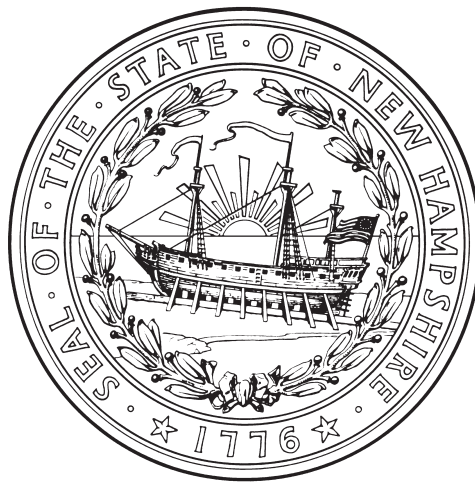


May 23, 2024
Nos. 14-15

STATE OF NEW HAMPSHIRE

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**Second Year of the 168th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 22, 2024 SESSION
COMMENCEMENT – MAY 23, 2024 SESSION**

SENATE JOURNAL 14 *(continued)*

May 22, 2024

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Carson moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 15

May 23, 2024

The Senate reconvened at 1:00 p.m., a quorum being present.

Without objection, the Senate will proceed today without taking a roll call on each bill. Adopted.

Without objection, pursuant to Senate Rule 2-33 Senator Fenton will participate remotely. Adopted by the necessary 2/3 vote.

PRESIDENT BRADLEY: Any updates, Senator Fenton?

SENATOR FENTON: None yet. She's not too happy at the moment, so I'll say that.

PRESIDENT BRADLEY: Alright, well, we're rooting for you, brother.

SENATOR FENTON: Thank you all.

PRESIDENT BRADLEY: Senator Fenton, could you please state where you are and identify anybody present in the location from where you are participating?

SENATOR FENTON: Absolutely, I am in my office again with the door locked and no one is in here.

Senator Birdsell offered the following prayer:

Lord, lift up in prayer the lawmakers gathered here today. May we take that responsibility seriously and do our best. May we realize the need for you and your direction. May we hear your voice as we make our decisions and follow your guidance. May we have a passion for people, for truth, and for righteousness. Father, we ask you to bless members of our armed forces and our first responders. Give them courage, hope, and strength. May they ever experience your firm support, gentle love, and compassionate healing. Be their power and protector, leading them from darkness to light. Almighty Father, we come to honor you this day. Amen.

Senator Ricciardi led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Abbas.)

SENATOR ABBAS: Thank you, Mister President. I have Calvin Plante here from Salem High School. He's working on a research paper, and part of what it has to do with relates to studying government, and I invited him up here. He wanted to meet in person. I said, why don't you come up when we have a session and watch what we do? And he's here today, so give him a round of applause.

(The Chair recognized Senator Pearl.)

SENATOR PEARL: Our former colleague, Senator John Reagan here with us, I'd like to welcome you back Senator.

PRESIDENT BRADLEY: Further introduction? Well, I'll make a couple of introductions in that case. My constituent, who's an optometrist, Angel Sawyer. And two brave police officers who we will do everything we can to protect and defend with Senator Birdsell's bill. Good afternoon.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to make the same motion that I made yesterday. Allowing the individuals here in the chamber that are wearing jackets to be able to remove them.

PRESIDENT BRADLEY: They've already taken advantage of it.

SENATOR CARSON: I just wanted to put the stamp of approval on it.

PRESIDENT BRADLEY: Without objection.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to end of the day. Adopted.

FINANCE

HB 1633-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor. Without objection, the following bill is Special Ordered to after HB 1568-FN. Adopted.

FINANCE

HB 1410-FN, relative to certain professional licenses and relative to the board of optometry and the regulation of optometry.

Without objection, the following bill is Special Ordered to after HB 1410-FN. Adopted.

FINANCE

HB 318-FN-A, relative to bail commissioners, the standards applicable to and the administration of bail, and making an appropriation.

Without objection, the following bill is Special Ordered to the end of the Committee on Finance. Adopted.

FINANCE

HB 1202-FN, relative to the issuance of permits for the alteration of driveways exiting onto public ways and relative to the definition of disability or special needs under the child care scholarship program.

ANNOUNCEMENTS

(The Chair recognized Senator Abbas.)

SENATOR ABBAS: Thank you, Mister President. I rise if I can have a brief moment of Personal Privilege. I know it's normally for the end of the day but without objection if I can just say something now.

PRESIDENT BRADLEY: Without objection.

