for use in firearms, or firearms accessories.

IV. "Payment card" means a credit card, debit card, check card, or other card that is issued to an authorized user to purchase or obtain goods, services, money, or any other thing of value.

V. "Payment card issuer" means a lender, including a financial institution, or a merchant that receives applications and issues payment cards to individuals.

VI. "Payment card network" means an entity that directly or through a licensed member, processor, or agent provides the proprietary services, infrastructure, and software that route information and data to conduct debit card or credit card transaction authorization, clearance, and settlement, and that an entity uses in order to accept as a form of payment a brand of debit card, credit card, or other device that may be used to carry out debit or credit transactions.

159-F:2 Firearm Code Usage Prohibited.

I. A payment card network may not assign to a merchant or require a merchant to use a firearms code.

II. For the purposes of the sale of firearms, ammunition for use in firearms, and firearms accessories, a firearms retailer may not provide a firearms code to a payment card issuer or payment card network and may only use or be assigned a merchant category code for general merchandise retailers or sporting goods retailers.

159-F:3 Authority of Attorney General to Investigate Violations.

I. If the attorney general has reasonable cause to believe that a person or entity has intentionally engaged in, is engaging in, or is about to engage in a violation of this chapter, the attorney general shall have the power to examine witnesses and documents for the purpose of enforcing the provisions of this chapter.

II. If the attorney general believes a person under investigation for violation of the provisions of this chapter may have information or be in possession, custody or control of any document or other tangible object relevant to the investigation, before the institution of any court proceedings, the attorney general may serve upon the person a written demand in the form of a subpoena or subpoena duces tecum to appear and be examined under oath and to produce the documents or objects for inspection and copying.

159-F:4 Notice and Opportunity to Cure.

I. Upon a finding by the attorney general that there has been a violation of this chapter, the attorney general shall give written notice to the person or entity, identifying the specific provisions of this chapter that are or were being violated.

II. The attorney general may not bring an action against the person or entity if the person or entity:

(a) Cures the identified violation within 30 days; and

(b) Provides the attorney general a written statement affirming that the person or entity has:

(1) Cured the alleged violation;

(2) Provided supporting documentation to show how the violation was cured; and

(3) Made changes to internal policies to prevent the recurrence of any similar violation in the future.

159-F:5 Enforcement; Civil Penalty; Injunction.

I. The attorney general has exclusive authority to enforce this chapter.

II. If a person or entity is found to be intentionally in violation of this chapter and fails to cure the violation in accordance with RSA 159-F:4, or is found to have intentionally breached a written statement provided to the attorney general under that section, the attorney general may seek an injunction against any such person or entity alleged to be in violation of this chapter in a court of competent jurisdiction. The court has authority to issue such an injunction, in addition to any other relief as the court may consider appropriate.

III. The attorney general may bring an action to:

(a) Recover a civil penalty under this section; and

(b) Restrain or enjoin a person or entity from violating this chapter.

IV. The attorney general may recover reasonable attorney's fees and other reasonable expenses incurred in investigating and bringing an action under this section.

2024-0604h

AMENDED ANALYSIS

This bill prohibits the assigning of a specific merchant code to the sale of firearms, ammunition, or firearm accessories. This bill further provides a mechanism for enforcement of this prohibition.

Amendment to HB 1202-FN

(2024-0706h)

Proposed by the Committee on Public Works and Highways—c

Amend the bill by replacing section 1 with the following:

1 Driveway Construction Permits. Amend RSA 236:13, IV-V to read as follows:

IV. No construction permit shall allow:

(a) A driveway, entrance, exit, or approach to be constructed more than 50 feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of 50 feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.

(b) More than 2 driveways, entrances, exits, or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds 500 feet.

IV-a. For any existing or proposed residential use of land, including multifamily development, the department shall issue the permit described in paragraph II within 30 days of filing. If the department fails to approve or deny a permit within that time it shall issue a permit by default, which shall allow the applicant to proceed with the project as presented in the application. Such default permit shall be issued by the department within 5 business days following default and may contain a statement indicating that the department has not fully reviewed the plan. The department and the applicant may by mutual agreement extend any of the deadlines in this section.

V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III, and IV shall be conferred upon the planning board or governing body in cities and towns in which the planning board or governing body has been granted the power to regulate the grading and improvement of streets within a subdivision as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the provisions of this section. Such regulations may delegate administrative duties, including actual issuance of permits, to a highway agent, board of selectmen, or other qualified official or body. Such regulations, or any permit issued under them, may contain provisions governing the breach, removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of way, and any landowner or landowner's agent altering a boundary in accordance with such provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to RSA 472:6, II(a). ***The planning board or its delegate shall not be subject to the timelines in paragraph II, but its regulations shall specify a reasonable time for it or its delegate to act on permits under this section, which shall not exceed 65 days.***

**Amendment to HB 1217
(2024-0233h)**

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

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Highway Surveillance Prohibited; Exception; Monitoring Covered Bridges. Amend RSA 236:130, III by inserting after subparagraph (h) the following new subparagraph:

(i) Is undertaken for the purpose of monitoring any covered wooden bridge that is open to vehicular traffic. Any such video recording shall be used for the sole purpose of investigating damage to the bridge, including identification of vehicles and operators responsible for such damage. The video shall, except in the case of damage by natural occurrence or disaster, be preserved until the town, city, municipality, state, or agency prosecutor determines whether they will pursue criminal or motor vehicle charges. If the prosecutor determines that they shall or may bring charges, the video shall be preserved until the case is resolved. Video not needed for investigation in accordance with this subparagraph shall be erased within 7 days of recording. The municipality shall cause notice of video monitoring to be posted on the highway leading to the bridge entrance within 100 feet of the bridge entrance. If the highway is a state highway, the department of transportation shall cause said notice to be posted upon notification by the municipality of the installation of a monitoring system.

**Amendment to HB 1249
(2024-0417h)**

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

Amend the bill by replacing section 1 with the following:

1 Motorboats; Towing of Inflatables. Amend RSA 270-D:3, III to read as follows:

III. No more than 6 persons may be towed ***at any time*** on one or more inflatable tubes and no more than 2 persons may be towed on water skis, aquaplanes, or other devices from the same motorboat at the same time. When 3 or more persons are being towed ***on any device***, 2 observers, in addition to the operator, shall be in the towing vessel. ***For inflatables, only one observer is required when towing only one inflatable with less than 3 people, and 2 observers for 2 inflatables with up to 6 people, but no more than 2 inflatables may be towed at a time.*** Such observers shall be 13 years of age or older. Notwithstanding this paragraph, more than 2 skiers may be towed if a special permit is issued by the director.

**Amendment to HB 1260-FN
(2024-0419h)**

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Breaches of the Peace and Related Offenses; Violation of Privacy. Amend RSA 644:9 by inserting after paragraph VI the following new paragraph:

VII. If a person violates paragraphs I, III-a, or IV in any location in which a reasonable person knows or should know the person entitled to privacy therein is a child under the age of 18, that person shall be guilty of a class B felony. Any person who is convicted of a second or subsequent offense under this paragraph, based on a complaint which alleged that the person has had one or more prior convictions under this paragraph, or under a reasonably equivalent offense in an out-of-state jurisdiction, shall be guilty of a class A felony.

2024-0419h

AMENDED ANALYSIS

This bill makes it a class B felony to violate the privacy of a minor when the actor knows or reasonably should know that a child under the age of 18 is the one entitled to privacy. Subsequent violations are a class A felony.

Amendment to HB 1282-FN

(2024-0453h)

Proposed by the Committee on Children and Family Law-r

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

1 Parental Rights and Responsibilities; Support. Amend RSA 461-A:14, IV to read as follows:

IV. The amount of a child support obligation shall remain as stated in the order until the dependent child for whom support is ordered ~~[completes his or her high school education or reaches the age of 18 years, whichever is later, or]~~ marries, or becomes a member of the armed services, or is emancipated pursuant to an order of emancipation under RSA 461-B, ***or reaches the age of 18 years, unless the child is still a full-time student at a secondary or elementary school, charter school, or a home education program in conformity with RSA 193-a at the age of 18, then child support shall continue until the child graduates or until 2 months after the child reaches the age of 19, whichever is first,*** at which time the child support obligation, including all educational support obligations, ~~[terminates]~~ ***shall terminate*** without further legal action. If the parties have a child with disabilities, the court may initiate or continue the child support obligation after the child reaches the age of 18. No child support order for a child with disabilities which becomes effective after July 9, 2013 may continue after the child reaches age 21 ***or no longer qualifies as a child with a disability, as defined in RSA 186-C:2, I, who is receiving special education or special education and related services as identified by the child's school district.***

2 Effective Date. This act shall take effect January 1, 2025.

Amendment to HB 1288-FN

(2024-0332h)

Proposed by the Committee on Education-r

Amend RSA 188-J:2 as inserted by section 1 of the bill by replacing it with the following:

188-J:2 Definitions. In this chapter:

I. "Disciplinary proceeding" means an action or proceeding instituted against a student, student organization, or faculty member of a public institution of higher education that could result in the student or faculty member being suspended, expelled, or terminated, or result in a student organization being deprived, either temporarily or permanently, of any of the rights or privileges accorded to other student organizations duly recognized or approved by the institution.

II. "Criminal allegation" means any allegation of wrongdoing of a nature that would constitute a criminal offense under New Hampshire law, regardless of whether such an offense also constitutes a breach of rules promulgated by the institution of higher education.

III. "Faculty member" means a full- or part-time member of the faculty of a public institution of higher education.

IV. "Public institution of higher education" means a post-secondary institution of higher education publicly funded by the state of New Hampshire, including all component colleges and universities of the university system of New Hampshire and all component colleges of the community college system of New Hampshire.

V. "Student" means a person who is enrolled either full- or part-time in a course of study at a public institution of higher education.

VI. "Student organization" means an organization or group of students who share similar interests or activities and which is recognized or approved by, or has sought recognition or approval from, a public institution of higher education which remains in the process of adjudication or appeal.

Amend RSA 188-J:3, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The right against self-incrimination, and that invocation of this right may not afford a basis for the decision-maker to draw an adverse inference against the person who does so.

Amend RSA 188-J:3 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. In matters concerning a criminal allegation brought before any New Hampshire court, the findings of any postsecondary institution disciplinary proceeding shall not be admissible as evidence. Where criminal charges have been brought against any student, or where a protective order exists, a postsecondary institution may not proceed with its own disciplinary proceedings based on the same allegations until such a time that the criminal charges have been adjudicated by the courts. During such a period while criminal charges are in adjudication by the courts, or a protective order is in place, temporary disciplinary actions may be taken by the college pending final resolution of the criminal proceedings.

**Amendment to HB 1293-FN
(2024-0494h)**

Proposed by the Committee on Environment and Agriculture—c

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

AN ACT relative to the use of certain fertilizers on turf.

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

1 Definitions; Soil and Plant Additives; Fertilizers. RSA 431:3 is repealed and reenacted to read as follows:
431:3 Definitions. In this subdivision:

I. "Available nitrogen" means water soluble nitrogen in either ammoniacal, urea, or nitrate form that does not have either slow or controlled release properties.

II. "Available phosphate" means the sum of the water soluble and the citrate soluble phosphate.

III. "Brand" means a term, design, or trademark used in connection with one or several grades of fertilizer.

IV. "Bulk fertilizer" means a fertilizer distributed in a non-packaged form.

V. "Commissioner" means the commissioner of agriculture, markets, and food or the commissioner's authorized agent.

VI. "Deficiency" means the amount of nutrient found by analysis less than that guaranteed which may result from a lack of nutrient ingredients or from lack of uniformity.

VII. "Department" means the department of agriculture, markets, and food of the state of New Hampshire.

VIII. "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend fertilizer, or to offer for sale, sell, barter, or otherwise supply fertilizer in this state.

IX. "Distributor" means any person who distributes.

X. "Enhanced efficiency fertilizer" means lawn fertilizer products with characteristics that allow increased plant uptake and reduce potential of nutrient losses to the environment when compared to an appropriate reference product.

XI. "Fertilizer" means any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and other products exempted by rule by the commissioner. "Fertilizer" shall not include any horticultural growing medium as defined in RSA 433-A:3, VI.

XII. "Fertilizer material" means a fertilizer which:

(a) Contains important quantities of no more than one of the following primary plant nutrients, nitrogen (N), phosphorous (P), and potassium (K); or

(b) Has 85 percent or more of its plant nutrient content present in the form of a single chemical compound; or

(c) Is derived from a plant or animal residue or byproduct or natural material deposit which has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

XIII. "Grade" means the percentage of total nitrogen, available phosphate, and soluble potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis, provided that:

(a) Specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphate, and soluble potash.

(b) Fertilizer materials, bone meal, manures, and similar materials may be guaranteed in fractional units.

XIV. "Guaranteed analysis" means the minimum percentage by weight of plant nutrients claimed to be present in a fertilizer.

XV. "Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.

XVI. "Investigational allowance" means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of fertilizer.

XVII. "Label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a fertilizer.

XVIII. "Labeling" means all written, printed, or graphic matter, upon or accompanying any fertilizer, or advertisements, brochures, posters, television, and radio announcements used in promoting the sale of such fertilizer.

XIX. "Low phosphate fertilizer" means fertilizer products intended for new or established urban turf or lawns, with available phosphate levels equal to or above 0.5 percent P₂O₅ and an application rate not to exceed 0.25 pounds P₂O₅ per 1000 square feet per application and 0.5 pounds P₂O₅ per 1000 square feet per year.

XX. "Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.

XXI. "Natural inorganic fertilizer" means a mineral nutrient source that exists in or is produced by nature and may be altered from its original state only by physical manipulation.

XXII. "Natural organic turf fertilizer" means materials derived from either plant or animal products containing one or more elements other than carbon, hydrogen, and oxygen which are essential for plant growth. These materials may be subject to biological degradation processes under normal conditions of aging, rainfall, sun-curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. These materials shall not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by manipulations such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting. These products may be supplemented with natural inorganic fertilizers not containing phosphorus.

XXIII. "New urban turf" means urban turf established less than 12 months.

XXIV. "No phosphate fertilizer" means fertilizer products with phosphate levels below 0.5 percent intended for established urban turf or lawns.

XXV. "Official sample" means any sample of fertilizer taken by the commissioner and designated as "official" by the commissioner.

XXVI. "Percent" or "percentage" means the percentage by weight.

XXVII. "Person" means any individual, firm, company, partnership, corporation, association, cooperative, business trust, or legal entity of any kind.

XXVIII. "Phosphorus deficiency" means soil test results from a laboratory indicating that additional phosphorus is needed for establishing or maintaining that lawn or turf.

XXIX. "Plant biostimulant" means a substance, microorganism, or mixture thereof, that, when applied to seeds, plants, the rhizosphere, soil or other growth media, acts to support a plant's natural nutrition processes independently of the plant biostimulant's nutrient content, improving nutrient availability, uptake or use efficiency, tolerance to abiotic stress, and consequent growth, development, quality, or yield. The commissioner may clarify the definition of plant biostimulant by rule in order to maintain consistency with United States Department of Agriculture requirements.

XXX. "Primary nutrient" means nitrogen, available phosphate, and soluble potash.

XXXI. "Registrant" means the person who registers fertilizer under the provisions of this subdivision.

XXXII. "Specialty fertilizer" means a fertilizer distributed for non-farm use.

XXXIII. "Ton" means a net weight of 2,000 pounds avoirdupois.

XXXIV. "Turf" or "lawn" means non-agricultural land planted in closely mowed, managed grasses except golf courses, parks, athletic fields, and sod farms.

XXXV. "Turf fertilizer" means no-phosphate or low phosphate fertilizer intended for urban turf or lawns

XXXVI. "Urban Turf or Lawns" means non-agricultural land planted in closely mowed, managed grasses except golf courses, parks, and athletic fields.

XXXVII. "Water" means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface water, artificial or natural, that are contained within, flow through, or border upon the state or any portion of it.

2 Nitrogen Content of Turf Fertilizer. Amend RSA 431:4-a to read as follows:

431:4-a Nitrogen Content of *Turf* Fertilizer.

I. No turf fertilizer sold at retail shall exceed ***an application rate of 0.7 pounds per 1,000 square feet of soluble nitrogen per application*** [~~when applied according to the instructions on the label~~].

II. No turf fertilizer sold at retail shall exceed ***an application rate of 0.9 pounds per 1,000 square feet of total nitrogen per application*** [~~when applied according to the instructions on the label~~].

III. No turf fertilizer shall exceed an annual application ***rate*** of 3.25 pounds per 1,000 square feet of total nitrogen when applied [~~according to the instructions on the label~~].

IV. No enhanced efficiency fertilizer shall exceed a single application rate of 2.5 pounds per 1,000 square feet of total nitrogen and an annual application rate of 3.25 pounds per 1,000 square feet of total nitrogen nor release at greater than 0.7 pounds per 1,000 square feet per month [~~when applied according to the instructions on the label~~].

3 Phosphorus Content of Turf Fertilizer. Amend RSA 431:4-b to read as follows:

431:4-b Phosphorus Content of *Turf* Fertilizer.

I. No ***no-phosphate*** fertilizer sold at retail [~~that is intended~~] for use on turf shall [~~exceed a content level of 0.67% available phosphate unless specifically labeled for establishing new lawns, for repairing a lawn, for seeding, or for use when a soil test indicates a phosphorus deficiency~~] ***have an available phosphate level in excess of 0.5 percent***.

II. No **turf** fertilizer sold at retail that is intended for use on newly established or repaired lawns, or for lawns testing deficient in phosphorus shall exceed an application rate of ~~one pound per 1,000 square feet annually of available phosphate~~ **0.25 pounds P2O5 per 1,000 square feet per application and 0.5 pounds P2O5 per 1,000 square feet per year.**

III. No natural organic turf fertilizer shall exceed a per application rate of one pound of available phosphate per 1,000 square feet ~~[when applied according to the instructions on the label].~~

4 New Section; Application of Fertilizer to Urban Turf and Lawn. Amend RSA 431 by inserting after section 4-d the following new sections:

431:4-e Application of Fertilizer to Urban Turf and Lawn.

I. The provisions of this paragraph relative to the application of fertilizer to urban turf and lawn shall not apply to golf courses and sod farms operating in accordance with best management practices for chemical fertilizers published by the department.

II. Only fertilizer products approved as a turf fertilizer in accordance with RSA 431:4-a and RSA 431:4-b shall be applied to urban turf or lawn.

III. No fertilizer shall be applied to urban turf or lawn during heavy rain (equal to or greater than 2 inches in 24 hours) or when heavy rain is predicted. No fertilizer shall be applied to urban turf or lawn when the ground is frozen. No fertilizer shall be applied to turf when turf grass is not actively growing.

IV. No fertilizer shall be applied to impervious surfaces as defined in RSA 431:3. Fertilizer inadvertently released on an impervious surface shall be immediately collected for legal application to a target area or disposal.

V. No fertilizer shall be applied to urban turf or lawn within 25 feet of a storm drain. No fertilizer shall be deposited where it can enter a storm drain.

VI. No fertilizer shall be applied within 25 feet of waters as defined in RSA 431:3.

VII. Restrictions relative to the application of turf fertilizers sold at retail fertilizer shall apply to all persons including licensed commercial, certified applicators unless otherwise noted.

431:4-f Public Education Regarding Application of Fertilizer to Urban Turf and Lawns.

I. If a retailer sells or offers for sale fertilizer to consumers, the retailer shall post in all retail locations where fertilizer is accessible to the consumer a clearly visible turf-information sign as designed by the department that is at least 8.5 inches by 11 inches in size informing the consumer about the environmental threats of run-off and referencing New Hampshire laws relative to fertilizer application.

II. The department shall design the turf fertilizer information sign and make it available on-line to retailers in the form of a PDF or other digital document.

III. The signs shall contain information about the environmental threats posed by nutrient run-off into water bodies and the restrictions on application of fertilizer to turf and lawns in RSA 431:4-e.

5 Effective Date. This act shall take effect January 1, 2025.

Amendment to HB 1294-FN

(2024-0487h)

Proposed by the Committee on Environment and Agriculture—c

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

AN ACT establishing a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

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

1 Committee Established. There is established a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall review RSA 426 and RSA 434 and assess the following:

I. Would having the department of environmental services assume National Pollutant Discharge Elimination System (NPDES) permitting authority help municipalities better meet the requirements of the Clean Water Act?

II. How can the state help municipalities acquire more funding to meet Clean Water Act NPDES requirements?

Would enabling legislation for regional sewage management programs help smaller municipalities meet Clean Water Act NPDES requirements?

