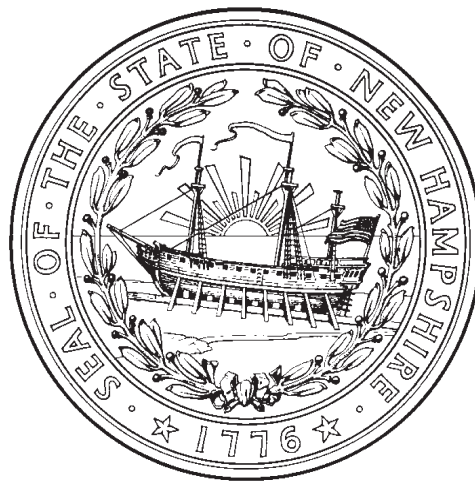


March 5, 2020
No. 10

STATE OF NEW HAMPSHIRE

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



**Second Year of the 166th Session of the
New Hampshire General Court**

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION ON
WEDNESDAY, MARCH 11, 2020 AT 3:00 p.m.**

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, MARCH 12, 2020 AT 10:00 A.M.**

LAID ON THE TABLE

SB 65, relative to the start of the school year.**01/08/2020, Pending Motion Inexpedient to Legislate, Education and Workforce Development, SJ 1**

SB 95-FN, establishing a working families property tax refund program.**01/08/2020, Pending Motion Inexpedient to Legislate, Ways and Means, SJ 1**

SB 171-FN-A, appropriating money to remove lead from drinking water pipes in schools.**01/08/2020, Pending Motion Inexpedient to Legislate, Finance, SJ 1**

SB 181-FN, requiring monitoring of certain radioactive air pollutants.**01/08/2020, Pending Motion Interim Study, Health and Human Services, SJ 1**

SB 491, relative to shoreland water quality.**03/05/2020, Pending Motion Committee Amendment # 2020-0508s, Energy and Natural Resources, SJ 5**

SB 609, relative to passenger restraints.**03/05/2020, Pending Motion Ought to Pass, Transportation, SJ 5**

SB 644, relative to missing children.**01/30/2020, Pending Motion OT3rdg, Health and Human Services, SJ 2**

SB 667-LOCAL, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.**03/05/2020, Pending Motion Inexpedient to Legislate, Election Law and Municipal Affairs, SJ 5**

SB 741-FN, establishing the born alive protection act.**02/13/2020, Pending Motion Inexpedient to Legislate, Health and Human Services, SJ 4**

HB 121-FN, relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.**01/08/2020, Pending Motion Inexpedient to Legislate, Executive Departments and Administration, SJ 1**

HB 263, relative to department of health and human services family reunification practices involving convicted sex offenders.**02/13/2020, Pending Motion Committee Amendment # 2020-0604s, Judiciary, SJ 4**

HB 397-FN, relative to drivers' licenses for New Hampshire residents who do not possess a social security card.**01/08/2020, Pending Motion Committee Amendment # 2019-2800s, Transportation, SJ 1**

HB 447, relative to school calendar days.**01/08/2020, Pending Motion Inexpedient to Legislate, Education and Workforce Development, SJ 1**

HB 520, relative to availability of diaper changing stations in public restrooms.**01/08/2020, Pending Motion Inexpedient to Legislate, Executive Departments and Administration, SJ 1**

HB 652, relative to suicide prevention.**01/08/2020, Pending Motion Inexpedient to Legislate, Education and Workforce Development, SJ 1**

CONSENT CALENDAR REPORTS

COMMERCE

SB 685-FN, establishing a wholesale prescription drug importation program.

Ought to Pass with Amendment, Vote 5-0.

Senator Cavanaugh for the committee.

This bill establishes an importation program that would allow prescription drugs from Canada to be available to NH residents. The intent is to help alleviate sky-rocketing prescription costs. This program would be established, overseen, and regulated through the department of health and human services. Prior to implementing the program, HHS would be responsible for gaining federal approval. Annually, HHS would be required to submit a report detailing the estimated cost savings provided to consumers, insurance carriers,

and employers. The committee adopted an amendment, which made several changes. First, there was a typo error fixed on page 1, line 25-26. Second, a program requirement was added to protect the 340B program. Finally, with the approval of the governor and executive council, a PBM reverse auction program would be established. In NJ, a similar program has saved the state approximately \$2.5 billion over two years.

SB 708-FN, relative to treatment alternatives to opioids.

Ought to Pass, Vote 5-0.

Senator French for the committee.

This bill provides patients suffering from pain with non-opioid alternatives, such as chiropractic or acupuncture treatments. The intent of this bill, especially with the ongoing opioid crisis, is to reach patients before they have become addicted. Other states like West Virginia have implemented similar legislation.

SB 739-FN, relative to mental health and substance use disorder insurance coverage.

Ought to Pass, Vote 5-0.

Senator Morgan for the committee.

This bill was at the request of the NH Psychiatry Association and requires carriers to reimburse for a collaborative care approach for treatment of patients with mental health and substance use disorders. While research shows this to result in the best patient outcomes, it also represents the most efficient and cost effective use of limited provider resources. Under this model, psychiatrists and primary care providers work together to provide collaborative treatment to their shared patients. Any conversations that occur between the two providers would be billable. This bill would only apply to commercial insurers in both the group and individual marketplace.

SB 756-FN-L, relative to insurance coverage for emergency volunteers.

Interim Study, Vote 5-0.

Senator Cavanaugh for the committee.

This bill came from recommendations made by an HHS oversight subcommittee. Senator Fuller Clark stated that this bill addresses an important issue; however, after meeting with stakeholders, it's not ready to move forward. At Senator Fuller Clark's request, the committee adopted a motion of interim study, so that additional time could be used to incorporate suggestions and improve the language of the bill.

SB 759-FN, relative to employers provision of reasonable accommodations for pregnant employees.

Ought to Pass with Amendment, Vote 5-0.

Senator French for the committee.

This bill was crafted with input from the governor's office. The intent is to require employers to make accommodations for pregnant women in the workplace without the fear of being fired or forced out of their position. The committee found that this bill wouldn't create additional implementation costs for the Commission for Human Rights. Additionally, the committee adopted an amendment, which provides consistency under RSA 354-A:7, VI(b) with other RSA's for what constitutes both a reasonable accommodation and an undue hardship.

EDUCATION AND WORKFORCE DEVELOPMENT

SB 711-FN-L, relative to child sexual abuse prevention education and training.

Ought to Pass with Amendment, Vote 5-0.

Senator Kahn for the committee.

This bill as amended requires employing school administration units, school districts, and chartered public schools to provide employees and volunteers who require a criminal history records check with materials concerning sexual abuse prevention. This may include online or in person training and will help protect the state's most vulnerable citizens, its children.

SB 733-FN, relative to penalties for schools that fail to file certain reports with the department of education.

Interim Study, Vote 5-0.

Senator Kahn for the committee.

This bill would have permitted the Commissioner of the Department of Education to withhold a portion of education adequacy funding if a school fails to file certain reports. The committee determined that research is needed to make improvements to the language of the bill.

SB 746, relative to the charter for Brewster Academy.

Ought to Pass, Vote 5-0.

Senator Ward for the committee.

This bill will amend the charter of Brewster Academy by increasing the membership on the Brewster Academy board of trustees. The bill also allows Brewster Academy to amend its charter in accordance with the provisions of RSA 292:7, governing the powers of voluntary corporations. This will provide efficiency for the Academy in not having to go to the Legislature when updates are needed.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 521, relative to prohibiting legislator participation or advocacy in matters directly related to their employment.

Ought to Pass with Amendment, Vote 5-0.

Senator Chandley for the committee.

The bill, as introduced, added to statute a conflict of interest prohibition. Legislators would be barred from introducing legislation, testifying, voting, participating in, or influencing any legislative matter directly related to the legislator's employment. Recognizing the importance of legislative ethics, the complexity of the issue, and the need for full discussion, the committee amended the bill to create a study committee with bipartisan representation from both chambers to examine the matter and recommend a course of action.

SB 576, revising the authority of boards and commissions for technical and health professions regulated by the office of professional licensure and certification.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This bill makes changes to the statutory provisions governing the regulatory boards and commissions for technical professions and health professions in order to conform to oversight and administration by the Office of Professional Licensure and Certification (OPLC). There has been a lot of disorder and confusion at OPLC since its inception, but SB 576 is a step in the right direction of bringing OPLC into order. The committee amendment makes changes to the schedule of renewal of pharmacy licenses. The committee respectfully recommends that the Chair of the Senate Committee on Finance review this bill for a potential fiscal impact, especially that of the committee amendment.

SB 597, relative to licensure of physician assistants.

Ought to Pass with Amendment, Vote 5-0.

Senator Rosenwald for the committee.

This bill clarifies the licensure of physician assistants and provides for biennial renewal of physician assistant licenses. The committee amendment ensures that individuals practicing as a physician assistant are licensed by the State of New Hampshire and meet our licensure criteria. The committee amendment also clarifies that the fees collected from physician assistant licenses are paid to, and set by, the Office of Professional Licensure and Certification rather than the Board of Medicine and provides for a transition period for a move to biennial licensing.

SB 729-FN, relative to the board of medical imaging and radiation therapy.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This bill adds cardiac electrophysiology specialist and cardiovascular invasive specialist to the licenses administered by the Medical Imaging and Radiation Therapy (MIRT) Board. The bill also adds a requirement for a criminal history records check for medical imaging and radiation therapy license applicants and modifies procedures for the Board. This will ensure that the terms used by the MIRT Board best align with the practices of the medical imaging field. The committee amendment addresses concerns raised by the Office of Professional Licensure and Certification, the MIRT Board, and the hospital community.

SB 744, establishing a commission to review drug overdose fatality information and data.

Ought to Pass with Amendment, Vote 5-0.

Senator Chandley for the committee.

This bill establishes the New Hampshire drug overdose fatality review commission to review information and data related to drug overdose fatalities in New Hampshire. This will put in statute a commission that was created by Executive Order of Governor Hassan. With the opioid crisis gripping New Hampshire, it is important to understand the factors that lead to an overdose fatality. The committee amendment makes several clerical adjustments.

SB 752, relative to the authority of the department of administrative services, division of personnel.
Ought to Pass with Amendment, Vote 5-0.
Senator Cavanaugh for the committee.

This bill clarifies the authority of the Department of Administrative Services, Division of Personnel to administer positions within the executive branch and issue personnel standards, practices and procedures, including technical assistance manuals for state agencies, and is a request of the Department. This bill is a housekeeping bill and should have been included in the budget process.

SB 753, renaming a wing in the New Hampshire veterans' home.
Interim Study, Vote 5-0.
Senator Carson for the committee.

This bill renames the life enhancement dementia unit in the New Hampshire Veterans' Home the Barry E. Conway Unit. There are several groups involved with the Veterans' Home, including the Board of Managers, who were not consulted about this bill before its introduction. The Committee felt it was best to hold off on this bill until after all relevant groups could be consulted.

JUDICIARY

SB 439-FN, relative to penalties for violations of privacy.
Ought to Pass with Amendment, Vote 5-0.
Senator French for the committee.

As amended, this bill modifies the penalties for certain nonconsensual violations of privacy. Individuals have the right to privacy in private places and amending the penalties in relation to the severity of the offense in these instances will give law enforcement the tools they need to combat this unlawful behavior.

SB 468-FN, relative to prohibited sexual contact involving persons in a position of authority.
Interim Study, Vote 5-0.
Senator French for the committee.

This bill would amend the circumstances that constitute sexual contact by a person in a position of authority for the purpose of sexual assault. As the Committee is supporting SB572-FN, which addresses the same issue as SB468-FN, the Committee recommends the motion of Interim Study on SB468-FN.

SB 572-FN, relative to prohibited sexual contact involving persons in a position of authority.
Ought to Pass, Vote 5-0.
Senator Hennessey for the committee.

This bill amends the circumstances that constitute sexual contact by a person in a position of authority for the purpose of sexual assault. Ensuring the safety of individuals who are vulnerable, especially children who are students in our education systems, is of the utmost importance. Recent events in the Concord School District have revealed loopholes in the system and SB572-FN ensures that offenders will be held accountable and that there will be clear pathways for reporting.

SB 605-FN, relative to violations of privacy involving an unmanned aerial vehicle.
Ought to Pass with Amendment, Vote 5-0.
Senator Hennessey for the committee.

As amended, this bill establishes a criminal penalty for interference with the enjoyment of a dwelling place and a civil cause of action for injury resulting from such interference. Enacting this legislation will ensure that individuals who violate the privacy of a home, with or without the use of a mechanical or electronic device such as a drone, can be held accountable for those actions. The Committee amended the bill to clarify the language and ensure that it adapts to the rapidly changing technological landscape of our society.

SB 648-FN, relative to fees for the services of sheriffs and deputy sheriffs.
Ought to Pass with Amendment, Vote 5-0.
Senator Carson for the committee.

This bill increases fees for certain services of sheriffs and deputy sheriffs. Sheriff's fees have not been increased in more than ten years, and this modest change will assist in covering the increased costs of business for written services including, fuel, wages, mail, cruisers, and more. The Committee amended the bill to ensure mileage is paid only once when a service is requested by one party to multiple individuals in the same physical location and when those multiple services can be reasonably made in one trip.

SB 677-FN, relative to protective orders for vulnerable adults.
Interim Study, Vote 5-0.
Senator Hennessey for the committee.

This bill would establish a procedure for protective orders for vulnerable adults. As the majority of the Committee has made the recommendation to support the passage of HB1660-FN, which also addresses protective orders for vulnerable adults, the Committee recommends placing SB677-FN in Interim Study.

SB 734-FN, relative to exemptions from prosecution for victims of human trafficking.
Ought to Pass, Vote 5-0.
Senator Levesque for the committee.

This bill exempts victims of human trafficking from prosecution for certain criminal offenses and establishes procedures for vacating a conviction, adjudication of delinquency, or diversion agreement resulting from human trafficking. This change will bring New Hampshire in line with many other states in the nation regarding laws for human trafficking victims. These survivors are arrested for a variety of reasons related to being trafficked and enacting this legislation will help them move forward in their lives in a positive manner.

TRANSPORTATION

SB 526, relative to disposal of abandoned cars.
Ought to Pass, Vote 5-0.
Senator Birdsell for the committee.

This bill makes certain modifications to the requirements for disposal of motor vehicles by storage companies and clarifies when certain information relative to motor vehicle owners may be shared with tow companies. It allows any records requested by the state police to owners of towed or impounded vehicles to be shared with local law enforcement agencies and authorized representatives of tow companies. It clarifies towing to add whether from an accident, arrest, parking violation, or abandonment. It increases the number of days the owner of an abandoned vehicle has to claim the vehicle from a storage facility from 20 days to 45 days. It also deletes language relative to the age of the vehicle and increases the value of the vehicle from \$1,000 to \$2,500 relative to when a storage facility may dispose of a vehicle without notice.

REGULAR CALENDAR REPORTS

COMMERCE

SB 486-FN, relative to insurance plans that cover maternity benefits.
Ought to Pass, Vote 3-2.
Senator Cavanaugh for the committee.

SB 603-FN, relative to financial assistance for biomass and forest product workers.
Ought to Pass, Vote 3-2.
Senator Morgan for the committee.

SB 620-FN, relative to coverage for certain biologically-based mental illnesses.
Ought to Pass with Amendment, Vote 3-2.
Senator Morgan for the committee.

SB 622-FN, establishing minimum standards for insurance claim review and settlement practices.
Ought to Pass with Amendment, Vote 3-2.
Senator Cavanaugh for the committee.

SB 623-FN, requiring insurance coverage for PFAS and PFC blood tests.
Ought to Pass, Vote 5-0.
Senator Morgan for the committee.

SB 686-FN, relative to rebates paid to pharmacy benefits managers.
Ought to Pass with Amendment, Vote 3-2.
Senator Morgan for the committee.

SB 687-FN, relative to transparency in prescription drug pricing and establishing a New Hampshire prescription drug affordability board.
Ought to Pass with Amendment, Vote 3-2.
Senator Cavanaugh for the committee.

SB 688-FN, prohibiting price gouging in the sale of prescription drugs.
Ought to Pass with Amendment, Vote 3-2.
Senator Cavanaugh for the committee.

SB 689-FN, relative to the pharmacy anti-steering law.

Ought to Pass with Amendment, Vote 3-2.

Senator Morgan for the committee.

SB 750-FN-A, providing for premium-free insurance to persons who donate a kidney.

Interim Study, Vote 5-0.

Senator French for the committee.

SB 760-FN, relative to criminal background checks for school bus drivers.

Ought to Pass, Vote 5-0.

Senator Cavanaugh for the committee.

EDUCATION AND WORKFORCE DEVELOPMENT

SB 683-FN, establishing a New Hampshire innovation program in the department of business and economic affairs and making an annual appropriation therefor.

Ought to Pass with Amendment, Vote 4-1.

Senator Dietsch for the committee.

SB 726-FN, relative to programs to aid veterans' access to employment, entrepreneurship, housing, health care and college degrees.

Ought to Pass with Amendment, Vote 4-1.

Senator Morgan for the committee.

SB 727-FN-L, relative to Holocaust and genocide studies legislation.

Ought to Pass with Amendment, Vote 5-0.

Senator Kahn for the committee.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 476, relative to parking restrictions at public access to public waters.

Interim Study, Vote 5-0.

Senator Sherman for the committee.

SB 586-FN, relative to certain expenditures by candidates and candidate committees.

Ought to Pass with Amendment, Vote 3-2.

Senator Sherman for the committee.

SB 631-FN, authorizing online voter registration.

Ought to Pass with Amendment, Vote 3-2.

Senator Levesque for the committee.

SB 694-FN-A, relative to minimal cybersecurity standards for municipalities and making appropriations therefor.

Ought to Pass with Amendment, Vote 4-1.

Senator Morgan for the committee.

SB 695-FN, relative to sharing voter registration information.

Ought to Pass, Vote 3-2.

Senator Levesque for the committee.

ENERGY AND NATURAL RESOURCES

SB 462-FN, relative to state energy management.

Ought to Pass, Vote 4-0.

Senator Bradley for the committee.

SB 588-FN, relative to wanton waste of an animal and prohibiting wildlife killing contests.

Ought to Pass with Amendment, Vote 5-0.

Senator Watters for the committee.

SB 591, establishing a statewide solid waste disposal reduction goal.

Ought to Pass with Amendment, Vote 4-0.

Senator Watters for the committee.

SB 626-FN, removing the fee to file certain administrative petitions with the site evaluation committee.

Ought to Pass with Amendment, Vote 4-0.

Senator Fuller Clark for the committee.

SB 629-FN, establishing the solid waste reduction management fund and establishing a solid waste disposal surcharge.

Ought to Pass with Amendment, Vote 3-1.

Senator Watters for the committee.

SB 692-FN, relative to certain costs of the public utilities commission for participation in regional activities.

Ought to Pass with Amendment, Vote 4-0.

Senator Feltes for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 637-FN, relative to fraud and errors in records of the retirement system.
Inexpedient to Legislate, Vote 4-1.
Senator Cavanaugh for the committee.

FINANCE

SB 730-FN-L, establishing the granite state paid family leave plan.
Interim Study, Vote 4-1.
Senator D'Allesandro for the committee.
HB 712-FN, relative to a family and medical leave insurance program.
Ought to Pass, Vote 4-1.
Senator Feltes for the committee.

HEALTH AND HUMAN SERVICES

SB 672, relative to behavioral health services for children and certain revisions to notifications of discharge for individuals found incompetent to stand trial and nonemergency involuntary admissions revocation of conditional discharge.
Ought to Pass, Vote 4-0.
Senator Gray for the committee.
SB 698, relative to the Interstate Compact on Child Placement.
Ought to Pass, Vote 4-0.
Senator Chandley for the committee.
SB 699, relative to the interstate compact on child placement 2009.
Ought to Pass, Vote 4-0.
Senator Gray for the committee.
SB 702, relative to contracting requirements for certain providers of child welfare services with the department of health and human services.
Ought to Pass with Amendment, Vote 4-0.
Senator Sherman for the committee.
SB 718-FN-A, relative to the New Hampshire state health improvement plan and making an appropriation therefor.
Ought to Pass with Amendment, Vote 4-0.
Senator Sherman for the committee.
SB 754-FN, establishing a dental benefit under the state Medicaid program.
Ought to Pass with Amendment, Vote 4-0.
Senator Bradley for the committee.
SB 758-FN, relative to banning kratom.
Ought to Pass with Amendment, Vote 4-0.
Senator Fuller Clark for the committee.

JUDICIARY

SB 436-FN, relative to the penalties for various motor vehicle violations.
Ought to Pass with Amendment, Vote 4-1.
Senator Chandley for the committee.
SB 649-FN, relative to commercial drivers' licenses and driving under the influence while driving certain commercial motor vehicles.
Ought to Pass, Vote 4-1.
Senator Levesque for the committee.
SB 679-FN, relative to policies on sexual assault in higher education institutions.
Ought to Pass with Amendment, Vote 3-1.
Senator Hennessey for the committee.
SB 705-FN, relative to fraudulent online duplication of a social networking account.
Ought to Pass with Amendment, Vote 3-2.
Senator Levesque for the committee.
SB 732-FN, prohibiting the sharing of location data.
Ought to Pass with Amendment, Vote 3-2.
Senator Chandley for the committee.
HB 1660-FN, establishing a protective order for vulnerable adults.
Ought to Pass, Vote 3-1.
Senator Chandley for the committee.

TRANSPORTATION

SB 610, establishing a commission to evaluate the transportation climate initiative framework for a draft memorandum of understanding and associated modeling and scenarios.

Ought to Pass with Amendment, Vote 5-0.

Senator Watters for the committee.

SB 615, relative to small unmanned aircraft.

Ought to Pass with Amendment, Vote 5-0.

Senator Watters for the committee.

AMENDMENTS

Senate Judiciary

March 3, 2020

2020-1047s

11/04

Amendment to SB 436-FN

Amend the introductory paragraph of RSA 651:2, II-h as inserted by section 1 of the bill by replacing it with the following:

II-h. A person charged with any offense under RSA 265, RSA 265-A, or RSA 630:3 whose offense was also based on facts involving the prohibited use of a mobile electronic device while driving, as defined in RSA 265:79-c, may be subject to enhanced penalties for such offenses, as follows:

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2021.

2020-1047s

AMENDED ANALYSIS

This bill provides for enhanced penalties for certain driving offenses where the offense was also based on facts involving the prohibited use of a mobile electronic device.

Senate Judiciary

March 3, 2020

2020-1050s

04/11

Amendment to SB 439-FN

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

1 Violation of Privacy. Amend RSA 644:9, I to read as follows:

I. A person is guilty of ~~[a class A misdemeanor if such person unlawfully and without the consent of the persons entitled to privacy therein, installs or uses]~~:

(a) ***A class B felony if such person unlawfully and without the consent of the persons entitled to privacy therein, installs or uses*** any device for the purpose of observing, photographing, recording, amplifying, broadcasting, or in any way transmitting images or sounds of the private body parts of a person including the genitalia, buttocks, or female breasts, or a person's body underneath that person's clothing; or

(b) ***A class A misdemeanor, if such person unlawfully and without the consent of the persons entitled to privacy therein, installs or uses***, in any private place, any device for the purpose of observing, photographing, recording, amplifying, or broadcasting, or in any way transmitting images or sounds in such place; or

(c) ***A class B misdemeanor, if such person unlawfully and without the consent of the persons entitled to privacy therein, installs or uses***, outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, observing, or in any way transmitting images, location, movement, or sounds originating in such place which would not ordinarily be audible, visible, or comprehensible outside such place.

2 Effective Date. This act shall take effect January 1, 2021.

2020-1050s

AMENDED ANALYSIS

This bill amends the penalties for certain nonconsensual violations of privacy.

Senate Executive Departments and Administration

March 5, 2020

2020-1105s

10/06

Amendment to SB 521

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

AN ACT establishing a committee to study and make recommendations for changes to RSA 14-B and RSA 14-C and the ethics guidelines governing conflicts of interest by members of the general court.

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

1 Findings; Purpose. The general court hereby finds:

I. That part II, article 7 of the New Hampshire constitution states: “No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature.”