SENATOR ABBAS: Thank you, Mister President. So, life choices are very important, and I just want to tell everyone about the best choice I ever made in my entire life, and it was nine years ago today is when I got married to my lovely wife Jessica Abbas and when I say that was that's by far the best decision I ever made in my entire life. I can never imagine meeting someone that can balance me as much. You can see I'm a little disheveled sometimes if she was up here when she saw this she would be horrified. Well on my anniversary I'm here today and I, Mister President, I did throw you under the bus and I told her it was going to be a late night, I'm not sure I'm going to be home, so I just want to tell my wife I love you. Sorry, I might be home real late tonight if you have any issues I can give you Senator Bradley's cell phone number. But I just want to say I love you and happy anniversary, and we'll definitely celebrate tomorrow.

REGULAR CALENDAR

FINANCE

HB 463-FN, relative to the establishment of an election information portal. Ought to Pass with Amendment, Vote 5-2. Senator Gray for the committee.

Senate Finance

May 21, 2024

2024-2112s

08/06

Amendment to HB 463-FN

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

AN ACT relative to the establishment of an election information portal and makes an appropriation therefor. Amend the bill by replacing all after section 3 with the following:

4 Appropriation; Secretary of State. There is hereby appropriated to the secretary of state the sum of \$50,000 for the fiscal year ending June 30, 2025 for the purpose of determining the qualifications of voters. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Appropriation; Department of State; Statewide Voter Registration System (SVRS). The sum of \$450,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of state for the purpose of incorporating additional capabilities into the SVRS such as an election information portal, and maintaining the system. Such funds shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 645-FN, relative to the establishment of decentralized autonomous organizations as legal entities within the state.

Ought to Pass, Vote 7-0. Senator Pearl for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1076-FN, relative to wine manufacturer licenses and relative to on-premises licenses for beverage manufacturers.

Ought to Pass, Vote 7-0. Senator Rosenwald for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1105-FN-L, relative to application of a local tax cap.

Ought to Pass, Vote 6-1. Senator Birdsell for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1179-FN, relative to state park system fees for retired members of the armed forces.

Ought to Pass, Vote 7-0. Senator Innis for the committee.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4

May 23, 2024

2024-2162s

09/08

Floor Amendment to HB 1179-FN

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

AN ACT relative to state park system fees for retired members of the armed forces and relative to requiring a criminal background check when applying for a fish and game guide license.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Fish and Game Guide Applications. Amend RSA 215:2 to read as follows:

Application for a license shall be made to the executive director, or ~~[to some person designated by him:]~~ **their designee**. The executive director shall prescribe rules and regulations under which such licenses shall be issued.

3 New Paragraphs; Fish and Game Guide License Applications; Criminal Background Check. Amend RSA 215:2 by inserting after the introductory paragraph the following new paragraphs:

I. Every new applicant applying for a New Hampshire guide's license for the first time shall submit to the fish and game department a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of any criminal history record to the department.

II. 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 department 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.

III. The department 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 criminal history records to the department.

IV. The chief of the fish and game law enforcement division or their designee shall review the criminal record information prior to making a registration decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

2024-2162s

AMENDED ANALYSIS

This bill amends state park fees for retired members of the armed forces.

This bill further requires a criminal background check when applying for a fish and game guide license.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1282-FN, relative to the duration of child support.

Ought to Pass, Vote 7-0. Senator Innis for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1329-FN, relative to creating special number plates for fire departments.

Ought to Pass, Vote 7-0. Senator Birdsell for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

MOTION OF RECONSIDERATION

Senator Watters, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1179-FN, relative to state park system fees for retired members of the armed forces. Rescind Third Reading, Reconsider the vote on Ought to Pass with Amendment, Reconsider the vote on Floor Amendment 2024-2162s. Adopted.

Senator Watters withdrew Floor Amendment 2024-2162s.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1355-FN, relative to the New Hampshire National Guard recruitment and reenlistment incentive program.

Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

Senator Gray offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Gray, Dist 6

May 23, 2024

2024-2163s

11/06

Floor Amendment to HB 1355-FN

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

AN ACT relative to the New Hampshire National Guard recruitment and reenlistment incentive program, and continuing a recruitment and retention incentive program and efforts within the department of transportation.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Continuation of Recruitment and Retention. Amend RSA 228 by inserting after section 21 the following new section:

228:21-a Continuation; Recruitment and Retention.

I. The general court finds that the recruitment and retention of employees within the department of transportation is necessary to maintain a strong and vital workforce for transportation safety services, especially winter maintenance. The intent of this act is to authorize the department to continue to proactively address vacancy rates through its recruitment and retention incentive program.