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

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

2024-0487h

AMENDED ANALYSIS

This bill establishes a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

Amendment to HB 1303-FN

(2024-0548h)

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

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

1 Estate of Tekeste Behanu; Appropriation of Funds Escheated to the State of New Hampshire. All proceeds escheated to the general fund of the state of New Hampshire from the estate of Tekeste Behanu, formerly of Nashua, shall be appropriated in equal shares, one-third to Ascentria Care Alliance of New Hampshire, one-third to the International Institute of New England of Manchester, New Hampshire and one-third to the Roca Kidz Club of Manchester, New Hampshire, to support work of those agencies in the resettlement of refugee children.

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

2024-0548h

AMENDED ANALYSIS

This bill appropriates one third each of the proceeds escheated from the estate of Tekeste Behanu to the state of New Hampshire to the International Institute of New England, Ascentria Care Alliance, and Roca Kidz Club.

Amendment to HB 1307-FN

(2024-0510h)

Proposed by the Committee on Executive Departments and Administration-r

Amend subparagraph I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The annual retirement allowance of the member on June 30, 2023 was not greater than \$50,000.

Amendment to HB 1339-FN

(2024-0605h)

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

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

AN ACT relative to background checks during motions to return firearms and ammunition.

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

1 New Section; Criminal Background Checks; Motions for the Return of Firearms and Ammunition. Amend RSA 159-D by inserting after section 3 the following new section:

159-D:4 Motions for the Return of Firearms and Ammunition.

I. In any matter pending before a court in New Hampshire where firearms and/or ammunition have been seized or removed from an individual in connection with a restraining order issued under RSA 173-B or RSA 633:3-a, an order pertaining to a criminal proceeding such as a bail order, or any other order issued pursuant to the statutory or equitable authority of a court, the individual whose firearms and/or ammunition property has been seized or removed shall be entitled to the prompt return of his or her property upon the termination or expiration of the relevant order, unless such individual is explicitly prohibited from receiving said property by state or federal statute.

II. A court shall not be required to request, conduct, or receive the results of a background check prior to returning firearm property to its owner. Should any New Hampshire court require, at its discretion, that a background check be conducted on an individual prior to the return of his or her firearm property, the following conditions shall apply:

(a) Upon receipt of a motion or other request for the return of firearms, whether written or oral, the court shall request a National Instant Criminal Background Check System (NICS) check with the New Hampshire department of safety within 2 business days.

(b) The department of safety shall initiate a NICS check and shall provide a conclusive response to the court within 10 business days of receiving the court's request stating either "proceed" or "deny." A "deny" response shall only be provided if the NICS check depicts that the individual is clearly prohibited from possessing a firearm pursuant to state or federal law. If the NICS check is inconclusive and the department of safety cannot explicitly demonstrate that the individual is prohibited from possessing a firearm within 10 business days of the court's request, the department of safety may provide a "proceed" response to the requesting court.

(c) If the department of safety issues a "deny" response, it must provide a specific citation to statute, such as one of the prohibited categories included in 18 USC §922(g), and a narration of the specific facts relied upon for finding that the individual is prohibited from possessing a firearm. The narration supporting a "deny" response shall be held in a confidential record with the court and only accessible to court staff, the individual seeking the return of firearms, and his or her designated legal counsel.

(d) Should the court receive a "deny" response from the department of safety, the individual seeking the return of firearms property shall be promptly notified and may, within 10 business days of receiving notice, request that the court hold a hearing on the matter. Any such hearing shall be scheduled within 10 business days of the court's receiving such a request. At the hearing, the department of safety shall attend and shall hold the burden to demonstrate, by clear and convincing evidence, that the individual seeking the return of firearms property is prohibited from receiving said property under state or federal law. Should the department of safety fail to attend or to meet its burden, the court shall order that the firearms property at issue be returned.

(e) Should any person seeking the return of firearms be aggrieved by an order made by the trial court pursuant to the department of safety's determination pursuant to subparagraph II(c), or the court's determination after conducting a hearing as set forth in subparagraph II(d), such person shall be entitled to appeal the court's decision within 30 days, and have his or her case heard by the New Hampshire supreme court. In any such case, a transcript of the proceedings and the trial court's record shall be transmitted to the supreme court in full, without any fee charged to the petitioner.

2 Effective Date. This act shall take effect January 1, 2025.

2024-0605h

AMENDED ANALYSIS

This bill provides a procedure for conducting a discretionary background check prior to the return of firearms and/or ammunition in a court proceeding.

Amendment to HB 1394-FN-A (2024-0399h)

Proposed by the Committee on Executive Departments and Administration—r

Amend the bill by replacing section 1 with the following:

1 New Chapter; Music Therapists. Amend RSA by inserting after chapter 326-M the following new chapter:

CHAPTER 326-N MUSIC THERAPISTS

326-N:1 Definitions. In this chapter:

I. "Board" means the music therapists governing board established in RSA 328-F.

II. "Board certified music therapist" means an individual who holds current board certification from the Certification Board for Music Therapists.

III. "Executive director" means the executive director of the office of professional licensure and certification.

IV. "Individualized music therapy treatment plan" means a music therapy treatment plan for a client that identifies the goals, objectives, and potential strategies for the music therapy services appropriate for the client using music therapy interventions, including:

- (a) Music improvisation;
- (b) Receptive music listening;
- (c) Songwriting;
- (d) Lyric discussion;
- (e) Music and imagery;
- (f) Music performance;
- (g) Learning through music; and
- (h) Movement to music.

V. "Music therapist" or "licensed professional music therapist" means a person licensed to practice music therapy pursuant to this chapter.

VI.(a) "Practice of music therapy" means the clinical and evidence-based use of music therapy interventions to accomplish individualized goals for individuals of all ages and ability levels within a therapeutic relationship.

(b) "Practice of music therapy" includes:

- (1) Accepting referrals for music therapy services from:
 - (A) Medical, developmental, mental health, or education professionals;
 - (B) Family members;
 - (C) Clients;
 - (D) Caregivers; or
 - (E) Others involved with the provision of and authorized to provide client services;
- (2) Collaborating with a client's treatment team to review the client's diagnosis, treatment needs, and treatment plan before providing music therapy services to a client for an identified clinical or developmental need;
- (3) Collaborating with the individualized family service plan team or individualized education program team to review the student's diagnosis, treatment needs, and treatment plan before providing music therapy services to a student for an identified educational need in a special education setting;
- (4) Collaborating with a client's treatment team, including the client's physician, psychologist, licensed clinical social worker, or other mental health professional, during the provision of music therapy services to the client;
- (5) Collaborating with and discussing the music therapy treatment plan with the audiologist or speech-language pathologist of a client with a communication disorder during the provision of music therapy services so that a music therapist may work with the client and address communication skills;
- (6) Conducting a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine the appropriate type of music therapy services to provide for the client;
- (7) Developing an individualized music therapy treatment plan for a client that is based on the music therapy assessment;
- (8) Implementing an individualized music therapy treatment plan that:
 - (A) Is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, or wellness care or educational services being provided to a client; and
 - (B) Does not replace the services provided by an audiologist or a speech-language pathologist;
- (9) Evaluating a client's response to music therapy and the individualized music therapy treatment plan, documenting change and progress, and suggesting modifications, as appropriate;
- (10) Developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with a client, the client's physician or another provider of health care or education for the client, an appropriate member of the client's family, and any other appropriate individual on whom the client relies for support;
- (11) Minimizing any barriers to ensure that a client receives music therapy services in the least restrictive environment;
- (12) Collaborating with and educating a client, the family or caregiver of the client, or any other appropriate individual about the needs of the client that are being addressed in music therapy and the manner in which the music therapy addresses those needs; and
- (13) Using appropriate knowledge and skills, including research, reasoning, and problem-solving skills, to inform practice and determine appropriate actions in the context of each specific clinical setting.

326-N:2 Prohibition on Unlicensed Practice; Professional Identification.

I. No person without a license as a music therapist shall use the title "music therapist" or similar title or practice music therapy.

II. Nothing in this chapter shall be construed to prohibit or restrict the practice, services, or activities of the following:

- (a) Any person licensed, certified, or regulated under the laws of this state in another profession or occupation or personnel supervised by a licensed professional in this state performing work, including the use of music, incidental to the practice of his or her licensed, certified, or regulated profession or occupation, if that person does not represent himself or herself as a music therapist; or
- (b) Any person whose training and national certification attests to the individual's preparation and ability to practice his or her certified profession or occupation, if that person does not represent himself or herself as a music therapist; or
- (c) Any practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program, if the student does not represent himself or herself as a music therapist; or
- (d) Any person who practices music therapy under the supervision of a licensed music therapist, if the person does not represent himself or herself as a music therapist.

III. An individual licensed under this chapter may not represent to the public that the individual is authorized to treat a communication disorder. Unless authorized to practice speech-language pathology, music therapists may not evaluate, examine, instruct, or counsel on speech language, communication, and swallowing disorders and conditions. Nothing in the section may be construed to prohibit an individual licensed under this chapter as a music therapist from representing to the public that the individual may work with a client who has a communication disorder and address communication skills.

326-N:3 Music Therapists Governing Board; Duties. In addition to the duties of a governing board under RSA 328-F:

I. The board may facilitate the development of materials to educate the public concerning music therapist licensure, the benefits of music therapy, and utilization of music therapy by individuals and in facilities or institutional settings.

II. The board may act as a facilitator of statewide dissemination of information between music therapists, the American Music Therapy Association or any successor organization, the Certification Board for Music Therapists or any successor organization, and the executive director.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 and 5 to read as 5 and 6, respectively:

4 New Subparagraph; Office of Professional Licensure and Certification; Definitions; Establishment. Amend RSA 310:2, II by inserting after subparagraph (bbb) the following new subparagraph:

(ccc) Governing board of music therapists established under RSA 328-F and 326-N.

Amendment to HB 1426-FN-A

(2024-0513h)

Proposed by the Committee on Election Law-r

Amend the introductory paragraph of RSA 662-B:3, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) A person who is eligible to serve as a member of the commission may submit an application to the secretary of state no later than December 1 of each year ending in the number zero. Such application shall include the following:

Amend RSA 662-B:7, II as inserted by section 1 of the bill by replacing it with the following:

II. If the amended map prepared under paragraph I is not approved by the legislature, then any registered voter may file a petition with the New Hampshire supreme court to appoint a special master to create a map based upon the criteria in RSA 662-B:6, which shall be the final map. Nothing in this section shall prevent a subsequent legislature from enacting another map to replace the map of the special master, provided that such subsequent map shall be adopted pursuant to the procedures set forth in this chapter.

Amendment to HB 1433-FN

(2024-0662h)

Proposed by the Committee on Executive Departments and Administration- c

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

AN ACT relative to the donation of archival records to the state and relative to classified positions in the secretary of state's office.

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

2 Secretary of State's Office; Archives and Records Management Division; Classified Positions.

I. The following vacant, classified positions in the archives and records management division of the secretary of state's office are hereby abolished at the close of business on September 30, 2024:

(a) SOC 43 band 1 stock clerk II (18097).

(b) SOC 43 band 1 stock clerk II (11358).

II. The following classified positions are hereby established in the archives and records management division of the secretary of state's office:

(a) SOC 43 band 2 stock clerk III.

(b) SOC 43 band 2 stock clerk III.

III. The governor is authorized to draw a warrant for the sum necessary to fund the stock clerk III positions referenced in paragraph II out of any money in the treasury not otherwise appropriated

3 Effective Date. This act shall take effect July 1, 2024.

2024-0662h

AMENDED ANALYSIS

This bill permits the secretary of state to accept historical records and objects and donations for their maintenance and provides updated staffing and funding. The bill also abolishes certain classified positions in the secretary of state's office and makes an appropriation to the department to fund certain additional positions in the archives and records management division.

Amendment to HB 1465-FN

(2024-0650h)

Proposed by the Majority of the Committee on Science, Technology and Energy-r

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

AN ACT relative to studies of nuclear energy technologies and renaming the office of offshore wind industry development.

Amend the bill by replacing section 2 with the following:

2 Conduct of Studies; Publication. RSA 162-B:3 is repealed and reenacted to read as follows:

162-B:3 Conduct of Studies; Publication.

I. The coordinator of nuclear development and regulatory activities established under RSA 162 B:4 shall have the duty to pursue continuing studies as to the need, if any, for changes in the laws and regulations administered by the departments and agencies of the state that would arise from the presence within the state of special nuclear materials and by-product materials and from the operation herein of production or utilization facilities, and, on the basis of such studies, to make such recommendations for the enactment of laws or amendments to laws in effect and such proposals for amendments to the regulations adopted under RSA 541-A as may appear necessary and appropriate. In pursuing these continuing studies, the coordinator of nuclear development and regulatory activities shall consult with following state departments and agencies:

(a) The department of health and human services, particularly as to hazards, if any, to the public health and safety.

(b) The department of labor, particularly as to hazardous working conditions, if any, the time and character of proof of claims of injuries and the extent of the compensation allowable therefor.

(c) The department of transportation, particularly as to the transportation of special nuclear materials and by-product materials on highways of the state.

(d) The public utilities commission and the department of energy, particularly as to the transportation of special nuclear materials and by-product materials by common carriers or public or private air carriers not in interstate commerce and as to the participation by public utilities subject to their jurisdiction in projects looking to the development of production or utilization facilities for industrial or commercial use.

(e) The department of insurance, particularly as to the insurance of persons and property from hazards to life and property resulting from atomic nuclear development.

(f) The council on resources and development, particularly as to the hazards, if any, to the natural resources of the state, including wildlife, and as to the protection, if necessary, of rivers, streams, and airspace from pollution.

(g) The department of business and economic affairs, particularly as to how matters relating to nuclear development may affect the overall economic well-being of the state.

(h) Such other departments and agencies including departments and agencies of political subdivisions of the state as the coordinator of nuclear development and regulatory activities, the commissioner or the department of energy or the governor may deem appropriate.

II. The coordinator of nuclear development and regulatory activities shall also examine the ongoing costs versus benefits of existing and proposed new nuclear developments in the state including, but not limited to, the impact on meeting projected energy requirements; any required upgrades that may be required to the existing transmission and distribution infrastructure; how the development of additional nuclear production capacity may affect electricity reliability; and what impact additional capacity may have on seasonal fluctuations in electricity prices.

III. The department of energy shall publish a public report, prepared by the coordinator of nuclear development and regulatory activities, at least once every three years beginning with a report due not later than December 1, 2025.

Amend the bill by replacing section 4 with the following:

4 Coordination of Studies; Commission of Energy. RSA 162-B:4 is repealed and reenacted to read as follows:

162-B:4 Coordination of Studies and Development Activities; Position Established.

I. The commissioner of the department of energy or a designee from within the department shall be the senior adviser to the governor with respect to the development and regulatory activities of the state government relating to the industrial and commercial uses of nuclear energy; and as deputy of the governor in matters relating to nuclear energy, including participation in the activities of any committee formed by the New England states to represent their interest in such matters and also cooperation with other states and with the government of the United States.

II. To assist the commissioner of the department of energy in his or her role as senior adviser to the governor with respect to the development and regulatory activities of the state government relating to the industrial and commercial uses of nuclear energy, the position of coordinator of nuclear development and regulatory activities is established in the department of energy, office of energy innovation.

III. The coordinator of nuclear development and regulatory activities shall have the duty to coordinate and produce the reports required by RSA 162-B:3, as well as coordinate the studies conducted, and the recommendations and proposals made, in this state with like activities in New England and other states and with the policies and regulations of the United States Nuclear Regulatory Commission.

IV. All departments and agencies of the state government are directed to keep the coordinator of nuclear development and regulatory activities fully and currently informed as to their activities relating to nuclear energy. No administrative rule or amendment to a rule applying specifically to a nuclear energy matter shall be adopted under RSA 541-A until it has been submitted to the coordinator, unless the governor declares it an emergency need.

V. The coordinator of nuclear development and regulatory activities shall keep the commissioner of the department of energy, the governor and council and the several interested departments and agencies informed at least biennially as to private and public activities affecting nuclear industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety and general welfare of this state.

Amend the bill by replacing all after section 5 with the following:

6 Office of Offshore Wind Industry Development. Amend the subdivision heading preceding RSA 12-O:51 to read as follows:

Office of ~~[Offshore Wind Industry Development]~~ **Energy Innovation**

7 Offshore Wind Industry Workforce Training Center Committee. Amend RSA 12-O:51-a, I(k) to read as follows:

(k) The director of the office of ~~[offshore wind industry development]~~ **energy innovation** under RSA 12-P:7-b.

8 Office of Offshore Wind Industry Development. Amend the section heading of RSA 12-P:7-b to read as follows:

12-P:7-b Office of ~~[Offshore Wind Industry Development]~~ **Energy Innovation** Established.

9 Office of Offshore Wind Industry Development Established. Amend RSA 12-P:7-b, I to read as follows:

I. There is established in the department of energy the office of ~~[offshore wind industry development]~~ **energy innovation**. The office shall be under the supervision of a classified director of the office of ~~[offshore wind industry development]~~ **energy innovation**, who shall serve under the supervision of the commissioner. The director shall provide administrative oversight and ensure that the responsibilities of the office described in this section are fulfilled.

10 Office of Offshore Wind Industry Development Established. Amend introductory paragraph RSA 12-P:7-b, II to read as follows:

II. The office of ~~[offshore wind industry development]~~ **energy innovation** shall:

11 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing special fund shall be continually appropriated to the department of energy to be expended in accordance with this section; provided that at the start of the period in which there is no adopted state operating budget, the department of energy shall in a timely manner seek the approval of the fiscal committee of the general court to continue using moneys from the renewable energy fund to support renewable energy rebate and grant programs in order to ensure there are no interruptions to the programs. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. Any remaining moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the department of energy to support thermal and electrical renewable energy initiatives and offshore wind initiatives, including the office of ~~[offshore wind industry development]~~ **energy innovation**. Class II moneys shall primarily be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the department of energy as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the department of energy due to the inclusion of useful thermal energy in class I production.

12 Offshore Wind and Port Development; Commission Established. Amend RSA 374-F:10, VI to read as follows:

VI. The commission shall receive staff support and other services, including research and facilities assessments, from the department of energy, office of ~~[offshore wind industry development]~~ **energy innovation** established in RSA 12-P:7-b.

13 Effective Date. This act shall take effect June 30, 2025.

2024-0650h

AMENDED ANALYSIS

This bill requires the department of energy to coordinate the continuing studies by various state agencies on the uses and development of nuclear energy, including advanced nuclear reactors, and wind energy. This bill renames the office of offshore wind industry development to the office of energy innovation.

**Amendment to HB 1466-FN
(2024-0528h)**

Proposed by the Committee on Executive Departments and Administration–r

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

1 Purpose. The purpose of the emergency response and recovery fund is to provide immediate liquidity for towns suffering a disaster to allow time for the town to go through the steps necessary to petition for state or federal emergency funds. It is the intent that this grant would be reimbursable from state or federal or disaster relief programs.

2 Emergency Management Powers; Governor; Disaster Declaration. Amend RSA 4:47, III to read as follows:

III. The power to make, amend, suspend, and rescind necessary orders, rules, and regulations to carry out the provisions of this subdivision in the event of a disaster beyond local control; provided that civil liberties shall on no account be suspended, nor shall the United States Constitution or the New Hampshire Constitution be suspended. ***The governor may declare a disaster in the event of a natural disaster or severe weather event in one or more municipalities.***

3 New Section; Homeland Security and Emergency Management; Municipal Road and Bridge Disaster Relief Funding. Amend RSA 21-P by inserting after section 37-d the following new section:

21-P:37-e Disaster Relief Procedures.

A municipality may request infrastructural disaster relief more than once in a calendar year, but shall not receive more than \$100,000 in grant money in a calendar year. Requests shall be filed with the joint legislative fiscal committee within 45 days after the governor's declaration. Moneys shall be distributed from the New Hampshire disaster relief fund established in RSA 21-P:46-a. The joint legislative fiscal committee may decide to appropriate a lesser amount to the request based on available funding.

4 Emergency Response and Recovery Fund; Disaster. Amend RSA 21-P:46 to read as follows:

21-P:46 New Hampshire Emergency Response and Recovery Fund. There is hereby established a New Hampshire emergency response and recovery fund. The fund shall provide a source for the matching funds required as a commitment to secure federal emergency management agency relief assistance grants for costs incurred in disasters declared by the president of the United States. ***The fund shall also provide a source for emergency funds to be dispersed to municipalities that have incurred damage from natural disasters.*** The fund shall be nonlapsing and continually appropriated to the department of safety.

