



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

September 17, 2026

Members Present: Senators Lang, Innis, Long, and Reardon, and Representatives Layon, Dargie*, Hakken-Phillips, Lynn, and Schmidt. (*) Indicates alternate member.

1. The meeting was convened at 9:00 a.m. by Sen. Lang as Chair.

Members present at this time, aside from Senator Lang, were Senators Innis, Long, and Reardon, and Representatives Layon, Dargie, Hakken-Phillips, and Lynn.

2. Sen. Lang designated Rep. Dargie as an alternate for Rep. Schmidt, who was absent at the time.
3. The Committee discussed the minutes of the Committee meeting on August 20, 2026.

Sen. Innis moved to approve the minutes.

Rep. Layon seconded.

Adopted.

4. The Committee discussed the following items on the Consent Agenda:

CONSENT AGENDA

FP 2026-25	BOARD OF PROFESSIONAL GEOLOGISTS License Renewal, Discipline, and Continuing Education Geo 400
FP 2026-75	DEPARTMENT OF LABOR Boilers and Pressure Vessels Lab 1200
FP 2026-102	DEPARTMENT OF HEALTH AND HUMAN SERVICES FORMER DIVISION OF PUBLIC HEALTH SERVICES The Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material He-P 4038
FP 2026-106	DEPARTMENT OF HEALTH AND HUMAN SERVICES FORMER DIVISION OF HUMAN SERVICES Annual Limits, List of Elements, and Quantities for Use with Decommissioning He-W 4090 and He-W 4091
FP 2026-116	DEPARTMENT OF ENERGY Rules for Telephone Utilities En 404.02

Action Minutes
September 17, 2026
Page 2

FP 2026-117	OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION Professionals' Health Program Fee Plc 1001.08
INT 2026-20	OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION Fee to File Petition for Expungement Plc 1001.24
FP 2026-135	DEPARTMENT OF SAFETYCOMMISSIONER Commemorative Plates Saf-C 3400
EXP 2026-3	BOARD OF EDUCATION Home Education Ed 315
FP 2026-34	DEPARTMENT OF TRANSPORTATION Construction Aid and Relocation Services Tra 501, Tra 502, and Tra 503
FP 2026-38	DEPARTMENT OF EMPLOYMENT SECURITY New Hire Emp 308
FP 2026-41	BOARD OF CHIROPRACTIC EXAMINERS Licensing Requirements Ch 300
FP 2026-46	DEPARTMENT OF HEALTH AND HUMAN SERVICES FORMER DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES Rights of Persons Receiving Mental Health Services in the Community He-M 309
INT 2026-19	DEPARTMENT OF HEALTH AND HUMAN SERVICES FORMER DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES Housing Bridge Subsidy Program He-M 406
FP 2026-49	DEPARTMENT OF ENVIRONMENTAL SERVICES WATER QUALITY AND QUANTITY PROGRAMS Groundwater Discharge Permits and Registrations Env-Wq 402
FP 2026-58	REAL ESTATE COMMISSION Continued Status Rea 400
FP 2026-62	DEPARTMENT OF LABOR Health Care Workplace Violence Prevention Program Lab 1800

Action Minutes
September 17, 2026
Page 3

FP 2026-69	DEPARTMENT OF LABOR Workers' Compensation Self-Insurance Lab 400
FP 2026-76	DEPARTMENT OF HEALTH AND HUMAN SERVICES FORMER OFFICE OF ALCOHOL AND DRUG USE PREVENTION Certification and Operational Requirements for Opioid Treatment Programs He-A 304
FP 2026-83	POLICE STANDARDS AND TRAINING COUNCIL Non-Expiring Rules Update 2026 Pol 100 and Pol 200, various
FP 2026-113	DEPARTMENT OF AGRICULTURE, MARKETS, AND FOOD Importation of Bovines and Domestic Animals Agr 2104 through Agr 2114
FP 2026-115	DEPARTMENT OF HEALTH AND HUMAN SERVICES FORMER DIVISION OF HUMAN SERVICES Public Assistance Households He-W 756.06
INT 2026-21	DEPARTMENT OF ENVIRONMENTAL SERVICES WETLANDS PROGRAMS Authorization for Modification of Existing Dwellings Over Water Env-Wt 1100

Rep. Lynn moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2026-25, 2026-75, 2026-102, 2026-106, 2026-116, 2026-117, and 2026-135, Interim Rule 2026-20, and Expedited Repeal 2026-3; and conditionally approve Final Proposals 2026-34, 2026-38, 2026-41, 2026-46, 2026-49, 2026-58, 2026-62, 2026-69, 2026-76, 2026-83, 2026-113, and 2026-115, and Interim Rules 2026-19, and 2026-21, based on the agencies' Conditional Approval Requests, amended Conditional Approval Requests, or revised amended Conditional Approval Requests.

Sen. Innis seconded.

Adopted.

5. The Committee discussed Final Proposal 2026-32 from the Department of Safety, Commissioner (Various Dealer Registration Rules). Director John Marasco, and Deputy Director Melissa Reilly testified on behalf of the Department.

Rep. Schmidt arrived during the discussion.

Committee staff commented that there was no current basis for objection.

Sen. Lang asked Director Marasco if the Department would agree to postponing the hearing so the Department could consider additional stakeholder feedback.

Director Marasco said the Department would be willing to work with stakeholders and incorporate stakeholder comments and feedback into the rule.

Action Minutes
September 17, 2026
Page 4

Sen. Lang made a motion to postpone the hearing on Final Proposal 2026-32 until the October 15, 2026, Committee meeting and to request a waiver of the Committee's statutory deadline.