II. The department is authorized to continue the department's current winter maintenance recruitment and retention incentive program, as well as request that the fiscal committee transfer funds from the highway fund, turnpike fund, or other available funds for recruitment, selection, placement, and retention of qualified applications in the state service. Requests by the department may be for, but need not be exclusively for, the following:

(a) Financial incentives to current eligible employees, who provide critical winter maintenance services, to retain experienced employees, reduce turnover, and maintain or increase staffing levels;

(b) Bonuses for newly hired applicants who have not been employed by the state for the past 12 months immediately preceding the date of hire; and

(c) Referral fees for active employees of the state in good standing, excluding those employed in human resource jobs within their own agencies and hiring manager positions.

III. Any recruitment or retention incentives received by a state employee pursuant to paragraph II shall not be considered gifts under RSA 15-B.

IV. Referral of applicants by current employees of the state for the purpose of receiving a referral fee pursuant to this paragraph shall not be considered a misuse of position.

V. Any expenditure made for recruitment or retention incentives pursuant to this paragraph shall be considered a matter of legislatively enacted public policy that is designed to benefit employees and the state, and that is confined exclusively to the public employee and shall not be subject to collective bargaining. Nothing in this paragraph shall be construed to invalidate any portion of collective bargaining agreement entered into by the state.

VI. Any requested expenditure for recruitment, retention incentives or bonuses shall require the approval of the fiscal committee of the general court.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2024.

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

2024-2163s

AMENDED ANALYSIS

This bill allows the New Hampshire National Guard to offer a reenlistment bonus of up to \$6,000 to members of the New Hampshire National Guard who reenlist and are not eligible for a federal reenlistment bonus, and allows the department of transportation to continue its retention and recruitment efforts, especially regarding winter maintenance.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bills are Special Ordered to as follows below. Adopted.

FINANCE

HB 1380-FN to after HB 318-FN-A.

HB 1649-FN to after Judiciary.

COMMERCE

HB 1018 to after Judiciary.

HB 1358 to after Judiciary.

HB 1559-FN to after Judiciary.

EDUCATION

HB 1265 to after Judiciary.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 518 to after Judiciary.

HB 1079 to after Judiciary.

HB 1292-FN to after HB 318-FN-A.

HEALTH AND HUMAN SERVICES

HB 1278-FN to after Judiciary.

JUDICIARY

HB 185-FN to after HB 1292-FN.

HB 1127 to after Judiciary.

TRANSPORTATION

HB 2024 to after HB 1633-FN-A.

FINANCE

HB 1410-FN to after HB 1394-FN-A.

JUDICIARY

HB 1245 to the last one in Judiciary.

HB 1394-FN-A, relative to licensure and regulation of music therapists.

Interim Study, Vote 7-0. Senator Innis for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

HB 1410-FN, relative to certain professional licenses.

Ought to Pass, Vote 6-1. Senator Pearl for the committee.

Senator Pearl offered a Floor Amendment.

Sen. Pearl, Dist 17

May 23, 2024

2024-2177s

09/05

Floor Amendment to HB 1410-FN

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

AN ACT relative to certain professional licenses and relative to the board of optometry and the regulation of optometry.

Amend the bill by inserting after section 21 the following and renumbering the original section 22 to read as 38:

22 Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 126-A:93, I(b)(2) to read as follows:

(2) The board of dentistry, the board of medicine, the board of nursing, the board of ~~registration in~~ optometry, the board of podiatry, the board of veterinary medicine, and the pharmacy board; provided, however, that the request is pursuant to the boards' official duties and responsibilities and the disclosures to each board relate only to its licensees and only with respect to those licensees whose prescribing or dispensing activities indicate possible fraudulent conduct.

23 Office of Professional Licensure and Certification; Definitions; Establishment. Amend RSA 310:2, II(ii) to read as follows:

(ii) Board of ~~registration in~~ optometry under RSA 327.

24 Administration of the Office of Professional Licensure and Certification; Funding. Amend RSA 310:5, III to read as follows:

III. There is hereby established a dedicated, nonlapsing fund to be known as the New Hampshire health professionals' program administration fund for the administration of the professionals' health program, including the professionals' health program in RSA 329:13-b, the alternative recovery monitoring program in RSA 326-B:36-a, and the impaired pharmacist program set forth in RSA 318:29-a, with a fee charged to licensees at the time of initial licensure, renewal licensure, or reinstatement of licensure, for the board of medicine, board of dental examiners, pharmacy board, board of nursing, board of veterinary medicine, board of psychologists, board of chiropractic examiners, board of mental health practice, midwifery council, board of ~~registration in~~ optometry, board of podiatry, board of licensed dietitians, and board of licensing for alcohol and other drug

use professionals, not to exceed 125 percent of the actual cost of providing the services. Other health and technical professions boards may be added to the program at the same annual fee per licensee. The moneys in this fund shall be continually appropriated to the office.