II. That the general court has adopted principles of public service including the principle requiring “independent, objective judgment in performing a legislator’s duties and deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.”

III. That the New Hampshire general court, consistent with RSA 14-B:3, has adopted guidelines prohibiting legislators from engaging in certain activities.

IV. That in order to comply with New Hampshire’s constitutional requirements, to satisfy statutory requirements, and to maintain the confidence of the New Hampshire citizenry, the general court should review current conflict of interest provisions and make recommendations for changes, including whether recusal from participation in legislative matters when there is a conflict of interest is sometimes required.

2 Committee Established. There is hereby established a committee to study and make recommendations for changes to the laws and ethics guidelines governing conflicts of interest by members of the general court.

3 Membership and Compensation.

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

(a) Two members of the senate, each of whom is a current member of the legislative ethics committee, and 2 additional members of the senate who shall not be of the same political party, appointed by the president of the senate.

(b) Two members of the house of representatives, each of whom is a current member of the legislative ethics committee, and 2 additional members of the house of representatives who shall not be of the same political party, appointed by the speaker of the house of representatives.

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

4 Duties. The committee shall have the following duties:

I. The committee shall study the current laws for legislative ethics under RSA 14-B and RSA 14-C, and the Ethics Guidelines, as they relate to conflicts of interest and financial disclosure by legislators.

II. Review the conflict of interest laws governing legislatures in other states.

III. Make recommendations for changes to the laws, rules, guidelines, and procedures as they relate to conflicts of interest.

5 Administrative Support. The executive administrator of the legislative ethics committee, the senate legal counsel, and the house legal counsel shall provide administrative support to the committee.

6 Meetings and Report.

I. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. Five members of the committee shall constitute a quorum.

II. The committee shall submit 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, 2020. The committee may issue an interim report.

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

2020-1105s

AMENDED ANALYSIS

This bill establishes a committee to study and make recommendations for changes to RSA 14-B and RSA 14-C and the ethics guidelines governing conflicts of interest by members of the general court.

Senate Executive Departments and Administration

March 5, 2020

2020-1104s

10/06

Amendment to SB 576

Amend the bill by replacing section 180 with the following:

180 Pharmacy Board; Permit; Fees. Amend RSA 318:38, II and III to read as follows:

II. All pharmacy permits shall expire when there is a change of ownership of the pharmacy or at midnight on December 31 [~~biennially in each odd-numbered year~~] **annually**. Every pharmacy that wishes to continue to operate as such shall renew its permit no later than December 15 [~~biennially in odd-numbered years~~] **annually** or immediately when the permit expires for any other reason. It shall be deemed a violation of the provisions of this chapter for any pharmacy to be open or operated beyond the expiration date of its permit.

III. All applicants for a pharmacy permit shall pay a reasonable fee as established by the [~~board~~] **office of professional licensure and certification** for each original pharmacy permit and for each renewal thereof.

Amend the bill by replacing section 308 with the following:

308 Effective Date. This act shall take effect September 1, 2020.

Election Law and Municipal Affairs

March 4, 2020

2020-1087s

11/06

Amendment to SB 586-FN

Amend RSA 664:7 as inserted by section 2 of the bill by replacing it with the following:

664:7 Reporting by Candidates. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. ***Each candidate with expenditures totaling more than \$1,000 to himself or herself or to his or her immediate family shall also submit back-up receipts, which shall be retained for the duration of the subsequent reporting period.***

Energy and Natural Resources

March 4, 2020

2020-1069s

04/10

Amendment to SB 588-FN

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

AN ACT relative to wanton waste of an animal and relative to contests for taking fur-bearing animals.

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

1 New Paragraph; General Provisions as to Fish and Game; Definitions. Amend RSA 207:1 by inserting after paragraph XXIX the following new paragraph:

XXIX-a. Wanton Waste: The act of intentionally leaving a wounded or killed animal in the field or forest without making a reasonable effort to retrieve and render it for consumption or use. This definition shall not apply to animals that are diseased, and thus unfit for consumption or use, or grossly mutilated, and thus rendered unfit for consumption or use, nor to animals on privately owned property taken in the defense of person or property under RSA 207:26 or RSA 207:30.

2 New Section; General Provisions as to Fish and Game; Wanton Waste. Amend RSA 207 by inserting after section 3-e the following new section:

207:3-f Wanton Waste.

I. No person shall commit wanton waste of a wild bird or wild animal that has been wounded or killed by that person while hunting. This section shall not apply to animals that are diseased, and thus unfit for consumption or use, or grossly mutilated, and thus rendered unfit for consumption or use. Any person who violates this section shall be guilty of a violation.

II. This section shall not abridge enforcement actions taken pursuant to RSA 212-A, RSA 207:5, or RSA 211:1. This section shall not apply to wildlife conservation officers, licensed trappers for removal of nuisance animals, persons acting under a pre-damage kill permit, persons acting under a depredation permit, persons acting for scientific purposes under a scientific permit, or persons acting pursuant to RSA 207:22-c, III or RSA 206:26.

III. The executive director shall adopt rules, pursuant to RSA 541-A, regarding the applicability of this section to hunting and fishing in the state.

3 New Section; Fur-Bearing Animals; Contests to Take Fur-Bearing Animals. Amend RSA 210 by inserting after section 23 the following new section:

210:23-a Contests to Take Fur-Bearing Animals. No later than January 1, 2021, the executive director shall adopt rules, pursuant to RSA 541-A, governing the organization, promotion, solicitation of participation in, or participation in, any contest that is created specifically for participants to take a fur-bearing animal.

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

2020-1069s

AMENDED ANALYSIS

This bill prohibits wanton waste of an animal and requires the executive director of the fish and game department to adopt rules governing fur-bearing animal taking contests.

Energy and Natural Resources

March 3, 2020

2020-1039s

08/10

Amendment to SB 591

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

1 Solid Waste Disposal Reduction Goal. Amend RSA 149-M:2 to read as follows:

149-M:2 ***Solid*** Waste ***Disposal*** Reduction Goal.

I. The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled or composted. [The general court declares that the goal of the state, by the year 2000, is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire. The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods.] The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators.

II. [In exercising any and all powers conferred upon the department under this chapter, the department shall use and consider criteria relevant to the waste reduction goal and disposal hierarchy established in RSA 149-M:2 and 149-M:3. The department shall not take any action relative to the 40 percent weight reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on June 26, 1990.] *The general court further declares a goal to reduce the quantity by weight of solid waste disposed in landfills and incinerators by 25 percent by the year 2030, and by 45 percent by the year 2050. For the purposes of this goal, disposal reduction targets shall apply, on a combined basis, to disposal of municipal solid waste and construction and demolition debris, and shall be measured against baseline quantities of these wastes disposed of in the year 2018. For the purposes of this goal only, municipal solid waste means solid waste generated at residences, commercial or industrial establishments, and institutions, but excludes automobile scrap and other motor vehicle waste, infectious waste, asbestos waste, contaminated soil and other absorbent media, sludge, industrial process waste, and ash other than ash from household stoves. Disposal reduction may be achieved through source reduction as well as diversion including but not limited to reuse, recycling, and composting.*

III. *In exercising any and all powers conferred upon the department under this chapter, the department shall use and consider criteria relevant to the disposal reduction goal and solid waste management hierarchy established in this section and RSA 149-M:3. The department shall not take any action relative to the reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on June 26, 1990.*

2 State Solid Waste Disposal Reduction Goal. Amend the introductory paragraph of RSA 149-M:29, II to read as follows:

II. [At least every] ***Beginning*** October 1, ***2022*** [~~of every odd-numbered~~] ***and every even-numbered*** year ***thereafter***, the department shall prepare a report on the level of achievement in reaching the [40 percent diversion] goal established in RSA 149-M:2 and on proposed strategies for achieving the goal and any proposed changes to the goal. The report shall contain information regarding:

3 State Solid Waste Plan. Amend RSA 149-M:29, I to read as follows:

I. Beginning October 1, [1998] ***2021***, and every [6] ***10*** years thereafter, the department shall update the state's solid waste plan, ***which shall contain, at minimum, the following elements:***

(a) ***Goals and strategies for solid waste management in New Hampshire that are consistent with the provisions of this chapter.***

(b) ***Discussion of opportunities to reduce solid waste generation through source reduction and increase diversion through methods such as recycling and composting.***

(c) ***Discussion of actions necessary to maintain adequate capacity for management of solid waste generated in New Hampshire.***

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

2020-1039s

AMENDED ANALYSIS

This bill establishes a statewide solid waste disposal reduction goal.

This bill also revises requirements relative to the state solid waste plan.

Senate Executive Departments and Administration

March 4, 2020

2020-1084s

10/11

Amendment to SB 597

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

1 Physician Assistants; Licensure. Amend RSA 328-D:2 to read as follows:

328-D:2 License Required.

I. No person shall practice as ~~[or hold himself out to be]~~ a physician assistant ~~[or use any letters designating himself as a physician assistant]~~ **in the state of New Hampshire** unless he **or she** is licensed **by the board of medicine** in accordance with this chapter.

II. This section shall not be construed to prohibit students enrolled in physician assistant training programs approved by the board, from performing work incidental to their respective courses of study or supervised clinical work while under the supervision of a ~~[physician]~~ **designated preceptor**.

III. The board shall license each applicant who satisfies the requirements under RSA 328-D:3. Upon payment of a license fee, the board shall issue to such person a license, which shall be prima facie evidence of the right to practice as a physician assistant. ~~[A licensed physician assistant may use the letters "P.A." in connection with his name to denote his licensure under this chapter.]~~

2 Physician Assistants; License Renewal. Amend RSA 328-D:5 to read as follows:

328-D:5 Renewal of Licenses. Every person licensed to practice under this chapter shall apply to the board for ~~[annual]~~ **biennial** renewal of license on forms provided by the ~~[board]~~ **office of professional licensure and certification** and shall pay a renewal fee as established by the ~~[board]~~ **office of professional licensure and certification**. Applications for renewal shall be filed no later than December 31 of ~~[each]~~ **every other** year and shall include ~~[a photocopy]~~ **proof** of the applicant's current national certification ~~[card]~~. A license issued under this chapter shall not expire until the board has taken final action upon the application for renewal.

3 Physician Assistants; Transition of License Renewals. For the transition from annual to biennial renewal under RSA 328-D:5 as amended by this act, licensees who were initially licensed in odd-numbered years prior to 2021 shall renew by December 31, 2021 and every 2 years thereafter, and licensees who were initially licensed in even-numbered years shall renew by December 31, 2022 and every 2 years thereafter. The office of professional licensure and certification shall prorate the renewal fee for those who receive a one-year renewal during this transition. Notwithstanding RSA 318-B:40, those who receive a one-year renewal during this transition shall only be required to obtain 1.5 contact hours of continuing education in pain management and addiction disorder as a condition of the renewal during the transition.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 2021.

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

Senate Judiciary
March 3, 2020
2020-1052s
04/10

Amendment to SB 605-FN

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

AN ACT relative to interference with the enjoyment of a dwelling place.

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

1 New Section; Wilful Trespass; Interference With the Enjoyment of a Dwelling Place. Amend RSA 539 by inserting after section 9 the following new section:

539:10 Interference With the Enjoyment of a Dwelling Place. Any person who knowingly uses any device, including a mechanical or electronic device, in such a way as to unreasonably disturb the peaceful enjoyment of another person's dwelling place or its curtilage, or any person who aids in such act, shall be guilty of a misdemeanor. Any person injured by a violation of this section shall have a right of action in the superior court to enforce this section and shall be awarded actual damages or \$1,000, whichever is greater, and reasonable attorney's fees and court costs.

2 Effective Date. This act shall take effect January 1, 2021.

2020-1052s

AMENDED ANALYSIS

This bill establishes a criminal penalty for interference with the enjoyment of a dwelling place and a civil cause of action for injury resulting from such interference.

Senate Transportation

March 3, 2020

2020-1041s

06/11

Amendment to SB 610

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

AN ACT establishing a committee to evaluate the Transportation Climate Initiative memorandum of understanding and associated modeling and scenarios.

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

2 Committee Established. There is established a committee to evaluate the Transportation Climate Initiative memorandum of understanding, actions by member states, and associated modeling and scenarios.

3 Membership and Compensation.

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

(a) Four members of the senate, one of whom shall be a member of the energy and natural resources committee, one of whom shall be a member of the senate transportation committee, one of whom shall be a member of the senate finance committee, and one of whom shall be a member of the senate ways and means committee, appointed by the president of the senate.

(b) Six members of the house of representatives, one of whom shall be a member of the commerce and consumer affairs committee, one of whom shall be a member of the public works and highways committee, one of whom shall be a member of the house ways and means committee, one of whom shall be a member of the house finance committee, one of whom shall be a member of the house transportation committee, and one of whom shall be a member of the science, technology and energy committee, appointed by the speaker of the house of representatives. Staff of the senate and house committees from which membership is drawn, as available, shall assist in the work of the committee.

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

4 Duties. The committee shall:

I. Consider the effect of the Transportation Climate Initiative on New Hampshire emissions, clean energy strategies, and public health.

II. Consider the costs and benefits of participation and nonparticipation on New Hampshire consumers, business, industry, municipalities, and state agencies.

III. Evaluate the memorandum of understanding and related modeling and scenarios in terms of the Transportation Climate Initiative framework principles: equity, affected fuels and emissions, regulated entities, emissions reporting, monitoring and verification, flexibility and cost containment, auctions and allocations, regional caps and allowance budgets for each jurisdiction, market monitoring and auction administration, investment of proceeds, and complementary policies.

IV. Review information and data on total CO2 emissions from on-road gas and diesel and examine how the Transportation Climate Initiative program would impact CO2 emissions.

V. Evaluate the need for New Hampshire to conduct state specific modeling and identify a source of funding for that purpose.

VI. Consider which agency or agencies should be responsible for implementing and administering the program.

VII. Determine a legislative structure for continuing evaluation, policy recommendations, supervision and approval of expenditures, and subsequent legislative recommendations.

VIII. Recommend legislation to implement a Transportation Climate Initiative memorandum of understanding or to manage consequences of nonparticipation.

IX. Identify potential costs of the implementation phase before any revenues may be available from the program and a source of funding.

X. Request from the office of the legislative budget assistant the funding mechanism and information on any potential implication for article 6-a of the New Hampshire constitution.

XI. Consult with the department of environmental services, the office of strategic initiatives, the department of transportation, and the department of business and economic affairs.

XII. Receive input from interested parties and members of the public.

5 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2020.

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

2020-1041s

AMENDED ANALYSIS

This bill establishes a committee to evaluate the Transportation Climate Initiative memorandum of understanding.

Senate Transportation

March 3, 2020

2020-1036s

11/04

Amendment to SB 615

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

1 New Paragraphs; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by inserting after paragraph XXVII the following new paragraphs:

XXVII-a. "Small unmanned aircraft" means an unmanned aircraft as defined in federal regulations, as amended.

XXVII-b. "Small unmanned aircraft system" means a small unmanned aircraft and its associated elements as defined in federal regulations, as amended.

2 New Paragraph; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by inserting after paragraph XXIX the following new paragraph:

XXX. "Unmanned aircraft" means an aircraft as defined in federal regulations, as amended.

3 New Hampshire Aeronautics Act; Duties of the Commissioner. Amend RSA 422:4, VI to read as follows:

VI. Effecting uniformity in the regulations pertaining to the operation of aircraft by adopting uniform rules consistent with federal regulations and making noncompliance with federal regulations a violation of state law, thereby enabling the law enforcement agencies of the state to enforce the laws regulating the operation of aircraft. For the purposes of this paragraph, aircraft shall include ultralight vehicles [as defined in 14 C.F.R. part 103] **as defined in federal regulations, as amended, and small unmanned aircraft systems as defined in RSA 422:3, XXVII-b.**

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

Commerce
 March 3, 2020
 2020-1056s
 01/05

Amendment to SB 620-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Coverage for Certain Biologically-Based Mental Illnesses; Reimbursement Parity Required. Amend RSA 417-E:1 by inserting after paragraph V-a the following new paragraph:

V-b.(a) Health insurers, health service corporations, and health maintenance organizations shall include in their contracts with participating providers as defined under 420-J:3, reimbursement terms for mental health and substance use disorder treatment services that are on average, at least as favorable as those in their contracts with primary care providers. Reimbursement rates paid to mental health and substance use disorder treatment providers shall meet the required standard if the relative percentage of what Medicare pays for the same service, is on average, equal to or greater than that paid to primary care providers. Services considered in the comparison shall include both physician and non-physician in-network professional providers located in New Hampshire.

(b) Compliance with subparagraph (a) shall not constitute compliance with the Mental Health Parity and Addiction Equity Act in 42 U.S.C. 300gg-26 and its implementing and related regulations in 45 C.F.R. 146.136, 45 C.F.R. 147.160, and 45 C.F.R. 156.115(a)(3). Health insurers, health service corporations, and health maintenance organizations shall, pursuant to 45 C.F.R. 146.136(c)(4)(i) and 45 C.F.R. 146.136(c)(4)(ii), ensure that when setting reimbursement rates for mental health and substance use disorder treatment providers, as written and in effect, any processes, strategies, evidentiary standards, or other factors used in establishing such reimbursement rates are comparable to, and are applied no more stringently than, any processes, strategies, evidentiary standards, or other factors used in establishing reimbursement rates for medical/surgical providers in the classification of benefits.

Commerce
 March 3, 2020
 2020-1057s
 01/04

Amendment to SB 622-FN

Amend RSA 415-A:7-a as inserted by section 2 of the bill by replacing it with the following:

415-A:7-a Private Right of Action. Any person injured by an action or unfair claim settlement practice declared unlawful under this chapter may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages or \$1,000, whichever is greater. If the court finds that the use of the method of competition or the act or practice was a willful or knowing violation of this chapter, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court. Any attempted waiver of the right to the damages set forth in this paragraph shall be void and unenforceable. Injunctive relief shall be available to private individuals under this chapter without bond, subject to the discretion of the court. Upon commencement of any action brought under this section, the clerk of the court shall mail a copy of the complaint or other initial pleadings to the insurance commissioner and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the commissioner.

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

Energy and Natural Resources
 March 3, 2020
 2020-1031s
 06/10

Amendment to SB 626-FN

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

AN ACT decreasing the fee to file a petition for a declaratory ruling with the site evaluation committee.

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

1 Site Evaluation Committee; Filing Fees. Amend RSA 162-H:8-a, II(d) to read as follows:

(d) Filing fees for administrative proceedings:

- (1) Petition for committee jurisdiction: \$10,500.
- (2) Petition for declaratory ruling: [~~\$10,500, or \$3,000 if heard by a 3-member subcommittee~~] **\$250.**
- (3) Certificate transfer of ownership: \$10,500, or \$3,000 if heard by a 3-member subcommittee.
- (4) Request for exemption: \$10,500, or \$3,000 if heard by a 3-member subcommittee.
- (5) Request to modify a certificate: \$10,500, or \$3,000 if heard by a 3-member subcommittee.

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

2020-1031s

AMENDED ANALYSIS

This bill decreases the filing fee for petitions for a declaratory ruling in energy facility siting administrative proceedings.

Energy and Natural Resources

March 3, 2020

2020-1055s

08/06

Amendment to SB 629-FN

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

AN ACT establishing the solid waste management fund and establishing a solid waste disposal surcharge.

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

1 New Chapter; Solid Waste Management Fund. Amend RSA by inserting after chapter 149-Q the following new chapter:

CHAPTER 149-R

SOLID WASTE MANAGEMENT FUND

149-R:1 Findings and Purpose. The general court finds that the proper and integrated management of solid waste under RSA 149-M, including the enhancement of waste and waste diversion methods, has become a matter of great concern. The general court hereby declares that the purpose of RSA 149-R is to provide support for the solid waste reduction technical assistance, planning, and regulatory and permitting activities of the department of environmental services and to assist communities, businesses, and the general public with their efforts to improve solid waste reduction and diversion activities.

149-R:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of environmental services.
- II. "Cover material" means soil or other functionally equivalent material that is placed over solid waste at a landfill. The term does not include materials used to construct a landfill capping system.
- III. "Department" means the department of environmental services.
- IV. "Disposal" means depositing in a landfill or processing in an incinerator or waste-to-energy facility.
- V. "Fund" means the solid waste management fund established under RSA 149-R:3.
- VI. "Solid waste" means solid waste as defined in RSA 149-M:4, XXII.

149-R:3 New Hampshire Solid Waste Management Fund Established.

I. There is hereby established the New Hampshire solid waste management fund to be used for the purposes of this chapter.

II. This non-lapsing, revolving special fund is hereby continuously appropriated to be expended by the department in accordance with this chapter. All surcharges collected under RSA 149-R:5 shall be deposited in a separate fund, designated the New Hampshire solid waste management fund. The state treasurer shall invest the moneys deposited in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund.

149-R:4 Purpose and Use of the Fund.

I. The fund shall be used to support the administration and implementation of the department's solid waste technical assistance, planning, and regulatory and permitting activities, including waste reduction and diversion technical assistance, long term solid waste management planning, education and outreach efforts, and administration of payments in accordance with paragraphs II and III.

II. The fund shall be used to provide annual payments to New Hampshire municipalities, for source reduction and recycling efforts to fully offset costs associated with the solid waste disposal surcharge established under RSA 149-R:5, at the rate of \$1.50 per ton of solid waste for which the municipality was financially responsible for disposal at a New Hampshire landfill, incinerator, or waste-to-energy facility, in accordance with procedures established by rulemaking under the authority of RSA 149-R:6, I. Such rulemaking shall specifically address the unique circumstances for municipalities that own and operate a facility that is subject to RSA 149-R:5, or that are part of a solid waste district that owns and operates such a facility, to ensure that the costs incurred by those municipalities are offset consistent with this chapter.

III. The fund shall be used to provide matching grant funding to New Hampshire municipalities, private entities, and businesses for projects that will provide a demonstrated, significant improvement in waste diversion methods and contribute to a reduction of wastes requiring disposal, including a regional or municipal materials recovery facility operated by a public or private entity, and other regional recycling efforts. Not less than 50 percent of grant funds shall be made available to private entities and businesses for such projects in New Hampshire.

IV. The fund may be used to hire consultants, contractors, or to pay other necessary expenses directly associated with approved activities in this chapter.

149-R:5 Solid Waste Disposal Surcharge.

I. Beginning July 1, 2021, solid waste disposed of at a New Hampshire landfill, incinerator, or waste-to-energy facility shall be subject to a surcharge of \$1.50 per ton. Notwithstanding RSA 149-M:4, XXII, materials used as cover material shall not be subject to the surcharge.

II. Such surcharge shall be paid quarterly to the department by each holder of a permit issued pursuant to RSA 149-M for a New Hampshire landfill, incinerator, or waste-to-energy facility for the solid waste disposed at such facility on forms and with supporting documentation as provided for in rulemaking conducted pursuant to RSA 149-R:6, I.

III. The first payment of the surcharge shall be due to the department no later than October 31, 2021 and within 30 days of each quarter's end thereafter.

IV. The department shall deposit surcharges collected under this section into the fund.

V. Failure to pay surcharges within 60 days of the date due shall result in the assessment of interest at a rate established by the commissioner. The commissioner may waive all or any portion of interest for good cause. The department shall deposit interest collected under this section into the fund.

149-R:6 Rulemaking. The commissioner shall adopt rules, after public hearing and pursuant to RSA 541-A, relative to:

I. The time, amount, and manner of payment of solid waste disposal surcharges.

II. Required records to be kept by facility permit holders of the type and quantity of solid waste disposed.

III. Certified reports required to be submitted with surcharge payments by facility permit holders.

IV. The time, amount, and manner of payments to New Hampshire municipalities pursuant to RSA 149-R:4, II.

V. Certified reports required to be submitted by municipalities requesting payments pursuant to RSA 149-R:4, II.

VI. Administering matching grants pursuant to RSA 149-R:4, III.

149-R:7 Penalty. Any facility permit holder shall be guilty of a misdemeanor who:

I. Does not pay the surcharge required in RSA 149-R:5; or

II. Knowingly gives or causes to be given any false information in reports, records, or documents required by the department under this chapter.