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

**Amendment to HB 1468-FN-A
(2024-0530h)**

Proposed by the Committee on Public Works and Highways– r

Amend the bill by replacing section 1 with the following:

1 Conway Branch Planning Group. The department of transportation, bureau of rail and transit, and the bureau of trails shall jointly meet, in consultation with the executive councilor from district 1, a member of the house public works highway committee, a member of the senate capital budget committee, a selectman or their appointed agents from the towns of Ossipee and Madison, and a representative from the New Hampshire Northcoast railroad, to formulate a plan for the best public use of a portion of the so-called "Conway Branch" between rail crossing in Center Ossipee/Moultonville Road to the rail crossing at Route 113 in Madison and to explore the feasibility of snowmobiling, walking, and biking on the existing rail corridor. The rail division shall explore the costs and income related to the removal of the rail and ties where necessary to provide a level and safe surface for recreational activity on the existing trackbed. The group shall explore funding any trail improvements from private donations, grants and/or from the sale of the existing steel rails. The 2 bureaus shall meet with this working group no less than 3 times before December 30, 2024, and issue their joint findings and recommendations to the public on or before January 2, 2025, with copies to the governor and executive council, the speaker of the house, the president of the senate, and the towns of Ossipee and Madison.

2024-0530h

AMENDED ANALYSIS

This bill directs the department of transportation to meet with other state and local entities to form a plan for the best use of the Conway Branch rail corridor.

**Amendment to HB 1472-FN
(2024-0506h)**

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

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

1 Regional Greenhouse Gas Initiative; Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O:23, II to read as follows:

II. [AM] *From amounts received in excess of the threshold price of \$1 for any allowance sale, \$1,500,000.00 shall be transferred to the department of revenue administration for the fiscal year ending June 30, 2026, and \$1,500,000.00 shall be transferred for the fiscal year ending June 30, 2027 for use as provided in paragraph II-a, and all other such amounts received shall be rebated to all retail electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.*

II-a. The department of revenue administration shall develop and implement a so-called “cash on the hood” program for point-of-sale electric vehicle rebates to buyers. The program shall initially be a 2-year pilot program ending June 30, 2027.

2 New Section; Multiple Pollutant Reduction Program; Electric Cars; Rulemaking. Amend RSA 125-O by inserting after section 125-O:23 the following new section:

125-O:23-a Electric Car Rebate Pilot Program; Rulemaking.

In order to implement the pilot program established under RSA 125-O:23, II-a, the commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Eligible Vehicles. New or used battery electric vehicles (BEV) and plug-in hybrid electric vehicles (PHEV) purchased from a licensed New Hampshire dealership by a New Hampshire resident with a price of no more than the amounts listed below, where the price is defined as total MSRP or “sticker price,” including options and accessories, minus destination or delivery charges, and excluding all other discounts, deductions, credits or rebates: \$80,000 for pickup trucks, sport utility vehicles (SUV) or commercial vans, \$50,000 for all other eligible vehicles.

II. Incentive Amounts. For new and used eligible vehicles the incentive amounts shall be \$2,000 for a battery electric vehicle (BEV) and \$1,000 for a plug-in hybrid electric vehicle.

III. Individual New Participant Eligibility. Only one incentive payment per vehicle per calendar year is available to New Hampshire residents that must be at least 18 years of age, with a current, valid New Hampshire driver’s license. A temporary license is acceptable. The participant must have a modified adjusted gross income as reflected on their most recent federal income tax return of \$150,000 for married couples filing jointly, \$112,500 for heads of households, and \$75,000 for all other filers.

IV. Program Administration:

(a) Upon the purchase or lease of eligible vehicles by an eligible participant the dealership shall confirm the vehicle eligibility and provide them with the necessary paperwork to either apply for and receive a rebate themselves or transfer that rebate directly to the dealership.

(b) An online portal shall be made available for participants and dealerships to facilitate the request and transfer of the rebate within 72 hours after the request is processed.

(c) Any taxpayer deemed ineligible shall be held responsible for reimbursement to the state.

V. Reporting. The department shall submit to the speaker of the house, president of the senate and chairperson and ranking minority member of the house science, technology and energy and senate energy and natural resources committees a detailed report indicating the results of the pilot program including, but not limited to what portion of the allocated funds were applied to offset administrative costs incurred by the department.

3 Repeal. RSA 125-O:23-a, relative to rulemaking for the electric car rebate pilot program, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2027.

II. The remainder of this act shall take effect July 1, 2025.

Amendment to HB 1522-FN (2024-0561h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services–r

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

1 Unemployment Compensation; Weekly Benefit Amount; Maximum Total Amount of Benefits. RSA 282-A:25 is repealed and reenacted to read as follows:

282-A:25 Weekly Benefit Amount for Total Unemployment and Maximum Total Amount of Benefits Payable During any Benefit Year. The maximum weekly benefit amount and maximum benefits payable to an eligible individual, the first day of whose individual benefit year is on or after the effective date of this paragraph, shall be determined by the individual’s annual earnings, of which in each of 2 calendar quarters the individual must have earned not less than \$1,400, as follows:

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
\$2800	\$32	\$840
3100	35	910
3400	39	1020
3900	45	1170
4200	48	1260

4500	52	1350
4800	55	1400
5100	59	1530
5600	64	1664
6100	69	1794
6600	75	1950
7000	80	2080
7400	83	2158
7800	88	2288
8200	92	2392
8600	96	2496
9000	101	2626
9500	106	2756
10000	112	2912
10500	117	3042
11000	122	3172
11500	128	3328
12500	141	3666
13500	154	4004
14500	164	4264
15500	177	4602
16500	183	4758
17500	194	5044
18500	205	5330
19500	216	5616
20500	230	5980
21500	238	6188
22500	249	6474
23500	262	6812
24500	271	7046
25500	283	7358
26500	294	7644
27500	306	7956
28500	317	8242
29500	327	8502
30500	341	8866
31500	351	9126
32500	360	9360
33500	372	9672
34500	383	9958
35500	395	10270
36500	410	10660
37500	415	10790
38500	427	11102
39500	443	11518
40500	449	11674
41500	460	11960

2 New Section; Weekly Benefit Amount. Amend RSA 282-A by inserting after section 282-A:25 the following new section:

282-A:25-a Weekly Benefit Amount.

I. In addition to RSA 281-A:25, effective January 1, 2025 the maximum weekly benefit amount and maximum benefits payable to an eligible individual, the first day of whose individual benefit year is on or after the effective date of this paragraph, shall be determined by the individual's annual earnings, of which in each of 2 calendar quarters the individual must have earned not less than \$1,400, as follows:

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
\$42500	\$471	\$12246
43500	482	12532
44500	499	12974
45500	505	13130

46500	516	13416
47500	532	13832
48500	537	13962

II. In addition to RSA 281-A:25, and RSA 281-A:25-a, I, effective January 1, 2026 the maximum weekly benefit amount and maximum benefits payable to an eligible individual, the first day of whose individual benefit year is on or after the effective date of this paragraph, shall be determined by the individual's annual earnings, of which in each of 2 calendar quarters the individual must have earned not less than \$1,400, as follows:

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
\$49500	\$556	\$14456
50500	568	14768
51500	570	14820
52500	582	15132
53500	600	15600
54500	610	15860

III. In addition to RSA 281-A:25, and RSA 281-A:25-a, I, and II, effective January 1, 2027 the maximum weekly benefit amount and maximum benefits payable to an eligible individual, the first day of whose individual benefit year is on or after the effective date of this paragraph, shall be determined by the individual's annual earnings, of which in each of 2 calendar quarters the individual must have earned not less than \$1,400, as follows:

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
\$55500	\$623	\$16198
56500	625	16250
57500	639	16614
58500	650	16900
59500	659	17134
60000	672	17472

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

2024-0561h

AMENDED ANALYSIS

This bill updates the weekly unemployment benefit amount for total unemployment and maximum total amount of benefits payable with effective dates through January 1, 2027.

Amendment to HB 1565-FN (2024-0473h)

Proposed by the Committee on Environment and Agriculture–c

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

AN ACT relative to the definition of potentially hazardous food.

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

1 Homestead Food License Required; Potentially Hazardous Food; Definition. Amend RSA 143-A:12, I(b) to read as follows:

(b) "Potentially hazardous food" means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also include ~~[processed acidified and]~~ low acid canned foods.

2 Effective Date. This act shall take effect.

2024-0473h

AMENDED ANALYSIS

This bill removes "processed acidified" food from the definition of potentially hazardous food.

Amendment to HB 1573-FN (2024-0427h)

Proposed by the Committee on Children and Family Law–r

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

1 Statement of Purpose and Findings. The general court makes the following findings regarding children in state care:

I. Children in the care of the state have fundamental rights, as recognized by RSA 170-G:21.

II. When a child is placed under the care and custody of the state, it is the responsibility of the state to ensure that a child receives appropriate housing, nutrition, medical and mental health care, education, and basic standards of care.

III. Children who are removed from their homes must be placed in the least restrictive alternate setting. When removal and placement cannot be avoided, the disruption that the child may experience is minimized, and emotional trauma may be reduced, by placing the child in the most familiar, least restrictive setting. The first alternative considered is placement with a relative or a close friend, "kin" or "fictive kin", to offer the child some degree of familiarity and continuity. When placement with a relative or a family friend is not possible, the least restrictive placement of choice is placement in a licensed foster home.

IV. Residential facilities are appropriate only for children who cannot safely receive the clinically appropriate treatment in their own home or a community-based alternative, and who may have difficulties in school and in the community. Residential facilities are congregate care placements, are considered the most restrictive settings for receiving treatment, and are generally not appropriate for children under 12 years of age. Therefore, placement in a residential setting is used only as a last alternative for children age 12 and older. Special consideration will be given to children under age 12, if deemed clinically appropriate due to a therapeutic or medical necessity.

V. Placing children in facilities must be viewed as a time-limited and only for the purpose of treatment and services. The purpose is to stabilize the child's behaviors, provide treatment and to prepare him or her for a less restrictive setting. The goal is to facilitate family/caregiver integration or another plan consistent with the agency's policy of permanency planning.

VI. To best meet the needs of the children placed in a residential setting, the department of health and human services (DHHS), in coordination with the office of child advocate (OCA), will expand and enhance certification requirements. In addition to certification, DHHS and OCA will coordinate to improve caseworker visits with children placed by the state in a residential setting. To allow for the expansion of these services to be implemented in a thoughtful and detailed manner that meets the requirements of both DHHS and OCA, the appropriation effective date will allow for time to establish the program through hiring and training, with the remaining sections effective 6 months later. DHHS and OCA will continue this coordination through regular meetings and coordinated visits.

2 Residential Care and Child-Placing Agency Licensing; Deemed Licensed. Amend RSA 170-E:31-a to read as follows:

170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as amended, shall submit a completed license application or renewal application. Such child care institutions and child care agencies defined as group homes, specialized care, or homeless youth programs, shall be deemed licensed under this subdivision ~~[and shall be exempt from inspections carried out under RSA 170-E:31, IV]~~. This section shall only apply to the activities or portions of the facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as amended. ***Any child care institution or child care agency deemed licensed under this section shall be subject to the monitoring and oversight requirements of this chapter, RSA 169-F, and RSA 170-G:4, XVIII.***

3 New Section; Residential Treatment Programs. Amend RSA 170-E by inserting after section 31-a the following new section:

170-E:31-b Residential Treatment Programs; Certification Required.

I. No child shall be placed by the department in a residential treatment program, including a qualified residential treatment program or psychiatric residential treatment program, unless the program has been licensed or certified by the department. Any out-of-state program not certified by the department shall not be eligible to receive state funds or federal funds disbursed by the state of New Hampshire.

II. The department shall assess and certify every in-state and out-of-state program including qualified residential treatment program or psychiatric residential treatment program prior to entering into an agreement for payment, and prior to the placement of any child in that facility. To be licensed or certified by the department, the program shall demonstrate compliance with staff training and program requirements and offer an appropriate therapeutic milieu and culture-centered in trauma-informed care, in accordance with standards adopted by the department, in consultation of the office of the child advocate.

III. The department shall make monitoring visits, in-state and out-of-state, at least quarterly, as well as periodic unannounced visits no fewer than once per year, to all facilities where New Hampshire children are placed by the state in residential treatment. Clear and comprehensive records shall be maintained by the department on each facility showing the dates and findings of each visit. Such records shall be made available to the facility. If the facility is found not to be in compliance either with the statute or rules adopted by the commissioner, a corrective action plan shall be submitted to the department. Failure to submit an acceptable plan shall result in revocation of certification and/or removal of the child.

IV. No placement outside of New England shall be made on or after the effective date of this section. The department shall make every effort to ensure that any child placed outside New England on the effective date of this section is transferred to an appropriate placement in this state or in New England on or before January 1, 2025.

4 New Sections; Out-of-Home Placements; Oversight. Amend RSA 169-F by inserting after section 4 the following new sections:

169-F:5 Oversight of Children in Care; Department Responsibilities.

I. Any child in a court-ordered placement or placement for an episode of treatment by the department shall be seen in-person on at least a monthly basis, by the case worker assigned to that child's case. In the event the assigned case worker is not available, another case worker or supervisor familiar with the child and/or case may perform the visit. The visit to the child shall include a private meeting with the child, in a safe place, as well as an in-person tour of the child's living quarters. The monthly contact shall also include contact with the child's placement provider, therapeutic providers, and educational providers, preferably in real-time, but at least by written correspondence. For any child placed in a residential placement by the department, these visits shall include a tour of the entire facility; discussions with leadership about program culture and therapeutic programming; discussions with program direct care staff; discussions with the clinical director and/or the child's therapeutic provider about the program culture, therapeutic programming, and the child's individual progress, strengths and challenges in the program; as well as the individual check-in with the children to inquire about care received.

II. The department shall develop, in consultation with the office of child advocate, a standard operating procedure and form for monthly visits conducted by the department, including a section for the assessment of certified residential placement facilities, to be completed during each monthly in-person visit.

169-F:6 Court Oversight of Children in Residential Treatment Programs.

I. Prior to placing a child in qualified residential treatment programs or psychiatric residential treatment programs, the court shall:

(a) Consider all assessments and plans for the child, including assessment of whether a qualified residential treatment program is the most appropriate and the least restrictive placement for the child, and any child-specific short- and long-term goals for the child and the family.

(b) Ensure that the assessment specifies in writing:

(1) Why the child's needs cannot be met in a foster family home, not dependent upon availability of community resources;

(2) Why recommended placement in a qualified residential treatment program is the setting that will provide the child with the appropriate level of care in the least restrictive environment; and

(3) How that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

(c) Determine that the needs of the child cannot be met through placement with a parent, legal guardian, legal custodian, kin or fictive kin caregiver, or in a foster care home; and that placement of the child in a qualified residential treatment program provides the appropriate level of care for the child in the least restrictive environment, and that placement is consistent with the short- and long-term goals, including mental, behavioral, and physical health goals, for the child as specified in the permanency plan for the child, or as outlined in the family services plan. A shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home.

(d) Review information relating to the facility, including staff-to-child ratio; staff training; program culture; therapeutic, clinical and milieu programming; educational programming; recreational programming; and, family connections, in order to ensure the program meets the child-specific short- and long-term goals for the child and the family.

(e) Approve or disapprove of the placement, in a written order, containing all of the necessary findings provided in this section.

II. In determining that a qualified residential treatment program is appropriate, the court shall consider any available assessments and plans, giving the greatest weight to assessments completed by a licensed psychologist or licensed neuropsychologist. If the court deviates from such recommendation, the court shall make specific findings of fact regarding the appropriate and least restrictive placement for the child, and that the placement is consistent with child-specific short and long-term goals for the child and the family. When making such findings of fact, the court shall consider all relevant information, including, but not limited to:

(a) Whether the protocol for the qualified residential treatment program assessment was followed;

(b) The strengths and specific treatment or service needs of the child and the family;

(c) The expected length of stay; and

(d) The placement preference of the child and the family.

III. When a child is placed in a qualified residential treatment program or psychiatric residential treatment program:

(a) The department shall notify the court promptly of such placement.

(b)(1) The court shall review the placement of that child within 60 days after placement and every 60 days thereafter; or

(2) If the child or the child's representative does not support the qualified residential treatment program level of care or the child, guardian ad litem, or any party objects to the placement, the court shall review the placement within 30 days, and every 30 days thereafter.

IV. As long as a child remains in a qualified residential treatment program, the department shall submit evidence to the court and all parties, at least 5 days prior to every regular review hearing:

(a) Demonstrating that:

(1) Ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement with a parent, legal guardian, legal custodian, kin or fictive kin caregiver, or in a foster family home;

(2) The placement in a qualified residential treatment program provides the appropriate level of care for the child in the least restrictive environment; and

(3) The placement is consistent with the short- and long-term goals for the child as specified in the permanency plan for the child, or as outlined in the family services plan.

(b) Documenting:

(1) The specific treatment or service needs that will be met for the child in the placement;

(2) The length of time the child is expected to need treatment or services; and

(3) The efforts made by the department to prepare the child and prospective placement for the child's home or to be placed with a fit and willing kin or fictive kin caregiver, a legal guardian, legal custodian, or an adoptive parent, or in a foster family.

5 Reallocation of Monies Saved. Any monies saved by the department of health and human services, including the division for children, youth and families and the bureau of children's behavioral health, in preventing the out-of-home placement of children pursuant to this act shall be used by the department to provide services pursuant to RSA 135-F, the system of care for children's mental health, and any other community-based intervention services.

6 Classified Positions Established; Facility Certification Team.

I. The following classified positions are established in the department of health and human services to support a facility certification team:

(a) Four program specialist III (labor grade 23, step 5).

(b) Four program specialist IV (labor grade 25, step 5).

II. The sum of \$773,333 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding the positions established in paragraph I. In addition to the appropriation and notwithstanding RSA 14:30-a, the department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for the general fund portion of said sum out of any money in the treasury not otherwise appropriated.

7 Classified Positions Established; Youth Visits.

I. The following classified positions are established in the department of health and human services to support the out of state placement of youth:

(a) Four child protective service worker II (labor grade 20, step 5).

(b) Eighteen child protective service worker II (labor grade 18, step 5).

II. The sum of \$1,635,416 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding the positions established in paragraph I. In addition to the appropriation and notwithstanding RSA 14:30-a, the department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for the general fund portion of said sum out of any money in the treasury not otherwise appropriated.

8 Appropriations; Department of Health and Human Services; Facility Certification Travel Costs and Youth Visit Travel Costs.

I. The sum of \$862,083 for the fiscal year ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of paying for travel costs for facility oversight and certification in order to support implementing the provisions of this act. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The sum of \$826,666 for the fiscal year ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of paying for travel costs for youth visits in order to support implementing the provisions of this act. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Report. The department of health and human services, in consultation with the office of child advocate, shall provide an interim report on or before November 1, 2024, with an annual report thereafter, on the implementation of this act including, but not limited to, progress on the implementation of this act, reports from certified out-of-state residential facilities, and the progress on the reduction of placement of New Hampshire youth in out-of-state residential facilities, to the chairs of the house children and family law committee, the senate judiciary committee and the oversight commission on children's services, established by RSA 21-V:10.

10 Effective Date.

I. Sections 6, 7, 8, and 9 shall take effect July 1, 2024.

II. The remainder of this act shall take effect January 1, 2025.

2024-0427h

AMENDED ANALYSIS

This bill revises criteria for the out-of-home placement of children and increases oversight and certification criteria for out-of-state residential treatment programs. The bill also makes appropriations to the department of health and human services for this purpose and requires the department to submit a report to the legislature regarding implementation.

Amendment to HB 1577-FN

(2024- 0598h)

Proposed by the Committee on Election Law- r

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

1 Electronic Digital Images of Ballots. RSA 656:42, IX is repealed and reenacted to read as follows:

IX. Any electronic digital image of a marked ballot made by a ballot counting device stored on a removable memory device shall be available for public inspection as provided in this section. This shall include the record of how the ballot counting device recorded the votes on each ballot.

(a) One or more voters, registered in New Hampshire, shall be permitted to examine the digital images of ballots created on an electronic ballot counting device that uses digital image technology. In this paragraph, the voter or group of voters are referred to as "observers".

(b) Notwithstanding any exemptions to RSA 91-A limiting access to ballot images, such images shall be available to observers as provided in this paragraph.

(c) The purpose of examining such digital images is to allow for verifying the accuracy of the device and to check for evidence that the device may have programming errors, tampering or malicious programming installed and thus providing reassurance to all the voters of the integrity of the devices used to tabulate election votes.

(d) The examination of ballot images shall be under the supervision of the secretary of state and may use state provided computers and displays to provide access to the removable memory devices that contain the digital images.

(e) The secretary of state shall:

(1) Schedule access for the observers and for arranging for the removable memory devices to be acquired from a municipality.