25 Pharmacy Board; Inspectional Services. Amend RSA 318:9-a to read as follows:

318:9-a Inspectional Services. The office of professional licensure and certification shall provide inspectional services under this chapter and RSA 318-B:25 to the board of medicine, the board of veterinary medicine, the board of podiatry, the board of ~~[registration in]~~ optometry, the board of dental examiners, the board of nursing, and the naturopathic board of examiners. Pharmacy board inspections shall be provided by pharmacists or pharmacy technicians licensed by the New Hampshire board of pharmacy who have training and experience regarding pharmacy statutes and rules.

26 Controlled Drug Prescription Health and Safety Program; Rulemaking for Prescribing Controlled Drugs. Amend RSA 318-B:41, I(a)(4) to read as follows:

(4) The board of ~~[registration in]~~ optometry, concerning optometrists.

27 Optometry; Definitions. Amend RSA 327:1 to read as follows:

327:1 Definitions. In this chapter:

I. "Board" means the board of ~~[registration in]~~ optometry.

II. "Dispensing pharmaceutical agents" means that a licensed optometrist authorized to use pharmaceutical agents may dispense a pharmaceutical agent to a patient if no charge is imposed for the pharmaceutical agent and the amount dispensed does not exceed a 24-hour supply, except that if the minimum available quantity for dispensing is greater than a 24-hour supply, the optometrist may dispense the minimum available quantity. Nothing in this paragraph shall prohibit a licensed optometrist authorized to use pharmaceutical agents pursuant to RSA 327:6-a from dispensing therapeutic contact lenses for a fee.

III. "Pharmaceutical agent" means the following pharmaceutical products:

(a) Non-legend, over the counter, agents.

(b) Mydriatic and cycloplegic agents ~~[which are topically applied]~~.

(c) Miotic agents approved pursuant to RSA 327:6-a, VI.

(d) Antibiotics, ~~[sulfonamides]~~ **sulfonamides**, and combinations thereof~~[-which are topically applied or orally administered]~~ to treat or alleviate the effects of disease or abnormal conditions of the human eye, adnexa, and eyelids, ~~[or]~~ **excluding** structures posterior to the iris, approved pursuant to RSA 327:6-a, VI.

(e) Anti-allergy medications, including but not limited to antihistamines, decongestants, and mast-cell stabilizers ~~[which are topically applied]~~.

(f) Anesthetics and dyes ~~[which are topically applied]~~.

(g) Ocular lubricants and **ocular** hypertonic agents ~~[which are topically applied]~~.

(h) Orally administered analgesic agents used for the purpose of alleviating pain caused by a disease or abnormal condition of the human eye or eyelid, ~~[or]~~ **excluding** structures posterior to the iris. This may include class III and IV controlled substances approved pursuant to RSA 327:6-a, VI, **or hydrocodone in combination with analgesics when limited to 72 hours with no refills** and included in the formulary.

(i) Other pharmaceutical agents, any solely diagnostic agents, and diagnostic agents combined with pharmaceutical agents as defined in this paragraph and as approved pursuant to RSA 327:6-a, VI.

(j) Non-steroidal anti-inflammatory agents approved pursuant to RSA 327:6-a, VI.

(k) Anti-glaucoma agents provided that an optometrist may dispense or prescribe such agents if the optometrist has met the requirements of RSA 327:6-c.

(l) Corticosteroids ~~[which are topically applied;]~~ as approved by the board.

(m) Antivirals which are approved pursuant to RSA 327:6-a, VI.

~~[(n) Corticosteroids or antivirals, provided that optometrists with patients on corticosteroids or antivirals who demonstrate no improvement in 10 days shall be referred to an ophthalmologist.]~~

~~[(o)]~~ **(n)** Influenza, COVID-19, and shingles vaccines which have been approved by the Food and Drug Administration to adults.

IV. "Practice of optometry":

(a) Means the employment of any methods or means, other than surgery, for the:

~~[(a)]~~ **(1)** Diagnosis and treatment of any optical defect, deficiency, deformity, or disease of the human eye, adnexa and eyelids.

~~[(b)]~~ **(2)** Diagnosis and treatment of any visual or muscular anomaly of the visual system.

~~[(c)]~~ **(3)** Adaptation or prescribing of spectacle lenses, contact lenses, prisms or ocular exercises for the correction, relief or aid of the visual functions.

~~[(d)]~~ **(4)** Prescribing, administering or dispensing of pharmaceutical agents.