149-R:8 Biennial Report. The department shall submit a biennial report commencing on October 1, 2022 to the governor and council, the speaker of the house of representatives, and the president of the senate, relative to the activities and finances of the solid waste management fund.

2 Administration and Enforcement of Solid Waste Management Fund. Amend RSA 149-M:6, XI to read as follows:

XI. ~~[Assess a surcharge on the disposal of out-of-state solid waste in the amount of \$1 per ton, which shall be assessed against the person transporting the out-of-state solid waste to the facility and not assessed against the facility. The surcharge shall be assessed and collected only with respect to the first point of disposal, processing, or treatment within this state. The proceeds shall be used by the department to reduce and offset general fund expenditures for solid waste management.]~~ ***Administer and enforce the provisions of RSA 149-R.***

3 New Subparagraph; New Hampshire Solid Waste Management Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the New Hampshire solid waste management fund established in RSA 149-R:3.

4 Repeal. RSA 149-M:7, VII, relative to rulemaking relative to the out-of-state waste disposal surcharge, is repealed.

5 Effective Date. This act shall take effect July 1, 2020.

2020-1055s

AMENDED ANALYSIS

This bill:

- I. Establishes the solid waste management fund.
- II. Establishes a solid waste disposal surcharge.
- III. Repeals the existing surcharge on out-of-state waste.

Election Law and Municipal Affairs

March 4, 2020

2020-1090s

11/04

Amendment to SB 631-FN

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

1 New Section; Online Voter Registration. Amend RSA 654 by inserting after section 7-c the following new section:

654:7-d Online Voter Registration.

I. Beginning January 1, 2022, a person may register to vote by submitting an online voter registration application in accordance with this section.

II. The secretary of state shall establish a secure Internet website to permit an applicant to:

- (a) Submit an online voter registration form.
- (b) Submit information necessary to establish an applicant's qualifications to vote, pursuant to RSA 654:12.
- (c) Swear to the oath required by RSA 654:7.

III. The secretary of state shall establish appropriate technological security measures, including use of a unique identifier for each applicant, to prevent unauthorized persons from altering a voter's registration information.

IV.(a) No person without an identification issued by the New Hampshire department of safety, division of motor vehicles shall be able to register through the online voter registration system.

(b) The department of safety, division of motor vehicles shall provide the online voter registration application system all information necessary to effectuate the provisions of this section.

(c) The online voter registration application form shall require a valid electronic mail address for the voter in order to complete the online voter registration application.

(d) The online voter registration application system shall include a disclaimer to the applicant of possible criminal liability pursuant to paragraph XI.

V.(a) The online voter registration application system shall compare the New Hampshire driver's license number or New Hampshire nondriver's picture identification number submitted pursuant to this section with information maintained by the department of safety, division of motor vehicles, to confirm that the name and date of birth on the application are consistent with the records of the department of safety, division of motor vehicles.

(b) If the applicant's name and date of birth are consistent with the records of the department of safety, division of motor vehicles, the online voter registration application system shall transmit, using the statewide centralized voter registration database maintained pursuant to RSA 654:45, the applicant's submission, including the digital signature of the applicant, to the appropriate supervisors of the checklist to add the applicant's name to the checklist. The applicant's digital signature shall satisfy the signature requirement of RSA 654:7, IV. The applicant shall be required to submit an original signature to the supervisors of the checklist prior to voting in the first election after registering online. An online registrant shall not be eligible to receive an absentee ballot until his or her original signature is on file with the supervisors of the checklist.

(c) If the applicant's name, citizenship, legal and/or physical mailing addresses, and date of birth cannot be verified by the records of the department of safety, division of motor vehicles, or the applicant indicated that he or she has not been issued a New Hampshire driver's license or New Hampshire nondriver's picture identification card, the online voter registration application system shall notify the applicant by electronic mail that his or her online voter registration was ineffective and inform the applicant of alternative methods of registration.

VI. Upon submission of a completed online voter registration application, the website shall generate an electronic confirmation that the supervisors of the checklist have received the application and shall provide instructions regarding the ability of an applicant to check the status of the application. Once the supervisors of the checklist have added the applicant to the checklist, the applicant shall be notified by electronic mail, including information about where the applicant is registered to vote.

VII. Except as otherwise provided in this section, the supervisor of elections shall process the application pursuant to RSA 654:13.

VIII. If a person submits an application pursuant to the provisions of this section after the 10th day before an election, the applicant shall not be added to the checklist until the day after the election. The supervisors of the checklist may contact such applicant, either by telephone or mail, in order to inform the applicant of the effect of the late-received application and the ability of the person to register in person on election day.

IX. The online voter registration system shall conform to nationally accepted standards for accessibility for individuals with disabilities such as section 508 of the Rehabilitation Act of 1973, section 255 of the Communications Act, and the Web Content Accessibility Guidelines of the World Wide Web Consortium to ensure equal access to voters with disabilities.

X. With the exception of the requirement that no person without an identification issued by the New Hampshire department of safety, division of motor vehicles shall be able to register, no legal distinction shall be made between online registration under this section and registration in person, by mail, or other methods provided by general law.

XI. A person using the online voter registration application system to register to vote using any name other than his or her own shall be considered to have violated RSA 659:34.

2 Centralized Voter Registration Database. Amend RSA 654:45, I to read as follows:

I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the current information on the voter registration forms, ***including those submitted pursuant to RSA 654:7-d***, the accepted absentee ballot applications, the voter checklists, and voter actions as recorded on the marked checklist maintained by each city, ward, and town in the state.

3 Funding of Implementation. The department of state shall fund the implementation of this act with grants received pursuant to the 2018 Help America Vote Act Election Security Award and section 101 of the Help America Vote Act of 2002, Public Law 107-252.

4 Effective Date. This act shall take effect January 1, 2021.

Senate Judiciary
March 3, 2020
2020-1049s
08/04

Amendment to SB 648-FN

Amend RSA 104:31, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In every county for actual travel to serve any writ, notice, subpoena, process, or execution, to be reckoned from the place of service to the sheriff's office or substation, and for travel to attend any court by the order thereof, to be reckoned from the sheriff's office or substation to the court, each mile, each way, at the current federal rate. ***Mileage shall be paid only once when service requested by the same party on multiple individuals related to the same case or matter living at the same address, building, or complex can be reasonably made on the same trip.***

Senate Judiciary
March 3, 2020
2020-1046s
04/10

Amendment to SB 679-FN

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

AN ACT requiring institutions of higher education to adopt policies on sexual misconduct.

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

1 New Chapter; Sexual Misconduct at Institutions of Higher Education. Amend RSA by inserting after chapter 188-G the following new chapter:

CHAPTER 188-H SEXUAL MISCONDUCT AT INSTITUTIONS OF HIGHER EDUCATION Adoption of Policies

188-H:1 Definitions. In this subdivision:

I. "Commission" means the higher education commission established in RSA 21-N:8-a.

II. "Director" means the director of the department of education, division of educator support and higher education.

III. "Division" means the department of education, division of educator support and higher education.

IV. "Institution of higher education" means a public, private, non-profit, or for-profit school chartered, incorporated, or otherwise organized in this state legally authorized to award a degree at an associate level or above with an established physical presence in this state.

V. "Reporting party" means a student or employee who reports having experienced an incident of sexual misconduct to the institution.

VI. "Responding party" means a student or employee who has been accused of an alleged incident of sexual misconduct.

VII. "Student" means an individual who is enrolled at least half-time in a credit-bearing program through a public or private degree-granting postsecondary institution of higher education whether part-time, full-time, or as an extension student, or who has taken a leave of absence or who has withdrawn due to being a victim of sexual misconduct.

VIII. "Sexual misconduct" means an incident of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity or expression, sexual assault or harassment, and stalking.

188-H:2 Adoption of Policies Required.

I. Each institution of higher education shall adopt a policy on sexual misconduct that shall be made available, upon request, to an applicant, student, or employee of the institution and shall be publicly available on the institution's website in an accessible format not later than the first week of classes in each academic year. The institution shall update the website annually. The policy shall include, but not be limited to:

(a) Procedures by which students and employees at the institution may report or disclose incidents of sexual misconduct regardless of where the offense occurred.

(b) Information on where to receive immediate emergency assistance following an incident of sexual misconduct which shall include, but shall not be limited to:

(1) The name and location of the nearest medical facility where an individual may request that a medical forensic exam be administered by a trained sexual violence forensic health care provider, including information on transportation options and information on reimbursement for travel costs, if any.

(2) The contact information for a rape crisis center and a domestic violence center and a description of the services provided by such centers.

(3) The telephone number and website for a national 24-hour hotline, as well as any state or local resources, that provides information on sexual misconduct.

(4) Information on any programs that may financially assist a student with the cost of emergency medical assistance.

(c) Descriptions of and contact information for the types of counseling and health, safety, academic, and other support services available within the local community or region or through a rape crisis center or domestic violence center, which shall include but not be limited to the name and contact information for a confidential resources advisor and a description of the role of and services provided by the confidential resources advisor and the name and contact information for the institution's Title IX coordinator.

(d) The rights of students and employees to:

(1) Notify or decline to notify law enforcement, including campus, local and state police, of an alleged incident of sexual misconduct.

(2) Receive assistance from campus authorities in making any such notification.

(3) Obtain a court- or institution-issued protective order against a responding party of the incident of sexual misconduct.

(e) The process for requesting supportive measures reasonably available from the institution which shall include, but not be limited to, options for changing academic, living, campus transportation, or working arrangements or taking a leave of absence in response to an alleged incident of sexual misconduct, how to request those changes, and the process to have any such measures reviewed.

(f) The contact information for the closest local, state, and federal law enforcement agencies with jurisdiction over matters involving sexual misconduct and procedures for students to notify the institution that a protective order has been issued under state or federal law and the institution's responsibilities upon receipt of such notice.

(g) A summary of the institution's procedures for investigating, adjudicating, and resolving sexual misconduct complaints, including clear statements advising students that:

(1) The process shall be uniformly applied for all disciplinary proceedings relating to any claims of sexual misconduct.

(2) Notice shall be given, upon such time as the institution decides to proceed with an institutional disciplinary process, to the reporting party and the responding party describing the date, time, and location, if known, and a summary of the factual allegations concerning the violation.

(3) An investigation, including any hearings and resulting disciplinary proceedings, shall be conducted by an individual who receives not less than annual training on issues relating to sexual misconduct, investigatory procedures and hearing procedures to protect the safety and rights of students and promote accountability and a trauma-informed response.

(4) The reporting party of an alleged incident of sexual misconduct and the responding party may be accompanied by an advisor or support person of their choice, which may include an advocate or counsel, to meet with the institution's investigator or other fact finder and may consult with an advisor or support person, which may include an advocate or counsel, during any meetings and disciplinary proceedings; provided, however, that the institution may establish rules regarding how the proceedings will be conducted which may include guidelines on the extent to which the advisor or support person for each party may participate in a meeting or disciplinary proceeding and any limitations on participation which shall apply equally to both parties; and provided further, that the institution shall adopt reasonable measures to provide for the involvement of the advisor or support person for each party but the availability of the advisor or support person shall not significantly delay a meeting or disciplinary proceeding.

(5) The reporting party and the responding party shall be provided with a copy of the institution's policies regarding the submission and consideration of evidence that may be used during a disciplinary proceeding and shall have equal opportunity to present evidence and witnesses on their behalf during a disciplinary proceeding; provided, however, that each party shall be provided with timely and equal access to relevant evidence that shall be used in the determination of a discipline.

(6) There shall be restrictions on evidence considered by the fact finder including, but not limited to, the use of evidence of prior sexual activity or character witnesses.

(7) The reporting party and the responding party shall be informed in writing of the results of a disciplinary proceeding not later than 7 business days after a final determination of a complaint, not including any time for appeal, unless good cause for additional time is shown, and they shall be informed of any process for appealing the decision.

(8) If an institution offers an appeal as a result of procedural errors, previously unavailable relevant evidence that could significantly impact the outcome of a case or where the sanction is disproportionate to the findings, the reporting party and the responding party shall be provided with an equal opportunity to appeal decisions regarding responsibility or sanctions.

(9) The institution shall not publicly disclose the identity of the reporting party and the responding party, except as necessary to carry out a disciplinary process or as permitted under state or federal law.

(h) A summary of the institution's employee disciplinary process as it pertains to sexual misconduct.

(i) The range of sanctions or penalties the institution may impose on students and employees found responsible for a violation of the applicable institutional policy prohibiting acts of sexual misconduct.

Sexual Misconduct Climate Surveys and Task Force

188-H:3 Sexual Misconduct Climate Surveys. Each institution of higher education shall biennially conduct a sexual misconduct climate survey of all students at said institution. Each institution's sexual misconduct climate survey shall include a base set of common questions recommended by the task force on sexual misconduct and approved by the director, hereinafter described as the "base survey." The director shall provide a copy of the base sexual misconduct climate survey to all institutions biennially. Each institution shall also be permitted to append their own campus-specific questions to the base survey, provided that these questions do not require the disclosure of any personally-identifying information and are not unnecessarily traumatizing for victims of sexual violence. Within 120 days after completion of a sexual misconduct climate survey, each institution shall submit a summary of the results to the director and shall also post a summary of the results on the institution's website in an easily accessible manner.

188-H:4 Task Force on Sexual Misconduct.

I. There shall be a task force on sexual misconduct at institutions of higher education. The task force shall consist of the following members:

(a) The chancellor of the university system of New Hampshire, or designee.

(b) The chancellor of the community college system of New Hampshire, or designee.

(c) The director of higher education, division of educator support and higher education, department of education, or designee.

(d) Two representatives of the private 4-year colleges in New Hampshire, with not more than one representative from any such college, appointed by the governor and council on recommendation by the New Hampshire College and University Council.

(e) One member to be appointed by the governor and council as a representative from a for-profit college or university not a member of the New Hampshire College and University Council.

(f) The commissioner of the department of health and human services, or designee.

(g) The attorney general, or designee.

(h) The following members, who shall be appointed by the governor, one of whom shall be a student attending a public institution of higher education in this state; one of whom shall be a student attending a private institution of higher education in this state; one of whom shall be a student attending an institution in the community college system of New Hampshire; one of whom shall be a representative of the university of New Hampshire recommended by the president of the university; 4 of whom shall be representatives recommended by the New Hampshire Coalition Against Domestic and Sexual Violence; 2 of whom shall be representatives recommended by the New Hampshire Campus Consortium Against Sexual and Interpersonal Violence; one of whom shall be a researcher with experience in the development and design of sexual misconduct climate surveys; one of whom shall be a researcher of statistics, data analytics, or econometrics with experience in higher education survey analysis; one of whom shall be a representative of the Prevention Innovations Research Center at the University of New Hampshire; and one of whom shall represent Every Voice New Hampshire.

II. The task force shall develop a base sexual misconduct climate survey for distribution to institutions of higher education and provide such institutions with any related recommendations respecting the content, timing, and application of the survey. The task force shall deliver its base survey and related recommendations, including but not limited to, recommendations on achieving statistically valid response rates, to each institution of higher education no less often than biennially and for the first time by March 31, 2021.

III. In developing the base sexual misconduct climate survey, the task force shall:

(a) Utilize best practices from peer-reviewed research and consult with individuals with expertise in the development and use of sexual misconduct climate surveys by institutions of higher education.

(b) Review sexual misconduct climate surveys which have been developed and previously utilized by institutions.

(c) Provide opportunities for written comment from organizations that work directly with victims and survivors of sexual misconduct to ensure the adequacy and appropriateness of the proposed content.

(d) Consult with institutions on strategies for optimizing the effectiveness of the survey.

(e) Account for the diverse needs and differences of the state's institutions of higher education.

IV. The base sexual misconduct climate surveys shall gather information on topics that may include, but shall not be limited to:

(a) The number of incidents, both reported and unreported, of sexual misconduct at the institution of higher education.

(b) When and where incidents of sexual misconduct occurred.

(c) Student awareness of institutional policies and procedures related to campus sexual misconduct.

(d) Whether a student reported the sexual misconduct, and if so, to which campus resource or law enforcement agency such report was made, and, if not, the reason for the student's decision not to report.

(e) Whether a student was informed of or referred to local, state, campus or other resources, or victim support services, including appropriate medical care and legal services.

(f) Whether a student was provided the option of protection from retaliation, access to school-based accommodations, and criminal justice remedies.

(g) Contextual factors, such as the involvement of force, incapacitation, or coercion.

(h) Demographic information that could be used to identify at-risk groups including but not limited to gender.

(i) Perceptions of campus safety among members of the campus community and confidence in the institution's ability to protect against and respond to incidents of sexual misconduct.

(j) Whether the student has chosen to withdraw or taken a leave of absence from the institution or transferred to another institution.

(k) Whether the student has withdrawn from any classes or been placed on academic probation as a result of the incident.

(l) Other questions as determined by the task force.

V. The base sexual misconduct climate survey shall collect anonymous responses and shall not provide the disclosure of any identifying information.

VI. There shall be established within the division a data repository for all summaries of sexual misconduct climate surveys submitted by institutions of higher education to the division in accordance with this section. An institution of higher education shall submit its sexual misconduct climate survey, accompanied by the anonymized raw data supporting such survey, to the director. The director shall ensure that the sexual misconduct climate survey data submitted by all institutions will be available to the public in an easily accessible manner on the division's website.

VII. Each institution of higher education shall publish on the institution's website in an easily accessible manner:

(a) The results of the survey.

(b) The annual security report required under 20 U.S.C. section 1092, otherwise known as the Clery Act.

(c) A link to the division's statewide data on sexual misconduct climate survey data as set forth in paragraph VIII.

VIII. The director shall adopt rules, pursuant to RSA 541-A, including deadlines for dissemination and collection of survey information, consistent with the purposes of this statute, and shall promote the effective solicitation to achieve the highest practical response rate, collection, and publication of statistical information gathered from the state's institutions of higher education.

Trauma-Informed Policies

188-H:5 Trauma-Informed Policy. Each institution of higher education shall:

I. Develop a trauma-informed policy in coordination with the institution's Title IX coordinator, and the local rape crisis center or domestic violence center. In addition, the institution may consider input from various internal and external entities including, but not limited to institutional administrators, personnel affiliated with on-campus and off-campus health care centers, personnel affiliated with on-campus, when available, and local, confidential resources advisors, residence life staff, students, the department of state police, and the police department and the county attorney having jurisdiction in the city or town wherein the institution's primary campus is located.

II. Provide draft policies and substantive changes by electronic or regular mail to internal and external entities, with instructions on how to comment and a reasonable length of time in which comments will be accepted. However, once an institution has adopted such policies as required by this section, the opportunity for review and comment by internal and external entities shall only apply to substantive changes in those policies.

III. Apply such policies, as applicable, relating to claims of sexual misconduct to all students and employees in a culturally competent way.

Collaboration With Law Enforcement

188-H:6 Collaboration With Law Enforcement.

I. Each institution of higher education shall adopt policies and procedures with local law enforcement agencies to establish the respective roles and responsibilities of each party related to the prevention of and response to on-campus and off-campus sexual misconduct. Institutions of higher education and local law enforcement agencies shall develop policies and procedures that comply with all applicable state and federal confidentiality and privacy laws and:

(a) Delineate sharing protocols for investigative responsibilities.

(b) Provide protocols for investigations, including standards for notification and communication and measures to promote evidence preservation.

- (c) Coordinate training, programing, and requirements on issues related to sexual misconduct.
- (d) Ensure that reporting parties are able to move safely and comfortably between classes, extracurriculars, sports, and campus jobs.
- (e) Develop a protocol for sharing information about specific crimes, which may include a mechanism for sharing information anonymously, that:
 - (1) Requires that the reporting party authorized or requested that such information be shared and is fully and accurately informed about what procedures shall occur if the information is shared; and
 - (2) Is carried out in a manner that is consistent with the General Education Provisions Act, 20 U.S.C. section 1221, and any other applicable provisions under state law.
- (f) Establish the methods for sharing the Clery Act reporting requirements and for facilitating the issuance of timely warnings and emergency notifications required by the Clery Act relative to crimes that may pose a serious threat to the campus or near campus communities.
- (g) Develop methods for notifying the appropriate county attorney's office.
- (h) Update such policies and procedures biennially.

II. Notwithstanding any general or special law to the contrary, a member of the department of state police or a local police department who acts as a first responder to a report of sexual misconduct at an institution of higher education shall receive training in the awareness of dating violence, domestic violence, sexual assault, and stalking and in trauma-informed response, subject to appropriation.

Confidential Resource Advisors

188-H:7 Confidential Resource Advisors.

I. Each institution of higher education shall establish a campus security policy that includes the designation of at least one confidential resource advisor. The confidential resource advisor:

- (a) May have another role at the institution;
- (b) Shall not be a student or a Title IX coordinator; and
- (c) Shall be appointed based on experience and a demonstrated ability of the individual to effectively provide victim services related to sexual misconduct.

II. The institution shall designate existing categories of employees that may serve as confidential resource advisors. The designation of an existing category of employees shall not preclude the institution from designating a new or existing employee as a confidential resource advisor or in another confidential role. An institution may partner with a local, state, or national victim advocacy organization to provide a confidential resource advisor under this section. An institution that enrolls fewer than 1,000 residential students may partner with another institution or rape crisis center within the state to provide the services under this section. An institution shall ensure that any partnership entered into under this paragraph shall result in a confidential resource advisor being available to students within a reasonable distance to the student's institution.

III. The confidential resource advisor shall receive training in the awareness and prevention of sexual misconduct and in trauma-informed response and coordinate with on-campus and off-campus rape crisis centers and domestic violence centers within a reasonable time after being designated as a confidential resource advisor.

IV. The confidential resource advisor shall inform the student or employee, including in written format:

- (a) Reporting options and the effects of each option.
- (b) Counseling services available on campus and through a local rape crisis center or domestic violence center.
- (c) Medical and health services available on campus and off campus.
- (d) Campus escort services for security.
- (e) Available academic and residence life accommodations.
- (f) Student loan counseling for students considering temporary permanent withdrawal or half time enrollment regarding loan deferment, forbearance, or other student loan programs.

(g) The investigative and disciplinary process of the institution.

(h) The legal process carried out through local, state, and federal law enforcement agencies.

(i) That the institution's disciplinary process is not to be considered a substitute for the criminal justice process.

(j) Any limits on the ability of the confidential resource advisor to provide privacy or confidentiality to the student.

V. The confidential resource advisor:

(a) May, if appropriate and if directed by the reporting party, assist the reporting party in contacting or reporting to campus or local law enforcement agencies.

(b) Shall notify the reporting and responding party of their rights and the institution's responsibilities regarding a protection order, no contact order, and any other lawful orders issued by the institution or by a criminal, civil, or tribal court.

(c) Shall not be required to report an incident to the institution or a law enforcement agency unless otherwise required to do so by state or federal law and shall provide confidential services to students and employees.

(d) May attend an administrative or institution-based adjudication proceeding as the advisor or support person of the student's or employee's choice.

(e) Shall not disclose confidential information without the prior written consent of the student or employee who shared the information.

(f) Shall not provide services to more than one party in an incident and shall ensure confidentiality is maintained.

VI. Nothing in this section shall be construed to limit either party's right of cross examination of the advisor in a civil or criminal proceeding if the advisor testifies after written consent has been given. A confidential communication shall not be subject to discovery and shall be inadmissible in a criminal or civil proceeding without the prior written consent of the party who shared the information. Information provided to the confidential resource advisor shall not be released to a campus official or law enforcement officer or agency unless written consent has been given by the party. A confidential resource advisor shall not act as a counselor or therapist unless the confidential resource advisor is licensed as a counselor in this state and the reporting party engages the confidential resource advisor in that capacity.

VII. Notice to a confidential resource advisor of an alleged act of sexual misconduct or a confidential resource advisor's performance of a service under this section shall not be considered actual or constructive notice of such an alleged act to the institution of higher education at which the confidential resource advisor is employed or provides contracted services.

VIII. If a conflict of interest arises for an institution in which a confidential resource advisor is advocating for a reporting party's need for sexual assault crisis services or campus or law enforcement services, the institution shall not discipline, penalize, or otherwise retaliate against the confidential resource advisor for representing the interest of the reporting party.