(2) As needed, provide the location of equipment and viewing area and limitations to the number of observers in the viewing area.

(3) Verify eligibility.

(4) Prevent any observers from making any connection to the computer.

(5) Be the only person to handle the original removable memory devices and or make copies thereof.

(f) The secretary of state may:

(1) Declare any observers who fail to comply with the provisions in this section to be ineligible to further participate in this process.

(2) Require non-disclosure agreements regarding personally identifying marks that may occur on a ballot image.

(3) Take any other measures to protect the integrity of the election data and the privacy of the voters.

(g) Access to ballot images shall not be available to observers until after all recounts and any subsequent appeals are completed. The secretary of state may establish a reasonable time frame for requests to be made, with the time frame not to exceed a period of 4 months from the end of the permitted applicable recounts period. However, access to ballot images shall be available to those persons involved in appeals of election recounts or audits.

(h) Any observers that examine ballot images shall have standing to provide a report to the ballot law commission and request an investigation by the attorney general of discrepancies they find. Any request for an investigation and the results of any such investigation shall be made public.

(1) Such investigations shall not result in the overturning of an election unless directed by a court of competent jurisdiction.

(2) As a result of an investigation of the attorney general, the ballot law commission may disqualify that electronic ballot counting device for use in New Hampshire or may disqualify the entity that programmed the device as a vendor.

(i) The secretary of state may determine if copies of the removable memory devices or the digital data on the memory device may be provided to the observers that are examining the digital images. This includes electronic data as well as hard-copy printouts. Alternatively, the secretary of state may allow visual viewing access only on a state owned computer. Any information gathered from the visual examination of such ballot images shall be kept on the observer's own paper, computer, etc. and not downloaded or electronically copied from the source computer.

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

**Amendment to HB 1583-FN-A
(2024-0620h)**

Proposed by the Majority of the Committee on Education-r

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

1 Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a, I through II(a) to read as follows:

I. For the biennium beginning July 1, [2023] **2025**, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be as specified in paragraph II. The department shall adjust the rates specified in this paragraph in accordance with RSA 198:40-d.

II.(a) A cost of [~~\$4,100~~] **\$4,404** per pupil in the ADMR, plus differentiated aid as follows:

2 Relief Funding. RSA 198:40-e is repealed and reenacted to read as follows:

198:40-e Relief Funding.

I. In a municipality in which 48 percent or more of the ADMR is eligible to receive a free or reduced-priced meal, an additional \$800 for each pupil in the ADMR who is eligible for a free or reduced-priced meal.

II. In a municipality in which at least 12 percent but less than 48 percent of the ADMR is eligible to receive a free or reduced-priced meal, an amount equal to \$200 plus \$0.166667 for each 0.01 percent that its free or reduced-priced meal eligibility rate exceeds 12 percent, for each pupil in the ADMR who is eligible for a free or reduced-priced meal.

III. A municipality in which less than 12 percent of the ADMR is eligible to receive a free or reduced-priced meal shall receive no relief aid under this section.

3 New Section; Fiscal Capacity Disparity Aid. Amend RSA 198 by inserting after section 40-f the following new section:

198:40-g Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each year the commissioner shall calculate fiscal capacity disparity aid for schools and provide that amount of aid to a municipality's school districts as follows:

(a) A municipality with an equalized valuation per ADMR of \$800,000 or less shall receive \$900 per pupil in the municipality's ADMR.

(b) A municipality with an equalized valuation per ADMR greater than \$800,000 but less than \$1,900,000 shall receive \$0.0008181 for each dollar of difference between its equalized valuation per ADMR and \$1,900,000, per pupil in the municipality's ADMR.

(c) A municipality with an equalized valuation per ADMR of \$1,900,000 or more shall receive no fiscal capacity disparity aid.

II. In this section:

(a) The \$800,000 in equalized valuation per ADMR referenced in subparagraph I(a), shall be called the "grant floor."

(b) The \$1,900,000 in equalized valuation per ADMR referenced in subparagraphs I(b)-(c), shall be called the "grant ceiling."

(c) The \$0.0008181 for each dollar difference between equalized valuation per ADMR in subparagraph I(b) shall be called the "factor."

(d) The \$900 per pupil referenced in subparagraph I(a) shall be called the "max grant."

4 Annual Adjustment. Amend RSA 198:40-d, II to read as follows:

II. Extraordinary need grant **and fiscal capacity disparity aid grant's** "grant floor," "grant ceiling," "factor," and "max grant" as defined in RSA 198:40-f, II, (a)-(d) **and RSA 198:40-g, II(a)-(d)**; and

5 Determination of Education Grants. Amend RSA 198:41, I-II to read as follows:

198:41 Determination of Education Grants.

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the total education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:8 for the next tax year; [and]

(c) Add the municipality's extraordinary need grant pursuant to RSA 198:40-f[-];

(d) Add the relief aid grant pursuant to RSA 198:40-e; and

(e) Add the fiscal capacity disparity aid grant pursuant to RSA 198:40-g.

II. For fiscal year 2024 and fiscal year 2025, the department of education shall distribute a hold harmless grant equal to any amount in which a municipality's adequacy grant is less than 104 percent of the fiscal year 2024 preliminary estimate for the adequacy grant as of November 15, 2022. No municipality with a current adequacy grant amount that exceeds the fiscal year 2024 preliminary estimate shall receive a hold harmless grant. No hold harmless grant shall be distributed to any municipality in which the municipality's education property tax warrant pursuant to RSA 76:8 exceeds the total cost of an adequate education.

II-a. Current adequacy grant shall not include fiscal capacity disparity aid pursuant to RSA 198:40-g and relief aid pursuant to RSA 198:40-e for the purpose of determining the hold harmless grant pursuant to RSA 198:41, II.

6 Effective Date.

I. Section 1 of this act shall take effect July 1, 2025.

II. The remainder of this act shall take effect July 1, 2024.

2024-0620h

AMENDED ANALYSIS

This bill increases the base annual cost of providing an opportunity for an adequate education. It also establishes relief aid funding and fiscal disparity aid.

Amendment to HB 1593-FN (2024-0709h)

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

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

AN ACT making an appropriation to the department of health and human services to support recreational activities for individuals with developmental disabilities.

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

1 Department of Health and Human Services; Individuals with Developmental Disabilities; Funding for Recreational Services.

I. Recreational activities typically provide an opportunity for individuals with developmental disabilities to participate in their community in preferred settings, where individuals are able to work on skill development to aid health, wellness, socialization, and safety goals. However, the department of health and human services has received clarification from the Centers for Medicare and Medicaid Services that supports and services that are recreational in nature are not reimbursable services under the Medicaid program.

II. In order to ensure that costs to access recreational services are covered, and that individuals with developmental disabilities are able to participate in recreational activities within their communities, the sum of \$500,000 is appropriated to the department of health and human services for the fiscal year ending June 30, 2024. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on July 1, 2025.

III. In order to be eligible to receive funds for recreational services under this section, an individual must be receiving services under the 1915(c) developmental disabilities, acquired brain disorder, or in home support waiver and shall be requesting payment for an activity or service that cannot be covered by the New Hampshire Medicaid State Plan or a 1915(c) Home and Community Based Waiver.

IV. The department of health and human services shall contract with one or more organizations, such as an area agency as defined in RSA 171-A, to assist in administering these funds.

V. Payment for recreational services shall be limited to \$600 per individual.

VI. The department of health and human services shall include language in the contracts designated in subparagraph IV to prioritize services previously included in individualized budgets.² Effective Date. This act shall take effect upon its passage.

2024-0709h

AMENDED ANALYSIS

This bill makes an appropriation to the department of health and human services to fund recreational activities for individuals with developmental disabilities.

**Amendment to HB 1611-FN
(2024-0562h)**

Proposed by the Committee on Special Committee on Childcare-r

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

1 New Section; Child Care Workforce Fund. Amend RSA 126-A by inserting after section 17-a the following new section:

126-A:17-b Child Care Workforce Fund Established.

I. There is hereby established a child care workforce fund to finance recruitment and retention grants for eligible New Hampshire child care employees. The fund shall be nonlapsing and continually appropriated to the department of health and human services for the purposes of this section. The department may accept any private, state, or federal moneys for deposit in fund. The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

II. The department, in consultation with the advisory council on child care established in RSA 126-A:17, shall designate an entity to administer the recruitment and retention grants to eligible child care employers. If an employee is eligible to apply through their employer, and the employer fails to apply within 3 months of the submission of the employee's expense, the employee shall be eligible to apply directly to the department for grant funding.

III. Grants shall be awarded by the designated entity to eligible child care employers for the purposes of staff retention and recruitment. The flexible funding may be used to support an employer on behalf of an individual employee or an eligible individual employee in any of the following ways:

(a) Deposit into an eligible, tax-advantaged health savings account or flexible spending account or individual retirement savings account or retirement plan;

(b) Employee credentialing; continuing education; certificate programs; and payment towards a physical, first-aid certification, CPR certification, background check, or other credentials required for the child care position.

(c) Sign-on and retention incentives and wage increases;

(d) Professional costs such as training, CPR, or memberships in professional organizations;

(e) Child care tuition assistance;

(f) Health, dental, whole life, vision insurance plans, and telemedicine coverage;

(g) Paid time off equivalent; or

(h) Child care tuition discounts or job-related education expenses;

IV. Employers shall apply for direct repayment of proven costs after the expenditure is made.

V. To be eligible for grant funding under this section, the child care employee shall be employed in:

(a) Child care programs operating in New Hampshire with an active child care license or that are license-exempt and enrolled in the department of health and human services child care scholarship program. These programs shall include those who serve children from birth through age 12 and are also referred to as center-based, family-based, early childhood education, early learning, outside of school time, before and after school, and summer camp programs; and

(b) Non-profit and privately-owned center-based and family-based child care programs.

VI. The department shall adopt rules under RSA 541-A relative to administration of the child care workforce fund, including grant application and disbursement procedures, and may use the fund for related administrative costs.

2 New Subparagraph; Dedicated Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (394) the following new subparagraph:

(395) Moneys deposited in the child care workforce fund as established in RSA 126-A:17-b.

3 Effective Date. This act shall take effect January 1, 2025.

**Amendment to HB 1631
(2024-0525h)**

Proposed by the Committee on Public Works and Highways-c

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

AN ACT establishing the commission to study revenue alternatives to the road toll, road toll registration charges, and revenue alternatives to vehicle registration fees to fund highway and bridge improvements.

Amend the section heading as inserted by section 1 of the bill by replacing it with the following:

21-J:49 Commission to Study Revenue Alternatives to the Road Toll and Vehicle Registration Fees.

Amend RSA 21-J:49, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a commission to study revenue alternatives to the road toll, road toll registration charges, and revenue alternatives to vehicle registration fees, including electric vehicle registration fees, to fund improvements to the state's highways and bridges and their resulting improvements to the environment.

Amend RSA 21-J:49, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Study revenue alternatives to the road toll, road toll registration charges, and revenue alternatives to vehicle registration fees, including electric vehicle registration fees, and may study other emerging vehicle fuels and technologies, to fund improvements to the state's highways and bridges, ensuring that all motor vehicles contribute proportionally to their impact on New Hampshire's highway infrastructure, including vehicles registered out of state that may no longer be subject to the road toll.

2024-0525h

AMENDED ANALYSIS

This bill establishes a commission to study revenue alternatives to the road toll, road toll registration charges, and revenue alternatives to vehicle registration fees, including electric vehicle registration fees, to fund improvements to the state's highways and bridges and their resulting improvements to the environment.

This bill is a request of the commission established in 2023, 87:1.

Amendment to HB 1633-FN-A

(2024-0680h)

Proposed by the Majority of the Committee on Commerce and Consumer Affairs-r

Amend the bill by replacing sections 1 through 3 with the following:

1 Purpose and Findings.

I. The general court hereby finds that: the people of the state of New Hampshire find and declare that cannabis should be regulated so that:

(a) Individuals will have to show proof of age or qualifying patient status before entering a cannabis retail outlet or purchasing cannabis.

(b) Safe access to therapeutic cannabis is preserved and expanded in a manner that allows costs to come down, not increase, though integration of participants in the existing therapeutic cannabis program competing on an even footing with other applicants of similar qualifications.

(c) Selling, distributing, or transferring cannabis to minors and other individuals under the age of 21 shall remain illegal.

(d) Driving under the influence of cannabis shall remain illegal, and funds shall be allocated for increased training of drug recognition experts to spot driving under the influence of substances including cannabis.

(e) Moving cannabis production and sales from the underground, sometimes dangerous, illicit market to legal businesses allows for appropriate regulations and control.

(f) Cannabis sold in this state will be tested, labeled, and subject to additional regulations to ensure that consumers are informed and protected.

(g) Some of the revenue generated from legal cannabis shall be used to support programs for education, prevention, treatment, and recovery related to the use of both legal and illegal drugs.

(h) Marketing and advertising to minors is prohibited.

(i) Advertising to the general public is prohibited.

II. Many years of work have led to this effort which addresses the following goals to put the state of New Hampshire in the driver's seat to focus on harm reduction, not profits, and:

(a) Allows the state to control distribution and access through state laws, administrative rules, and local control.

(b) Keeps cannabis away from children and schools by establishing 1,000 foot distance requirements for stores, limiting access to retail outlets to people 21 and older or qualified patients, and imposing limits on product design and packaging.

(c) Controls the marketing and messaging by prohibiting advertising which targets the general public, especially minors.

(d) Prohibits "marijuana miles" by restricting cannabis retail outlets to one per municipality or one for every 15,000 residents in larger municipalities, as well as empowering local zoning control for these businesses.

(e) Empowers towns to keep cannabis out through required ballot measures to allow cannabis retail outlets.

(f) Reduces access to poly-drugs by:

(1) Introducing 15 stores at first and allowing expanded licenses to reflect demand and allow retail outlets to reach Granite Staters who may still face a prohibitively long drive to reach licensed New Hampshire cannabis retail outlets or out of state options and may continue to turn to the illicit market if the placement of stores does not respond to market demands;

(2) Prohibiting beverages that combine alcohol and cannabis; and

(3) Prohibiting the inclusion of nicotine or other additives to products which are designed to make the product more addictive.

(g) Undercuts the cartels by:

(1) Imposing an agency fee of 10 percent on monthly gross total revenue of cannabis sales which is in line with the state excise tax in Massachusetts but well below the total tax burden of approximately 20 percent in that state.

(2) Keeping costs low by not requiring a particular store layout, construction, or building contractor to meet appearance guidelines for the exterior of state licensed cannabis retail outlets.

(3) Recognizing the need for expanded licenses in the future in order to accommodate locations in more rural areas of the state which are not well positioned to compete for limited licenses.

(h) Limiting initial cannabis retail outlet licenses to 15:

(1) While prohibiting a controlling interest in more than 3 cannabis retail outlets; and

(2) Providing a pathway for expanded licenses as the state establishes a successful long-term sustainable solution to cannabis legalization, while prioritizing harm reduction over profits.

(i) Reducing influence of lobbying and donations by:

(1) Ensuring that licensing will increase responsibly to balance the need for more cannabis retail outlets in underserved communities; and

(2) Ensuring that laws and administrative rules do not pick favorites but rather create a transparent administrative process for applications and selection criteria.

2 New Subparagraphs; Application of Receipts; Cannabis Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 394 the following new subparagraphs:

(395) Moneys deposited in the cannabis fund established in RSA 318-F:26.

(396) Moneys in the substance use prevention, treatment, and recovery fund established by RSA 318-F:27.

(397) Moneys in the community reinvestment fund established in RSA 318-F:28.

3 New Subdivision; Substance Use Prevention, Treatment, and Recovery Funds. Amend RSA 126-A by inserting after section 105 the following new subdivision:

Substance Use Prevention, Treatment, and Recovery Funds

126-A:106 Substance Use Prevention, Treatment, and Recovery Funds; Management and Distribution of Funds.

I. The commissioner of the department of health and human services, in coordination with the governor's commission on alcohol and drug abuse prevention, treatment, and recovery in RSA 12-J shall administer the substance use prevention, treatment, and recovery fund established in RSA 318-F:27.

II. Funds shall be deposited into the substance use prevention, treatment, and recovery fund as established by 318-F:27 to be distributed by the commissioner of the department of health and human services in coordination with the governor's commission on alcohol and drug abuse prevention, treatment, and recovery in RSA 12-J. Funds may be awarded to a qualifying governmental entity or program for an approved use. All funds shall be nonlapsing and continually appropriated for the purposes of this subdivision.

III. The commissioner of the department of health and human services, in coordination with the governor's commission on alcohol and drug abuse prevention, treatment, and recovery in RSA 12-J, shall continue to make distributions from the fund.

IV. The commissioner of health and human services shall adopt rules pursuant to RSA 541-A necessary to implement this section. Such rules shall include funding qualifications, application procedures, time-lines for receiving, reviewing, and acting upon application requests, and reporting requirements.

V. Allocations shall be used for one or more of the following:

(a) Evidence-based, voluntary programs for substance use-related education, prevention, treatment, and recovery.

(b) Mental health treatment, with a focus on dual-diagnosis of both mental health and substance misuse disorders.

(c) Funding and training to foster an informed, adequately paid behavioral health workforce.

(d) Scientifically and medically accurate public education campaigns educating youth and adults about the health and safety risks related to the use of alcohol, tobacco, cannabis, and other substances, including education campaigns separately targeting youth and adults that provide medically and scientifically accurate information about the health and safety risks posed by cannabis use, including driving under the influence of cannabis.

VI. No later than 18 months after the effective date of this section, and every 2 years thereafter, the commissioner of the department of health and human services shall submit an annual report to the governor and fiscal committee of the general court detailing the activities of the administration of the substance use prevention, treatment, and recovery fund, the amount distributed in the past year, the amount remaining in the fund, a summary of how funds were used in the past year, and any recommendations for future legislation.

Amend the bill by deleting section 5 and renumbering the original sections 6 through 17 to read as 5 through 16, respectively.

Amend the bill by replacing section 5 and 6 with the following:

5 Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, ***the possession, use, harvesting, cultivating, manufacture, sale, or transportation of which is not otherwise authorized by law.***

6 New Chapter; Regulation of Cannabis. Amend RSA by inserting after chapter 318-E the following new chapter:

CHAPTER 318-F REGULATION OF CANNABIS

318-F:1 Definitions. In this chapter:

I. "Alternative treatment center" means an entity as defined in RSA 126-X:1, I.

II. "Cannabis" or "marijuana" means all parts of the plant of the genus cannabis containing over 0.3 percent THC on a dry weight basis, whether growing or not, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, or its resin, including cannabis concentrate. "Cannabis" shall not include seeds of plants from the genus cannabis, hemp as defined by RSA 439-A, fiber produced from the stalks, oil, or cake made from the seeds of the plant seeds of the plant or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

III. "Cannabis accessories" or "cannabis paraphernalia" means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body. "Cannabis accessories" and "cannabis paraphernalia" does not include products that are not designed or marketed for use related to cannabis, or products designed or intended for cannabis but used for non-cannabis purposes.

IV. "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin, including, but not limited to, hashish. Cannabis concentrate shall not include cannabis products made from cannabis concentrate such as, but not limited to, edible products, topical products, and tinctures.

V. "Cannabis cultivation facility" or "cultivation facility" means a person licensed by the state of New Hampshire to cultivate, prepare, and package cannabis, and sell cannabis to cannabis retail outlets, to cannabis product manufacturing facilities, to limited manufacturers, to alternative treatment centers, and to other cannabis cultivation facilities, but not to consumers unless the facility also holds another type of license allowing for direct sales. A cannabis cultivation facility shall not produce cannabis concentrates, tinctures, extracts, or other cannabis products through the use of any chemical extraction process, unless the facility also holds another type of license allowing for production of cannabis concentrates, tinctures, extracts, or other cannabis products.

VI. "Cannabis distributor" means any person licensed to receive, warehouse, and distribute cannabis products between cannabis establishments. A license as a cannabis distributor shall not be required for entities otherwise licensed under this chapter to receive, warehouse, or distribute cannabis.

VII. "Cannabis establishment" means any licensed New Hampshire cannabis cultivation facility, a cannabis testing facility, a cannabis distributor, cannabis limited product manufacturing facility, a cannabis product manufacturing facility, a cannabis retail outlet, a cannabis transporter, or any other type of cannabis business authorized and licensed by the commission.

VIII. "Cannabis flower" means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. "Cannabis flower" does not include non-flower portions of the plant or whole mature cannabis plants, but does include kief.

IX. "Cannabis limited product manufacturing facility," "limited product manufacturing facility," or "limited manufacturer" means a person licensed to purchase cannabis, to manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other limited manufacturers, to cannabis product manufacturing facilities, to alternative treatment centers, and to cannabis retail outlets, but not to consumers. A limited product manufacturing facility may not use solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol.