~~[(e)]~~ (5) Application, prescribing, or removal of Food and Drug Administration approved medical devices, as approved by the board and consistent with the practice of optometry as set forth in this chapter, including, but not limited to, contact lenses, plano lenses, and punctal plugs. The term “plano lenses” means contact lenses with no refractive power.

~~[(f)]~~ ~~Diagnosis of acute angle closure glaucoma. Upon such diagnosis, an optometrist may administer emergency care and shall immediately refer the patient to an ophthalmologist. Oral pharmaceutical agents may be used for the emergency treatment of acute angle closure glaucoma.]~~

(b) Notwithstanding RSA 327:1, VI, the following ophthalmic procedures shall be permitted only upon authorization to perform ophthalmic procedures pursuant to RSA 327:6-d:

(1) Laser capsulotomy.

(2) Laser trabeculoplasty.

(3) Laser peripheral iridotomy.

(4) Injection of corticosteroid into a chalazion.

V. “Prescription of pharmaceutical agents” means a written or oral direction to dispense a pharmaceutical agent, including inscription, subscription, transcription, and renewal.

VI. “Surgery” means any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical means. Surgical procedures shall include the use of lasers for therapeutic and photorefractive purposes, ionizing radiation, therapeutic ultrasound, or medication administered by injection, provided that the removal of ~~[superficial]~~ **non-perforating** foreign bodies from the eye, adnexa or eyelid shall not be considered a surgical procedure prohibited by this chapter. ~~[With respect to a foreign body, any part of which is situated within 3 millimeters of the visual axis, “superficial foreign body” means that which has not penetrated deeper than the corneal epithelium.]~~

VI-a. “Telemedicine” means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

VII. “Therapeutic contact lenses” means contact lenses which contain one or more medications and which deliver such medication to the eye.

28 Optometry; Examining Board; Board. Amend RSA 327:2, I to read as follows:

I. There shall be a board of ~~[registration in]~~ optometry consisting of 5 members; including 4 optometrists and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms.

29 Optometry; Examinations and Licenses; Authorization for Pharmaceutical Agents. Amend RSA 327:6-a, II to read as follows:

II. An optometrist licensed to practice optometry prior to January 1, 1993, shall complete a post-graduate course of study approved by the board covering the subjects of ocular pharmacology and the treatment and management of eye diseases and shall pass an examination administered by the National Board of Examiners in Optometry or its successor and approved by the board. Every optometrist licensed to practice optometry after January 1, 1993, shall pass an examination administered by the National Board of Examiners in Optometry or its successor and approved by the board. To meet the requirements of this section, an approved course shall be given by an accredited school or college of optometry in the United States and shall consist of a minimum of 105 hours, of which a minimum of 25 hours shall be in direct clinical training. The board shall adopt rules, under RSA 541-A, to carry out the provisions of this section and to ~~[insure]~~ **ensure** the safety of the public.

30 Optometry; Examinations and Licenses; Authorization for Pharmaceutical Agents. Amend RSA 327:6-a, IV to read as follows:

IV. Nothing in this section shall be construed to permit an optometrist to ~~[administer any pharmaceutical product by injection; or to]~~ administer, prescribe or dispense any pharmaceutical product designated as a schedule I or schedule II controlled substance under RSA 318-B:1-a, **except hydrocodone in combination with analgesics when limited to 72 hours with no refills**; or to administer, prescribe or dispense any pharmaceutical product except for the diagnosis or treatment of disease or conditions of the human eye, adnexa or eyelids.

31 Optometry; Examinations and Licenses; Treatment of Glaucoma. Amend RSA 327:6-c to read as follows:

327:6-c Treatment of Glaucoma.

I.(a) Optometrists seeking authorization to treat glaucoma shall complete at least 40 hours of classroom education, approved by the board, incorporating: epidemiology of the glaucomas; genetics of the glaucomas; anatomy, physiology, and mechanics of aqueous inflow and aqueous outflow; optic nerve anatomy and pathophysiology; neurotoxicity and neuroprotectants; receptor biology; pharmacology, clinical use and toxic effects of alpha and beta adrenergic agents, carbonic anhydrase inhibitors, and cholinergic agents.

(b) Optometrists shall pass an examination approved by the board that covers the educational components listed in subparagraph (a). Upon passage of such exam, an optometrist shall have prescriptive authority during the clinical management period pursuant to RSA 327:6-a.

(c) The board shall waive the requirements of this paragraph and of paragraph II for optometrists who have either graduated after 2002 or who have proof of 12 months of credentialed privileges to treat glaucoma by the United States Department of Defense or Department of Veteran Affairs or the national Indian Health Service, or who are certified by the American Board of Optometry, verified by the board.