Awareness Programming

188-H:8 Awareness Programming. An institution of higher education, with guidance from its Title IX coordinator, local law enforcement, and the rape crisis center or the domestic violence center, shall provide mandatory annual sexual misconduct primary prevention and awareness programming for all students and all employees of the institution that shall include:

I. An explanation of consent as it applies to sexual activity and sexual relationships.

II. The role drugs and alcohol play in an individual's ability to consent.

III. Information on options relating to the reporting of an incident of sexual misconduct, the effects of each option, and the methods to report an incident of sexual misconduct, including confidential and anonymous disclosure.

IV. Information on the institution's procedures for resolving sexual misconduct complaints and the range of sanctions or penalties the institution may impose on students and employees found responsible for a violation.

V. The name, contact information, and role of the confidential resource advisor.

VI. Strategies for bystander intervention and risk reduction.

VII. Opportunities for ongoing sexual misconduct prevention and awareness campaigns and programming.

Training for Individuals and Institutions

Involved in the Disciplinary Process

188-H:9 Training for Individuals Involved in the Disciplinary Process. An individual who participates in the implementation of an institution of higher education's disciplinary process, including an individual responsible for resolving complaints of reported incidents, shall have training or experience in handling sexual misconduct complaints and the operations of the institution's disciplinary process. The training shall include, but not be limited to:

I. Information on working with and interviewing persons subjected to sexual misconduct.

II. Information on particular types of conduct that constitute sexual misconduct, including same-sex dating violence, domestic violence, sexual assault, and stalking.

III. Information on consent and the role drugs and alcohol may play in an individual's ability to consent.

IV. The effects of trauma, including any neurobiological impact on a person.

V. Cultural competence training regarding how sexual misconduct may impact students differently depending on factors that contribute to a student's cultural background, including but not limited to national origin, sex, ethnicity, religion, gender identity, gender expression, and sexual orientation.

VI. Ways to communicate sensitively and compassionately with a reporting party of sexual misconduct including, but not limited to, an awareness of responding to a reporting party with consideration of that party's cultural background and providing services to or assisting in locating services for the reporting party.

VII. Training and information regarding how dating violence, domestic violence, sexual assault, and stalking may impact students with developmental or intellectual disabilities.

188-H:10 Institutional Training. Each institution of higher education shall ensure that its Title IX coordinator and members of its special or campus police force or the campus safety personnel employed by the institution are educated in the awareness of sexual misconduct and in trauma-informed response.

188-H:11 Notice of Rights. The institution of higher education shall provide both the accuser and the responding party with written notice of the institution's decision to proceed with an institutional disciplinary process regarding an allegation of sexual misconduct within 24 hours of such decision, and sufficiently in advance of a disciplinary hearing to provide both the reporting and responding parties with the opportunity to meaningfully exercise their rights to a proceeding that is prompt, fair, and impartial; which shall include the opportunity to both parties to present witnesses and other evidence; and any other due process rights afforded to them under institutional policy. The written notice shall include the information required to be posted on the institution's website pursuant to this chapter.

Reporting Requirements

188-H:12 Data Reporting Requirements. Annually, not later than October 1, an institution of higher education shall prepare and submit to the director, the commissioner of the department of health and human services, the clerks of the senate and house of representatives, and the chairpersons of the senate and house committees with jurisdiction over education a report that includes:

I. The total number of allegations of dating violence, domestic violence, sexual assault, and stalking reported to the institution's Title IX coordinator by a student or employee of the institution against another student or employee of the institution.

II. The number of cases made by a student or employee of the institution against another student or employee of the institution investigated by local or state law enforcement agency, if known.

III. The number of students found responsible for violating an institution's policies prohibiting sexual misconduct.

IV. The number of students found not responsible for violating an institution's policies prohibiting sexual misconduct.

V. The number of disciplinary actions imposed by the institution as a result of a finding of responsibility for violating an institution's policies prohibiting sexual misconduct. The report shall provide information in an anonymous manner that complies with state and federal privacy laws.

188-H:13 Amnesty. A reporting party or a witness that causes an investigation of sexual misconduct, or drug or alcohol use, shall not be subject to a disciplinary proceeding or sanction for a violation of the institution of higher education's student conduct policy related to the incident unless the institution determine that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

Enforcement and Penalty

188-H:14 Enforcement and Penalty. Upon determination, after reasonable notice and opportunity for a hearing, that an institution of higher education has violated or failed to carry out any provision of this chapter or any rule adopted under this chapter, the director may impose a civil penalty upon such institution for each violation not to exceed \$150,000, which shall be adjusted for inflation annually, or one percent of an institution's annual operating budget, whichever is lower. The director shall use any such civil penalty funds to provide oversight of this chapter.

188-H:15 Memoranda of Understanding With Rape Crisis Centers or Domestic Violence Centers.

I. An institution of higher education shall enter into and maintain a memorandum of understanding with a rape crisis center or domestic violence center to:

(a) Assist in developing the institution's policies, programing, and training regarding sexual misconduct involving students or employees.

(b) Provide an off-campus alternative for students and employees of the institution to receive free and confidential sexual assault crisis services, including access to a sexual assault nurse examiner if available, or free and confidential domestic violence crisis services in response to sexual misconduct.

(c) Ensure that a student or employee of the institution may access free and confidential counseling and advocacy services either on campus or off campus.

(d) Ensure cooperation and training between the institution and the crisis center or agency to ensure an understanding of the roles that the institution, crisis center, and agency should play in responding to reports and disclosures of sexual misconduct against students and employees of the institution and the institution's protocols for providing support and services to such students and employees.

II. A memorandum of understanding may include an agreement, including a fee structure, between the rape crisis center or domestic violence center and the institution of higher education to provide confidential victim services. Confidential victim services may include case consultation and training fees for confidential resource advisors, consultation fees for the development and implementation of student education and prevention programs, the development of staff training and prevention curriculum, and confidential on-site office space for an advocate from a rape crisis center or domestic violence center to meet with students.

III. The commission may waive the requirements of this section in the case of an institution that demonstrates that it acted in good faith but was unable to obtain a signed memorandum.

2 Effective Date. This act shall take effect 180 days after its passage.

2020-1046s

AMENDED ANALYSIS

This bill requires institutions of higher education to adopt and make available to students policies on sexual misconduct; to develop a task force and survey on sexual misconduct and report its findings; to appoint a campus safety advisor; to collaborate with law enforcement on the investigation and prosecution of sexual misconduct incidents; to establish confidential resource advisors; to develop awareness programming; and to undertake institutional training in the awareness and prevention of sexual misconduct on campus.

Education and Workforce Development
 March 3, 2020
 2020-1048s
 05/04

Amendment to SB 683-FN

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

AN ACT establishing a committee to study how to strengthen New Hampshire's innovation economy by addressing gaps in early stage capital for research and development intensive start-up companies.

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

1 Committee Established. There is established a committee to study how to strengthen New Hampshire's innovation economy by addressing gaps in early stage capital for research and development intensive start-up companies.

2 Membership and Compensation.

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

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

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

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

3 Duties.

I. The committee shall research the following:

(a) The amount of federal research funds coming to New Hampshire.

(b) The number of research and development intensive businesses that start up and stay in New Hampshire.

(c) How New Hampshire is currently supporting research and development start-up business development.

(d) How other states address the need for early stage capital for research and development intensive start-ups.

(e) The return on investment for states with programs to address this need.

(f) The current perception of New Hampshire as a place to grow a research and development intensive business.

(g) Why supporting research and development start-ups with funding resources, versus only technical assistance, is important for our economy, jobs, business development, increasing federal funding, and attracting and retaining young people in New Hampshire.

(h) How much funding over what period of time would be necessary to have an impact.

II. The committee shall:

(a) Consult with the department of business and economic affairs, the New Hampshire business finance authority, and the New Hampshire Research and Industry Council of the New Hampshire Established Program to Stimulate Competitive Research (NH EPSCoR) relative to the committee's objectives.

(b) Solicit information and testimony from any individual or entity the committee deems relevant to its study.

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 senate 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 president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2020.

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

2020-1048s

AMENDED ANALYSIS

This bill establishes a committee to study how to strengthen New Hampshire's innovation economy by addressing gaps in early stage capital for research and development intensive start-up companies.

Commerce

March 4, 2020

2020-1074s

01/10

Amendment to SB 685-FN

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

AN ACT establishing a wholesale prescription drug importation program and establishing the New Hampshire prescription drug competitive marketplace.

Amend RSA 126-BB:2, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Ensure that the program complies with the transaction and tracing requirements of 21 U.S.C. sections 360eee and 360eee-1 to the extent feasible and practical prior to imported prescription drugs coming into the possession of the licensed United States drug wholesaler and that the program complies fully with those federal requirements after imported prescription drugs are in the possession of the licensed drug wholesaler.

Amend RSA 126-BB:3, IV-IX as inserted by section 1 of the bill by replacing them with the following:

IV. Seek the appropriate federal approvals, exemptions, or agreements, or a combination thereof, as needed to enable all covered entities enrolled in or eligible for the federal 340B Drug Pricing Program to participate in the program to the fullest extent possible without jeopardizing their eligibility for the 340B Program.

V. Consult with health insurance carriers, employers, pharmacies, pharmacists, health care providers and consumers.

VI. Develop a registration process for health insurance carriers, pharmacies and health care providers authorized to prescribe and administer prescription drugs that are willing to participate in the program.

VII. Create a publicly accessible website for listing the prices of prescription drugs to be imported under the program.

VIII. Create an outreach and marketing plan to work with health carriers, provider associations to generate public awareness of the program.

IX. Develop a 2-year audit work plan.

X. Conduct any other activity determined necessary to successfully implement and operate the program.

2 New Subdivision; New Hampshire Prescription Drug Competitive Marketplace. Amend RSA 21-I by inserting after section 95 the following new subdivision:

New Hampshire Prescription Drug Competitive Marketplace

21-I:96 Purpose and Intent. The purpose and intent of this subdivision is to authorize the commissioner of the department of administrative services, with the approval of the governor and the executive council, to establish the New Hampshire prescription drug competitive marketplace in accordance with this subdivision. The objective of this subdivision is to optimize prescription drug savings by the state of New Hampshire through the following:

I. Adoption of a dynamically competitive reverse auction process for the state health plan selection of pharmacy benefit managers (PBM).

II. Ongoing, real-time electronic review and validation of PBM claims invoices as the foundation for reconciling pharmacy bills.

III. Conduct of market checks using technology driven evaluation of the incumbent PBM's prescription drug pricing based on benchmark comparators.

21-I:97 Definitions. In this subdivision:

I. "Department" means the department of administrative services.

II. "Pharmacy benefits manager" means a person, business, or other entity, including a wholly or partially owned or controlled subsidiary of a pharmacy benefits manager, that, pursuant to a contract with the health carrier or self-funded health benefit plan, manages the prescription drug coverage provided by the health carrier or self-funded health benefit plan, including, but not limited to, providing claims processing services for prescription drugs, performing drug utilization review, processing drug prior authorization requests, adjudication of grievances or appeals related to prescription drug coverage, contracting with network pharmacies, and controlling the cost of covered prescription drugs.

III. "PBM reverse auction" means an automated, transparent, and dynamically competitive bidding process conducted online that starts with an opening round of bids and allows qualified PBM bidders to counter-offer a lower price for as many rounds of bidding as determined by the department of administrative services or its authorized representative conducting the reverse auction for a multiple health plan prescription drug purchasing group.

IV. "Price" means the projected cost of a PBM proposal or "bid" for providing prescription drug benefits pursuant to this part, to enable "apples-to-apples" comparison of the costs of competing PBM proposals over the duration of the PBM services contract.

V. "Real-time" means within no more than 12 hours.

VI. "PBA" means a participant bidding agreement entered into by all participants in the PBM reverse auction prior to participation therein.

21-I:98 New Hampshire Prescription Drug Competitive Marketplace.

I. Notwithstanding any provision of law to the contrary, a contract for the services of a PBM for the administration of benefits under this subdivision may be procured by the department, at its sole discretion, in a transparent, online competitive process, or "PBM reverse auction" as set forth in this subdivision. If the department, acting in its discretion, opts to conduct such a process, it shall procure, through the solicitation of proposals from qualified professional services vendors, the following products and services based upon price, capabilities, and other factors as determined by the department:

(a) Technical assistance from a technology operator with respect to all of the following:

(1) Evaluating the qualifications of PBM bidders.

(2) Conducting online-automated reverse auction services to support the department or its authorized representatives in comparing the pricing for the PBM procurement.

(3) Providing related professional services.

(b) Technology platform with the required capabilities for conducting a PBM reverse auction, along with the related services of a technology operator, as described in subparagraph (a). The technology platform shall, at a minimum, possess the capacity to do the following:

(1) Conduct an automated, online, reverse auction of PBM services.

(2) Automate repricing of diverse and complex PBM prescription drug pricing proposals to enable "apples-to-apples" comparisons of the price of PBM bids utilizing 100 percent of annual prescription drug claims data available for state-funded health plans or a multiple health plan prescription drug purchasing group and using code-based classification of drugs from nationally accepted drug sources.

(3) Produce an automated report and analysis of PBM bids, including the ranking of PBM bids based on the comparative costs and qualitative aspects thereof within a 48-hour time period following the close of each round of reverse auction bidding.

(4) Perform real-time, electronic, line-by-line, claim-by-claim review of 100 percent of invoiced PBM prescription drug claims, and identify all deviations from the specific terms of the PBM services contract resulting from the reverse auction process.

(c) The contract for procurement of the technology platform and technology operator services shall not be awarded to any of the following:

(1) A vendor that is a PBM.

(2) A vendor that is a subsidiary or affiliate of a PBM.

(3) A vendor that is managed by a PBM or receives remuneration from a PBM for aggregating clients into a contractual relationship with a PBM.

(d) The vendor shall not outsource any part of the PBM reverse auction or the automated, real-time, electronic, line-by-line, claim-by-claim review of invoiced PBM prescription drug claims.

(e) With technical assistance and support provided by the technology operator, the department or its authorized representative shall specify the terms of the PBA. The terms of the PBA shall not be modified except by specific consent of the department of administrative services or its authorized representatives.

II. When and if procured, the technology platform used to conduct the reverse auction shall be repurposed over the duration of the PBM services contract as an automated pharmacy claims adjudication engine to perform real-time, electronic, line-by-line, claim-by-claim review of 100 percent of invoiced PBM prescription drug claims, and identify all deviations from the specific terms of PBM services contracts.

III. An entity may request in writing and subject to the approval of the commissioner to participate in a joint purchasing group with the state employee and retiree group insurance program for procuring for PBM services through a PBM reverse auction or otherwise. All entities participating in a joint purchasing group shall share proportionally in the cost of procurement including all support services.

IV. If the department opts, at its discretion, to conduct a transparent, online competitive PBM selection process, as set forth in this subdivision, the processes and procedures set forth in this section shall apply to prescription drug coverage in connection with the state employee health plan for benefits under this part including for state employees, retirees, spouses, and eligible dependents in accordance with the provisions of RSA 21-I:30 and any applicable collective bargaining agreements. Any other state-funded health plan or self-funded municipal employee or other local government employee health plan, public school employee health plans, operating individually or collectively, and the health plans of the university system of New Hampshire and the community college system of New Hampshire may utilize the processes and procedures set forth in this section individually or collectively or as a joint purchasing group with the state employee health plan.

V. After completion of a first PBM reverse auction by the department for the administration of benefits under the state employee health plan, and at the discretion of the department, self-funded private sector employer or multi-employer health plans with substantial participation by New Hampshire employees and their dependents may be permitted to participate in a joint purchasing pool with state employees for conduct of subsequent PBM reverse auctions provided that such participation shall comply with and shall be consistent with all applicable state and federal law and requirements of ERISA.

VI. The state employee health plan and any self-funded public or private sector health plans that may be permitted to participate with the state in a joint PBM reverse auction purchasing pool shall retain full autonomy over determination of their respective prescription drug formularies and pharmacy benefit designs and shall not be required to adopt a common drug formulary or common prescription pharmacy benefit design. Any such entity or purchasing group shall agree, before participating in the PBM reverse auction, to accept the prescription drug pricing plan that is selected through the PBM reverse auction process.

VII. Any PBM providing services to the department or a self-funded health plan as described in paragraphs IV and V, shall provide the department and the plan the complete pharmacy claims data necessary to conduct the reverse auction and carry out their administrative and management duties.

VIII. The department may adopt rules, pursuant to RSA 541-A, to implement the provisions of this subdivision.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2020-1074s

AMENDED ANALYSIS

This bill establishes a wholesale importation program for prescription drugs from Canada by or on behalf of the state. This bill requires the department of health and human services to design the program and obtain federal approval for the program. This bill also establishes the New Hampshire prescription drug competitive marketplace.

Commerce

March 4, 2020

2020-1063s

01/04

Amendment to SB 686-FN

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

AN ACT relative to prescription drug benefits paid by health plans and establishing the New Hampshire prescription drug competitive marketplace.

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

1 New Chapter; Health Plans That Provide Prescription Drug Benefits. Amend RSA by inserting after chapter 402-N the following new chapter:

CHAPTER 402-O

HEALTH PLANS THAT PROVIDE PRESCRIPTION DRUG BENEFITS

402-O:1 Definitions. In this chapter:

I. "Average wholesale price" means the average wholesale price of a prescription drug as identified by a national drug pricing source selected by a health insurer. The average wholesale price must be identified by the 11-digit national drug code, as amended from time to time, for the prescription drug dispensed for the quantity dispensed.

II. "Brand-name drug" means a prescription drug marketed under a proprietary name or registered trademark name, including a biological product.

III. "Commissioner" means the insurance commissioner.

IV. "Compensation" means any direct or indirect financial benefit, including, but not limited to, rebates, discounts, credits, fees, grants, charge-backs or other payments or benefits of any kind.

V. "Contracted pharmacy" means "contracted pharmacy" as defined in RSA 420-J:3, X-a.

VI. "Cost-sharing amount" means the amount paid by a covered person as required under the covered person's health plan for a prescription drug at the point of sale.

VII. "Covered person" means "covered person" as defined in RSA 420-J:3, XII.

VIII. "Dispensing fee" means the professional fee incurred at the point of sale or service that pays for pharmacy costs, in excess of ingredient cost, associated with ensuring that possession of the appropriate prescription drug is transferred to a covered person.

IX. "Formulary" means a list of prescription drugs covered by a health benefit plan and any tier levels applicable to a prescription drug.

X. "Generic drug" means a prescription drug, whether identified by its chemical, proprietary or non-proprietary name, that is not a brand-name drug and is therapeutically equivalent to a brand-name drug in dosage, safety, strength, method of consumption, quality, performance and intended use. "Generic drug" includes a biosimilar product.

XI. "Health carrier" means "health carrier" as defined in RSA 420-J:3, XXIII.

XII. "Health benefit plan" means "health benefit plan" as defined in RSA 420-J:3, XIX.

XIII. "Ingredient cost" means the actual amount paid to a pharmacy provider by a carrier or the carrier's pharmacy benefits manager for a prescription drug, not including the dispensing fee or cost-sharing amount.

XIV. "Mail order pharmacy" means "mail order pharmacy" as defined in RSA 318:1, VII-b.

XV. “Maximum allowable cost” means the maximum amount a health insurer will pay for a generic drug or brand-name drug that has at least one generic alternative available.

XVI. “Pharmacy” means “pharmacy” as defined in RSA 318:1, XI.

XVII. “Pharmacy and therapeutics committee” means a committee, board or equivalent body established by a health carrier to develop and maintain formularies.

XVIII. “Pharmacy benefits manager” means a person who performs pharmacy benefits management services, including a person acting on behalf of a pharmacy benefits manager in a contractual or employment relationship in the performance of pharmacy benefits management services for a covered entity. “Pharmacy benefits manager” shall include a health insurer licensed in this state if the health insurer or its subsidiary is providing pharmacy benefits management services exclusively to its own insureds. “Pharmacy benefits manager” shall not include a private single employer self-funded plan that provides such benefits or services directly to its beneficiaries. “Pharmacy benefits management” means the administration of prescription drug benefits provided by a covered entity under the terms and conditions of the contract between the pharmacy benefits manager and the covered entity and the provision of mail order pharmacy services.

XIX. “Pharmacy provider” means a retail pharmacy, mail order pharmacy, or licensed pharmacist.

XX. “Retail pharmacy” means a chain pharmacy, a supermarket pharmacy, a mass merchandiser pharmacy, an independent pharmacy or a network of independent pharmacies that is licensed as a pharmacy by this state and that dispenses medications to the public.

402-O:2 Oversight and Contracting Responsibilities.

I. A health insurer shall ensure that oversight and management of its prescription drug benefits, whether managed and administered directly by the insurer, or by a pharmacy benefits manager under contract with the insurer, meets the requirements of this chapter.

II. A health carrier that contracts with a pharmacy benefits manager to perform any activities related to the health carrier’s prescription drug benefits is responsible for ensuring that, under the contract, the pharmacy benefits manager acts as the health carrier’s agent and owes a fiduciary duty to the health carrier in the pharmacy benefits manager’s management of activities related to the health carrier’s prescription drug benefits.

III. A health carrier shall not enter into a contract or agreement or allow a pharmacy benefits manager or any person acting on the health carrier’s behalf to enter into a contract or agreement that prohibits a pharmacy provider from:

(a) Providing a covered person with the option of paying the pharmacy provider’s cash price for the purchase of a prescription drug and not filing a claim with the covered person’s health carrier if the cash price is less than the covered person’s cost-sharing amount; or

(b) Providing information to a state or federal agency, law enforcement agency, or the commissioner when such information is required by law.

IV.(a) A health carrier or pharmacy benefits manager shall not require a covered person to make a payment at the point of sale for a covered prescription drug in an amount greater than the least of:

(1) The applicable cost-sharing amount for the prescription drug.

(2) The amount a covered person would pay for the prescription drug if the covered person purchased the prescription drug without using a health plan or any other source of prescription drug benefits or discounts.

(3) The total amount the pharmacy will be reimbursed for the prescription drug from the pharmacy benefits manager or carrier, including the cost-sharing amount paid by a covered person.

(4) The amount a health carrier or pharmacy benefits manager would pay for the prescription drug if the carrier or pharmacy benefits manager paid the pharmacy the full amount for the drug, with no cost sharing due.

(b) When calculating the cost-sharing for any prescription subject to a co-insurance, a health carrier or pharmacy benefits manager shall use the amount the pharmacy will be reimbursed for the prescription drug from the health carrier or pharmacy benefits manager minus any cost-sharing to be paid by a covered person.

V. A health carrier shall provide a reasonably adequate retail pharmacy network for the provision of prescription drugs for its covered persons. A mail order pharmacy shall not be included in determining the adequacy of a retail pharmacy network.

402-O:3 Prescription Drug Pricing; Maximum Allowable Cost.

I. A health carrier, or a pharmacy benefits manager under contract with a health carrier, shall use a single maximum allowable cost list to establish the maximum amount to be paid by a health plan to a pharmacy provider for a generic drug or a brand-name drug that has at least one generic alternative available. A health carrier, or a pharmacy benefits manager under contract with a health carrier, shall use the same maximum allowable cost list for each pharmacy provider.

II. A maximum allowable cost may be set for a prescription drug, or a prescription drug may be allowed to continue on a maximum allowable cost list, only if that prescription drug:

(a) Is rated as “A” or “B” in the most recent version of the United States Food and Drug Administration’s (FDA) “Approved Drug Products with Therapeutic Equivalence Evaluations,” also known as “the Orange Book,” or an equivalent rating from a successor publication, or is rated as “NR” or “NA” or a similar rating by a nationally recognized pricing reference; and

(b) Is not obsolete and is generally available for purchase in New Hampshire from a national or regional wholesale distributor by pharmacies having a contract with the pharmacy benefits manager.

III. A health carrier, or a pharmacy benefits manager under contract with a health carrier, shall provide a reasonable administrative appeal procedure, including a right to appeal that is limited to 14 days following the initial claim, to allow pharmacies with which the health carrier or pharmacy benefits manager has a contract to challenge maximum allowable costs for a specified drug.