Rep. Layon seconded.

Adopted.

6. Sen. Lang designated Rep. Dargie as an alternate for Rep. McGuire, who was absent.
7. The Committee discussed Final Proposal 2026-42 from the Board of Chiropractic Examiners (Continued Status). Board Member Tamara Lovelace testified on behalf of the Board.

Committee staff commented that while there was no basis for objection in the Final Proposal, the Initial Proposal contained language proposing to amend existing rule as it pertained to advertising. After Committee staff commented in the Initial Proposal that the Board had exceeded its statutory authority, the Board chose to remove the language for the Final Proposal and leave the problematic language as is in existing rule. Committee staff noted that the concerns around the Board exceeding its statutory authority remained.

Ms. Lovelace testified it was the Board's position that the statutory authority concerns arose from a lack of clarity in the legislation and that an LSR had been proposed to address the issue.

Sen. Lang expressed concerns about leaving the problematic language in rule with the hopes of legislation addressing the issue.

Rep. Layon read the statute at issue, RSA 316-A:25, to the Committee and expressed concerns that the existing rule could lead a member of the regulated community to violate the statute, potentially resulting in a misdemeanor against that individual. Rep. Layon also expressed concerns that the Board would not undertake its statutory mandate to revoke the license of a licensee who violated RSA 316-A:25.

Sen. Lang asked Ms. Lovelace if she would like to take the Committee's comments to the Board for consideration.

Ms. Lovelace testified she would do so.

Sen. Lang made a motion to postpone the hearing on Final Proposal 2026-42 until the October 15, 2026, Committee meeting and to request a waiver of the Committee's statutory deadline.

Rep. Hakken-Phillips seconded.

Adopted.

8. The Committee discussed Final Proposal 2026-47 from the Board of Acupuncture Licensing (License Renewal and Continuing Education). Chantell Wheeler, Rules Administrator, and Carson Hansford, Administrative Rules Coordinator, both with the Office of Professional Licensure and Certification, testified on behalf of the Board.

Committee staff commented that the Initial Proposal from the Board proposed to amend existing rule language pertaining to the registration of continuing education courses. After receiving comments from Committee staff, the Board withdrew the applicable language. Committee staff noted that under existing rule, the Board required an application for placing a continuing education course on the register but had not created any criteria by which to do so, opening the door for potential oral rulemaking.

Action Minutes
September 17, 2026
Page 5

Mr. Hansford requested approval of Final Proposal 2026-47 as it was before the Committee so the rules could be adopted and promised that the Board would immediately enter regular rulemaking to adopt rules with criteria for the continuing education register.

Sen. Lang made a motion to conditionally approve Final Proposal 2026-47 based on the Board's written conditional approval request, with an understanding that the Board would immediately enter regular rulemaking to address the criteria issue.

Rep. Layon seconded.

Adopted

9. The Committee discussed Final Proposal 2026-110 from the Department of Health and Human Services, former Division of Mental Health and Developmental Services (Certification Standards for Developmental Services Community Residences). Allyson Raadmae, Rules Administrator, and Director Doreen Shockley, testified on behalf of the Department.

Committee staff noted that the Department had submitted an amended conditional approval request that had addressed Committee staff comments.

Sen. Innis made a motion to conditionally approve Final Proposal 2026-110 based on the Department's written conditional approval and amended conditional approval requests.

Rep. Lynn seconded.

Adopted.

10. The Committee discussed Final Proposal 2026-112 from the Department of Environmental Services, Water Quality and Quantity Programs (Administrative Fine Schedule). Aron Johnson, Legislative Liaison, and Attorney Kerry Barnsley testified on behalf of the Department.

Committee staff noted that Final Proposal 2026-112 was on the regular agenda because public testimony had raised the issue that the Department had failed to properly notify stakeholders of the rulemaking, but that upon learning of the mistake, the Department had sent proper notification, held a second public hearing, and had extended the written testimony acceptance deadline. Committee staff believed this sufficient to cure the notice defect.

Committee staff also noted that there was public comment which raised a concern that the proposed rule violated Part 1, Article 28-a of the N.H. Constitution. Committee staff did not agree with the public comment as the proposed rule did not alter a responsibility of a local subdivision, nor did it mandate new or increased financial responsibilities of a local subdivision.

Rep. Lynn made a motion to approve Final Proposal 2026-112.

Sen. Innis seconded.

Adopted.

11. The Committee discussed Final Proposal 2026-121 from the Office of Professional Licensure and Certification (Chapter Specific Definitions and Fees).

Angela Boyle of the Dupont Group, and Myra Nikitas, Licensed Hygienist, testified on behalf of the NH Dental Hygiene Association. Ms. Boyle, and Ms. Nikitas explained to the Committee that under the current

Action Minutes
September 17, 2026
Page 6

licensing scheme and fee structure, it cost more in licensing fees for a Hygienist to be permitted to provide anesthesia than it did for a licensed dentist providing the same service. Testimony indicated the current structure is unfair, costly, and impacted workforce development.

Rep. Layon noted that there was no basis for objection to the rule as proposed but that she was happy to work with the Board and the Office of Professional Licensure and Certification to introduce legislation that would address concerns raised in testimony.

Chantell Wheeler, Rules Administrator, and Carson Hansford, Administrative Rules Coordinator, testified on behalf of the Office.

Rep. Layon made a motion to approve Final Proposal 2026-121.

Sen. Reardon seconded.

Adopted.

12. Rep. Lynn moved to adjourn.

Rep. Layon seconded.

Adopted and adjourned at 9:39 a.m.