II.(a) To be authorized to initiate treatment of glaucoma for patients 18 years of age or older, a therapeutic pharmaceutical agent certified optometrist shall complete the educational requirements in paragraph I and provide evidence of written referrals and consultations with an ophthalmologist. For purposes of this section, "ophthalmologist"; means a physician licensed under RSA 329 with a specialty in ophthalmology. The ~~[joint credentialing committee]~~ **board** shall review evidence of glaucoma co-management submitted pursuant to subparagraph (b).

(b) Except as provided in subparagraph I(c) or paragraph III, therapeutic pharmaceutical agent certified optometrists are required to provide evidence of successful collaborative treatment and co-management of 25 glaucoma patients, up to 5 of which may be established patients, during a period of not less than 18 months for each patient, to ophthalmologists according to the following criteria:

- (1) A new or existing glaucoma patient is examined and diagnosed by the optometrist;
- (2) The optometrist develops a proposed treatment plan and forwards the plan with examination documentation to an ophthalmologist for consultation;
- (3) The ophthalmologist reviews the optometrist's examination documentation and proposed treatment plan;
- (4) The ophthalmologist, optometrist, and patient mutually agree to and document a treatment plan;
- (5) The optometrist shall consult with the co-managing ophthalmologist when any of the following occurs: the patient's target pressure is not reached within 90 days; the patient is experiencing documented progression of optic nerve damage; the patient develops documented and repeated progression of visual field loss; or the patient develops angle-closure; and

(6) For each successfully co-managed glaucoma patient the optometrist and co-managing ophthalmologist shall complete a glaucoma credentialing reporting form and submit the form to the ~~[joint credentialing committee]~~ **board** upon completion of the 18 months of treatment.

III. The ~~[joint credentialing committee]~~ **board** may waive or reduce the requirements of RSA 327:6-c, I and II for the following categories of optometrists:

- (a) Optometrists with a license and proof of practice for 12 months treating glaucoma patients in another state that currently authorizes the treatment of glaucoma by optometrists; or
- (b) Optometrists who have proof of successful completion of a 12-month accredited optometric residency program or its equivalent.

IV. ~~[Upon certification]~~ **An optometrist certified to treat glaucoma but not having certification to perform ophthalmic procedures for the treatment of glaucoma shall refer the patient to the appropriate certified eye care provider** ~~[patients an optometrist shall consult with an ophthalmologist]~~ within 30 days when any of the following occurs:

- (a) The patient is experiencing documented progression of optic nerve damage or the patient develops documented and repeated progression of visual field loss on maximum tolerated topical medical therapy; or
- (b) The patient develops angle-closure.

32 New Section; Optometry; Examinations and Licenses; Authorization to Perform Ophthalmic Procedures. Amend RSA 327 by inserting after section 6-c the following new section:

327:6-d Authorization to Perform Ophthalmic Procedures.

I. The board of optometry shall adopt rules under RSA 541-A establishing the certification which shall be fulfilled before a person may be certified to perform ophthalmic procedures for the practice of optometry, including:

- (a) Identification and categorization of ophthalmic procedures for the practice of optometry;
- (b) Establishment of criteria to perform such procedures with proficiency;
- (c) Establishment of minimum education, training, and live experience requirements for a person to perform such procedures with proficiency;
- (d) Criteria for requiring proctoring and criteria for proctors; and
- (e) Outcome reporting requirements for such procedures performed by certificate holders.

II. No optometrist shall practice under this section unless the optometrist has submitted evidence of satisfactory completion of all requirements for specific procedures and the office has certified the optometrist as qualified.

33 Optometry; License Renewal; Disciplinary Action. Amend RSA 327:20, II(i) to read as follows:

(i) The use of any pharmaceutical agent by an optometrist not authorized under RSA 327:6-a or the use of any pharmaceutical agent other than those agents described in RSA 327:1 or those previously approved by the ~~[joint credentialing committee]~~ **board**.

34 Optometry; Regulations and Penalties; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327:25-a, IV to read as follows:

IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail of contact lenses to individuals within the state unless such business is registered with a permit issued by the board of pharmacy if the out-of-state business is a pharmacy, or by the board of ~~[registration in]~~ optometry if the out-of-state business is not a pharmacy.

(b) The board of pharmacy or the board of ~~[registration in]~~ optometry shall issue a permit to such out-of-state business if the business discloses and provides proof:

(1) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(2) Of the operating locations and the names and titles of all principal corporate officers;

(3) That the business complies with all lawful directions and requests for information from the board of pharmacy and the board of ~~[registration in]~~ optometry of all states in which it conducts business;

(4) That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of contact lenses; and

(5) That the business has paid the established fee.