IV. A health carrier, or a pharmacy benefits manager under contract with a health carrier, shall respond to, investigate, and resolve an appeal under paragraph III within 14 days after the receipt of the appeal. The health carrier or pharmacy benefits manager shall respond to an appeal as follows:

(a) If the appeal is upheld, the health carrier or pharmacy benefits manager shall make the appropriate adjustment in the maximum allowable cost and permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question; or

(b) If the appeal is denied, the health carrier or pharmacy benefits manager shall provide the challenging pharmacy or pharmacist the national drug code from national or regional wholesalers of a comparable prescription drug that may be purchased at or below the maximum allowable cost.

V. A health carrier, or a pharmacy benefits manager under contract with a health carrier, shall use the average wholesale price to establish the maximum payment for a brand-name drug for which a generic equivalent is not available or a prescription drug not included on a maximum allowable cost list. In order to use the average wholesale price of a brand-name drug or prescription drug not included on a maximum allowable cost list, a health carrier, or a pharmacy benefits manager under contract with a health carrier, shall use only one national drug pricing source during a calendar year, except that a health carrier, or a pharmacy benefits manager under contract with a health carrier, may use a different national drug pricing source if the original pricing source is no longer available. A health carrier, or a pharmacy benefits manager under contract with a health carrier, shall use the same national drug pricing source for each pharmacy provider and identify on its publicly accessible website the name of the national drug pricing source used to determine the average wholesale price of a prescription drug not included on the maximum allowable cost list.

VI. This paragraph governs payments between a health carrier or a health carrier’s pharmacy benefits manager and a pharmacy provider.

(a) The amount paid by a health carrier or a health carrier’s pharmacy benefits manager to a pharmacy provider under contract with the health carrier or the health carrier’s pharmacy benefits manager for dispensing a prescription drug shall be the ingredient cost plus the dispensing fee less any cost-sharing amount paid by a covered person.

(b) The ingredient cost may not exceed the maximum allowable cost or average wholesale price, as applicable, and shall be disclosed by the health carrier’s pharmacy benefits manager to the carrier.

(c) Only the pharmacy provider that dispensed the prescription drug may retain the payment described in this paragraph.

(d) A pharmacy provider shall not be denied payment or be subject to a reduced payment retroactively unless the original claim was submitted fraudulently or in error.

402-O:4 Prescription Drug Formularies; Pharmacy and Therapeutics Committee.

I. A health carrier, or a pharmacy benefits manager under contract with a health carrier, shall establish a pharmacy and therapeutics committee. A health carrier shall require its pharmacy and therapeutics committee or the pharmacy and therapeutics committee of the health carrier's pharmacy benefits manager to use one or more formularies.

II. A health carrier, or a pharmacy benefits manager under contract with a health carrier, shall not allow a person with a conflict of interest, as described in subparagraphs (a) and (b), to be a member of its pharmacy and therapeutics committee. A person shall not serve as a member of a pharmacy and therapeutics committee if the person:

(a) Is employed, or was employed within the preceding year, by a pharmaceutical manufacturer, developer, labeler, wholesaler, or distributor; or

(b) Receives compensation, or received compensation within the preceding year, from a pharmaceutical manufacturer, developer, labeler, wholesaler, or distributor.

III. A health carrier, or a pharmacy benefits manager under contract with a health carrier, shall prohibit its pharmacy and therapeutics committee or any member of the committee from receiving any compensation from a pharmaceutical manufacturer, developer, labeler, wholesaler, or distributor.

402-O:5 Treatment of Pharmacy Benefits Manager Compensation.

I. In this section:

(a) "Anticipated loss ratio" means the ratio of the present value of the future benefits payments to the present value of the future premiums of a policy form over the entire period for which rates are computed to provide health insurance coverage.

(b) "Pharmacy benefits manager compensation" means the difference between:

(1) The value of payments made by a health carrier of a health plan to its pharmacy benefits manager; and

(2) The value of payments made by the pharmacy benefits manager to dispensing pharmacists for the provision of prescription drugs or pharmacy services with regard to pharmacy benefits covered by the health benefit plan.

II.(a) If a health carrier uses a pharmacy benefits manager to administer or manage prescription drug benefits provided for the benefit of covered persons, for purposes of calculating a carrier's anticipated loss ratio, any pharmacy benefits manager compensation:

(1) Constitutes an administrative cost incurred by the carrier in connection with a health benefit plan; and

(2) May not constitute a benefit provided under a health benefit plan.

(b) A health carrier shall claim only the amounts paid by the pharmacy benefits manager to a pharmacy or pharmacist as an incurred claim.

III. Each rate filing submitted by a health carrier with respect to a health benefit plan that provides coverage for prescription drugs or pharmacy services that is administered or managed by a pharmacy benefits manager shall include:

(a) A memorandum prepared by a qualified actuary describing the calculation of the pharmacy benefits manager compensation; and

(b) Such records and supporting information as the commissioner reasonably determines is necessary to confirm the calculation of the pharmacy benefits manager compensation.

IV. Upon request, a health carrier shall provide any records to the commissioner that relate to the calculation of the pharmacy benefits manager compensation.

V. A pharmacy benefits manager shall provide any necessary documentation requested by a health carrier that relates to pharmacy benefits manager compensation in order to comply with the requirements of this section.

2 Managed Care Law. Amend RSA 420-J:8, XV(b)(3) to read as follows:

(3) Review and make necessary adjustments to the maximum allowable cost for every drug for which the price has changed at least every [14] 7 days.

3 New Subdivision; New Hampshire Prescription Drug Competitive Marketplace. Amend RSA 21-I by inserting after section 95 the following new subdivision:

New Hampshire Prescription Drug Competitive Marketplace

21-I:96 Purpose and Intent. The purpose and intent of this subdivision is to authorize the commissioner of the department of administrative services, with the approval of the governor and the executive council, to establish the New Hampshire prescription drug competitive marketplace in accordance with this subdivision. The objective of this subdivision is to optimize prescription drug savings by the state of New Hampshire through the following:

I. Adoption of a dynamically competitive reverse auction process for the state health plan selection of pharmacy benefit managers (PBM).

II. Ongoing, real-time electronic review and validation of PBM claims invoices as the foundation for reconciling pharmacy bills.

III. Conduct of market checks using technology driven evaluation of the incumbent PBM's prescription drug pricing based on benchmark comparators.

21-I:97 Definitions. In this subdivision:

I. "Department" means the department of administrative services.

II. "Pharmacy benefits manager" means a person, business, or other entity, including a wholly or partially owned or controlled subsidiary of a pharmacy benefits manager, that, pursuant to a contract with the health carrier or self-funded health benefit plan, manages the prescription drug coverage provided by the health carrier or self-funded health benefit plan, including, but not limited to, providing claims processing services for prescription drugs, performing drug utilization review, processing drug prior authorization requests, adjudication of grievances or appeals related to prescription drug coverage, contracting with network pharmacies, and controlling the cost of covered prescription drugs.

III. "PBM reverse auction" means an automated, transparent, and dynamically competitive bidding process conducted online that starts with an opening round of bids and allows qualified PBM bidders to counter-offer a lower price for as many rounds of bidding as determined by the department of administrative services or its authorized representative conducting the reverse auction for a multiple health plan prescription drug purchasing group.

IV. "Price" means the projected cost of a PBM proposal or "bid" for providing prescription drug benefits pursuant to this part, to enable "apples-to-apples" comparison of the costs of competing PBM proposals over the duration of the PBM services contract.

V. "Real-time" means within no more than 12 hours.

VI. "PBA" means a participant bidding agreement entered into by all participants in the PBM reverse auction prior to participation therein.

21-I:98 New Hampshire Prescription Drug Competitive Marketplace.

I. Notwithstanding any provision of law to the contrary, a contract for the services of a PBM for the administration of benefits under this subdivision may be procured by the department, at its sole discretion, in a transparent, online competitive process, or "PBM reverse auction" as set forth in this subdivision. If the department, acting in its discretion, opts to conduct such a process, it shall procure, through the solicitation of proposals from qualified professional services vendors, the following products and services based upon price, capabilities, and other factors as determined by the department:

(a) Technical assistance from a technology operator with respect to all of the following:

(1) Evaluating the qualifications of PBM bidders.

(2) Conducting online-automated reverse auction services to support the department or its authorized representatives in comparing the pricing for the PBM procurement.

(3) Providing related professional services.

(b) Technology platform with the required capabilities for conducting a PBM reverse auction, along with the related services of a technology operator, as described in subparagraph (a). The technology platform shall, at a minimum, possess the capacity to do the following:

(1) Conduct an automated, online, reverse auction of PBM services.

(2) Automate repricing of diverse and complex PBM prescription drug pricing proposals to enable “apples-to-apples” comparisons of the price of PBM bids utilizing 100 percent of annual prescription drug claims data available for state-funded health plans or a multiple health plan prescription drug purchasing group and using code-based classification of drugs from nationally accepted drug sources.

(3) Produce an automated report and analysis of PBM bids, including the ranking of PBM bids based on the comparative costs and qualitative aspects thereof within a 48-hour time period following the close of each round of reverse auction bidding.

(4) Perform real-time, electronic, line-by-line, claim-by-claim review of 100 percent of invoiced PBM prescription drug claims, and identify all deviations from the specific terms of the PBM services contract resulting from the reverse auction process.

(c) The contract for procurement of the technology platform and technology operator services shall not be awarded to any of the following:

(1) A vendor that is a PBM.

(2) A vendor that is a subsidiary or affiliate of a PBM.

(3) A vendor that is managed by a PBM or receives remuneration from a PBM for aggregating clients into a contractual relationship with a PBM.

(d) The vendor shall not outsource any part of the PBM reverse auction or the automated, real-time, electronic, line-by-line, claim-by-claim review of invoiced PBM prescription drug claims.

(e) With technical assistance and support provided by the technology operator, the department or its authorized representative shall specify the terms of the PBA. The terms of the PBA shall not be modified except by specific consent of the department of administrative services or its authorized representatives.

II. When and if procured, the technology platform used to conduct the reverse auction shall be repurposed over the duration of the PBM services contract as an automated pharmacy claims adjudication engine to perform real-time, electronic, line-by-line, claim-by-claim review of 100 percent of invoiced PBM prescription drug claims, and identify all deviations from the specific terms of PBM services contracts.

III. An entity may request in writing and subject to the approval of the commissioner to participate in a joint purchasing group with the state employee and retiree group insurance program for procuring for PBM services through a PBM reverse auction or otherwise. All entities participating in a joint purchasing group shall share proportionally in the cost of procurement including all support services.

IV. If the department opts, at its discretion, to conduct a transparent, online competitive PBM selection process, as set forth in this subdivision, the processes and procedures set forth in this section shall apply to prescription drug coverage in connection with the state employee health plan for benefits under this part including for state employees, retirees, spouses, and eligible dependents in accordance with the provisions of RSA 21-I:30 and any applicable collective bargaining agreements. Any other state-funded health plan or self-funded municipal employee or other local government employee health plan, public school employee health plans, operating individually or collectively, and the health plans of the university system of New Hampshire and the community college system of New Hampshire may utilize the processes and procedures set forth in this section individually or collectively or as a joint purchasing group with the state employee health plan.

V. After completion of a first PBM reverse auction by the department for the administration of benefits under the state employee health plan, and at the discretion of the department, self-funded private sector employer or multi-employer health plans with substantial participation by New Hampshire employees and their dependents may be permitted to participate in a joint purchasing pool with state employees for conduct of subsequent PBM reverse auctions provided that such participation shall comply with and shall be consistent with all applicable state and federal law and requirements of ERISA.

VI. The state employee health plan and any self-funded public or private sector health plans that may be permitted to participate with the state in a joint PBM reverse auction purchasing pool shall retain full autonomy over determination of their respective prescription drug formularies and pharmacy benefit designs and shall not be required to adopt a common drug formulary or common prescription pharmacy benefit design. Any such entity or purchasing group shall agree, before participating in the PBM reverse auction, to accept the prescription drug pricing plan that is selected through the PBM reverse auction process.

VII. Any PBM providing services to the department or a self-funded health plan as described in paragraphs IV and V, shall provide the department and the plan the complete pharmacy claims data necessary to conduct the reverse auction and carry out their administrative and management duties.

VIII. The department may adopt rules, pursuant to RSA 541-A, to implement the provisions of this subdivision.

4 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2021.

II. The remainder of this act shall take effect upon passage.

2020-1063s

AMENDED ANALYSIS

This bill regulates the maximum allowable cost for prescription drug benefits paid by health insurers or pharmacy benefit managers.

This bill also establishes the New Hampshire prescription drug competitive marketplace.

Commerce
March 4, 2020
2020-1062s
10/05

Amendment to SB 687-FN

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

1 New Chapter; Prescription Drug Affordability Board. Amend RSA by inserting after chapter 126-AA the following new chapter:

CHAPTER 126-BB

NEW HAMPSHIRE PRESCRIPTION DRUG AFFORDABILITY BOARD

126-BB:1 Definitions. In this chapter:

I. "Board" means the New Hampshire prescription drug affordability board.

II. "Brand-name drug" means a prescription drug marketed under a proprietary name or registered trademark name, including a biological product.

III. "Generic drug" means a prescription drug, whether identified by its chemical, proprietary, or nonproprietary name, that is not a brand-name drug and is therapeutically equivalent to a brand-name drug in dosage, safety, strength, method of consumption, quality, performance, and intended use. "Generic drug" includes a biosimilar product.

IV. "Manufacturer" means a manufacturer of prescription drugs that are distributed in the state.

V. "Pricing unit" means the smallest dispensable amount of a prescription drug that could be dispensed.

VI. "Public payor" means any division of state, county, or municipal government that administers a health plan for its employees or an association of state, county, or municipal employers that administers a health plan for its employees.

VII. “Wholesale acquisition cost” means a manufacturer’s listed price for sale to a wholesale drug distributor or other entity that purchases a prescription drug directly from the manufacturer, not including any price concessions.

126-BB:2 New Hampshire Prescription Drug Affordability Board Established. There is established the New Hampshire prescription drug affordability board to carry out the purposes of this chapter.

I. The board shall consist of 5 members with expertise in health care economics or clinical medicine, who shall not be, or be directly related to, anyone affiliated with, employed by, or representing the interests of a public payor, pharmaceutical or pharmacy company, pharmacy benefits management company, or health insurance provider and who have completed a conflict of interest statement. They shall be appointed as follows:

(a) Two members by the president of the senate. The president of the senate shall also appoint one alternate board member who will participate in deliberations of the board in the event a member appointed by the president of the senate elects to be recused as provided in RSA 126-BB:3.

(b) Two members by the speaker of the house of representatives. The speaker of the house of representatives shall also appoint one alternate board member who will participate in deliberations of the board in the event a member appointed by the speaker of the house of representatives elects to be recused as provided in RSA 126-BB:3.

(c) One member by the governor. The governor shall also appoint one alternate board member who shall participate in deliberations of the board in the event the member appointed by the governor elects to be recused as provided in RSA 126-BB:3.

II. Members shall be appointed to 5-year terms. Of the initial appointees, the member appointed by the governor shall serve an initial term of 5 years, one member appointed by the president of the senate and one member appointed by the speaker of the house of representatives shall serve an initial term of 4 years and one member appointed by the president of the senate and one member appointed by the speaker of the house of representatives shall serve an initial term of 3 years.

III. A majority of board members shall constitute a quorum.

IV. The chair of the board shall be elected by an affirmative vote of at least 4 of the 5 members of the board.

V. Beginning no later than March 1, 2021, the board shall meet in public session at least every 12 weeks to review prescription drug information and to make recommendations pursuant to RSA 126-BB:5. The first meeting shall be called by the first-named appointee of the senate president.

(a) Each public meeting shall be announced 2 weeks in advance, and materials for the meeting shall be made public at least one week in advance.

(b) Each public meeting shall provide opportunity for comment from the public in attendance at the meeting, and the board shall provide the opportunity for the public to submit written comments on pending decisions.

(c) The board may allow expert testimony at public meetings and any meeting conducted in executive session as permitted by subparagraph (d).

(d) Notwithstanding requirements of RSA 91-A, the board may meet in executive session, except that any decision of the board shall be made in public.

VI. The board shall be administratively attached to the department of health and human services. The board may employ an executive director who shall be a classified employee.

126-BB:3 Conflicts of Interest. The following provisions govern any conflict of interest for a member of the board, a member of the advisory council established in RSA 126-BB:4 or any staff member or contractor of the board.

I. When appointing a member of the board or the advisory council, the appointing authority shall consider any conflict of interest disclosed by the prospective member. A member shall elect to be recused from any board activity in the case in which the member or an immediate family member of the member has a conflict of interest. For the purposes of this paragraph, “conflict of interest” means an association, including a financial or personal association, that has the potential to bias or have the appearance of biasing an individual’s decisions in matters related to the board or the conduct of the board’s activities.

II. A board member or staff or contractor of the board with a conflict of interest shall elect to be recused. For purposes of this paragraph, “conflict of interest” means any instance in which a member of the board or an immediate family member of the member has received or could receive either of the following:

(a) A direct financial benefit of any amount deriving from the results or findings of a study or determination by or for the board; or

(b) A financial benefit from individuals or companies that own or manufacture prescription drugs, services, or items to be studied by the board that in the aggregate exceeds \$5,000 per year. For purposes of this subparagraph, “financial benefit” includes honoraria, fees, stock, or other financial benefit and the current value of the member’s or immediate family member’s already existing stock holdings, in addition to any direct financial benefit deriving from the results or findings conducted under this section.

(c) A conflict of interest shall be disclosed in the following manner:

(1) By the board in the employment of board senior staff.

(2) By the governor, president of the senate, or speaker of the house of representatives when appointing members to the board and advisory council.

(3) By the board in describing any recusals as part of any final decision relating to a prescription drug.

(4) By the 5th day after a conflict is identified or, if a public meeting of the board will occur within that 5-day period, in advance of the public meeting.

(d) Conflicts of interest shall be publicly posted on the website of the board. The information disclosed shall include the type, nature, and magnitude of the interests of the individual involved, except to the extent that the individual elects to be recused from participation in any activity with respect to which the potential conflict exists.

(e) The board, the advisory council, a member of the board or staff, or a contractor of the board may not accept gifts, bequests, or donations of services or property that suggest a conflict of interest or have the appearance of creating bias in the work of the board or advisory council.

(f) A member of the advisory council who accepts a gift, bequest, or donation of services or property that suggests a conflict of interest or has the appearance of creating bias in the work of the advisory council shall disclose the gift, bequest, or donation publicly.

126-BB:4 Advisory Council. A 12-member advisory council is established to advise the board on establishing annual spending targets pursuant to RSA 126-BB:5, I and determining methods for meeting those spending targets pursuant to RSA 126-BB:5, III. The advisory council shall consist of the following members:

I. The governor, or designee.

II. The commissioner of the department of administrative services, or designee.

III. The commissioner of the department of corrections, or designee.

IV. The commissioner of department of health and human services, or designee.

V. The attorney general, or designee.

VI. The director of the division of risk and benefits, department of administrative services, or designee.

VII. The president of the New Hampshire State Employees Association, or designee.

VIII. The president of the New Hampshire Education Association, or designee.

IX. The executive director of the New Hampshire Municipal Association or designee.

X. The chancellor of the university system of New Hampshire, or designee.

XI. The chancellor of the New Hampshire community college system, or designee.

XII. A representative of consumer interests, appointed by the governor, who shall serve a 3-year term.

126-BB:5 Powers and Duties of the Board. The board has the following powers and duties:

I.(a) Beginning with the year 2022 and in consultation with the advisory council, the board shall identify strategies that optimize spending by public payors for pharmaceutical products while reasonably ensuring

subscriber access to needed pharmaceutical products. To achieve this goal, the board shall determine annual spending targets for prescription drugs purchased by public payors based upon a 10-year rolling average of the medical care services component of the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, medical care services index, plus a reasonable percentage for inflation and minus a spending target for pharmacy savings as determined by the board.

(b) The board shall determine spending targets on specific prescription drugs that may cause affordability challenges to enrollees in a public payor health plan. Such targets shall consider any medical cost offsets achieved by utilization of the drug.

(c) The board shall determine which public payors are likely to exceed the spending targets determined under subparagraph (a).

II. The board may consider the following data to accomplish its duties under this section:

(a) A public payor's prescription drug spending data, which the 3rd-party administrator or insurer for the public payor's health plan shall provide to the board on behalf of the public payor upon request notwithstanding any provision of law to the contrary, including:

(1) Expenditures and utilization data for prescription drugs for each plan offered by a public payor.

(2) The formulary for each plan offered by a public payor and prescription drugs common to each formulary.

(3) Pharmacy benefit management services and other administrative expenses of the prescription drug benefit for each plan offered by a public payor.

(4) Enrollee cost sharing for each plan offered by a public payor.

(5) Aggregate net spending on the prescription drug benefit.

(b) Data compiled by the department of health and human services. Prescription drug spending data provided to the board under this subparagraph is confidential to the same extent it is confidential while in the custody of the entity that provided the data to the board.

III. Based upon the prescription drug spending data received under paragraph II, the board, in consultation with a representative of each public payor shall determine methods for the public payor to meet the spending targets established under paragraph I. While continuing to ensure adequate access by subscribers to needed prescribed pharmaceutical products, the board shall determine whether the following methods reduce costs to individuals purchasing prescription drugs through a public payor and allow public payors to meet the spending targets established under paragraph I:

(a) Negotiating specific rebate amounts on the prescription drugs that contribute most to spending that exceeds the spending targets.

(b) Changing a formulary when sufficient rebates cannot be secured under subparagraph (a).

(c) Establishing a common prescription drug formulary for all public payors.

(d) Prohibiting health insurance carriers in the state administering benefits for a public payor from offering on their formularies prescription drugs when the method described in subparagraph (b) is implemented.

(e) Purchasing prescription drugs in bulk or through a single purchasing agreement for use among public payors.

(f) Collaborating with other states and state prescription drug purchasing consortia to purchase prescription drugs in bulk or to jointly negotiate rebates.

(g) Allowing health insurance carriers providing coverage to small businesses and individuals in the state to participate in the public payor prescription drug benefit for a fee.

(h) Procuring common expert services for public payor, including but not limited to pharmacy benefit management services and actuarial services.

IV. By November 1, 2020 and annually thereafter, the board shall report its recommendations, including prescription drug spending targets, their strategies for optimization of affordability of prescription drugs for

the state and all of its residents, the progress of implementing those recommendations, as well as the annual net spending by public payors on prescription pharmaceutical products as a measure of the efficacy of implementation of those recommendations to date, to the standing committees of the general court with jurisdiction over health coverage and insurance matters and to the governor. This report shall also contain the following information about prescription drugs, both brand name and generic:

- (a) The 25 most frequently prescribed drugs in the state;
- (b) The 25 costliest drugs as determined by the total amount spent on those drugs in the state; and
- (c) The 25 drugs with the highest year-over-year cost increases as determined by the total amount spent on those drugs in the state.

V. The board may apply for and receive funds, grants, or contracts from public and private sources.

126-BB:6 Rulemaking. The board shall adopt rules under RSA 541-A for the following:

- I. Procedures for drug price transparency as required under RSA 126-BB:7.
- II. The adoption of all fees under RSA 126-BB:8.
- III. Proceedings for assessing civil fines under RSA 126-BB:10.
- IV. Any other matter required to implement this chapter.

126-BB:7 Drug Price Transparency; Non-disclosure Requirements.

I. The board shall develop and implement policies and procedures for its collection, processing, storage, and analysis of clinical, financial, quality restructuring and prescription drug price data for the following purposes:

- (a) To use, build, and improve upon and coordinate existing data sources and measurement efforts through the integration of data systems and standardization of concepts.
- (b) To coordinate the development of a linked public and private sector information system.
- (c) To emphasize data that is useful, relevant, and not duplicative of existing data.
- (d) To minimize the burden on those providing data.
- (e) To preserve the reliability, accuracy, and integrity of collected data.

II. The board shall adopt rules to ensure that:

(a) Payors, providers, prescription drug manufacturers, wholesale drug distributors, and pharmacy benefits managers file data as required by RSA 126-BB:9.

(b) Users that obtain health data and information from the board safeguard the identification of patients and health care practitioners.