X. "Cannabis product manufacturing facility," "product manufacturing facility," or "cannabis product manufacturer" means a person licensed to purchase cannabis, to manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other cannabis product manufacturing facilities, to limited manufacturers, to alternative treatment centers, and to cannabis retail outlets, but not to consumers.

XI. "Cannabis products" means any product that contains cannabis, including cannabis concentrate and products that contain cannabis and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, topical products, and tinctures. This term shall not include cannabis in its plant or flower form.

XII. "Cannabis retail outlet" or "cannabis outlet" means a person licensed to purchase cannabis from cannabis cultivation facilities, to purchase cannabis products from cannabis product manufacturing facilities and limited manufacturers, and to sell, transfer, and deliver cannabis and cannabis products to consumers, qualifying patients, and designated caregivers. Online pre-ordering is allowed, but consumers must purchase and pick up cannabis and cannabis products at the cannabis retail store's licensed premise.

XIII. "Cannabis testing facility" or "testing facility" means a person licensed to test cannabis and cannabis products for potency and contaminants.

XIV. "Cannabis transporter" means a person licensed to transport cannabis and cannabis products between cannabis establishments.

XV. "Canopy" or "canopy space" means the surface area utilized to produce mature plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants, including all the space within the boundaries. The square footage of canopy space is measured horizontally starting from the outermost point of the furthest mature flowering plant in a designated growing space and continuing around the outside of all mature flowering plants located within the designated growing space. If growing spaces are stacked vertically, each level of space shall be measured and included as part of the total canopy space measurement.

XVI. "Clone" means a clipping from a cannabis plant that has not taken root. Clone includes tissue cultures. A clipping which has taken root is a seedling.

XVII. "Commission" means the New Hampshire liquor and cannabis commission.

XVIII. "Consumer" means a person 21 years of age or older who purchases cannabis or cannabis products for personal use by a person 21 years of age or older, but not for resale. "Consumer" does not include a qualifying patient, designated caregiver, or visiting qualifying patient purchasing cannabis from an alternative treatment center pursuant to RSA 126-X.

XIX. "Controlling interest" means, any of the following:

(a) A direct or indirect financial or voting interest of 10 percent or greater in the applicant, licensee, or franchisee;

(b) A direct or indirect financial or voting interest of 10 percent or greater in any business with managerial control over the applicant, licensee, or franchisee; and

(c) Managerial control over the applicant, licensee, or franchisee.

XX. "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of cannabis for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing, or cannabis extraction.

XXI. "Department" means the department of health and human services.

XXII. "Designated caregiver" means "designated caregiver" as defined in RSA 126-X:1, VI.

XXIII. "Documentation" means all records, in any form, including electronic records.

XXIV. "Flowering" means, with respect to a cannabis plant, the gametophytic or reproductive state of a female cannabis plant during which the plant is in a light cycle intended to produce flowers, trichomes, and cannabinoids characteristic of cannabis.

XXV. "Hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a dry weight basis.

XXVI. "Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or a seedling.

XXVII. "Kief" means the dried or drying resinous trichomes of the cannabis plant that have separated from the cannabis flower or have been separated from the cannabis flower by processes other than extraction.

XXVIII. "Manufacturing" or "manufacture" means the production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

XXIX. "Mature cannabis plant" or "mature plant" means a cannabis plant that has flowered and has buds that may be observed by visual examination.

XXX. "Municipality" means a city, town, or an unincorporated place.

XXXI. "Person" means a natural person or a business entity.

XXXII. "Possession limit" means:

(a) Four ounces of cannabis in plant form;

(b) Ten grams of cannabis concentrate, which includes, but is not limited to, pre-filled cartridges of cannabis extracts intended for vaporization, but excludes products, such as, edible products, topical products, and tinctures; and

(c) Cannabis products other than cannabis concentrate containing no more than 2,000 milligrams of THC.

XXXIII. "Premises" means and includes all parts of the contiguous real estate occupied by a licensee over which the licensee has direct or indirect control or interest and which the licensee uses in the operation of the licensed business, and which have been approved by the commission as proper places in which to exercise the licensee's privilege.

XXXIV. “Public place” means a place to which the general public has access, and does not include private land, including land in current use.

XXXV. “Qualifying patient” means “qualifying patient” as defined in RSA 126-X:1, X.

XXXVI. “Resident” means a natural person who:

(a) Is domiciled in New Hampshire; and

(b) Maintains a place of abode in New Hampshire, unless the individual was homeless and residing in New Hampshire for at least 51 percent of the time.

XXXVII. “Seedling” means a cannabis plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter.

XXXVIII. “THC” means tetrahydrocannabinol.

XXXIX. “Therapeutic grade cannabis product” means a cannabis product that exceeds any potency or serving size limitations created by this chapter and is manufactured by a licensed alternative treatment center. Therapeutic grade cannabis products sold by an alternative treatment center to a cannabis retail store shall meet the requirements of RSA 126-X and rules issued pursuant to RSA 126-X. Cannabis retail stores may only sell therapeutic grade cannabis products to patients or caregivers. The commission has jurisdiction over therapeutic grade cannabis products after they are transferred to a cannabis establishment licensed under this chapter.

318-F:2 Personal Use of Cannabis.

I. Except as otherwise provided in this chapter, the following acts, if undertaken by a person 21 years of age or older, shall not be illegal under New Hampshire law or the law of any political subdivision of the state or be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) Possessing, consuming, using, displaying, obtaining, purchasing, processing, producing, or transporting an amount of cannabis that does not exceed the possession limit, except that no adult other than one who is acting in his or her capacity as a staffer of a cannabis product manufacturer licensed pursuant to RSA 318-F or an alternative treatment center licensed pursuant to RSA 126-X may perform extractions using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol.

(b) Transferring an amount of cannabis that does not exceed the possession limit to a person who is 21 years of age or older without remuneration. For purposes of this section, a transfer is for remuneration if cannabis is given away contemporaneously with another transaction between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of goods, services, or admission to an event, or if the gift of cannabis is contingent upon a separate transaction for goods, services, or the price of admission to an event.

(c) Transferring cannabis, including cannabis products, to a cannabis testing facility.

(d) Controlling property where the acts described under this section occur.

(e) Assisting another person who is 21 years of age or older in any of the acts described under this section.

II. No law enforcement officer employed by an agency that receives state or local government funds shall expend any state or local resources, including the officer’s time, to effect any arrest or seizure of cannabis, or conduct any investigation on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with this chapter.

318-F:3 Smoking Cannabis in Public Prohibited; Penalty.

No person shall smoke or vaporize cannabis in any public place.

I. First offense: Any person who violates this section shall be guilty of a violation for the first offense and shall forfeit all cannabis and cannabis products on their person.

II. Second offense: Any person who violates this section a second time within 5 years of the first conviction under section I shall be guilty of a violation and shall be fined not more than \$500, and shall forfeit all cannabis and cannabis products on their person.

III. Subsequent offense: Any person who violates this section, a third or more times, when having 2 prior convictions within 5 years of the third or subsequent offense, shall be guilty of a misdemeanor.

318-F:4 Consuming Cannabis While Operating a Moving Vehicle Prohibited; Penalty.

I. No person shall consume, smoke, or vaporize cannabis while driving or attempting to drive a motor vehicle on a way, or while operating or attempting to operate an off-highway recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for transportation.

II. Any person who violates this section shall be guilty of a violation and shall be subject to a fine not to exceed \$150. In addition, any person who violates paragraph I of this section while driving or attempting to drive a motor vehicle on a way may have his or her driver’s license, if a resident, or driving privilege, if a nonresident, suspended for up to 60 days for a first offense and up to one year for a subsequent offense.

III. In this section, “way” shall have the same meaning as in RSA 265-A:44.

IV. In this section, “driving or attempting to drive” shall not include the physical presence of a person or persons in a vehicle when it is parked, docked, or otherwise in a stationary position that does not create a hazard to others. Idling to provide heat, cooling, power generation, or other stationary use does not constitute operation for the purposes of this section.

V. A person may not be convicted of both a violation of this section and a violation of RSA 265-A based on the same incident.

318-F:5 Cannabis Accessories Authorized.

I. Except as provided by this section, it shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law for a person 21 years of age or older to manufacture, possess, or purchase cannabis accessories, or to distribute or sell cannabis accessories to a person who is 21 years of age or older.

II. Except as provided by this section, a person who is 21 years of age or older, or a business entity, may manufacture, possess, obtain, and purchase cannabis paraphernalia, and may distribute, deliver, or sell cannabis paraphernalia to a person who is 21 years of age or older.

III. No person or entity shall manufacture, distribute, or sell cannabis accessories that violate rules enacted by the commission. Any person or entity that violates this paragraph shall be guilty of a violation for a first offense and subject to a fine of up to \$1,000 and forfeiture of the cannabis accessories. A person shall be guilty of a class A misdemeanor for a second or subsequent offense and shall forfeit the cannabis accessories.

318-F:6 Odor and Personal Possession of Cannabis Not Grounds for a Search.

I. Except as provided in paragraph II, the odor of cannabis or burnt cannabis, or the possession of a quantity of cannabis that the officer does not have probable cause to believe exceeds the possession limit of cannabis, shall not constitute in part or in whole probable cause or reasonable suspicion and shall not be used as a basis to support any stop or search of a person or motor vehicle.

II. Nothing in this section prevents a law enforcement official from conducting a test for impairment based in part on the odor of recently burnt cannabis if the law enforcement official would otherwise be permitted to do so under New Hampshire law.

318-F:7 Enforcement Authority.

I. The commission shall have the primary responsibility for enforcing this chapter. Local, county, and state law enforcement officers shall also have jurisdiction to enforce this chapter. Such authority may be delegated to agents working under their authority.

II. The commission shall appoint liquor investigators whose primary function shall be the proper prosecution of this chapter. The liquor investigators shall have statewide jurisdiction, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town. The commission shall have the primary responsibility for the enforcement of all cannabis laws upon premises where cannabis and cannabis products are lawfully sold, stored, distributed, or manufactured. Any person violating the provisions of any law may be prosecuted by the commission or any of its investigators as provided in this section, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns or New Hampshire state police.

III. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its proceedings and to regulate the mode and manner of all investigations and hearings before it. All hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such investigation or hearing, the commission shall not be bound by the technical rules of evidence. The commission may subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and may compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda, and papers of any kind whatever. A summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

IV. If any false statement is knowingly made in any statement under oath which may be required by the provisions of this title or by the commission, the person making the same shall be deemed guilty of perjury. The making of any such false statement in any such application or in any such accompanying statements, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the commission, constitute sufficient cause for the revocation of the license.

V. The commission shall adopt by rule under RSA 541-A a formal enforcement policy for licensees under its jurisdiction. This policy shall specify the disciplinary action, to include but not limited to a schedule of fines as are authorized by this chapter for violations of statutory requirements, which the commission shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the commission shall consider in determining penalties for specific actions. Such enforcement policy shall authorize:

(a) Cannabis cultivation facilities to continue to cultivate, prepare, and package, but not purchase, transfer, or sell cannabis and cannabis products during a suspension or a license revocation, until such time as there is a final determination that the license be revoked for which no appeal is available; and

(b) Authorize cannabis product manufacturing facilities, limited manufacturers, cannabis testing facilities, and cannabis retail outlets to possess existing cannabis inventory, but not acquire additional cannabis, or dispense, transfer, or sell cannabis during a suspension or a license revocation until such time as there is a final determination that the license be revoked for which no appeal is available.

VI.(a) In applying its enforcement policy, the liquor commission shall establish and enforce specific determinate penalties for specific offenses. The commission shall not apply penalties such as license suspensions for indefinite periods of time.

(b) In addition to RSA 541-A:30, III, the commission may suspend, for a period designated in rules, without a hearing, any license issued under the provisions of this title, if a risk to public health, safety, or welfare constitutes an emergency requiring such suspension. Any such suspension shall notify such persons designated in rules within 24 hours.

VII. The commission may transfer funds within and among all accounting units within the commission's operating budget and to create accounting units and expenditure classes as required and as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the liquor commission and cannabis funds. The provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

318-F:8 Cannabis Advisory Board.

I. There shall be a cannabis advisory board to study and make recommendations to the liquor commission consistent with the purpose and findings of this chapter on the regulation of cannabis and cannabis products in New Hampshire. The cannabis advisory board shall also consider educational and financing opportunities for participants in the New Hampshire cannabis market.

II. No later than 90 days after the effective date of this chapter, the advisory board shall be appointed. The board shall consist of 21 members, and shall consist of: the chair of the commission or designee; a certified public health official appointed by the chair of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery in RSA 12-J; a medical provider as appointed by the president of the New Hampshire Medical Society; the commissioner of the department of health and human services or designee; the commissioner of the department of education or designee; a mental health professional appointed by the executive director of NAMI (National Alliance on Mental Illness) New Hampshire; one expert in cannabis cultivation; one expert in cannabis retailing; one expert in cannabis product manufacturing; one expert in cannabis testing; one board member or officer of an alternative treatment center; 2 registered therapeutic cannabis patients; one individual who represents cannabis consumers; the president of the New Hampshire association of chiefs of police or designee; a prevention specialist who is currently certified by the New Hampshire prevention certification board; a state senator, appointed by the senate president; 2 state representatives, appointed by the speaker of the house, one cannabis financial services expert; and one attorney with primary focus on cannabis industry practice. Except as otherwise specified, members shall be appointed by the governor.

III. Members of the board shall serve terms of 2 years. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties, including mileage at the state employee rate for attendance to meetings and other official functions. Members forfeit their position on the cannabis advisory board and shall be removed if:

(a) They fail to attend any 2 consecutive meetings; or

(b) They fail to attend more than one out of every 3 meetings during a year with 4 or more meetings.

A member may continue to serve after the expiration of his or her term until a replacement is appointed unless he or she was removed due to misconduct or inadequate attendance.

IV. The board shall meet at its discretion, provided it shall meet no less frequently than once every 2 months for the first 9 months after the effective date of this section, and that it shall meet no less frequently than once every 6 months thereafter. The chair of the board may appoint subcommittees.

V.(a) A majority of the appointed members of the board shall constitute a quorum of the cannabis advisory board.

(b) A quorum is only required for voting matters.

VI. The cannabis advisory board shall:

(a) Advise the commission on rules to ensure the thorough and efficient implementation of this chapter.

(b) Advise the commission on whether additional cannabis retail outlets and cannabis cultivation canopy should be licensed, and, if so, how many.

(c) Advise the commission on what additional types of cannabis establishments, if any, the commission should license, including on-site consumption facilities, along with recommendations on their licensure and regulation.

(d) Advise the commission on whether it should establish a state reference laboratory, or whether an agreement with another state's reference laboratory is possible.

(e) Consider all matters submitted to it by the commission.

(f) Hold a hearing to solicit public input no less frequently than once every 6 months, including input on the availability of reasonably priced therapeutic cannabis.

(g) Review any new science-based evidence of public health issues on the use of cannabis.

(h) Advise the commission on spending and recommend any modifications to ensure the thorough and efficient implementation of this chapter.

318-F:9 Regulation of Cannabis.

I. Not later than 18 months after the effective date of this section, the commission shall adopt rules, pursuant to RSA 541-A, for the issuance of cultivation facility licenses. Not later than 20 months after the effective date of this section, the commission shall adopt rules, pursuant to RSA 541-A, for the licensure and regulation of all other cannabis establishments. The rules shall include the following:

(a) Procedures for the application, issuance, transfer, denial, approval, renewal, suspension, and revocation of a license for cannabis establishments. Rules shall include provisions for cannabis retail outlets to be selected through a request for application process.

(b) A schedule of reasonable application, licensing, and annual renewal fees, provided:

(1) That the non-refundable portion of application fees shall not exceed \$1,000, with this upper limit adjusted annually for inflation;

(2) The application, licensing, and annual renewal fees for the smallest tier of cultivation facilities may not exceed \$250;

(3) The non-refundable portion of application fees for a limited manufacturer may not exceed \$100;

(4) All licensing and annual renewal fees, other than cultivation facilities, shall not exceed \$10,000;

(5) That cultivation facility licensing fees be tiered based on the size of the facilities, with a maximum fee of \$7,500; and

(6) That the licensing and annual renewal fees for a limited manufacturer may not exceed \$2,500.

(c) Qualifications and disqualifications for licensure that are directly and demonstrably related to the operation of a cannabis establishment, and which may not disqualify applicants solely for having a prior history of criminal convictions for cannabis offenses prior to the effective date of this chapter.

(d) Rules governing the selection of cannabis retail outlets to include, but not limited to:

(1) Prohibiting the licensure of more than 15 cannabis retail outlets within the first 30 months after the effective date of this chapter.

(2) Providing that a major criteria in assessing the relative merits of each application will incorporate the successful operation of an alternative treatment center registered under RSA 126-X and may convert to a cannabis retail outlet for sales permitted under this chapter and RSA 126-X.

(3) Determining whether to increase the number of cannabis retail outlets, and, if so, by how many, with goals of:

(A) Avoiding an overconcentration or oversaturation of stores;

(B) Keeping New Hampshire cannabis consumers' purchases within New Hampshire;

(C) Outcompeting the illicit market by providing reasonable prices and accessibility; and

(D) Licensing sufficient cannabis retail outlets to avoid a secondary market for the transfer or sale of cannabis retail outlet licenses. One indicator of such a secondary market would be an increase in the intrinsic market value of a cannabis retail outlet beyond the premium reasonably attributed to eliminating the time and compliance steps required to obtain licensure.

(4) Ensuring an equitable distribution of cannabis retail outlets based on geography and population, including

(A) Providing for no more than the greater of one cannabis retail outlet per municipality or no more than one cannabis retail outlet per 15,000 residents of a municipality.

(B) Increasing access to legal cannabis in New Hampshire for people throughout the state.

(5) Providing that no cannabis retail outlets may be located within 1,000 feet of a pre-existing cannabis retail outlet unless the municipality where the establishment seeks to operate has established a smaller distance limitation or waived the restriction.

(6) Procedures to revoke the license of any cannabis retail outlet that is not operational within the latter of 20 months of receiving its license or 2 months after the commissioner authorizes retail sales to begin. However, the cannabis retail outlet shall be granted one or more 6-month extensions if:

(A) The cannabis retail outlet demonstrates it is making substantial progress towards becoming operational and the delay is not due to its failure to act in good faith and with reasonable diligence; or

(B) The delay is due to a lack of sufficient cannabis or cannabis products because of delays in cultivation facilities becoming operational.

(7) Procedures to accept applications for cannabis retail outlets within 3 months of a license being revoked, surrendered, or not renewed.

(e) Regulations governing the selection and licensure of cultivation facilities, including:

(1) A cap on the total licensed canopy and a cap on the number of cultivation facilities based on anticipated demand. The cap must be reassessed at least once every year. It must be high enough to ensure a competitive market, and it must account for some facilities having crop failures, cannabis that fails testing, and demand from visiting states;

(2) Procedures to revoke the license for any cultivation facility that is not operational within 20 months of receiving its license, and to accept applications for a new licensee. However, the licensee shall be granted one or more 6-month extensions if the cultivation facility demonstrates it is making substantial progress towards becoming operational and the delay is not due to its failure to act in good faith and with reasonable diligence;

(3) Procedures to accept applications for cultivation facilities within 3 months of a license being revoked, surrendered, or not renewed; and

(4) Regulations creating at least 2 tiers of cultivation facilities, based on the size of the facility or the number of plants cultivated and providing:

(A) That outdoor cultivation facilities must be allowed to cultivate 3 times the square footage of canopy as indoor cultivation facilities of the same tier;

(B) The largest tier must be no larger than 5,000 square feet of canopy for indoor cultivation, or no larger than 15,000 square feet of canopy for outdoor cultivation; provided that the square footage of each level of vertical shelving or other levels shall count toward the total canopy;

(C) That security regulations and licensing fees shall vary based on the size of the cultivation facility and that regulatory burdens shall be no more onerous than is reasonably necessary; and

(D) That cultivation facilities may move up to a higher tier at least once per year if they meet the security requirements and pay the associated fee, except that the commission may suspend this provision in the event of an oversupply.

(f) Record keeping requirements for cannabis establishments, including requirements for implementation and compliance with the distribution tracking system required by this chapter.

(g) Requirements for the transportation and distribution of cannabis and cannabis products between cannabis establishments, including approved packaging, documentation that shall accompany any cannabis and cannabis products being transported, warehoused, or distributed, by cannabis cultivation facilities.

(h) Procedures for the delivery of cannabis to consumers, including documentation that shall accompany any cannabis being transported to consumers.