35 Optometry; Regulation and Penalties; Rulemaking Authority. Amend RSA 327:31, I to read as follows:

I. The qualifications of applicants in addition to those requirements set by RSA 327:6, ~~[and]~~ RSA 327:6-a, **RSA 327:6-c, and RSA 327:6-d**;

36 Optometry; Regulations and Penalties; Continuing Education Courses Required for Pharmaceutical and Glaucoma Certification. Amend RSA 327:33-a to read as follows:

327:33-a Continuing Education Courses Required for Pharmaceutical and Glaucoma Certification.

I. An optometrist certified to use pharmaceutical agents in the practice of optometry shall complete a minimum of ~~[50 hours of continuing education every year in order to maintain pharmaceutical certification. A minimum of]~~ 20 hours **of continuing education every year** ~~[shall be]~~ by participation in formal **synchro-nous** courses ~~[and the remainder by independent study]~~. Each optometrist shall report continuing education hours to the board in accordance with rules adopted by the board for the implementation of this section. Such continuing education courses and activities shall satisfy the requirements of RSA 327:33.

II. An optometrist certified to treat glaucoma shall complete a minimum of 10 of the required hours in **ocular pathology or pharmacology** ~~[glaucoma]~~ specific education. ~~[A minimum of 7 hours shall be by participation in formal courses and 3 hours may be by independent study.]~~

37 Repeal. RSA 327:6-b, relative to the optometry joint credentialing committee, is repealed.

2024-2177s

AMENDED ANALYSIS

This bill eliminates the board of registration of medical technicians and transfers authority over the registration of medical technicians to the office of professional licensure and certification. This bill further makes changes to the nurse practice act.

This bill further makes various amendments to the regulation of optometry, including changing the board's name to the board of optometry, definitional changes to include what constitutes the "practice of optometry", repealing the joint credentialing committee, modifying the rulemaking authority of the board, and modifying the prescribing authority of optometrists.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1451-FN, relative to mandatory overtime and the calculation of base rate of compensation. Inexpedient to Legislate, Vote 5-2. Senator Gray for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1540-FN, relative to the definitions of full course meals and full service restaurant for purposes of alcohol licensing.

Ought to Pass, Vote 7-0. Senator Innis for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1564-FN, relative to the child support guidelines.

Ought to Pass, Vote 7-0. Senator Birdsell for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1567-FN, relative to zoning provisions concerning family and group family child care uses.

Ought to Pass, Vote 7-0. Senator Rosenwald for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1569-FN, relative to eliminating voter identification exceptions.

Ought to Pass, Vote 4-3. Senator Gray for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Soucy, seconded by Senator Perkins Kwoka.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Carson, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

HB 1570-FN-A-L, requiring the department of education to conduct a facility assessment of public schools and public chartered schools.

Interim Study, Vote 7-0. Senator D'Allesandro for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

HB 1573-FN, relative to state oversight of residential treatment programs for children and making an appropriation therefor.

Ought to Pass, Vote 7-0. Senator Innis for the committee.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Whitley, Dist 15

May 21, 2024

2024-2092s

05/02

Floor Amendment to HB 1573-FN

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

AN ACT relative to out-of-home placements for children.

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

1 Child Protection Act; Presumption in Favor of In-State Placements. Amend RSA 169-C:19-b to read as follows:

169-C:19-b Presumption in Favor of In-State Placements. There shall be a presumption that an in-state placement is the ~~[least restrictive]~~ **less restrictive** and most appropriate placement. The court may order an out-of-state placement only upon an express written finding that ~~[there is no appropriate in-state placement available.]~~ **the out-of-state placement offers specialized programming or services that are unable to be provided within New Hampshire, and the placement is contracted with the state. Preference shall be given to out-of-state placements that are in proximity to the child's family and/or kin, who are able to participate in family and/or reunification services. Any out-of-state placements shall be limited in time, and require increased judicial oversight.**

2 Child Protection Act; Siblings. RSA 169-C:19-d is repealed and reenacted to read as follows:

169-C:19-d Siblings.

I. The department shall place a child with the child's siblings unless doing so would be contrary to the safety or well-being of the child or siblings, or otherwise not in the child's best interest.

II. If siblings are not placed together, reasonable efforts shall be made to provide for visitation with siblings, unless such visitation would be harmful to the child or sibling.