(c) Payors, providers, prescription drug manufacturers, wholesale drug distributors, and pharmacy benefits managers pay all assessments as required by RSA 126-BB:8.

(d)(1) Only the board and employees assigned to the board may access the information received pursuant to this chapter and only for purpose of effectuating the powers and duties granted the board by this chapter. The board shall limit access to any information that it receives pursuant to this chapter to the smallest number of employees and other personnel possible; and all such individuals shall, as a condition of employment, be required to execute non-disclosure agreements under which they are restricted from disclosing any information they may receive in connection with this chapter during their employment term and in perpetuity post-employment.

(2) If the board, its members, employees, or personnel willfully shares or discloses for unauthorized purposes information that is trade secret information, confidential, commercial or proprietary information, or information designated as "confidential" by the owner of the information, the board or the individual who made the unauthorized disclosure may be subject to any penalties available under federal and state laws, including trade secret misappropriation laws, to the extent permitted by law.

126-BB:8 Funding; Assessment of Fees.

I. The expenses and cost of operation of the board shall be funded by reasonable user fees and assessments determined in rules adopted by the board.

(a) Fees may be charged for the reasonable costs of duplicating, mailing, publishing, and supplies.

(b) Reasonable user fees shall be charged on a sliding scale for the right to access and use the health data and information available from the board. Fees may be charged for services provided to the department on a contractual basis. Fees may be reduced or waived for users that demonstrate a plan to use the data or information in research of general value to the public health or inability to pay the scheduled fees, as provided by rules adopted by the board.

(c) Annual assessments of not less than \$100 assessed against the following entities:

(1) Health insurance carriers and health maintenance organizations on the basis of the total annual health care premium.

(2) Third-party administrators.

(3) Health carriers that provide only administrative services for a plan sponsor.

(4) Pharmacy benefits managers that process and pay claims on the basis of claims processed or paid for each plan sponsor.

(d) Health care policies issued for specified disease, accident, injury, hospital indemnity, disability, long-term care or other limited benefit health insurance policies are not subject to assessment under subparagraph (c). For purposes of this paragraph, policies issued for dental services are not considered to be limited benefit health insurance policies.

(e) Annual assessments of not less than \$500 assessed by the board against prescription drug manufacturers, wholesale drug distributors, and pharmacy benefits managers.

II. The aggregate level of annual assessments under subparagraphs (c) and (e) shall be an amount sufficient to meet the board's expenditures authorized. The board may waive assessments otherwise due under subparagraphs (c) and (e) when a waiver is determined to be in the interests of the board and the parties to be assessed.

126-BB:9 Drug Price Notifications and Disclosures; Confidentiality; Registration.

I. No later than January 30, 2021 and annually thereafter, a manufacturer shall notify the board when the manufacturer has during the prior calendar year:

(a) Increased the wholesale acquisition cost of a brand-name drug by more than 20 percent per pricing unit;

(b) Increased the wholesale acquisition cost of a generic drug that costs at least \$10 per pricing unit by more than 20 percent per pricing unit; or

(c) Introduced a new drug for distribution in this state when the wholesale acquisition cost is greater than the amount that would cause the drug to be considered a specialty drug under the Medicare Part D program. For the purposes of this section, "Medicare Part D" means prescription drug benefit in accordance with the requirements of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003.

II.(a) To develop the report under paragraph VIII, the board shall first assess public information that is readily available. To the extent there is no public information or not enough public information readily available to the board to produce its report, the board may request information from:

(1) The manufacturer that provided notice to the board pursuant to paragraph I;

(2) A pharmacy benefit manager or health insurance carrier providing services involving the drug that is the subject of the notification provided pursuant to paragraph I.

(b) Once the board requests information of a manufacturer, pharmacy benefit manager, or health insurance carrier, the entity shall have 60 days to produce the requested information regarding the prescription drug that is the subject of the request. If, after a complete review of all information and data available to the board or as received from the entities, the board makes a determination that additional data is required for a particular prescription drug to produce the report under paragraph VIII, the board may request that additional information from wholesale drug distributors that distribute the prescription drug that is the subject of the report. Once the board requests information of a wholesale drug distributor, it shall have 60 days to produce information regarding the prescription drug that is the subject of the request.

III.(a) Upon receipt of a request from the board relating to a specific prescription drug for which notice was provided pursuant to paragraphs I and II, a manufacturer shall provide to the board, in a form and manner specified by the board, (i) a written, narrative description, suitable for public release, of all factors that caused the increase in the wholesale acquisition cost of the listed outpatient prescription drug, and (ii) aggregate, company-level research and development costs and such other capital expenditures that the board, in its discretion, deems relevant for the most recent year for which final audited data are available.

(b) The data that a pharmaceutical manufacturer submits to the board under this section may be limited to the information and data that the pharmaceutical manufacturer includes in such pharmaceutical manufacturer's annual consolidated report on Securities and Exchange Commission Form 10-K, or any other public disclosure.

(c) The board shall establish a standardized form for reporting information and data pursuant to this section after consulting with pharmaceutical manufacturers. The form shall be designed to minimize the administrative burden and cost of reporting on the office and pharmaceutical manufacturers.

(d) Upon a request from the board relating to a specific prescription drug for which notice was provided pursuant to paragraphs I and II, a pharmacy benefit manager or wholesaler shall provide:

(1) The dollar amount of all rebates or fees concerning the drug collected from the manufacturer that were covered by such health carriers during such calendar year; and

(2) The dollar amount of all rebates and fees, excluding any portion of the rebates or fees received by health carriers, concerning the drug collected from the manufacturer.

(e) The board shall establish a standardized form for reporting information pursuant to subparagraph (d) after consultation with pharmacy benefits managers and wholesalers. The form shall be designed to minimize the administrative burden and cost of reporting on pharmacy benefits managers and wholesalers.

IV. Information provided to the board as required by this section by a manufacturer, wholesale drug distributor, or pharmacy benefits manager that has not been publicly reported is confidential and not a public record under RSA 91-A, except that the board may share information:

(a) With the insurance department, to the extent necessary for the department to enforce insurance laws, as long as any information shared is kept confidential; and

(b) As long as it is not released in a manner that represents a breach of confidential information provided by a manufacturer, wholesale drug distributor, or pharmacy benefits manager.

V. Beginning January 1, 2021, a manufacturer, pharmacy benefits manager, and wholesale drug distributor subject to this section shall register annually with the board in a manner prescribed by the board.

VI. A manufacturer, wholesale drug distributor, or pharmacy benefits manager that submits a notification or report to the board pursuant to this section shall submit with the notification or report a signed written certification of the notification's or report's accuracy. Any confidential or proprietary information contained within such notification or report shall be clearly identified as such. Any breach of confidential information not so identified shall not be subject to RSA 126-BB:7, II(d).

VII.(a) The board may audit the data submitted by a manufacturer, wholesale drug distributor, or pharmacy benefits manager pursuant to this section. The costs of the audit shall be paid for by the manufacturer, wholesale drug distributor, or pharmacy benefits manager.

(b) The board may require a manufacturer, wholesale drug distributor, or pharmacy benefits manager subject to this section to develop a corrective action plan to correct any deficiencies the board finds with the manufacturer's, wholesale drug distributor's, or pharmacy benefits manager's compliance with this section.

VIII. Beginning November 1, 2021 and annually thereafter, the board shall produce and post on its publicly accessible website an annual report, including information developed from the notifications and disclosures received pursuant to this section on trends in the cost of prescription drugs, analysis of manufacturer prices and price increases, the major components of prescription drug pricing along the supply chain and the impacts on insurance premiums and cost sharing, and any other information the board determines is relevant to providing greater consumer awareness of the factors contributing to the cost of prescription drugs in the state. The report may not disclose information attributable to any particular manufacturer, wholesale drug distributor, or pharmacy benefits manager subject to this section and may not make public any information that is confidential. The board shall submit the report required by this section to the standing committees of the general court with jurisdiction over health data reporting and prescription drug matters and the governor.

126-BB:10 Civil Penalties. When a person or entity that is a health care facility payor, prescription drug manufacturer, wholesale drug distributor, or pharmacy benefits manager violates any requirement of this chapter, that person or entity commits a civil violation for which a fine of not more than \$1,000 per day may be imposed. A fine imposed under this paragraph may not exceed \$25,000 for any one occurrence.

2 Effective Date. This act shall take effect July 1, 2020.

Commerce
March 4, 2020
2020-1065s
01/04

Amendment to SB 688-FN

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

AN ACT relative to the pricing of generic prescription drugs.

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

1 Consumer Protection: Acts Unlawful. Amend RSA 358-A:2, XIV to read as follows:

XIV. Pricing of goods or services in a manner that tends to create or maintain a monopoly, or otherwise harm competition, ***including the pricing of generic prescription drugs.***

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

2020-1065s

AMENDED ANALYSIS

This bill clarifies the pricing of generic prescription drugs under the law governing consumer protection.

Commerce
March 4, 2020
2020-1067s
10/05

Amendment to SB 689-FN

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

1 Findings. The general court finds that the referral of a patient to a pharmacy with a mutually beneficial financial relationship not limited to but including investment in or ownership with a health carrier or pharmacy benefit manager for pharmacy care represents a potential conflict of interest. These referral practices may limit or eliminate competitive alternatives in the health care services market, may result in overutilization of health care services, may increase costs to the health care system, may adversely affect the quality of health care, may disproportionately harm patients in rural and medically underserved areas, and are against the public policy of this state.

2 New Subdivision; Pharmacy Anti-Steering and Transparency. Amend RSA 318 by inserting after section 66 the following new subdivision:

Pharmacy Anti-Steering and Transparency

318:67 Definitions. In this subdivision:

I. "Affiliate" means a person or entity licensed as a health carrier as defined in RSA 420-J:3, XXIII or registered as pharmacy benefit manager as defined in RSA 402-N:1, VIII, which, either directly or indirectly through one or more intermediaries:

(a) Has a significant financial relationship with or an investment or ownership interest in a pharmacy licensed in this state;

(b) Shares common ownership with a pharmacy licensed in this state; or

(c) Has as an investor or ownership interest holder a pharmacy licensed in this state.

II.(a) "Referral" means:

(1) Ordering of a patient to a pharmacy by an affiliate either orally or in writing, including online messaging;

(2) Offering or implementing plan designs that require or incentivize patients to utilize affiliated pharmacies; or

(3) Patient or prospective patient specific advertising, marketing, or promotion of a pharmacy by an affiliate.

(b) The term “referral” shall not include a pharmacy’s inclusion by an affiliate in communications to patients, including patient and prospective patient specific communications, regarding network pharmacies and prices, provided that the affiliate includes information regarding eligible nonaffiliate pharmacies in such communications and the information provided is accurate.

318:68 Pharmacy Anti-Steering and Transparency.

I. A pharmacy shall be prohibited from presenting a claim for payment to any individual, third-party payor, affiliate, or other entity for a service furnished pursuant to a referral from an affiliate; provided, however, that this shall not apply to referrals from an affiliate for limited distribution prescription drugs or specialty prescription drugs, unless the pharmacy is a Utilization Review Accreditation Commission (URAC), Accreditation Commission for Health Care (ACHC), or the Center for Pharmacy Practice Accreditation (CPPA) accredited specialty pharmacy, in which case such prohibition shall apply.

II. This section shall not be construed to prohibit a pharmacy from entering into an agreement with an affiliate to provide pharmacy care to patients, provided that the pharmacy does not receive referrals in violation of paragraph I and the pharmacy provides the disclosures required in paragraph III.

III. If a pharmacy has an affiliate, it shall annually file with the board a disclosure statement identifying all such affiliates.

IV. In addition to any other remedy provided by law, a violation of this section by a pharmacy shall be grounds for disciplinary action by the board.

V. This section shall not apply to any hospital or related entity, or to any referrals by an affiliate for pharmacy services and prescriptions to patients in skilled nursing facilities, intermediate care facilities, continuing care facilities, home health agencies, or hospices, or to requirements for pharmacy benefits in affiliate’s health plans for its own employees.

3 Effective Date. This act shall take effect January 1, 2021.

Energy and Natural Resources

March 3, 2020

2020-1038s

10/04

Amendment to SB 692-FN

Amend RSA 374-F:8 as inserted by section 2 of the bill by replacing it with the following:

374-F:8 Participation in Regional Activities. The commission shall advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies. The commission shall participate in the activities of the New England Conference of Public Utility Commissioners, the National Association of Regulatory Utility Commissioners, and the New England States Committee on Electricity, or other similar organizations, and work with the New England Independent System Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale electric issues, including policy goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and reasonable prices. The commission shall advocate against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or laws of New Hampshire. In its participation in regional activities, the commission shall consider how other states’ policies will impact New Hampshire rates and work to prevent or minimize any rate impact the commission determines to be unjust or unreasonable, ***including, but not limited to, unjust or unreasonable returns on equity. The commission shall directly assess gas and electric distribution utilities the costs and expenses of fulfilling its duties under this section, including the costs and expenses of assistants hired by the commission, based on the annual revenues of the utilities in the same manner as issued in assessing the annual operating expenses of the commission, or as appropriate and equitable on a case by case basis. Such costs and expenses shall not include any part of the salaries of the commissioners or of employees of the commission, or the commission’s membership fees for the New England Conference of Public Utility Commissioners and the National Association of Regulatory Utility Commissioners. The commission may make and the***

utilities shall pay such assessments monthly, quarterly, or annually at the commission's election. The commission shall by order establish rate recovery mechanisms for any public utility assessment imposed pursuant to this section. Such rate recovery mechanisms shall adjust at least annually to recover any change in a utility's assessment.

Election Law and Municipal Affairs
March 4, 2020
2020-1091s
06/10

Amendment to SB 694-FN-A

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

AN ACT relative to recommended minimum cybersecurity standards for municipalities and making an appropriation therefor.

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

1 New Paragraph; Department of Information Technology; Duties of Commissioner. Amend RSA 21-R:4 by inserting after paragraph XX the following new paragraph:

XXI. Recommending minimum cybersecurity standards for political subdivisions, based on CIS controls, as established and maintained by the Center for Internet Security. The department shall:

(a) Publish recommended minimum cybersecurity standards for political subdivisions, to be updated annually.

(b) Designate the New Hampshire cyber integration center to coordinate incident response of cybersecurity incident reports from political subdivisions.

2 New Paragraph; Department of Information Technology; Definitions. Amend RSA 21-R:1 by inserting after paragraph II the following new paragraph:

III. "Cybersecurity incident" means an occurrence that actually or potentially:

(a) Jeopardizes the confidentiality, integrity, or availability of an information system;

(b) Jeopardizes the information the system processes, stores, or transmits; or

(c) Constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

3 New Section; Duties of Towns; Cybersecurity. Amend RSA 31 by inserting after section 103-a the following new section:

31:103-b Cybersecurity. The governing body, chief administrative officer, or the designee of any political subdivision who knows of or suspects a cybersecurity incident within such political subdivision, or within any vendor acting as an agent of the political subdivision, shall immediately report such incident, upon discovery, and shall disclose all known information and interactions to the New Hampshire cyber integration center of the department of information technology.

4 Department of Information Technology; Appropriation. The sum of \$1 for the fiscal year ending June 30, 2021 is hereby appropriated to the department of information technology. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2020-1091s

AMENDED ANALYSIS

This bill:

I. Requires the department of information technology to recommend minimum cybersecurity standards for political subdivisions.

II. Requires political subdivisions to report cybersecurity incidents to the New Hampshire cyber integration center.

III. Makes an appropriation to the department of information technology.

Health and Human Services
 March 4, 2020
 2020-1073s
 05/04

Amendment to SB 702

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Child Welfare; Procurement Requirements. Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

I-a. The commissioner shall employ a procurement model for administering the provision of therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a contracted provider, the commissioner may approve and shall pay for placement with another certified provider on a temporary basis if the commissioner determines that the placement is necessary to meet the juvenile's immediate treatment needs.

2020-1073s

AMENDED ANALYSIS

This bill establishes criteria governing the use of contracted providers in the department of health and human services' child welfare program.

The bill is a request of the department of health and human services.

Senate Judiciary
 March 3, 2020
 2020-1045s
 04/11

Amendment to SB 705-FN

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

AN ACT relative to fraudulent impersonation using a social networking site.

Amend the bill by replacing section 1 with the following:

1 Identity Fraud; Online Impersonation. Amend RSA 638:26, I(c)-(d) to read as follows:

(c) Obtains or records personal identifying information about a person without the express authorization of such person in order to assist another to pose as such person; ~~or~~

(d) Poses as another person, without the express authorization of such person, with the purpose of obtaining confidential information about such person that is not available to the general public; **or**

(e) Without obtaining the other person's consent, and with the intent to mislead, harm, defraud, intimidate, or threaten another person, poses as, or uses the name or other personal information of such person to:

(1) Create a web page on a social networking site or Internet website; or

(2) Post or send one or more messages on or through a social networking site or Internet website, other than on or through an electronic mail program or message board program; or

(3) Posts or transmits an electronic mail, instant message, text message, or similar communication that references a name, domain address, phone number, or other personal identifiable information belonging to such person.

2020-1045s

AMENDED ANALYSIS

This bill establishes a criminal penalty for fraudulent impersonation using a social networking site.

Education and Workforce Development
 March 3, 2020
 2020-1040s
 06/04

Amendment to SB 711-FN-LOCAL

Amend RSA 189:13-a, XII as inserted by section 1 of the bill by replacing it with the following:

XII. The employing school administrative unit, school district, or chartered public school shall provide every school employee whose position requires a criminal background check under this section with informational materials, training, or other education, either online or in person, concerning child sexual abuse prevention, sexual assault and harassment policy training, warning signs of child abuse, and reporting mandates. For the purposes of this paragraph, school employees include coaches and those enumerated in RSA 189:13-a, I(a), VI, and IX(a). Such training shall be completed within 30 days of employment and renewed every 2 years for all employees.

Health and Human Services
 March 4, 2020
 2020-1072s
 01/06

Amendment to SB 718-FN-A

Amend RSA 126-A:81, II(c) as inserted by section 2 of the bill by replacing it with the following:

- (c) Identify disparities in social determinants that impact health, health outcomes, and access to care.

Amend RSA 126-A:82, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby established a state health assessment and state health improvement plan advisory council. The membership of the council shall be diverse with respect to race, ethnicity, geography, and age as follows:

- (a) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader.

- (b) Two members of the senate, one of whom shall be a member of the minority party, appointed by the senate president.

- (c) The commissioner of the department of health and human services, or designee.

- (d) The commissioner of the department of education, or designee.

- (e) The commissioner of the department of insurance, or designee.

- (f) The commissioner of the department of safety, or designee.

- (g) The commissioner of the department of corrections, or designee.

- (h) The New Hampshire attorney general, or designee.

- (i) The director of the division of public health services, department of health and human services, or designee.

- (j) The chairperson of state commission on aging, or designee.

- (k) The director of the Manchester health department, or designee.

- (l) A representative from the New Hampshire Public Health Association, appointed by the association.

- (m) A representative of the New Hampshire Alliance for Healthy Aging, appointed by the alliance.

- (n) A representative of the North Country Health Consortium, appointed by the consortium.

- (o) A representative of the New Hampshire Fiscal Policy Institute, appointed by the institute.

- (p) Two representatives from housing entities, one appointed by the New Hampshire Housing Finance Authority, and one appointed by the New Hampshire Housing Authorities Corporation.

- (q) Two representatives of hospitals located in New Hampshire, one from a large health care system and one from a critical care hospital, appointed by the New Hampshire Hospital Association.

(r) A representative of a federally qualified community health center, appointed by the Bi-State Primary Care Association.

(s) A psychiatrist or psychologist licensed in New Hampshire, appointed by the commissioner of the department of health and human services.

(t) A physician, appointed by the New Hampshire Medical Society.

(u) An advanced practice nurse practitioner licensed in New Hampshire, appointed by the New Hampshire Nurse Practitioners Association.

(v) A representative of municipal government, appointed by the New Hampshire Municipal Association.

(w) A school superintendent, appointed by the New Hampshire School Administrators Association.

(x) A representative of a peer recovery program, appointed by the commissioner of the department of health and human services.

(y) An environmental health researcher from a New Hampshire college or university, appointed by the commissioner of the department of health and human services.

(z) A representative of a philanthropic organization, appointed by the commissioner of the department of health and human services.

(aa) A substance use disorder treatment provider, appointed by the NH Providers Association.

(bb) A community action program representative, appointed by the New Hampshire Community Action Partnership.

(cc) The director of the Nashua health department, or designee.

(dd) A health officer, appointed by the New Hampshire Health Officers Association.

Amend RSA 126-A:82, III as inserted by section 2 of the bill by replacing it with the following:

III. Members of the council appointed under subparagraphs II(a) through (j) in this section shall serve a term coterminous with their term in office. The members appointed pursuant to subparagraphs II(k) through (dd) in this section shall serve 6-year terms provided that initial appointments shall be for staggered terms of one to 6 years. Legislative members shall receive mileage at the legislative rate when attending to the duties of the council. The first-named senate member shall convene the organizational meeting of the council within 45 days of the effective date of this section for the purpose of electing officers. The chairperson shall be elected upon a majority vote of the council. Seventeen members shall constitute a quorum.

Education and Workforce Development

March 3, 2020

2020-1042s

01/04

Amendment to SB 726-FN

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

AN ACT relative to programs to aid veterans' access to employment, housing, health care, and college degrees.

Amend RSA 126-A:81, I as inserted by section 2 of the bill by replacing it with the following:

I. In this act, "veteran" means veterans as defined in 15 U.S.C. section 632(q)(2) and (3).

Amend the bill by replacing all after section 2 with the following:

3 Report Required. On or before April 1, 2021, the commissioner of the department of health and human services shall produce a report of the findings, including the impact that Medicaid expansion has had to date for the veterans and their families, recommendations and any additional legislative action or budget actions required relative to RSA 126-A:81, II as inserted by section 2 of this act to the president of the senate, the speaker of the house of representatives, the governor, and the chairpersons of the senate and house committees having jurisdiction over public health issues.

4 Business Finance Authority; Capital Access Program. Amend RSA 162-A:12, II to read as follows:

II. The amount of the authority's contribution to a CAP fund shall not exceed 10 percent of the principal amount of the CAP loans to be secured by the CAP fund. As a condition of the authority making a contribution to a CAP fund, the authority may require the borrower or the participating state bank or state credit union to make a contribution to the CAP fund and may impose such other conditions or requirements as the authority may deem necessary or desirable; ***provided that no veteran-owned business borrower shall be required to pay a fee or contribution into the CAP fund.*** All moneys contributed to a CAP fund shall be held in the name of the authority. Investment earnings on the CAP fund shall be credited to the fund, and such earnings shall be periodically paid to the authority unless the CAP participation agreement otherwise provides.

5 New Sections; Department of Employment Security; Workforce Needs Projections for Veterans; Training and Apprentice Programs. Amend RSA 282-A by inserting after section 117-a the following new sections:

282-A:117-b Workforce Needs Projections for Veterans; Report. The commissioner shall produce a monthly, written report, which shall also be published on the department's public Internet site, detailing the state's workforce needs projections, by industry, job type, geography, and needed credential. The report shall include comparisons of projected workforce needs with existing workforce needs and availability of in-demand fields in this state and shall highlight, on a county-by-county basis, the industries, job types, and credentials which are most in demand in the state. The report shall also identify and map, on a county-by-county basis, those in-demand positions and credentials that are best suited to the skills, experience, and credentials possessed by veterans. The commissioner shall forward the report every month to all appropriate military placement offices, recruitment centers, education centers, nonprofit programs, and any other state or local agency working to connect veterans with jobs.

282-A:117-c Training and Apprentice Programs for Veterans; Report. The adjutant general in cooperation with the commissioners of the departments of labor and employment security shall annually review and submit a report detailing all apprentice, training, and other vocational programs in this state focused on providing job training and placement to returning military service members and veterans. The annual report shall evaluate the costs and results of such programs and propose legislation to expand or revise such programs, an estimate of the benefits to the state to be gained from program expansion, and recommendations for sources of funding. The initial report shall be submitted to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction in veterans issues and in professional licensing issues, the senate clerk, the house clerk, and the governor within 60 days of the effective date of this section.