(i) A schedule of civil fines as are authorized in this chapter for violations of chapter requirements, provided that, not later than 18 months after the effective date of this chapter the commission shall report to the chairpersons of the house and senate ways and means committees its proposal for a fine schedule and for legislation needed to implement the schedule.

(j) Procedures for hearings on penalties, including civil fines and suspensions and revocations of a cannabis establishment license.

(k) Reasonable security requirements for each type of cannabis establishment, which may be varied based on the size of the cannabis establishment.

(l) Health and safety rules, including but not limited to the packaging and preparing of cannabis and cannabis products, restricting the use of pesticides and other chemicals used during cultivation and processing that may be dangerous to cannabis consumers, and sanitation requirements.

(m) Restrictions on the logos, signage, marketing, and display of cannabis and cannabis products, including but not limited to:

(1) A prohibition on mass-market campaigns that have a high likelihood of reaching minors,

(2) A prohibition on marketing to minors, including marketing specifically related to social media;

(3) Restrictions to prevent cannabis from being marketed to minors,

(4) A prohibition on cannabis products that are named, packaged, marketed, or designed in a way that mimics or is likely to cause confusion with commercially available, trademarked non-cannabis products, including relating to their logos, the sound of the product or brand, packaging, taste, appearance, and commercial impression,

(5) A prohibition on giveaways of cannabis, cannabis products, or cannabis accessories, including samples;

(6) A prohibition on neon signs;

(7) A prohibition on signage, cannabis retail outlet logos, and advertisements that include slang for cannabis, images of cannabis or cannabis paraphernalia, or images that encourage over-consumption.

(8) A requirement that each cannabis retail outlet include in its name “[City or Town] Cannabis Outlet” or “New Hampshire Cannabis Outlet.” The commission may require approval of any retail outlet name to ensure it does not encourage overconsumption, appeal to minors, or otherwise violate reasonable restrictions on naming.

(9) The commission may develop rules around the finish and quality of exterior of buildings and lot, which may include limits on colors and fonts for signage and logos. The commission may design a standard logo all outlets must use, with the only variation being their outlet name.

(n) Restrictions on where a cannabis cultivation facility may be located, consistent with the provisions of this chapter.

(o) Restrictions on the hours of sale when a cannabis retail outlet may sell cannabis and cannabis products, provided the regulations shall not allow cannabis retail outlets to begin sales before 6:00 a.m. or to sell cannabis or cannabis products after 11:45 p.m.

(p) Establishing a voluntary process whereby a cannabis establishment may request approval of packaging, labeling, signage, a logo, marketing, or advertising to confirm it conforms with the commission's interpretation of its rules. The commission shall respond within 30 days with approval or denial, with an explanation accompanying any denial. A fee of no greater than \$250 may be charged for each review.

(q) Packaging, product manufacturing, and labeling requirements for cannabis and cannabis products, including:

- (1) Mandating the disclosure of the THC content of each product;
- (2) Requirements to ensure cannabis products and cannabis and cannabis products' packaging are not designed to appeal to or be attractive to minors, including providing that they cannot be in the shape of cartoons, toys, animals, or people;
- (3) Establishing the maximum amount of THC that may be included in each serving of edible or drinkable cannabis product, as 5 milligrams; and the maximum amount of THC that may be included in each package of edible or drinkable cannabis product as 100 milligrams;
- (4) Prohibiting flavors and designs of cannabis-infused beverages, oils, and edibles that closely resemble or imitate candy flavors that are marketed specifically to minors;
- (5) Prohibiting statements on the label or packaging that are false or misleading;
- (6) Prohibiting any written statements on the label or packaging that are illegible;
- (7) Prohibiting packaging or labeling that contains subliminal or similarly deceptive advertising techniques;
- (8) Prohibiting packaging or labeling that features a depiction of athletes that is deceptive and misleading in that it implies that consuming cannabis or cannabis products is conducive to athletic skill or physical prowess, or that consuming cannabis does not hinder the athlete's performance;
- (9) Prohibiting packaging or labeling that features illustrations, subject matter, or other attributes that are consistent with products marketed toward children and youths;
- (10) Prohibiting packaging or labeling that features a depiction of consumption of cannabis or cannabis products while seated in, about to enter, operating, or about to operate an automobile or other machinery;
- (11) Prohibiting packaging or labeling that encourages excessive consumption;
- (12) Prohibiting packaging or labeling that does not indicate in a manner that is sufficiently clear that the product contains cannabis or cannabis products or that might result in confusion regarding whether the product is a cannabis or cannabis products;
- (13) Prohibiting packaging or labeling that is offered for sale under the name, identity, or characteristics of another food or beverage or mimics another food or beverage or the characteristics of another food or beverage;
- (14) Requiring packaging that is designed or constructed to be significantly difficult for children under 5 years of age to open, and not difficult for adults to use properly; and
- (15) Require packaging include warnings, including but not limited to, those described in RSA 318-F:17.

(r) Health and safety rules and standards for the cultivation of cannabis and the manufacture of cannabis products, including:

- (1) Prohibitions on additives to products that are toxic, misleading to consumers, or designed to make the product more appealing to children;
- (2) Safety standards regulating the manufacture of cannabis extracts and concentrated cannabis products; and
- (3) A prohibition on the inclusion of nicotine, alcohol, and other additives to products that are designed to make the product more addictive or more intoxicating.

(s) Standards for the operation of testing laboratories, including requirements for equipment and qualifications for personnel.

(t) Requirements for the testing of cannabis and cannabis products, including but not limited to:

- (1) Requirements to ensure at a minimum that cannabis and cannabis products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling;
- (2) That testing shall include, but not be limited to, analysis for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous pesticides and fungicides; heavy metals; and harmful microbials, such as *E. coli* or salmonella;
- (3) Threshold levels for each contaminant listed in subparagraph (2);
- (4) Providing that in the event that test results indicate the presence of quantities of any substance determined to be injurious to health, such cannabis and cannabis products shall be immediately quarantined and immediate notification to the commission shall be made. The contaminated product shall be documented and properly destroyed;

(5) That testing shall also verify THC and other cannabinoid potency representations for correct labeling;

(6) That the commission shall determine an acceptable variance for potency representations and procedures to address potency misrepresentations;

(7) Potency limits for cannabis products, after consultation with and approval of the cannabis advisory board including a public hearing specifically related to the topic of potency;

(8) Allowances for remediation of cannabis and cannabis products whose test results are in excess of established thresholds;

(9) Minimum testing requirements for an effective cannabis and cannabis product quality assurance program for cannabis cultivation facilities, limited manufacturers, and cannabis product manufacturing facilities; and

(10) That the commission shall determine the protocols and frequency of cannabis testing by a cannabis testing facility.

(u) Reasonable health and safety restrictions on cannabis accessories that may be manufactured or sold in New Hampshire, including a prohibition on any vaporization device that includes toxic or addictive additives. The commission may prohibit types of vaporizers that are particularly likely to be utilized by minors without detection, but may not completely ban or unreasonably restrict the manufacture or sale of vaporization devices.

(v) Annual mandatory training and continuing education required or recommended for licensees, which shall include, but not be limited to, training on checking photo identification and for false identification.

(w) Requirements that cannabis retail outlets stock cannabis products, including flower, with low and moderate amounts of THC and that they be at least as prominently displayed as high potency products or therapeutic grade cannabis products.

(x) Restrictions on where a cannabis establishment may be located, consistent with the provisions of this chapter.

(y) Rules governing changes in ownership and changes in location for cannabis establishments, provided that until a cannabis establishment has been fully operational for at least 12 months, no more than 35 percent of the original ownership interest can be transferred. The commission may grant exceptions for good cause, such as the death of an individual owner.

(z) Procedures and notices relating to all recalls of any products.

(aa) A requirement that any label, and for certain products where appropriate, include a standard, recognizable symbol that a product contains cannabis or THC.

(bb) A prohibition on the manufacture and sale of cannabis infused alcoholic beverages.

II. Privacy Protections.

(a) In order to ensure that individual privacy is protected, the commission shall not require a consumer to provide a cannabis retail outlet or any other cannabis establishment that sells direct to consumers with personal information other than government-issued identification to determine the consumer's age, and a cannabis establishment shall not be required to acquire and record personal information about consumers.

(b) In order to ensure that individual privacy is protected, no cannabis establishment may record or store a consumer's name, address, purchases, or contact information unless the consumer consents in writing. No cannabis establishment may make granting permission for the collection or storage of the above information a condition of a consumer purchasing cannabis from the establishment.

III. Not later than 18 months after the effective date of this chapter, the commission, in consultation with the department, shall develop an informational handout, which cannabis retail outlets shall make available to all consumers, and which shall include information detailed in RSA 318-F:17.

IV. The commission shall require all cannabis establishments to utilize an electronic inventory tracking system, including use of a universal product code, for tracking the transfer of cannabis and cannabis products between licensed cannabis establishments and the sale of cannabis and cannabis products to consumers. The system shall ensure an accurate accounting of the production, processing, and sale of cannabis and cannabis products and shall enable separate tracking of cannabis flowers, immature plants, and other parts of cannabis sold from cannabis cultivation facilities. The system must allow for the tracking of lab testing results for all cannabis and must be capable of swiftly identifying all products involved in a product recall. The commission may develop and maintain a system that satisfies the requirements of this section, or it may select a vendor to develop and maintain a system.

V. No later than 15 months after the effective date of this chapter, and every year thereafter, the commission shall reevaluate the fines and penalties established in RSA 318-F, and shall report in writing on its findings and recommendations to the chairpersons of the house of representatives and senate ways and means committees.

VI. The commission shall also have the authority to regulate synthetic cannabinoids and intoxicating products derived from hemp.

VII. No later than 36 months after the effective date of this section, after receiving input from the cannabis advisory board, the commission shall make written recommendations to the general court regarding the regulation of hemp including:

- (a) What hemp products the commission would regulate;
- (b) How the products would be regulated, including whether licensure would be required and whether hemp processors and manufacturers should be licensed and regulated by the commission;
- (c) Any license fees or other charges that would be assessed on hemp products and license fees assessed on hemp processors and manufacturers;
- (d) The resources required to regulate hemp processors, product manufacturers, hemp products, and the retail sale of intoxicating hemp products; and
- (e) The regulations governing the production and the sale of intoxicating ingestible or smokable products containing hemp-derived cannabinoids may not be less restrictive than the provisions of RSA 318-F or administrative rules enacted pursuant to RSA 541-A. For purposes of this section, "intoxicating ingestible or smokable products containing hemp-derived cannabinoids" means any product that is intended to be consumed by humans or animals through inhalation or ingestion containing tetrahydrocannabinol and tetrahydrocannabinolic acids that are artificially or natural derived from hemp where inhalation or ingestion is reasonably likely to result in alternations of perception, cognition, or behavior.

VIII. No later than December 1, 2024, the commission, jointly with the department, shall develop draft legislation to:

- (a) Transfer regulatory authority of the therapeutic cannabis program authorized under RSA 126-X, in whole or in part, to the commission; and
- (b) Regulate cannabis retail outlets' sale of cannabis and cannabis products to qualifying patients and designated caregivers.

318-F:10 Prohibitions: Advertising Cannabis Sales.

I. Except as provided in this section, no person may advertise cannabis sales.

(a) The prohibition includes, but is not limited to advertising by radio, television, billboard advertising, sound trucks, outdoor internally illuminated screen displays, in print, broadcast, and in-person solicitation of customers outside of the premises of the cannabis retail outlet or alternative treatment center.

(b) This does not prohibit appropriate signs on the property of the cannabis retail outlet or alternative treatment center, listings in business directories including online business listings, advertising on platforms or publications that are solely focused on cannabis, listings in trade or medical publications, the sponsorship of health or not-for-profit charity or advocacy events, or communications with previous customers of the retail outlet or alternative treatment center.

(c) This does not prohibit cannabis establishments from directly soliciting other cannabis establishments.

II. A violation of this section is punishable by a civil fine of up to \$1,000 for a first offense. A subsequent violation is punishable by a civil fine of up to \$5,000. These penalties are in addition to possible suspension or revocation of a cannabis establishment license.

318-F:11 Entry to Cannabis Retail Outlets Limited.

Entry to cannabis retail outlets shall be restricted to people:

I. Twenty-one years of age or older who present official documentation listed in RSA 179:8 which is consistent with the appearance of the person, is not expired, and is free of alteration, erasure, blemish, or other impairment to verify age; or

II. Qualifying patients.

318-F:12 Licensing Procedures for Cannabis Establishments.

I. Each application for a license to operate a cannabis establishment shall be submitted to the commission.

II. Each application shall include the fee established by the commission and a \$500 fee for the municipality to review the application, except that the municipal fee shall be \$75 in the case of the smallest tier of cultivation facilities and limited manufacturers.

III. The commission shall:

(a) Accept and process applications beginning no later than 2 months after the issuance of rules governing the category of cannabis establishment for which the rules were adopted.

(b) Immediately forward a copy of each application and the municipal fee to the municipality in which the applicant desires to operate the cannabis establishment; and

(c) Issue a license to the applicant within 120 days after receipt of an application unless:

(1) The commission finds the applicant is not in compliance with the requirements of this chapter or rules adopted under this chapter;

(2) The commission has not been notified by the relevant municipality that the applicant is in compliance with an ordinance adopted pursuant to this chapter and in effect at the time of application; or

(3) More qualified applicants have applied than the number of licenses available for that category of cannabis establishment, and the applicant was not selected.

(d) Accept and process applications on an ongoing basis.

IV. Each license applies to a single parcel of real property, and multiple licenses per property are permitted. Any additional address which is not contiguous with the licensed property requires a separate application and license.

V. A renewal application may be submitted up to 90 days prior to the expiration of the cannabis establishment's license. The renewal application shall be granted within 30 days of its submission unless the applicant has not paid the fee, the cannabis establishment's license is suspended or revoked, or the cannabis establishment has a pattern of violations of this law, the rules issued pursuant to it, or municipal regulations.

VI. Conditional approval pending securing property.

(a) An applicant may not be rejected on the basis that the applicant has not purchased or leased the property where the cannabis establishment would be located. However, the applicant may be required to specify the municipality in which it intends to operate.

(b) The commission shall provide conditional approval for applicants that have not yet purchased or leased the property where the cannabis establishment would be located, or who require additional work on the business.

(c) Once the applicant provides the commission with a completed, supplemental application that identifies the property where the cannabis establishment is to be located, the commission shall forward the information to the local regulatory authority and approve or reject the final application within 45 days.

VII. Except as provided in RSA 318-F:14, nothing in this chapter prevents a person or entity from holding multiple types of cannabis licenses and from co-locating the businesses.

318-F:13 Enactment of Municipal Ordinances.

I. The voters of every municipality shall vote on whether to allow cannabis retail outlets in their municipality at the first municipal election after July 1, 2024, unless the municipality elects to include this question at the November 2024 biennial election. The wording of the questions shall be substantially as follows: "Shall we allow the operation of cannabis retail outlets within this city or town?" The recount of any local option vote, the procedures for holding such a recount, the declaration of the results of such a recount, and the procedure for an appeal from such a recount shall be as provided in RSA 660:13-15. A municipality's prohibition on cannabis establishments shall not prohibit transportation through the municipality or deliveries within the municipality by cannabis establishments located in other jurisdictions.

II. A municipality where a vote to allow cannabis retail outlets or non-retail cannabis establishments fails shall propose the question to voters again in a subsequent municipal election upon a petition. The petition shall be of not less than 5 percent of the legal voters within the city or town filed with the secretary of state within the timeframe regulating other ballot measures for municipal elections. The same requirements established in paragraph I shall apply to that subsequent municipal election.

III. A municipality may enact an ordinance limiting the number of each type of cannabis establishment that may be permitted within the municipality and regulating the time, place, and manner of operation of a cannabis establishment, which is permitted within the municipality.

IV. A municipality may enact an ordinance specifying the entity within the municipality that shall be responsible for reviewing applications submitted for a license to operate a cannabis establishment within the municipality. The entity designated by the municipality, or the municipality if no such entity is designated, shall be responsible for indicating whether the application is in compliance with municipal ordinances and notifying the applicant and the commission within 90 days.

V. A municipality may not negotiate or enter into an agreement with a cannabis establishment or a cannabis establishment applicant requiring that the cannabis establishment or applicant provide money, donations, in-kind contributions, services, or anything of value to the locality.

VI. If a municipality has passed an innovative land use control relative to cannabis establishments, it shall notify the liquor commission within 90 days of passage. Municipalities without zoning ordinances or which have failed to pass an innovative land use control relative to cannabis establishments will be governed by the provisions of RSA 318-F and administrative rules relating to cannabis establishments enacted pursuant to RSA 541-A. No local ordinance may be less restrictive than the provisions of RSA 318-F or administrative rules enacted pursuant to RSA 541-A.

318-F:14 Financial Interests Prohibited.

I. No cannabis testing facility or individual with a controlling interest in a cannabis testing facility shall have a direct or indirect financial interest in an alternative treatment center, a cannabis retail outlet, a cannabis cultivation facility, a limited manufacturer, or a cannabis product manufacturing facility.

II. Prior to 2 years after the effective date of this chapter, no person or business entity may have a controlling interest in more than 3 cannabis establishments of any single category.

III. Beginning 2 years after the effective date of this chapter, no person or business entity may have a controlling interest in more than 20 percent of operational cultivation facilities, limited manufacturers, product manufacturing facilities, or cannabis retail outlets, unless the person or business entity has a controlling interest in no more than 3 cannabis establishments of a single category.

IV. Beginning 2 years after the effective date of this chapter, no person or business entity may have a controlling interest in more than 50 percent of cannabis testing facilities, unless the person or entity has a controlling interest in no more than 3 cannabis testing facilities.

V. No cannabis establishment or individual with a controlling interest in a cannabis establishment may hold a controlling interest in a vendor that provides cannabis inventory tracking in New Hampshire.

VI. No vendor that provides cannabis inventory tracking in New Hampshire and no individual with a controlling interest in a vendor that provides cannabis inventory tracking in New Hampshire may hold a controlling interest in a cannabis establishment.

VII. In this section, "controlling interest" means a financial or voting interest of 10 percent or greater.

318-F:15 Residency Required.

I. Except as provided in this section, any person applying for a cannabis establishment license shall have been a resident, or shall have at least one director, officer, or partner who has been a New Hampshire resident, for at least 3 years immediately preceding the date of application.

II. This section shall not apply to an applicant for a testing facility license.

III. Each cannabis establishment must be registered with the secretary of state's office with its principal place of business located in New Hampshire.

318-F:16 Restrictions on Location Near Schools. No cannabis establishment shall operate, nor shall a prospective cannabis establishment apply for a license, if the establishment would be located within 1,000 feet of the property line of a pre-existing public or private elementary or secondary school.

318-F:17 Informational Materials, Warning Labels, and Medical Lock Boxes.

I. The commission, in consultation with the department, shall design at least 2 versions of informational handout, one of which is specific to high potency products.

II. A cannabis retail outlet and any other cannabis establishment selling directly to consumers shall include an informational handout designed by the commission in consultation with the department and the cannabis advisory board with all cannabis and cannabis products sold to consumers, and shall include the high potency version in all cannabis concentrates and other high potency sales. The informational handouts shall include scientifically accurate information, including:

(a) Advice about the potential risks of cannabis, and, in the case of the high potency handout, risks specific to high potency products, including:

(1) The risks of driving under the influence of cannabis, and the fact that doing so is illegal;

(2) Any adverse effects unique to adolescents or young adults, including effects related to the developing mind;

(3) Potential adverse events and other risks, including related to mental health; and

(4) Risks of using cannabis during pregnancy or breastfeeding. This may be identical to that required under RSA 126-X:8, XVI(c)(7).

(b) Information about methods for administering cannabis;

(c) How long cannabis may impair a person after it is ingested in each manner;

(d) How to recognize cannabis use disorder and how to obtain appropriate services or treatment;

(e) Information regarding safe storage and disposal of cannabis and paraphernalia to prevent accidental poisonings, including the contact information for the Northern New England Poison Control Center. This may be identical to that required under RSA 126-X:8, XVI(c)(8); and

(f) Subject to federal statutory law or case law, a disclosure that:

(1) Cannabis is illegal under U.S. federal law, and

(2) The ability of users of cannabis to purchase or own a gun under federal law is currently in the federal courts, and the ultimate resolution is uncertain.

III. The commission shall require cannabis retail outlets to display informational posters in conspicuous locations about the risks of cannabis use, including regarding risks during pregnancy and breastfeeding and risks of cannabis use in adolescents or by younger adults. The posters shall be scientifically accurate.