6 New Sections; Department of Military Affairs and Veterans Services; Programs and Report Added. Amend RSA 110-B by inserting after section 73 the following new sections:

110-B:73-a Military Skills Test Waiver Program. The adjutant general shall take necessary steps to increase veterans' awareness of and participation in the Federal Motor Carrier Safety Administration's Military Skills Test Waiver Program. The adjutant general shall include information about the program and a link to the program's website on department's public Internet site and shall coordinate with military placement and training programs to disseminate information on the program to veterans with relevant experience newly locating in New Hampshire.

110-B:73-b Acceptance of Military Training and Experience in Professional Licensing; Report. The adjutant general and the executive director of the office of professional licensure and certification shall jointly conduct a review of all state licenses for which military veterans may have relevant training or experience and identify any steps that can be taken without further legislation; develop recommendations and proposed legislation designed to increase the acceptance of military training and experience toward professional licensing; and submit a report to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction in veterans issues and in professional licensing issues, the senate clerk, the house clerk, and the governor within one year of the effective date of this section, and annually thereafter.

110-B:73-c End Veterans Homelessness Program.

I. The adjutant general, in conjunction with providers of services for veterans experiencing homelessness in New Hampshire, shall establish a program to end veterans homelessness in 3 years. The term "end veterans homelessness" shall have the same meaning as in the most recently released report by the United States Interagency Council on Homelessness.

II. In coordination with local, state, and federal government agencies and nonprofits, and in consultation with states and cities that have achieved an end to veterans homelessness in accordance with the above criteria, the adjutant general shall develop and implement strategies including but not limited to:

(a) Coordinating a community outreach and a common assessment tool to identify veterans experiencing homelessness and assessing the types and severity of risk and vulnerability being faced by veterans experiencing homelessness.

(b) Developing a comprehensive listing of the names of veterans who are experiencing homelessness, prioritized based on degree of vulnerability.

(c) Sharing data between all relevant veterans' service providers, state agencies, nonprofit organizations, and VA medical centers.

(d) Increasing coordination and streamlining processes for appropriate veterans' housing placements.

(e) Connecting veterans experiencing homelessness to health, mental health, employment, entrepreneurship, and training resources through the services described under RSA 126-A:81, RSA 126-A:82, RSA 162-A:9-b, RSA 282-A:117-b, RSA 282-A:117-c, RSA 110-B:73-a, RSA 110-B:73-b, RSA 153-A:20, XXV, RSA 187-A:20-d, RSA 188-F:16-b, RSA 326-B:9, XIII, and RSA 328-D:10, I(j).

(f) A commitment to the principles of Housing First, as developed by the United States Interagency Council on Homelessness.

(g) Identifying and applying for funding, as needed from private, foundation, and other partners.

7 New Paragraph; Emergency Medical Care Providers; Rulemaking. Amend RSA 153-A:20 by inserting after paragraph XXIV the following new paragraph:

XXV. Implementing strategies and procedures necessary to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as an emergency medical care provider.

8 New Section; State College and University System; Credit for Military Experience and Training. Amend RSA 187-A by inserting after section 20-c the following new section:

187-A:20-d Academic Credit and Course Registration for Veterans.

I. A veteran who enrolls as a student at an institution within the university system shall be granted maximum credits allowed by the institution's required accreditation standards or state licensure requirements towards his or her degree for the completion of courses that were part of such veteran's military training or service if the such courses meet the standards of the American Council on Education, or its equivalent, for the awarding of academic credits. No fee, tuition, or other charge shall be assessed against a veteran who qualifies for such credit pursuant to this section.

II.(a) Institutions within the state university system that offer an early course registration period shall also offer early course registration to students who are veterans or national guard members.

(b) A student who is called to active duty in the armed forces of the United States, after having attended regularly for 85 percent of the length of the course as determined by the academic calendar of class or having completed 85 percent of the term's work, shall be given an opportunity to complete necessary course work within 12 months utilizing the Internet or United States Postal Service correspondence or other available communication methods for each course in which such student is earning a grade of C or better in the term the student is called to active duty service.

(c) Students called to active duty in the armed forces of the United States shall have their tuition refunded or credited, whichever is deemed appropriate by the institution based on how the term was paid for, without credits awarded.

(d) A veteran with no previous college experience shall be permitted to file an admission application and enroll in the current open registration period pending completion of their application and provision of supporting documents.

(e) Within 12 months of return from active duty, a veteran may register for courses after normal registration period ends without late fees or other penalties until the latest allowable registration date.

III. The board of trustees shall establish policies necessary to implement this section.

9 New Section; Community College System of New Hampshire; Academic Credit and Course Registration for Veterans. Amend RSA 188-F by inserting after section 16-a the following new section:

188-F:16-b Academic Credit and Course Registration for Veterans and Active Duty Services Members.

I. A veteran who enrolls as a student at an institution within the community college system shall be granted academic credit for the completion of courses that were part of such veteran's military training or service if the such courses meet the standards of the American Council on Education, or its equivalent, for the awarding of academic credits and are applicable to the veteran's program of study. No fee, tuition, or other charge shall be assessed against a veteran who qualifies for such credit pursuant to this section. Nothing in this paragraph shall be construed to alter established curriculum, program, or degree requirements.

II.(a) Institutions within the community college system that offer an early course registration period shall also offer early course registration to students who are veterans or national guard members.

(b) A student who is called to active duty in the armed forces of the United States, after having completed 85 percent of the term's work, shall be given a reasonable opportunity to attain full credit for each course in which he or she has attained a grade of C or better prior to being called to active duty. A reasonable opportunity may include the opportunity to accelerate completion of course work prior to reporting for active duty or complete coursework within a reasonable time after return from active duty.

(c) Students called to active duty in the armed forces of the United States who do not meet the institution's attendance requirements sufficient, as a request of such service, to earn a grade shall be entitled to a full refund of tuition and fees.

(d) A veteran shall be permitted to file an admission application up to the end of the regular course registration period, and shall be permitted to begin classes pending completion of their application and provision of supporting documents. Nothing in this subparagraph shall be construed to alter established admissions, course prerequisites, curriculum, programs or degree requirements.

(e) Within 12 months of return from active duty, a veteran may register for courses after normal registration period ends without late fees or other penalties. This subparagraph shall not be construed to require extension of registration period beyond the normal add/drop deadline.

III. The board of trustees shall establish policies necessary to implement this section.

10 New Paragraph; Nurse Practice Act; Rulemaking. Amend RSA 326-B:9 by inserting after paragraph XII the following new paragraph:

XIII. The implementation of strategies and procedures necessary to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as a nurse.

11 Physician Assistant; Rulemaking. Amend RSA 328-D:10, I(j) to read as follows:

(j) ***The implementation of strategies and procedures necessary to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as a physician assistant.***

(k) Except as provided in paragraph II, any other matter which is consistent with the legislative intent of this chapter and which is necessary to the administration of this chapter.

12 Recognition of Military Training and Experience; Reports. The adjutant general, the commissioner of the department of safety, the executive director of the office of professional licensure and certification, and the licensing authorities for nursing under RSA 326-B, physician assistants under RSA 328-D, and emergency medical care providers under RSA 153-A:11, shall jointly conduct a review of all licensing procedures for each profession listed in this section and develop recommendations and proposed legislation designed to increase the recognition of military training and experience toward licensing in such professions, and shall submit a report to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction in veterans issues and in professional licensing issues, the senate clerk, the house clerk, and the governor within one year of the effective date of this section.

13 Applicability. Sections 2, 3 and 6 of this act shall take effect when the department of military affairs and veterans services receives sufficient funding for 3 positions required to carry out the purposes of those sections as certified by the adjutant general to the director of legislative services and the secretary of state.

14 Effective Date.

I. Sections 2, 3, and 6 of this act shall take effect as provided in section 13 of this act.

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

2020-1042s

AMENDED ANALYSIS

This bill

I. Requires the commissioner of the department of health and human services to develop and operate a veteran health navigator training program for the existing veterans service officers under the department of military affairs and veterans services to provide veterans and their families increased access to health care and mental health services.

II. Requires the commissioner of the department of employment security to publish a monthly workforce needs assessment report for veterans.

III. Requires the adjutant general to take steps to increase veterans' awareness of the military skills test waiver program; increase acceptance of military training and experience towards the licensing requirements in certain occupations and professions; and establish an end veterans homelessness program.

IV. Requires the university system and community college system of New Hampshire to award college credit for military training courses completed and to increase flexibility in application and course registration procedures for veterans.

V. Requires the adjutant general to review expanded training and apprenticeship programs for providing job training for veterans and to submit a report detailing the findings.

Education and Workforce Development

March 3, 2020

2020-1021s

06/04

Amendment to SB 727-FN-LOCAL

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

AN ACT relative to Holocaust and genocide studies legislation and establishing a commission to study genocide education.

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

1 Findings and Purpose. The general court finds that intolerance, bigotry, antisemitism, and national, ethnic, racial, and religious hatred and discrimination are incompatible with the fundamental principles of democracy, and that such ideologies and practices, when unchallenged, can lead to genocide. Recognizing that democratic institutions and values are not automatically sustained, but need active civic responsibility and engagement, the general court finds that it is necessary, as part of an adequate education, to ensure that students are taught the historical facts about the Holocaust and other genocides and how intolerance, bigotry, antisemitism, and national, ethnic, racial, and religious hatred and discrimination have evolved in the past, and can evolve, into genocide and mass violence. The general court further finds that through education about the Holocaust and other forms of genocide, their causes, the consequences of intolerance, bigotry, antisemitism, and hate, and the lessons to be drawn for the present, students will understand the fragility of democracy, the importance of democratic principles, and the power of individual choices in preventing genocide.

2 Criteria for an Adequate Education. Amend RSA 193-E:2, IV to read as follows:

IV. Knowledge of civics and government, economics, geography, [and] history, **and Holocaust and genocide education** to enable them to participate in the democratic process and to make informed choices as responsible citizens.

3 New Paragraphs; Adequate Public Education; Definitions. Amend RSA 193-E:3-a by inserting after paragraph II the following new paragraphs:

II-a. "Genocide" means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

II-b. "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jews by the Nazi regime and its collaborators.

II-c. "Holocaust and genocide education" means studies on the Holocaust, genocide, and other acts of mass violence.

4 New Subparagraph; Instruction in National and State History and Government; Genocide Education. Amend RSA 189:11, I by inserting after subparagraph (i) the following new subparagraph:

(j) How intolerance, bigotry, antisemitism, and national, ethnic, racial, or religious hatred and discrimination have evolved in the past, and can evolve, into genocide and mass violence, such as the Holocaust, and how to prevent the evolution of such practices.

5 New Hampshire Genocide Awareness Month. Amend RSA 4:13-t to read as follows:

4:13-t New Hampshire Genocide Awareness Month. The governor shall annually proclaim the month of April as New Hampshire Genocide Awareness Month and shall urge cities and towns throughout the state to observe this month in an appropriate manner commemorating the victims of genocides and educating the public about the ~~[evils of genocide and commemorating victims of genocide]~~ **importance of preventing intolerance, bigotry, antisemitism, and national, ethnic, racial, and religious hatred and genocide against any group of people.**

6 State Board of Education; Rulemaking. Following the receipt of the preliminary report of the commission on Holocaust and genocide education, established in RSA 193-E:2-f, the state board of education shall initiate rulemaking, pursuant to RSA 541-A, relative to the recommendations of the commission.

7 New Section; Commission on Holocaust and Genocide Education. Amend RSA 193-E by inserting after section 2-e the following new section:

193-E:2-f Commission on Holocaust and Genocide Education.

I. There is established a commission to study best practices for teaching students how intolerance, bigotry, antisemitism, and national, ethnic, racial, or religious hatred and discrimination have evolved in the past, and can evolve into mass violence and genocide, such as the Holocaust.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of education, or designee.
- (d) One high school teacher, appointed by the governor.
- (e) One middle school teacher, appointed by the governor.
- (f) One school administrator, appointed by the New Hampshire School Administrators Association.
- (g) One school curriculum coordinator, appointed by NEA-NH.
- (h) The Roman Catholic bishop of Manchester, or designee.
- (i) A representative of the New Hampshire Council of Churches, appointed by the council.
- (j) A representative of the Keene state college Cohen Center for Holocaust and Genocide Studies, appointed by the college president.
- (k) Two members appointed by the Jewish Federation of New Hampshire, one of whom shall be a religious leader.
- (l) Two survivors or direct descendants of a survivor of either the Holocaust or another genocide, one appointed by the president of the senate and one appointed by the speaker of the house of representatives.

(m) A representative appointed by the Anti-Defamation League, New England region.

III. The commission shall:

(a) Recommend model school district policies for Holocaust and genocide education.

(b) Recommend to the state board of education rules for fulfilling the Holocaust and genocide education requirement.

(c) Identify best practices for teaching Holocaust and genocide education and the appropriate number of hours of instruction at multiple grade levels.

(d) Identify existing teaching materials and curriculum as well as strategies and content for providing and enhancing genocide education to students.

(e) Identify in-service education opportunities for educators.

(f) Promote, within the schools and the general population of the state, implementation of Holocaust and genocide education.

IV. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

VI. Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction over education, the senate clerk, the house clerk, the state board of education, the governor, and the state library. A preliminary report shall be submitted on or before January 1, 2021. An annual report shall be submitted on or before November 1, 2021 and each year thereafter. The commission shall monitor the implementation by grade, curriculum, and hours of instruction. A final report shall be submitted on or before November 1, 2024.

8 Repeal. RSA 193-E:2-f, relative to the commission on genocide education, is repealed.

9 Effective Date.

I. Sections 1-6 of this act shall take effect 60 days after its passage.

II. Section 8 of this act shall take effect November 1, 2024.

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

2020-1021s

AMENDED ANALYSIS

This bill requires Holocaust and genocide prevention education to be included in the criteria for an adequate education.

This bill also establishes a commission on Holocaust and genocide education.

Senate Executive Departments and Administration

March 4, 2020

2020-1083s

10/11

Amendment to SB 729-FN

Amend the section heading of section 2 of the bill by replacing it with the following:

2 Board; Quorum. Amend RSA 328-J:6 to read as follows:

Amend RSA 328-J:7-a, I as inserted by section 3 of the bill by replacing it with the following:

I. The board of medical imaging and radiation therapy shall require criminal background checks for initial licensure, reinstatement of licensure or temporary licensure using a criminal history record release form, as provided by the New Hampshire division of state police which authorizes the release of his or her criminal history record, if any, to the board of medical imaging and radiation therapy.

(a) The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board of medical imaging and radiation therapy may, in lieu of the criminal history records check, accept police clearances from every city, town or county where the person has lived during the past 5 years.

(b) The board of medical imaging and radiation therapy shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the public conviction criminal history records to the board of medical imaging and radiation therapy.

Amend the bill by replacing section 5 with the following:

5 Applications; Temporary Licensure. Amend RSA 328-J:13 to read as follows:

328-J:13 Applications; Temporary License.

I. Applications for licensure or for a temporary license shall be ~~[on forms]~~ **in the manner** prescribed ~~[and furnished by the board]~~ **by the office of professional licensure and certification**, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work. The ~~[board]~~ **office of professional licensure and certification** shall establish fees for application and any examination required under this chapter. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

II. The board may issue a temporary license to any person whose certification and registration is pending ~~[or when issuance is for the purpose of providing medical imaging or radiation therapy services to medically underserved areas as determined by the board]~~ **for a period not to exceed 120 days**. A temporary license shall be issued only if the board finds that it will not violate the purpose of this chapter or endanger the public health and safety. ~~[A temporary license shall expire 90 days after the date of the next examination if the applicant is required to take an examination. If the applicant does not take the examination on the scheduled date, the temporary license shall expire. In all other cases, a temporary license shall expire when the determination is made either to issue or deny the applicant a regular license. A temporary license shall not be issued for a period longer than 180 days.]~~

II-a. If an applicant is required to take an examination, the board may issue a temporary license for a period not to exceed 90 days after the date of the next examination. If the applicant does not take the examination on the scheduled date, the temporary license shall expire.

II-b. In all other cases, a temporary license shall expire when the determination is made either to issue or deny the applicant a regular license.

III. New graduates awaiting national certification and registration may be issued a temporary license for employment purposes for a period not to exceed one year.

IV. Any person issued a license under this chapter shall display the official license document or a verified copy in each place of regular employment.

Senate Judiciary
March 3, 2020
2020-1030s
04/05

Amendment to SB 732-FN

Amend RSA 570-A:2-b, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) "Mobile application developer" means a person that owns, operates, or maintains a mobile application and makes such application available for the use of customers for a fee.

Amend RSA 570-A:2-b, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) No mobile application developer or a telecommunications carrier shall share a customer's location data where such location data was collected while the customer's mobile communications device were physically present in the state.

Senate Executive Departments and Administration
 March 4, 2020
 2020-1077s
 01/06

Amendment to SB 744

Amend RSA 126-BB:1, I as inserted by section 2 of the bill by inserting after subparagraph (s) the following new subparagraph:

(t) A suicide prevention specialist, appointed by NAMI-New Hampshire.

Amend RSA 126-BB:1, II as inserted by section 2 of the bill by replacing it with the following:

II.(a) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

(b) A member of the commission appointed under subparagraphs I(a)-(g) or (s) shall serve a term conterminous with their term in office. A member appointed under subparagraph I(h)-(r) or (t) shall serve a 6-year term, provided that initial appointments shall be for staggered terms of one to 6 years.

(c) Members of the commission shall sign confidentiality statements that prohibit any unauthorized dissemination of information except when disclosures may be necessary to enable the commission to carry out its duties under this subdivision. No material shall be used for reasons other than for which it was intended.

Amend RSA 126-BB:1, III(b) as inserted by section 2 of the bill by replacing it with the following:

(b)(1) Upon the request of the chairperson of the commission and as necessary to carry out the commission's duties, the chairperson shall be provided, within 5 days excluding weekends and holidays, with access to information and records regarding a drug overdose fatality that is being reviewed by the commission or regarding the person who overdosed on drugs. The commission may request the information and records from any of the following:

(A) A provider of medical, dental or behavioral health care.

(B) Any state or a political subdivision of this state that might assist the commission in reviewing the fatality.

(2) A law enforcement agency, with the approval of the prosecuting attorney, may withhold from a review team investigative records that may interfere with a pending criminal investigation or prosecution.

Amend RSA 126-BB:1, V(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Review all overdose fatalities except for fatalities of children under 18 years of age and fatalities related to women while pregnant or with one year of the end of pregnancy.

(e) Complete an annual statistical report on the incidence and causes of overdose fatalities in this state during the past fiscal year and submit a copy of this report, including its recommendations for proposed legislation and actions, to the governor, the senate president, and the speaker of the house of representatives. The commission shall submit the report on or before December 15 of each year commencing on December 15, 2021.

Amend RSA 126-BB:1, VI(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Call witnesses or take testimony from individuals who have been identified by the department of justice as potential witnesses in any criminal prosecution arising from an overdose death until the completion of such prosecution.

Amend RSA 126-BB:1, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII.(a) The commission shall maintain the confidentiality of all records pursuant to RSA 169-C:25, RSA 170-G:8-a, and all other related confidentiality laws.

(b) The information and records obtained and created in execution of the commission's official functions shall be exempt from disclosure pursuant to RSA 91-A and shall be privileged and exempt from use or disclosure in any criminal or civil matter or administrative proceeding. No person who participates in the official functions of the commission shall be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving exercise of his or her official duties.

(c) Commission members, their agents and employees, shall not be subject to, and shall be immune from, claims, suits, liability, damages or any other recourse, civil or criminal, arising from any act, proceeding,

decision or determination undertaken or performed or recommendation made, provided such persons acted in good faith and without malice in carrying out their responsibilities authority, duties, powers and privileges of the offices conferred by this subdivision upon them.

(d) No organization, institution, or person furnishing information, data, reports, or records to the commission shall be liable in damages to any person or subject to any other recourse, civil or criminal.

(e) Any person who knowingly discloses case records or other information obtained from commission proceedings shall be guilty of a misdemeanor.

Senate Executive Departments and Administration
March 4, 2020
2020-1076s
05/11

Amendment to SB 752

Amend the bill by replacing section 3 with the following:

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

Health and Human Services
March 4, 2020
2020-1070s
01/05

Amendment to SB 754-FN

Amend RSA XIX-a(a)(2) and (3) as inserted by section 2 of the bill by replacing it with the following:

(2) The commissioner shall issue a request for information to assist in selecting the administrative model for the state's Medicaid dental program. Such model shall be either a model administered by a dental managed care organization or a model administered by the state's current medical managed care organizations. The commissioner shall obtain the requested information from both the current medical managed care organizations and any interested dental managed care organization. The administrative model selected shall demonstrate the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The request for information shall be released no later than August 1, 2020. The request for information shall address improving health outcomes, expanding the provider network, increasing capacity of providers, integrating a value-based care model, and exploring innovative programs for children and adults.

(3) If the model administered by a dental managed care organization is selected, the commissioner shall issue a 3-year request for proposals, with 2 optional one-year extensions, to enter into contracts with the vendor that demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The state plan amendment shall be submitted to the Centers for Medicare and Medicaid Services (CMS) no later than November 1, 2020. Implementation of a procured contract shall begin April 1, 2021. The commissioner shall establish a capitated rate for the appropriate model for the contract that is full risk to the vendor. In contracting for a dental managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the quality of care provided. Following approval by the joint health care reform oversight committee, pursuant to RSA 420-N:3, the department shall seek, with the review of the fiscal committee of the general court, all necessary and appropriate state plan amendments and waivers to implement the provisions of this paragraph. The program shall not commence operation until such state plan amendments or waivers have been approved by CMS. All necessary state plan amendments and waivers shall be submitted by November 1, 2020.

Health and Human Services
March 4, 2020
2020-1079s
08/04

Amendment to SB 758-FN

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

AN ACT regulating products containing kratom.

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

1 Short Title. This act shall be known and may be cited as the “Kratom Consumer Protection Act.”

2 New Subdivision; Products Containing Kratom. Amend RSA 146 by inserting after section 21 the following new subdivision:

Products Containing Kratom

146:22 Definitions.

I. “Dealer” means a person that sells, prepares, or maintains kratom products, or advertises, represents, or holds itself out as selling, preparing, or maintaining kratom products. Dealer includes, but is not limited to, a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, super-market, grocery store, convenience store, nursing home, or food or drink company.

II. “Department” means the department of health and human services.

III. “Food” means a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption. Pursuant to this subdivision, all kratom products shall be considered to be food.

IV. “Kratom product” means a food product or dietary ingredient containing any part of the leaf of the plant *Mitragyna speciosa*.

146:23 Kratom Distribution; Labeling Required. A dealer that prepares, distributes, or sells food that is represented as a kratom product shall disclose on the product label the factual basis upon which that representation is made.

146:24 Certain Kratom Products Prohibited. No dealer shall prepare, distribute, or sell any of the following:

I. A kratom product that is adulterated with a dangerous non-kratom substance. A kratom product is adulterated with a dangerous non-kratom substance if the kratom product is mixed or packed with a non-kratom substance and that substance affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer.

II. A kratom product that is contaminated with a dangerous non-kratom substance. A kratom product is contaminated with a dangerous non-kratom substance if the kratom product contains a poisonous or otherwise deleterious non-kratom ingredient, including, but not limited to, the substances listed in RSA 318-B.

III. A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2 percent of the alkaloid composition of the product.

IV. A kratom product containing any synthetic alkaloids including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the kratom plant.

V. Any kratom containing product that does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained in the product; and that does not provide adequate labeling directions necessary for safe and effective use by consumers.

146:25 Sale to Persons Under 18 Prohibited. No dealer shall distribute or sell a kratom product to a person under 18 years of age.

146:26 Penalties.

I. A dealer that violates RSA 146:23 shall be subject to an administrative fine of not more than \$500 for the first offense and not more than \$1,000 for the second or subsequent offense. Upon the request of a person to whom an administrative fine is issued, the director shall conduct a hearing in accordance with the RSA 541.

II. A dealer shall not violate this subdivision if it is shown by a preponderance of the evidence that the dealer relied in good faith upon the representations of a manufacturer, processor, packer, or distributor of food represented to be a kratom product.