IV. All cannabis and cannabis products sold by a cannabis retail outlet shall include warning labels that provide the following information: "Warning: This product has intoxicating effects. For use by adults 21 and older. Keep out of reach of children." The commission may require a standard, recognizable symbol on all cannabis packaging to signify that THC or other cannabinoids are included in the product.

V. All cannabis products sold by cannabis retail outlets shall include:

(a) A warning label that provides, "Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed," unless the commission determines that a specific time frame should be specified.

(b) A disclosure of ingredients and possible allergens.

(c) A nutritional fact panel, if the cannabis product is a food-based product.

(d) Opaque, child-resistant packaging, which shall be designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. section 1700.20.

VI. All cannabis retail outlets shall include in their inventory medical lock boxes for sale to help keep cannabis and cannabis products away from children.

318-F:18 Lawful Operation of Cannabis-Related Facilities.

I. Except as provided in this section, if undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) Possessing, displaying, warehousing, transporting, or distributing cannabis or cannabis products; obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a cannabis testing facility; obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility or limited manufacturer; or sale, delivery, or distribution of cannabis or cannabis products to an adult who is 21 years of age or older, a qualifying patient, a designated caregiver or to cannabis retail outlets or alternative treatment centers, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis retail outlet or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis retail outlet.

(b) Cultivating, harvesting, processing, packaging, transporting, distributing, displaying, or possessing cannabis; obtaining or purchasing cannabis seeds from any adult 21 years of age or older; delivering or transferring cannabis to a cannabis testing facility; selling or transferring cannabis that has not been processed into extracts, concentrates, or other preparations to a cannabis cultivation facility, a cannabis product manufacturing facility, a limited manufacturer, or a cannabis retail outlet or alternative treatment center; or obtaining or purchasing cannabis from a cannabis cultivation facility, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis cultivation facility.

(c) Packaging, processing, transporting, manufacturing, displaying, or possessing cannabis or cannabis products; delivering or transferring cannabis or cannabis products to a cannabis testing facility; selling cannabis or cannabis products to a cannabis retail outlet, alternative treatment center, limited manufacturer, or a cannabis product manufacturing facility; purchasing or obtaining cannabis from a cannabis cultivation facility; or purchasing or obtaining cannabis or cannabis products from a cannabis product manufacturing facility or limited manufacturer, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis product manufacturing facility.

(d) Packaging, processing, transporting, manufacturing, displaying, or possessing cannabis or cannabis products; delivering or transferring cannabis or cannabis products to a cannabis testing facility; selling cannabis or cannabis products to a cannabis retail outlet, alternative treatment center, limited manufacturer, or a cannabis product manufacturing facility; purchasing or obtaining cannabis from a cannabis cultivation facility; or purchasing or obtaining cannabis or cannabis products from a cannabis product manufacturing facility or limited manufacturer, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a limited manufacturer or is acting in his or her capacity as an owner, employee, or agent of a licensed limited manufacturer.

(e) Possessing, obtaining, cultivating, processing, storing, transporting, receiving, or displaying cannabis or cannabis products if the person or business entity has obtained a current, valid license to operate a cannabis testing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis testing facility.

(f) Engaging in any activities involving cannabis or cannabis products if the person or business entity conducting the activities has obtained a current, valid license to operate a cannabis establishment or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis establishment, and the activities are within the scope of activities allowed by the commission for that type of cannabis establishment.

(g) Possessing, obtaining, cultivating, processing, storing, distributing transporting, or receiving cannabis obtained from a cannabis establishment or transporting, delivering, or transferring cannabis to a cannabis establishment if the person or business entity has obtained a current, valid license to operate a cannabis transporter or cannabis distributor is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis transporter.

(h) Obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a cannabis testing facility; or obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility or limited manufacturer if the person or business entity conducting the activities described in this paragraph possesses a valid license to operate an alternative treatment center or is acting in his or her capacity as an owner, employee, or agent of a licensed alternative treatment center.

(i) Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this chapter.

(j) Selling, offering for sale, transferring, transporting, or delivering cannabis to establishments licensed to process or sell cannabis under the laws of other states if the person or business entity has obtained a current, valid license to operate a cannabis transporter, cannabis product manufacturing facility, limited manufacturer, or cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a cannabis transporter, cannabis product manufacturing facility, or cannabis cultivation facility.

II. No sales to consumers, including from cannabis retail outlets with dual-use certificates, may begin until the liquor and cannabis commissioner certifies there is a sufficient supply of cannabis and cannabis products to begin sales.

318-F:19 Proof of Purchaser's Identity.

I. For the purposes of this chapter, any person or entity making the sale of cannabis, cannabis products, or cannabis accessories to any purchaser whose age is in question shall require and may accept any official documentation listed in RSA 179:8 as proof that the purchaser is 21 years of age or older.

II. Photographic identification presented under this section shall be consistent with the appearance of the person and shall not be expired and shall be correct and free of alteration, erasure, blemish, or other impairment.

III. The establishment of all of the following facts by a cannabis retail outlet or an agent or employee of a cannabis retail outlet making a sale of cannabis or cannabis accessories to a person under the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

(a) That the person presented what an ordinary and prudent person would believe to be valid documentation of a type listed in RSA 179:8.

(b) That the sale was made in good faith relying upon such documentation and appearance in the reasonable belief that the person was 21 years of age or older.

318-F:20 Enforcement Activity Verifying Noncompliance.

I. Except as provided in this section, it shall be a violation to sell any cannabis, cannabis product, cannabis accessories or cannabis paraphernalia to a minor during enforcement activity initiated solely for the purpose of verifying noncompliance with RSA 318-F:19. It shall be a misdemeanor to knowingly sell cannabis, cannabis product, or cannabis paraphernalia to a minor at the time of any such enforcement activity. The commission shall retain the right to require the licensee in such a circumstance to initiate additional training of its staff or individual employee. This section shall not apply to law enforcement initiatives involving surveillance, investigations, or criminal complaints of violations of RSA 318-F:19.

II. This section does not apply if the minor:

(a) Presented what an ordinary and prudent person would believe to be valid documentation showing the minor was a qualifying patient or designated patient who is allowed to purchase cannabis pursuant to RSA 126-X; and

(b) The sale was made in good faith relying upon such documentation and appearance in the reasonable belief that the person was allowed to purchase cannabis pursuant to RSA 126-X.

318-F:21 Driving; Minors; Control of Property.

I. Nothing in this chapter shall be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor shall this section prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by cannabis.

II. Nothing in this chapter shall be construed to permit the transfer of cannabis, with or without remuneration, to a person under the age of 21, or to allow a person under the age of 21 to purchase, possess, use, transport, grow, or consume cannabis.

III. Nothing in this chapter shall prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of cannabis on or in the correctional facility's property.

IV. Control of Property.

(a) Except as provided in this section, this chapter does not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, cultivation, display, sale, or transfer of cannabis on or in that property.

(b) In the case of the rental of a residential dwelling, a landlord shall not prohibit the possession of cannabis or the consumption of cannabis by non-smoked means unless:

(1) The tenant is a roomer who is not leasing the entire residential dwelling;

(2) The residence is incidental to the provision of educational, counseling, religious, or similar service;

(3) The residence is a transitional housing facility; or

(4) Failing to prohibit cannabis possession or consumption would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(c) This chapter shall not prevent a landlord from prohibiting cannabis smoking.

(d) An adult who is 21 or older may use cannabis on privately owned real property only with permission of the property owner or, in the case of leased or rented property, with the permission of the tenant in possession of the property, except that a tenant shall not allow a person to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant may permit an adult who is 21 or older to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

318-F:22 Enforcement of Contracts. Contracts related to the operation of a cannabis establishment licensed pursuant to this chapter shall be enforceable. No contract entered into by a licensed cannabis establishment or its employees or agents as permitted pursuant to a valid license, or by those who allow property to be used by an establishment, its employees, or its agents as permitted pursuant to a valid license, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis is prohibited by federal law.

318-F:23 Non-Discrimination for State-Legal Cannabis Activities and Prior Convictions.

I. Except as provided in this section, a holder of a professional or occupational license may not be subject to professional discipline for:

(a) Providing advice or services related to cannabis establishments or applications to operate cannabis establishments on the basis that cannabis is illegal under federal law; or

(b) Engaging in activities allowed by this chapter.

II. An applicant for a professional or occupational license may not be denied a license based on:

(a) Previous employment related to cannabis establishments operating in accordance with state law;

(b) A prior conviction for a non-violent cannabis offense that does not involve distribution, or

(c) Engaging in activities allowed by this chapter.

III. Except as provided in this section, neither the state nor any of its political subdivisions may impose any penalty or deny any benefit or entitlement for conduct permitted under this chapter or for the presence of cannabinoids or cannabinoid metabolites in the urine, blood, saliva, breath, hair, or other tissue or fluid of a person who is 21 years of age or older.

IV. Except as provided in this section, neither the state nor any of its political subdivisions may deny a driver's license, a professional license, housing assistance, social services, or other benefits based on cannabis use or for the presence of cannabinoids or cannabinoid metabolites in the urine, blood, saliva, breath, hair, or other tissue or fluid of a person who is 21 years of age or older.

V. A person shall not be denied custody of or visitation with a minor for acting in accordance with this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

VI. Except as provided in this section, neither the state nor any of its political subdivisions may discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person in employment or contracting, if the discrimination is based upon either of the following:

(a) Engaging in activities allowed by this chapter;

(b) A prior conviction for a non-violent cannabis offense that does not involve distribution; or

(c) Testing positive for the presence of cannabinoids or cannabinoid metabolites in the urine, blood, saliva, breath, hair, or other tissue or fluid of the individual's body.

VII. Employer and employee protections.

(a) This section does not prevent an employer from disciplining an employee or contractor for ingesting cannabis in the workplace or for working while impaired by cannabis.

(b) The protections provided by this section do not apply to the extent that they conflict with a governmental employer's obligations under federal law or regulations or to the extent that they would disqualify the entity from a monetary or licensing-related benefit under federal law or regulations.

(c) This section does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, disciplinary, or other penalties, including discipline or termination by a governmental employer, any task while under the influence of cannabis, when doing so would constitute negligence or professional misconduct.

VIII. For the purposes of medical care, including organ and tissue transplants, the use of cannabis does not constitute the use of an illicit substance or otherwise disqualify a person from needed medical care and may only be considered with respect to evidence-based clinical criteria.

IX. Notwithstanding any other provision of law, unless there is a specific finding that the individual's use, cultivation, or possession of cannabis could create a danger to the individual or another person, it shall not be a violation of conditions of parole, probation, or pre-trial release to:

(a) Engage in conduct allowed by this chapter; or

(b) Test positive for cannabis, tetrahydrocannabinol, or any other cannabinoid or metabolite of cannabis.

X. This section does not authorize any person to engage in, and does not prevent the imposition of any penalties for engaging in, the following conduct:

(a) Undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional misconduct.

(b) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis.

318-F:24 Data Collection Related to Cannabis Legalization and Regulation. No later than 2 years after the effective date of this chapter, and every 2 years thereafter, the department of health and human services shall, where appropriate, enter into memorandums of understanding with the department of safety, the department of justice, the department of education, the commission, and any other agency determined by the department of health and human services to possess relevant data, to collect data, and produce and publish a report that includes baseline data and the most current data regarding health and welfare outcomes before and after cannabis legalization and regulation for adult use. All data in the report shall be non-identifiable and respectful of personal privacy. This report may be combined with the report required under RSA 126-A:106, VI, relative to the substance use prevention, treatment, and recovery fund allocated under RSA 318-F:27.

318-F:25 Agency Fee Imposed.

I. An agency fee of 10 percent shall be levied on the monthly total gross revenue derived from the sale of cannabis and cannabis products from a cannabis retail outlets and any other cannabis establishment for sales directly to consumers, provided:

(a) The agency fee shall not apply to sales to qualifying patients, directly or via their designated caregivers.

(b) The agency fee shall not apply to the sale of cannabis accessories, or any product other than cannabis and cannabis product.

II. The commission shall adopt rules under RSA 541-A relative to the agency fee procedures needed to implement the provisions of this section.

318-F:26 Cannabis Fund Established.

I. There is established a nonlapsing fund to be known as the cannabis fund. The fund shall be kept distinct and separate from all other funds in the state treasury, and the moneys credited to the fund shall be held distinct and separate from all other funds over which the state treasurer has control. Moneys in the fund shall be deposited with any financial institution as defined in RSA 383-A:2-201(a)(27-a), with a branch in the state. Moneys credited to the fund shall include deposits into the fund by the commission pursuant to this chapter and deposits into the fund by the commissioner of the department of revenue administration pursuant to RSA 77-H.

II. For the biennium ending June 30, 2025, and every biennium thereafter, the commission shall include the cost of administration of this chapter in the commission's efficiency expenditure request pursuant to RSA 9:4.

III. For the biennium ending June 30, 2025, the sum of \$8,000,000 is hereby appropriated to the commission for the cost of administration of this chapter. Said sum shall be a charge against the fund.

IV. The commission shall credit all fees and civil penalties imposed under this chapter, including agency fees levied pursuant to 318-F:25, and all other related moneys received from public or private sources to the fund.

V. After deducting appropriations charged to the fund for the cost of administration of this chapter and RSA 77-H, the remaining funds shall be appropriated and distributed by the commission on a quarterly basis as follows:

(a) The sum of \$100,000 annually to the department of health and human services, for data collection and reporting related to the health impacts of cannabis legalization and regulation under RSA 318-F:24; and

(b) Of the remaining funds:

(1) Sixty-five percent shall be disbursed to the education trust fund established in RSA 198:39. The comptroller shall notify the commissioner of the department of revenue administration of the amount of the transfer. For the purpose of setting the education tax rate under RSA 76:3, the amount of revenue required to be collected pursuant to RSA 76:3 shall be reduced by the amount transferred to the education trust fund as required in this subparagraph, and the commissioner shall set the rate at a level sufficient to generate the reduced amount. This rate shall be effective for the following fiscal year;

(2) Ten percent shall be allocated to the community reinvestment fund established in RSA 318-F:28;

(3) Ten percent shall be allocated to the substance use prevention, treatment, and recovery fund established in RSA 318-F:27;

(4) Five percent shall be allocated for broad based aid to municipalities with at least one operational cannabis retail store during the time period in which the revenues were collected, with the amount of allocation to each municipality determined based on the percent of tax revenue collected from retail stores located in the municipality;

(5) Five percent shall be allocated to public safety agencies, including police, fire, and rescue agencies, for the hiring and training of additional drug recognition experts, for advanced roadside impaired driving enforcement training, and to assist in responding to drug overdose incidents; and

(6) Five percent shall be disbursed to the department of health and human services, division for behavioral health, bureau of children's behavioral health, to be used for children's behavioral health services.

318-F:27 Substance Use Prevention, Treatment, and Recovery Fund Established. There is hereby established in the state treasury the nonlapsing substance use prevention, treatment, and recovery fund that shall be kept distinct and separate from all other funds. All proceeds allocated to the fund pursuant to RSA 318-F:26 shall be deposited in the fund. The state treasurer shall invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the state treasury. The state treasurer shall disburse funds from the fund solely for the purposes and in the manner set forth in RSA 126-A:106.

318-F:28 Community Reinvestment Fund Established.

I. There is established in the state treasury a nonlapsing fund to be known as the community reinvestment fund that shall be kept distinct and separate from all other funds.

II. All proceeds allocated to the fund pursuant to RSA 318-F:26 shall be deposited in the fund.

III. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commission. The state treasurer shall disburse funds from the fund solely for the purposes and in the manner set forth in this section.

IV. The fund shall be used to support New Hampshire communities. The fund may be used for the following purposes to support those communities:

(a) Water and sewer expansion projects so long as properties passed by new water and sewer funded through this source are not required to participate;

(b) Legal aid services for expungement of cannabis convictions authorized under RSA 651:5-b and RSA 651:5-c;

(c) Grants to assist farmers entering the cannabis market; and

(d) Cannabis-related research and development.

V. The commission shall report to the general court within 18 months after the effective date of this act and by January 1 of each year thereafter on distribution of funds pursuant to this section.

Amend RSA 318-B:2-c, I as inserted by section 12 of the bill by replacing it with the following:

I. ~~[In this section:~~

(a) ~~“Marijuana” means “cannabis” as defined in RSA 318-F:1, II. [includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not include hemp grown, processed, marketed, or sold under RSA 439-A.~~

(b) ~~“Personal-use amount of a regulated marijuana-infused product” means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.]~~

Amend RSA 651:5-b, I(b) as inserted by section 14 of the bill by replacing it with the following:

(b) **“Possession limit” means the current “possession limit” as defined in RSA 318-F:1, XVIII.**

Amend the bill by deleting sections 18-28 and renumbering the original section 29-46 to read as 17-34, respectively.

Amend the bill by replacing section 17 with the following:

17 Apportionment, Assessment and Abatement of Taxes; Assessment; Education Tax. Amend RSA 76:3 to read as follows:

76:3 Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall set the education tax rate at a level sufficient to generate revenue of \$363,000,000, **less any amount credited to the education trust fund pursuant to RSA 318-F:26**, when imposed on all persons and property taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate shall be effective for the following fiscal year. The rate shall be set to the nearest 1/2 cent necessary to generate the revenue required in this section.

Amend the introductory paragraph of RSA 126-X:8, XX as inserted by section 21 of the bill by replacing it with the following:

XX. An alternative treatment center organized as a voluntary corporation under RSA 292 may convert from a voluntary corporation under RSA 292 to either a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C in any of the following ways:

Amend RSA 126-X:8, XXIV as inserted by section 21 of the bill by replacing it with the following:

XXIV. Conversion and merger requirements:

(a) Any alternative treatment center choosing to convert or merge pursuant to this section shall obtain an independent fair market valuation of its total assets as of 180 days prior to the conversion or merger. The

valuation of the total assets of such alternative treatment center, if positive, shall be distributed to one or more charitable organizations solely for charitable purposes. The director of charitable trusts shall receive a copy of the valuation and may file any objection relating thereto with the court within 60 days. Except as set forth in this section and notwithstanding any other law to the contrary, no portion of the assets of such alternative treatment center after the conversion or merger, as applicable, shall be deemed to be charitable assets.

(b) Any alternative treatment center choosing to convert or merge pursuant to this section shall submit a copy of the plan of conversion or merger to the director of charitable trusts. The director may file an objection relating to the plan with the court within 60 days.

(c) Any alternative treatment center that has converted or merged pursuant to this section shall, within 2 months and thereafter for 2 years, annually file a letter with the director of charitable trusts certifying compliance with the requirements of RSA 126-X:8, XX.

Amend the bill by replacing section 32 with the following:

32 Appropriations.

I. The sum of \$100,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the department of health and human services for the purpose of collecting baseline data to be used in the reports required pursuant to RSA 318-F:24. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$8,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the liquor and cannabis commission for deposit into the cannabis fund established in RSA 318-F:26 for the administration of RSA 318-F. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$500,000 for the biennium ending June 30, 2025 is hereby appropriated to the substance use prevention, treatment, and recovery fund established in RSA 318-F:27 for the cost of developing and implementing a public education campaign prior to initiation of retail sales.

Amendment to HB 1644-FN (2024-0610h)

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

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

AN ACT including energy produced by any nuclear-powered generating facility as a class I form of electric renewable energy.

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

1 New Subparagraph; Electric Renewable Energy Classes; Nuclear Power. Amend RSA 362-F:4, I by inserting after subparagraph (m) the following new subparagraph:

(n) The production of electricity from any nuclear-powered generating facility that originally commenced operation after September 1, 2024.

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

2024-0610h

AMENDED ANALYSIS

This bill includes electricity generated by a nuclear facility as a class I form of electric renewable energy.

Amendment to HB 1647-FN-A (2024-0326h)

Proposed by the Committee on Executive Departments and Administration—r

Amend RSA 100-A:5, II(b)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) For members who are in vested status before January 1, 2012, a state annuity which, together with his or her member annuity, shall be equal to 2-1/2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 40 years, or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the ~~[number of]~~ **first 10 years of creditable service and 2.5 percent for all subsequent** years of his or her creditable service not in excess of ~~[42.5]~~ **36** years, ~~[and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years.]~~ **but only for group II members in service who have attained age 60 regardless of the number of years of creditable service, or who work up to their full age and service requirements and retire under service retirement. If a member retires prior to reaching full age and service requirements, then their annuity multiplier remains the same as their first 10 years of creditable service.** ~~[—and]~~ Group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of ~~[40.5 years]~~ **the limits under RSA 100-A:6-a.**

Amend RSA RSA 100-A:5, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Active group II members who commenced service prior to July 1, 2011 and who have not attained vested status prior to January 1, 2012 shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and **for the first 10 years of creditable service**, the multiplier used to calculate the retirement annuity, which shall be applicable on, or after January 1, 2012 according to the following table:

Creditable service on January 1, 2012	Minimum years of service	Minimum age attained	Annuity multiplier
(1) Less than 4 years	24	age 49	2.1 % *
(2) At least 4 years but less than 6 years	23	age 48	2.2% *
(3) At least 6 years but less than 8 years	22	age 47	2.3% *
(4) At least 8 years but less than 10 years	21	age 46	2.4% *

*** The annuity multiplier applied to creditable service earned beyond 10 years of creditable service, shall be 2.5 percent, but only for group II members in service who have attained age 60 regardless of the number of years of creditable service, or who work up to their full age and service requirements and retire under service retirement. If a member retires prior to reaching full age and service requirements, then their annuity multiplier remains the same as their first 10 years of creditable service.**

Amend the bill by replacing section 2 with the following:

2 New Hampshire Retirement System; Disability Retirement Benefits. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her ordinary disability retirement; and a state annuity which, together with his or her member annuity, for members who are in vested status before January 1, 2012, shall be equal to 2 1/2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 40 at the time of ordinary disability retirement, or for members who commenced service on or after July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the ~~number of~~ **first 10 years of creditable service and 2.5 percent for all subsequent** years of his or her creditable service not in excess of ~~[42-5]~~ **36** at the time of ordinary disability retirement, and group II members who have not attained vested status prior to January 1, 2012, shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of ~~[40.5 years]~~ **the limits under RSA 100-A:6-a** provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his or her disability retirement. **Members who retire upon ordinary disability or qualify for accidental death benefits as outlined in RSA 100-A:8 shall not be subject to the full age and service requirements listed under RSA 100-A:5, II(d).**

**Amendment to HB 1649-FN
(2024-0352h)**

Proposed by the Majority of the Committee on Commerce and Consumer Affairs-r

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

1 New Section; Consumer Protection; Per and Polyfluoroalkyl Substance Use Restricted. Amend RSA 149-M by inserting after section 63 the following new section:

149-M:64 Consumer Products; Per and Polyfluoroalkyl Substance Use Restricted.

I. In this section:

(a) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

(b) "Alternative" means a substitute process, product, material, chemical, strategy, or combination of these that has been evaluated and serves a functionally equivalent purpose to a PFAS in a product that has less risk to human health or the environment than the use of PFAS in the product.

(c) "Carpet or rug" means a fabric product marketed or intended for use as a floor covering in households or businesses.

(d) "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation, or metabolism.

(e) "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes. "Consumer products" includes product categories that are normally used by households, but designed for or sold to businesses, such as commercial carpets or commercial floor waxes.

(f) “Cosmetic” means an article for retail sale or professional use intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance.

(g) “Department” means the department of environmental services.

(h) “Distributor” has the same meaning as RSA 149-M:33, II.

(i) “Feminine hygiene product” means a product used to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, disks, applicators, and menstrual cups, whether disposable or reusable.

(j) “Food packaging and containers” means a container applied to or providing a means to market, protect, handle, deliver, serve, contain, or store a food or beverage. Food packaging includes: (1) a unit package, an intermediate package, and a shipping container; (2) unsealed receptacles, such as carrying cases, crates, cups, plates, bowls, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs; and (3) an individual assembled part of a food package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

(k) “Intentionally added PFAS” means:

(1) PFAS that a manufacturer has intentionally added to a product or product component and that have a functional or technical effect in the product or product component, including PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product; or

(2) The presence of PFAS in a product or product component above thresholds established by the department in rule.

(l) “Juvenile product” means any product designed or marketed for use by infants and children under 12 years of age:

(1) Including, but not limited to a baby or toddler foam pillow, bassinet, bedside sleeper, booster seat, changing pad, child restraint system for use in motor vehicles and aircraft, co-sleeper, crib mattress, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot, nursing pad, nursing pillow, playmat, playpen, play-yard, polyurethane foam mat, pad or pillow, portable form nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib, stroller, and toddler mattress, and

(2) Not including children’s electronic products, such as a personal computer, audio and video equipment, calculator, wireless phone, game console, hand held device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit or power cord, a medical device, or an adult mattress.

(m) “Known or reasonably ascertainable” means all information in a person’s possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.

(n) “Manufacturer” means any person, firm, association, partnership, corporation, organization, combination, or joint venture, which produces a PFAS-added product, or an importer or domestic distributor of a PFAS-added product, which is produced in a foreign country. In the case of a multi-component PFAS-added product, the manufacturer is the last manufacturer to produce or assemble the product. If the multi-component product is produced in a foreign country, the manufacturer is the importer or domestic distributor.

(o) “Medical device” has the meaning given “device” under 21 U.S.C. section 321(h).

(p) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon.

(q) “Personal protective equipment” means equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses that may result from contact with chemical, radiological, physical, biological, electrical, mechanical, or other workplace or professional hazards.

(r) “PFAS-added consumer product” means:

(1) A product, commodity, chemical, or product component that was manufactured after the effective date of this section;

(2) That contains PFAS intentionally added to the product, commodity, chemical, or product component; and

(3) Is a consumer product. These products include formulated PFAS-added products, and fabricated PFAS-added products.

(s) “PFAS-added product” means:

(1) A product, including a PFAS-added consumer product, commodity, chemical, or product component that was manufactured after the effective date of this section; and

(2) That contains PFAS intentionally added to the product, commodity, chemical, or product component.

(t) “Product” means an item manufactured, assembled, packaged, or otherwise prepared for sale to consumers, including its product components, sold, or distributed for personal, residential, commercial, or industrial use, including for use in making other products.

(u) “Product component” means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.

(v) “Retailer” means a person who sells a PFAS-added product in the state through any means, including a sales outlet, a catalog, the telephone, the Internet, or any electronic means.

(w) “Supplier” has the same meaning as in RSA 149-M:33, X.

(x) “Upholstered furniture” means an article of furniture that is designed for sitting, resting, or reclining and is wholly or partly stuffed or filled with filling material.

(y) “Textile” means an item made in whole or part from a natural or synthetic fiber, yarn, or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose, nylon, and polyester.

(z) “Textile furnishings” means textile goods of a type customarily used in households and businesses, including but not limited to, draperies, floor coverings, furnishings, bedding, towels, and tablecloths. “Textile furnishings” does not include textiles used in medical or industrial settings.

(aa) “Textile treatment” means a product intended to be applied to a textile to give or enhance one or more characteristics, including, but not limited to, stain resistance or water resistance. “Textile treatment” does not include textile dye.

II.(a) The following are exempt from the requirements of this section:

(1) The resale of products manufactured prior to the ban imposed by this section.

(2) A product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority.

(3) Products regulated as drugs or medical devices by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et seq.

(4) Public water systems as defined by RSA 485:1-a, XV, wastewater treatment plants as defined by RSA 485-A:2, XVI-a, or a government-owned facility as the term facility is defined in RSA 149-M:4, IX.

(5) Products or substances approved as substitutes under the Significant New Alternatives Policy program of the United States Environmental Protection Agency, pursuant to section 612 of the amended Clean Air Act of 1990, 42 U.S.C. section 7671k, or substitutes needed to execute the American Innovation and Manufacturing Act, 42 U.S.C. section 7675 et seq. This exemption does not apply to PFAS-added products banned by this section.

(b) The following are exempt from the PFAS ban imposed by this section:

(1) Products made with at least 85 percent recycled content.

(2) Products manufactured prior to the ban imposed by this section.

(3) Replacement parts for products manufactured prior to the ban imposed by this section.

III.(a) The department is authorized to participate in the establishment and implementation of a multi-jurisdictional clearinghouse to assist in carrying out the requirements of this section and to help coordinate applications and reviews of the manufacturer obligations under the section. The clearinghouse may also maintain a database of all products containing PFAS, including PFAS-added products; a file on all exemptions granted by the participating jurisdictions; a file on alternative labeling plans; and a file of all the manufacturers’ reports on the effectiveness of any PFAS-added product collection systems they may institute.

(b) Public disclosure of confidential business information submitted to the department pursuant to this section shall be governed by the requirements of the state’s freedom of information act. Notwithstanding the requirements of the state’s freedom of information act, the department may provide the interjurisdictional clearinghouse with copies of such information and the interjurisdictional clearinghouse may compile or publish analyses or summaries of such information provided that the analyses or summaries do not identify any manufacturer or reveal any confidential information. Clearinghouse members and employees shall be viewed as operating under a common interest and conversations among and between members or employees shall not violate any exception to any member jurisdiction’s freedom of information act.

IV. Prohibitions.

(a) Product Ban. On July 1, 2028, the following PFAS-added consumer products shall be prohibited from being offered for final sale or use or distributed for promotional purposes in the state:

(1) Carpets or rugs.

(2) Cosmetics.

(3) Textile treatments.

(4) Feminine hygiene products.

(5) Food packaging and containers.

(6) Juvenile products.

(7) Personal protective equipment.

(8) Upholstered furniture.

(9) Textile furnishings.

V.(a) Upon request by the department, a certificate of compliance, or copies thereof, stating that a product is in compliance with the requirements of this section shall be furnished by its manufacturer or supplier to the department.

(b) Where compliance is achieved under any jurisdiction exemptions provided in paragraph II, the certificate of compliance shall state the specific basis upon which the exemption is claimed.

(c) The certificate of compliance shall be signed by an authorized official of the manufacturer or supplier. The purchaser shall retain the certificate of compliance for as long as the produce is in use. A certificate of compliance shall be kept on file by the manufacturer or supplier. A manufacturer or supplier may make the certificate of compliance available on their company website or through an authorized representative of the company such as an interjurisdictional clearinghouse.

(d) If the manufacturer or supplier of a product reformulates or creates a new product, the manufacturer or supplier shall provide an amended or new certificate of compliance for such reformulated or new product to the department.

(e) Within 30 days of receipt of a request by the department under this section, the manufacturer or supplier shall:

(1) Provide the department with the certificate of compliance attesting that the product does not contain a chemical regulated under this act; or

(2) Notify persons who sell the product containing chemicals regulated under this section that the sale of the product is prohibited, and provide the department with a copy of the notice and a list of the names and addresses of those notified.

VI. The department may adopt, under RSA 541-A, any rules necessary for the implementation, administration, and enforcement of this section.

VII.(a) The department may enforce this section pursuant to its authority under RSA 149-M:38. The commissioner may coordinate with the commissioner of the department of health and human services in enforcing this section, if necessary.

(b) When requested by the department, a person shall furnish to the department any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

2 Department of Environmental Services; Position Established; Appropriation. There is hereby established in the department of environmental services, one full-time classified environmentalist IV position for the purposes of establishing rules, coordinating with the clearinghouse and manufacturers on technical implementation details, recommendations as to any related manufacturer fees and performing ongoing duties such as compliance assurance and enforcement as outlined in this act. The sum necessary to pay the salary, benefits, and other costs related to the position established in this section is hereby appropriated to the department of environmental services for the biennium ending June 30, 2025. This appropriation shall be in addition to any other appropriations made to the department in the biennium. The governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise appropriated. The funds appropriated for this position shall lapse on June 30, 2033.

3 Appropriation; Department of Environmental Services. The sum of \$250,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of environmental services to fund administrative costs related to establishment and initial operation of the PFAS-added products control program established by this act, such as costs associated with data collection, lab testing and analysis, third party assistance, educational material development and distribution, and participation in the interjurisdictional clearinghouse authorized herein. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2024-0352h

AMENDED ANALYSIS

This bill restricts the use of per and polyfluoroalkyl substances in certain consumer products sold in New Hampshire. The bill also makes appropriations to the department of environmental services to fund an additional position and to fund the PFAS products control program.

Amendment to HB 1656-FN-LOCAL

(2024-0603h)

Proposed by the Committee on Education-r

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

AN ACT relative to adequate education grant amounts for pupils receiving special education services.

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

1 Cost of an Opportunity for an Adequate Education; Differentiated Aid; Special Education. RSA 198:40-a, II(d) is repealed and reenacted to read as follows:

(d)(1) An additional \$2,642 for each pupil in the ADMR who is receiving special education services with a category A disability, \$5,285 for each pupil in the ADMR who is receiving special education services with a category B disability, and \$7,927 for each pupil in the ADMR who is receiving special education services with a category C disability.

(2) For this subparagraph, “category A disability” applies to pupils receiving special education services inside regular class 80% or more of the day; “category B disability” applies to pupils receiving special education services inside regular class less than 40% of the day and inside regular class 40% through 79% of the day; and “category C disability” applies to pupils receiving special education services in separate schools, residential facilities, or homebound/hospital placements. Categories A, B, and C apply to pupils age 5 through 21.

(3) Beginning July 1, 2025, and each biennium thereafter, the annual additional cost for each pupil in the ADMR who is receiving special education services shall be calculated by applying an additional weight to the base cost of adequacy: Category A: additional weight of 0.6; Category B: additional weight of 1.2; and Category C: additional weight of 1.8.

2 Effective Date. This act shall take effect July 1, 2024.

2024-0603h

AMENDED ANALYSIS

This bill provides for categories of special education services for application to the calculation of differentiated aid in adequate education grant amounts.

Amendment to HB 1669-FN (2024-0619h)

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; State Immunization Registry; Data Sharing. Amend RSA 141-C:20-f by inserting after paragraph I the following new paragraph:

I-a. The department shall not share personally identifiable information with any other organization, including but not limited to, other state immunization information systems, unless the department is able to assure that withdrawals under paragraph III-a will be honored by that organization. This paragraph shall not apply to personally identified information extracted from the state immunization information system by health care providers who care for their patients.

Amendment to HB 1674-FN (2024- 0373h)

Proposed by the Minority of the Committee on Commerce and Consumer Affairs–r

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

1 New Chapter; New Hampshire Legal Tender Act. Amend RSA by inserting after chapter 5-C the following new chapter:

CHAPTER 5-D

NEW HAMPSHIRE LEGAL TENDER ACT

5-D:1 Definitions. In this chapter:

I. “Bullion” means refined precious metal in any shape or form, including coins, rounds, bars, ingots, and any other products, that is:

- (a) Stamped or imprinted with the weight and purity of the precious metal that it contains; and
- (b) Valued primarily based on its metal content and not its form and function.

II. “Legal tender” means a medium of exchange that is authorized by the United States Congress or by any state pursuant to Article I Section 8 or Section 10, respectively, of the United States Constitution, for the payment of debts, public charges, taxes, or dues.

III. “Precious metal” means gold and silver.

IV. “Qualified business unit” means any unit of trade or business of a taxpayer which maintains separate books and records in a particular functional currency.

V. “Specie” means bullion fabricated into products of uniform shape, size, design, content, weight, and purity, that are suitable for or customarily used as currency, as a medium of exchange, or as the medium for purchase, sale, storage, transfer, or delivery of precious metals in retail or wholesale transactions.

VI. “Specie legal tender” means:

- (a) Specie coin issued by the United States government at any time; and
- (b) Any other specie designated by the state treasurer as legal tender pursuant to the monetary authority not prohibited by Article I Section 10 of the United States Constitution.

5-D:2 Legal Tender.

I. Specie legal tender is legal tender in the state of New Hampshire.

II. Bullion shall not be characterized as personal property for taxation or regulatory purposes.

III. The exchange of one type or form of legal tender for another type or form of legal tender shall not give rise to any tax liability.

IV. The purchase or sale of any type or form of bullion shall not give rise to any tax liability.

V. Unless specifically provided by contract, a person shall not compel another person to tender or accept specie legal tender.

VI. If a valid and enforceable contract expressly designates a type or form of specie as tender, then a New Hampshire court asked to adjudicate the breach of such a contract shall require, as a remedy for the breach, the specific performance of tendering the type or form of specie specified in the contract.

VII. Specie legal tender may be recognized to pay private debts, taxes, and fees levied by the state of New Hampshire.

VIII. Any taxpayer may maintain one or more qualified business units, as conceptualized in 26 U.S.C. section 989, having a single functional currency designated for each such unit, and may elect to either pay the tax liability of such qualified business unit in such functional currency, if authorized by the treasurer, or in U.S. dollars determined:

(a) By computing the taxable income or loss separately for each such unit in its functional currency; and

(b) By translating the income or loss separately computed under subparagraph (a) at the average exchange rate during the tax period.

2 Effective Date. This act shall take effect January 1, 2025.

2024-0373h

AMENDED ANALYSIS

This bill designates specie legal tender as legal tender in the state of New Hampshire.

Amendment to HB 1697-FN (2024- 0482h)

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

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

AN ACT relative to forest carbon credit programs.

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

1 Department of Revenue Administration; Timber Tax. The department of revenue administration shall conduct a study of the issues related to lost timber tax revenue as a result of forest lands located within New Hampshire being enrolled in carbon credit offset programs. The department shall provide its final report including its findings and any recommendations for proposed legislation to the legislature on or before November 1, 2024.

2 New Paragraph; Forest Registry; Rulemaking. Amend RSA 227-G:4 by inserting after paragraph XI the following new paragraph:

XII.(a) Establishment and maintenance of a public registry listing forest lands located within New Hampshire that are enrolled in one or more carbon programs that reflect the land's capacity to remove and store carbon from the atmosphere, including requirements for owners of such land to file a notice of enrollment that includes the following information insofar as the information is already publicly available:

(1) The legal name of the owner of the subject land;

(2) Reference to the tax map and lot number of the subject land;

(3) The name of the program, or program registry or registries, under which the subject land is enrolled;

(4) The date of enrollment in the forest carbon credit program;

(5) The period of enrollment in the forest carbon credit program; and

(6) Acreage of subject land.

(b) The land owner shall notify the municipality or municipalities where the subject land is located, or the applicable governing body or bodies of the territory in which the land is located, of the filing of a notice pursuant to subparagraph (a).

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

2024-0482h

AMENDED ANALYSIS

This bill:

I. Requires the department of revenue administration to conduct a study of the issues related to lost timber tax revenue as a result of forest lands located within New Hampshire being enrolled in carbon credit offset programs.

II. Requires the division of forestry to establish and maintain a public registry of all forest lands enrolled in a carbon program.

Amendment to HB 1709-FN (2024-0686h)

Proposed by the Majority of the Committee on Resources, Recreation and Development–r

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

AN ACT establishing the forest carbon commission.

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

1 New Section; Forest Carbon Commission. Amend RSA 79 by inserting after section 3-b the following new section:

79:3-c Forest Carbon Commission.

I. There is established a commission to study the effect of forest carbon programs on local tax revenue and the legacy timber industry.

II.(a) Notwithstanding RSA 14:49, the members of the commission shall be as follows:

(1) Four members of the house of representatives, appointed by the speaker of the house of representatives:

(A) Two of whom shall be from the resources, recreation, and development committee, one of whom shall be from the majority party and one of whom shall be from the minority party.

(B) One of whom shall be a member of the house ways and means committee.

(C) One of whom shall be at large from the house of representatives.

(2) One member of the senate appointed by the president of the senate.

(3) One representative of the department of revenue administration, appointed by the commissioner of the department of revenue administration.

(4) The New Hampshire state forester or designee.

(5) One representative of the fish and game department, appointed by the executive director of the fish and game department.

(6) The forest industry specialist from the university of New Hampshire, or designee.

(7) The dean of the college of life sciences and agriculture of the university of New Hampshire, or his designee.

(8) One public member of the current use board appointed by the chairman of the current use board.

(9) One assessing official who is a member of the current use board appointed by the chairman of the current use board.

(10) The executive director of the New Hampshire Association of Conservation Commissions, or designee.

(11) One public member appointed by the Coos County Commissioners.

(b) Current use board members shall be compensated as described in RSA 79-A:3.

(c) Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The commission shall study:

(a) The effect of forest carbon programs on local and state tax revenue.

(b) Possible alternative revenue sources for towns that account for net impact to the local economy.

(c) Impacts to the forest products industry from changes in forest management practices due to enrollment in carbon credit programs.

(d) The trends of forest carbon programs in New Hampshire.

(e) How forest carbon agreements should be reported to the register of deeds.

(f) Any other effects of forest carbon agreements in New Hampshire including but not limited to impacts to recreation, conservation, and protection of undeveloped land.

IV. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held before July 31, 2025. Seven members of the commission shall constitute a quorum.

V. The commission shall report its findings and, if necessary, any recommended legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chair of the house resources, recreation, and development committee, the governor, and the state library on or before November 1 of each year.

2 Repeal. RSA 79:3-c, relative to the forest carbon commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2026.

II. The remainder of this act shall take effect January 31, 2025.

2024-0686h

AMENDED ANALYSIS

This bill establishes a commission to study the effects of forest carbon programs on local tax revenue.