146:27 Rulemaking. The department shall adopt rules, pursuant to RSA 541-A, for the administration and enforcement of this subdivision including but not limited to:

I. Standards for registered kratom products.

II. Standards for testing to ensure such products are safe for human consumption.

III. Procedures for accurate labeling of kratom products.

IV. Fees and procedures for registration of kratom products to be sold in the state.

V. Fines for the distribution or sale of unregistered kratom products.

146:28 Registration of Kratom Products.

I. Any producer, manufacturer, or dealer of a kratom product shall register with the department for a fee. No unregistered kratom product shall be sold within the state.

II. Any producer, manufacturer, or dealer that distributes, sells, or attempts to distribute or sell an unregistered kratom product shall be guilty of a civil violation and assessed a fine by the department.

3 Effective Date. This act shall take effect January 1, 2021.

2020-1079s

AMENDED ANALYSIS

This bill requires products containing kratom to be registered with the department of health and human services.

Commerce
March 3, 2020
2020-1061s
04/11

Amendment to SB 759-FN

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

1 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-A:7, VI(a)-(b) to read as follows:

VI.(a) For the purposes of this chapter, the word “sex” includes pregnancy, *childbirth*, and *related* medical conditions ~~[which result from pregnancy]~~.

(b) ~~[An employer shall permit a female employee to take leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions.]~~ ***An employer shall provide reasonable accommodations and/or permit a female employee to take a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions, unless such employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer.*** When the employee is physically able to return to work, her original job or a comparable position shall be made available to her by the employer unless business necessity makes this impossible or unreasonable.

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

HEARINGS

FRIDAY, MARCH 6, 2020

FINANCE, Room 103, SH

Sen. D’Allesandro (C), Sen. Feltes (VC), Sen. Rosenwald, Sen. Kahn, Sen. Reagan, Sen. Giuda

1:00 p.m.

EXECUTIVE SESSION ON PENDING LEGISLATION

TUESDAY, MARCH 10, 2020

COMMERCE, Room 100, SH

Sen. Cavanaugh (C), Sen. Morgan (VC), Sen. Soucy, Sen. Morse, Sen. French

1:00 p.m.

SB 580, relative to the scope of medical payments under a motor vehicle insurance policy.

1:15 p.m.

SB 691, relative to prior authorization for prescription drug coverage.

- 1:30 p.m. **SB 749**, relative to non-covered services under dental insurance plans.
- 1:45 p.m. **SB 531**, relative to prior authorizations under group health insurance policies and managed care.
- 2:00 p.m. **SB 417**, relative to negotiations by individual public employee bargaining units.
- 2:15 p.m. **SB 419**, relative to membership in risk pools.
- EXECUTIVE SESSION MAY FOLLOW**

EDUCATION AND WORKFORCE DEVELOPMENT, Room 103, LOB

Sen. Kahn (C), Sen. Dietsch (VC), Sen. Morgan, Sen. Ward, Sen. Starr

- 9:00 a.m. **SB 480**, relative to participation in school sports programs for female student athletes.
(THE PREVIOUS HEARING FOR SB 480 WAS RECESSED ON MARCH 3rd)
- 10:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

ENERGY AND NATURAL RESOURCES, Room 103, SH

Sen. Fuller Clark (C), Sen. Feltes (VC), Sen. Watters, Sen. Bradley, Sen. Giuda

- 9:00 a.m. **SB 498**, relative to customer electrical energy storage.
- 9:20 a.m. **SB 499**, requiring the public utilities commission to establish electric utility performance incentives and penalty mechanisms.
- 9:40 a.m. **SB 463**, relative to aggregation of electric utility customers.
- 10:00 a.m. **SB 518**, relative to group host net energy metering for low-income community solar projects, limited electrical energy producers storage systems and private sector sales, outdoor lighting policies, and aggregation of electric utility customers.
- EXECUTIVE SESSION MAY FOLLOW**

FINANCE, Room 103, SH

Sen. D'Allesandro (C), Sen. Feltes (VC), Sen. Rosenwald, Sen. Kahn, Sen. Reagan, Sen. Giuda

- 1:00 p.m. **SB 529-FN**, relative to the New Hampshire excellence in higher education scholarship program and establishing a workforce development student debt relief program and fund.
- 1:15 p.m. **SB 748**, repealing certain inactive dedicated funds.
- 1:30 p.m. **SB 761-FN**, relative to accountability of the community college system of New Hampshire.
- EXECUTIVE SESSION MAY FOLLOW**

JOINT SENATE COMMITTEE PRESENTATIONS, Rooms 210-211, LOB

HEALTH AND HUMAN SERVICES, Sen. Sherman (C), Sen. Fuller Clark (VC), Sen. Chandley, Sen. Bradley, Sen. Gray **FINANCE**, Sen. D'Allesandro (C), Sen. Feltes (VC), Sen. Rosenwald, Sen. Kahn, Sen. Reagan, Sen. Giuda **EDUCATION AND WORKFORCE DEVELOPMENT**, Sen. Kahn (C), Sen. Dietsch (VC), Sen. Morgan, Sen. Ward, Sen. Starr

PRESENTATIONS

- 3:00 p.m. Presentations by departments regarding COVID-19.

JUDICIARY, Room 100, SH

Sen. Hennessey (C), Sen. Chandley (VC), Sen. Levesque, Sen. Carson, Sen. French

- 9:00 a.m. **SB 509**, relative to complaint procedures in cases before the commission for human rights.
- 9:15 a.m. **SB 575**, relative to appeals from the victims' assistance commission.
- 9:30 a.m. **SB 755**, relative to superior court judgments in actions against the state.
- 10:00 a.m. **SB 551**, adding a bail commissioner to the commission on pretrial detention, pretrial scheduling, and pretrial services, and relative to the release of a defendant pending trial.
- EXECUTIVE SESSION MAY FOLLOW**

WEDNESDAY, MARCH 11, 2020

COMMERCE, Room 100, SH

Sen. Cavanaugh (C), Sen. Morgan (VC), Sen. Soucy, Sen. Morse, Sen. French

- 9:00 a.m. **SB 418**, relative to workers' compensation auditable policies.
- 9:15 a.m. **SB 447**, relative to pharmacy audit provisions.
- 9:30 a.m. **SB 532**, relative to the purchase of structured settlement annuity contracts.
- 9:45 a.m. **SB 693**, allowing health maintenance organizations to write preferred provider organization products for Medicare Advantage.
- EXECUTIVE SESSION MAY FOLLOW**

ELECTION LAW AND MUNICIPAL AFFAIRS, Room 102, LOB

Sen. Levesque (C), Sen. Sherman (VC), Sen. Morgan, Sen. Birdsell, Sen. Gray

- 9:00 a.m. **SB 457-L**, establishing communications districts.
- 9:30 a.m. **SB 459**, relative to determining access to broadband.
- 9:45 a.m. **SB 424-L**, relative to the property tax exemption for solar energy systems.
- 10:00 a.m. **SB 559**, relative to municipal broadband infrastructure bonds.
- EXECUTIVE SESSION MAY FOLLOW**

TUESDAY, MARCH 17, 2020

HEALTH AND HUMAN SERVICES, Room 101, LOB

Sen. Sherman (C), Sen. Fuller Clark (VC), Sen. Chandley, Sen. Bradley, Sen. Gray

- 1:00 p.m. **SB 701**, relative to management of the secure psychiatric unit facility at New Hampshire hospital.
- 1:30 p.m. **SB 507**, relative to prescription medication for treatment or prevention of communicable disease.
- 2:00 p.m. **SB 645**, relative to the New Hampshire granite advantage health care trust fund.
- EXECUTIVE SESSION MAY FOLLOW**

MEETINGS

FRIDAY, MARCH 6, 2020

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Continued Meeting

COMMISSION ON THE SEACOAST CANCER CLUSTER INVESTIGATION (RSA 126-A:74)

9:00 a.m. Room 205, LOB Regular Meeting

COMMISSION TO STUDY BARRIERS TO INCREASED DENSITY OF LAND DEVELOPMENT IN NEW HAMPSHIRE (RSA 4-C:8-a)

9:00 a.m. Room 201, LOB Regular Meeting

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1)

9:30 a.m. Governor and Council Chambers, SH Regular Meeting

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

10:00 a.m. Room 204, LOB Regular Meeting

ELECTRIC VEHICLE CHARGING STATIONS INFRASTRUCTURE COMMISSION (RSA 4-G:1)

11:00 a.m. Room 203, LOB Regular Meeting

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

12:00 p.m.	NH Dept. of Revenue Administration Training Room 109 Pleasant Street Concord, NH	Subcommittee Meeting - Equalization
1:00 p.m.	NH Dept. of Revenue Administration Training Room 109 Pleasant Street Concord, NH	Regular Meeting

INFORMATION TECHNOLOGY COUNCIL (RSA 21-R:6)

1:00 p.m.	NH Dept. of Safety 33 Hazen Drive 2nd Floor Conference Room Concord, NH	Regular Meeting
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MONDAY, MARCH 9, 2020**ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b)**

9:00 a.m.	Room 206, LOB	Regular Meeting
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NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

9:00 a.m.	Rooms 201-203, LOB	Regular Meeting
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NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2)

9:00 a.m.	NH Higher Education Assistance Foundation 4 Barrell Court Concord, NH	Regular Meeting
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JOINT COMMITTEE ON TAX EXPENDITURE REVIEW (RSA 71-C:3)

10:00 a.m.	Room 202, LOB	Regular Meeting
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NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)

1:30 p.m.	Room 205, LOB	Regular Meeting
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JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1)

2:00 p.m.	Room 104, LOB	Regular Meeting
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NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2)

2:00 p.m.	Brain Injury Association of NH 52 Pleasant Street Concord, NH	Regular Meeting
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INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2)

2:30 p.m.	Room 204, LOB	Regular Meeting
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TUESDAY, MARCH 10, 2020**CHARTER SCHOOLS AND OPEN ENROLLMENT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 194-B:21)**

3:00 p.m.	Room 104, LOB	Regular Meeting
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FRIDAY, MARCH 13, 2020**COMMISSION TO STUDY TEACHER PREPARATION AND EDUCATION PROGRAMS (RSA 190:8)**

8:30 a.m.	Room 207, LOB	Regular Meeting
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STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I)

9:30 a.m.	Room 104, LOB	Regular Meeting
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COMMISSION ON PRETRIAL DETENTION, PRETRIAL SCHEDULING, AND PRETRIAL SERVICES
(RSA 597:43)

10:00 a.m. Room 206, LOB Regular Meeting

COMMISSION TO STUDY THE INCIDENCE OF POST-TRAUMATIC STRESS DISORDER IN FIRST RESPONDERS (RSA 281-A:17-b)

10:00 a.m. Room 304, LOB Regular Meeting

FISCAL COMMITTEE (RSA 14:30-a)

10:00 a.m. Rooms 210-211, LOB

10:30 a.m. Rooms 210-211, LOB

Regular Meeting

Audits
State of New Hampshire
Lottery Commission
Management Letter
For the Fiscal Year Ended
June 30, 2019

SUNDAY, MARCH 15, 2020

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1)

1:00 p.m. NH Technical Institute Regular Meeting
Sweeney Crocker Building
Room 235
Concord, NH

MONDAY, MARCH 16, 2020

STATE COMMISSION ON AGING (RSA 19-P:1)

10:00 a.m. Room 205, LOB Regular Meeting

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

10:30 a.m. Room 201, LOB Regular Meeting

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)

11:00 a.m. Room 201, LOB Regular Meeting

COMMISSION TO STUDY THE EFFECTIVENESS OF THE CURRENT STATUTES RELATED TO MANAGEMENT OF NON-TIDAL PUBLIC WATERWAYS AND THE CONSTRUCTION OR PLACEMENT OF STRUCTURES WITHIN THEM (RSA 482-A:35)

1:30 p.m. Room 305, LOB Regular Meeting

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a)

2:00 p.m. Room 205, LOB Regular Meeting

TUESDAY, MARCH 17, 2020

COMMITTEE TO STUDY DIRECT PRIMARY CARE (HB 508, Chapter 330:6, Laws of 2019)

12:00 p.m. Room 205, LOB Regular Meeting

WEDNESDAY, MARCH 18, 2020

SENATE LEGISLATIVE FACILITIES SUBCOMMITTEE (RSA 17-E:5)

10:00 a.m. Room 103, SH Regular Meeting

JOINT COMMITTEE ON LEGISLATIVE FACILITIES (RSA 17-E:1)

10:10 a.m. Room 103, SH Regular Meeting

FRIDAY, MARCH 20, 2020

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Regular Meeting

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a)

9:00 a.m. Public Utilities Commission (PUC) Regular Meeting
Hearing Room A
Concord, NH

NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2)

1:00 p.m. Room 203, LOB Regular Meeting

SHORELAND SEPTIC SYSTEM STUDY COMMISSION (RSA 485-A:44-a)

9:00 a.m. Room 305, LOB Regular Meeting

NEW HAMPSHIRE CANADIAN TRADE COUNCIL (RSA 12-O:22)

1:00 p.m. Room 100, SH Regular Meeting

NEW HAMPSHIRE RARE DISEASE ADVISORY COUNCIL (RSA 126-A:79)

3:00 p.m. Health and Human Services Building Regular Meeting
Room 311
Hazen Drive
Concord, NH

MONDAY, MARCH 23, 2020

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)

9:00 a.m. Room 305, LOB Regular Meeting

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILDLIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30)

11:00 a.m. Room 305, LOB Regular Meeting

TUESDAY, MARCH 24, 2020

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

9:00 a.m. New Futures Regular Meeting
101 Main Street
Concord, NH

THURSDAY, MARCH 26, 2020

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T)

2:00 p.m. NH Hospital Association Regular Meeting
125 Airport Road
Concord, NH

FRIDAY, MARCH 27, 2020

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 170-G:19)

8:30 a.m. Room 203, LOB Regular Meeting

COASTAL RESILIENCE AND CULTURAL AND HISTORIC RESERVE DISTRICT COMMISSION (RSA 12-A:70)

9:00 a.m. Rooms 202-204, LOB Organizational Meeting

COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73-a)

10:00 a.m. NH Department of Environmental Regular Meeting
Services, Room A
222 International Drive, Suite 175
Portsmouth, NH

COMMISSION ON DRINKING WATER (RSA 485-F:6)

2:00 p.m. NH Dept. of Environmental Services Regular Meeting
 222 International Drive #175
 Portsmouth, NH

MONDAY, MARCH 30, 2020**COMMISSION ON DEMOGRAPHIC TRENDS (RSA 4-C:37)**

10:00 a.m. Room 307, LOB Regular Meeting

LEGISLATIVE OVERSIGHT COMMITTEE TO MONITOR THE TRANSFORMATION OF DELIVERY OF ELECTRIC SERVICES (RSA 374-F:5)

1:30 p.m. Rooms 302-304, LOB Regular Meeting

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

2:30 p.m. Room 204, LOB Subcommittee Meeting

FRIDAY, APRIL 3, 2020**COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a)**

10:00 a.m. Room 204, LOB Regular Meeting

MONDAY, APRIL 6, 2020**COMMISSION TO EVALUATE THE EFFECTIVENESS AND FUTURE OF THE NEW HAMPSHIRE GRANITE ADVANTAGE HEALTH CARE PROGRAM (RSA 126-AA:4)**

10:00 a.m. Room 100, SH Regular Meeting

COMMISSION TO STUDY WAKE BOATS (RSA 270:133)

10:00 a.m. Room 305, LOB Regular Meeting

COMMISSION TO STUDY THE BUSINESS ENVIRONMENT FOR MENTAL HEALTH PROVIDERS IN NEW HAMPSHIRE (RSA 330-A:26-a)

1:00 p.m. Room 302, LOB Regular Meeting

TUESDAY, APRIL 7, 2020**STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2)**

5:00 p.m. NH National Guard Regional Regular Meeting
 Training Institute
 722 Riverwood Drive
 Pembroke, NH

FRIDAY, APRIL 10, 2020**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I)**

9:30 a.m. Room 104, LOB Regular Meeting

MONDAY, APRIL 13, 2020**INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2)**

2:30 p.m. Room 204, LOB Regular Meeting

FRIDAY, APRIL 17, 2020

NEW HAMPSHIRE RARE DISEASE ADVISORY COUNCIL (RSA 126-A:79)

3:00 p.m.	Health and Human Services Building	Regular Meeting
	Room 311	
	Hazen Drive	
	Concord, NH	

MONDAY, APRIL 20, 2020

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a)

2:00 p.m.	Room 205, LOB	Regular Meeting
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THURSDAY, APRIL 23, 2020

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T)

2:00 p.m.	NH Hospital Association	Regular Meeting
	125 Airport Road	
	Concord, NH	

TUESDAY, APRIL 28, 2020

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

9:00 a.m.	New Futures	Regular Meeting
	101 Main Street	
	Concord, NH	

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SENATE BILLS AMENDED BY THE HOUSE

SENATE BILLS: 19, 34, 44, 45, 63, 122, 124, 166, 209, 283, 311

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HOUSE BILLS AMENDED BY THE SENATE

HOUSE BILLS: 253, 466, 490, 496, 715

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ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2020 BILLS:

SENATE BILLS: 255

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FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2019 - 2020 BILLS:

SENATE BILLS: 7, 8, 63, 93, 122, 171, 173, 223, 229, 231, 244, 255, 283, 287, 288, 293, 295, 300, 302, 304, 305, 311, 312, 315, 319, 435, 496, 510, 625, 647, 650, 638, 661, 668, 680, 694, 719, 724, 727, 729, 730, 731, 732, 735, 736, 737, 738, 742, 747, 756

HOUSE BILLS: 121, 150, 186, 253, 274, 308, 371, 397, 481, 487, 496, 532, 559, 563, 568, 590, 640, 647, 667, 703, 712, 715, 717, 1101, 1141, 1237, 1281, 1555, 1569, 1660, 1641, 1648, 1656, 1679

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NOTICES

WEDNESDAY, MARCH 11, 2020

The New Hampshire Podiatric Medical Association would like to invite you to their annual legislative full breakfast on Wednesday, March, 11th from 7:30 a.m. to 9:30 a.m. Come and meet the NHPMA's lobbyist and podiatrists from around the state. All legislators and their staff are invited.

Senator Donna M. Soucy, Senate President

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WEDNESDAY, MARCH 11, 2020

The Alzheimer's Association of New Hampshire cordially invites all legislators and staff to a luncheon in the cafeteria on Wednesday, March 11th from 11:30 a.m. to 1:30 p.m. Please stop by to enjoy a catered lunch and meet your constituents who have experienced this disease and professionals from the association who are happy to educate and answer your questions. The Alzheimer's Association is a non-profit that operates a 24/7 helpline, provides care consulting to families, educational programs for the public, and professional training for first responders, all free of charge across all 10 counties in New Hampshire.

Senator Dan Feltes, Senate Majority Leader
Senator Chuck W. Morse, Senate Minority Leader

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THURSDAY, MARCH 12, 2020

All Senators and their staff are invited to join the NH Oral Health Coalition for our annual oral health hot breakfast. This year's event, "#Oral Health Matters: It's All Connected", will be held Thursday, March 12th from 7:30 a.m. to 9:00 a.m. in the State House cafeteria. Community oral health providers from communities throughout the state will be there with displays and the opportunity for you to learn about their programs.

Senator Cindy Rosenwald
Senator Jeb Bradley

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THURSDAY, MARCH 19, 2020

Breathe New Hampshire invites all legislators and staff to attend a Breakfast Reception on Thursday, March 19th, 2020 from 8:00 a.m. to 9:30 a.m. in the State House cafeteria. Stop by for a light breakfast, take a free breathing test, take part in our raffle and meet some of our volunteers who are helping New Hampshire residents breathe better and live longer! Please RSVP to info@breathenh.org or by calling 603-669-2411.

Senator Lou D'Allesandro

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THURSDAY, MARCH 19, 2020

The Mount Washington Valley Housing Coalition, Workforce Housing Coalition of the Greater Seacoast, Housing Action NH, Vital Communities Workforce Housing program and Stay Work Play NH have partnered to host a lunch in the State House cafeteria on Thursday, March 19th beginning at 11:30 a.m. They are looking forward to sharing what they do as housing advocacy organizations and how they can be a resource. They will have handouts available on their coalitions, housing legislation and housing data points for our state and our region.

Senator Jeb Bradley

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SATURDAY, MARCH 21, 2020 AND SUNDAY MARCH 22, 2020

The N.H. Preservation Alliance invites all legislators to the Old House and Barn Expo, March 21st and March 22nd, 2020. Show your badge for free admission. Hours are Saturday 9:30 a.m. to 5:30 p.m. and Sunday 9:30 a.m. to 4:30 p.m. at the Doubletree by Hilton Manchester Downtown. Over 100 exhibitors, presenters and demonstrations. Tips for barn repair, energy efficiency, researching house history, insurance and financing, stone wall building, timber framing and wood turning. New this year: Strategies for down-sizers and first-time homebuyers, extreme weather preparedness, foundation and masonry, heating and cooling, household hazards, interior finishes, new old homes, pest management, porch styles and strategies, and much more. Contact: 603-224-2281 or www.nhpreservation.org for education session schedule and more information.

Senator Martha Fuller Clark
Senator Bob Giuda

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MONDAY, MARCH 23, 2020

Save the Date! All legislators and Staff are invited to come and learn about acupuncture and receive a free treatment on Monday, March 23rd from 9:00 a.m. to 3:00 p.m. in Room 307, LOB. This event generously sponsored by AcuAid.

Senator Jeb Bradley

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WEDNESDAY, MARCH 25, 2020

All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Crossover Reception on Wednesday, March 25th, 2020 at 3:30 p.m. (or following the end of the session day) at 7 Eagle Square Atrium, located behind Tandy's and next door to The Hamel Center in Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Senator Donna M. Soucy, Senate President
Senator Chuck W. Morse, Senate Minority Leader

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THURSDAY, APRIL 9, 2020

Arts4NH (formerly NH Citizens for the Arts) will be hosting a Legislative Breakfast on Thursday, April 9th from 8:00 a.m. to 9:30 a.m. at the State House cafeteria. Arts4NH has members from all across the state and their mission is to expand awareness of the pivotal role arts and culture play in New Hampshire's economic, educational and social well-being. Arts4NH advocates, educates, communicates and connects about the importance of public support for the arts and arts education as integral to a robust economy and a skilled and creative 21st century workforce. Please join us.

Senator Melanie Levesque
Senator Jeb Bradley

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TUESDAY, MAY 19, 2020

Please join Arts4NH members and constituents for BEYOND THE STATEHOUSE, their 8th annual Arts Advocacy Summit and Awards Ceremony on Tuesday, May 19th from 1:00 p.m. to 5:30 p.m. at the NH Historical Society, Park Street, Concord. The Summit will provide resources and tools to participants on advocacy strategies surrounding the 2020 state and local elections, with a focus on the importance of arts and arts education as integral to a robust economy and a skilled and creative 21st century workforce. The afternoon will culminate with a presentation of the annual Arts Advocate of the Year award at 4:00 p.m. followed by a reception.

Senator Shannon E. Chandley
Senator Jeb Bradley

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SENATE SCHEDULE

Thursday, March 26, 2020	CROSSOVER – Deadline to ACT on all Senate bills.
Thursday, April 30, 2020	Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
Thursday, May 14, 2020	Deadline to ACT on all House bills.
Thursday, May 21, 2020	Deadline to FORM Committees of Conference.
Monday, May 25, 2020	Memorial Day (State Holiday)
Thursday, May 28, 2020	Deadline to SIGN Committee of Conference Reports.
Thursday, June 04, 2020	Deadline to ACT on Committee of Conference Reports.
Friday, July 03, 2020	Independence Day (State Holiday)
Monday, September 07, 2020	Labor Day (State Holiday)
Wednesday, November 11, 2020	Veterans' Day (State Holiday)
Thursday, November 26, 2020	Thanksgiving Day (State Holiday)
Friday, November 27, 2020	Day after Thanksgiving (State Holiday)
Friday, December 25, 2020	Christmas Day (State Holiday)