3 Child Protection Act; Custody Hearing for Parent Not Charged with Abuse or Neglect. Amend RSA 169-C:19-e, I to read as follows:

I. A parent who has not been charged with abuse or neglect shall be afforded, upon request, a full hearing in the district or family court regarding his or her ability to obtain custody. At the hearing, the parent shall be provided the opportunity to present evidence pertaining to his or her ability to provide care for the child and shall be awarded custody unless the state demonstrates, by a preponderance of the evidence, that he or she ~~[has abused or neglected the child or is otherwise]~~ **is** unfit to perform his or her parental duties. The court shall make written findings of fact supporting its decision.

I-a. The welfare of the child is the primary factor to be weighed when determining if a parent is fit to parent that child. In determining whether a parent is fit to perform his or her parental duties, the court may consider the following factors, in addition to any other relevant evidence presented:

- (a) The unique needs of the child, and whether or not the parent is adequately prepared to address those needs;***
- (b) The parent's existing and historical relationship with that child;***
- (c) The parent's untreated mental health or substance use issues;***
- (d) The parent's provision of care to other children in their household, including addressing education needs, medical care, and mental and behavioral health care;***
- (e) The condition of the parent's home;***
- (f) Any prior allegations of child abuse or neglect; and***
- (g) The results of the department's evidence-based safety assessment of that parent, their home, and any other adults in the home. A parent's failure to cooperate with the department's assessment, or to provide any records necessary to such a determination, shall be weighed as a factor in the fitness of that parent.***

4 New Sections; Placement for Evaluation; Order of Preference of Out-of-Home Placement. Amend RSA 169-C by inserting after section 19-f the following new sections:

169-C:19-g Placement for Evaluation. Any psychological evaluations, including measures of personality functioning, shall be conducted by, or supervised by, a licensed psychologist with specialized training in the evidence-based treatment of childhood trauma.

169-C:19-h Order of Preference of Out-of-Home Placement. If the court finds that a child is abused or neglected or if the court issues a consent order pursuant to RSA 170-E:25, the court shall enter an order regarding the placement of the child, in the following order of preference:

I. If remaining in the care of the child's parent or legal guardian is determined to be contrary to the welfare of the child, to secure placement:

- (a) With a kin or fictive kin; or
- (b) Within the child's community of origin, with fictive kin or in a licensed foster home setting, with preference given to a licensed foster home with whom the child has a pre-existing relationship; or
- (c) In a licensed foster home outside of the child's community of origin, with preference given to a licensed foster home with whom the child has a pre-existing relationship, and/or in a foster home that can provide intensive (ISO) services designed to meet the specific needs of the child; and
- (1) The department of health and human services and the department of education shall make every attempt to arrange for the child to continue to attend their school of origin, making special transportation arrangements when necessary; and
- (2) The department of health and human services shall ensure that the child is able to maintain their connections with their community of origin, including important relationships and activities; and

II. Only if placements described under paragraph I are not appropriate for the child due to an inability to maintain safety in the community, may alternative placements be considered, such as group or residential care as defined in RSA 170-E:25 and certified by the department for the care of children placed pursuant to 169-C, or in any state-operated treatment program, that meet the specific needs of that child, and that are not available in that child's community of origin; and

(a) If the child is placed in a group or residential facility, such placement shall be for a limited time and with frequent review, pursuant to RSA 169-F:8, with the goal to return the child home or to a family setting in the community of origin as quickly as possible; and

(b) The court determines that the needs of the child cannot be met by kin, fictive kin, or in a foster family home. Neither the shortage or lack of foster family homes nor the lack of community-based resources shall be acceptable reasons for determining that the needs of the child cannot be met in a family setting. Nonetheless, if there is no kin, fictive kin or licensed foster home available at the time the court is ordering placement of the child, the court may order the best available temporary placement while the department prioritizes locating a preferred placement.

5 Standard for Return of Child in Placement. Amend RSA 169-C:23 to read as follows:

169-C:23 Standard for Return of Child in Placement. In the absence of a guardianship of the person of the minor, governed by the terms of RSA 463, before a child in out-of-home placement is returned to the custody of his or her parents, the parent or parents shall demonstrate to the court that:

I. They are in compliance with the outstanding dispositional court order;

II. The child will not be endangered [~~in the manner adjudicated on the initial petition;~~] if returned home; and

III. Return of custody is in the best interests of the child, [~~Upon showing the~~] **and with a showing that the parent has an** ability to provide proper parental care[~~it shall be presumed that a return of custody is in the child's best interests~~].

6 New Sections; Court Ordered Placements; Presumption in Favor of In-State Placements; Order of Preference of Out-of-Home Placement. Amend RSA 169-F by inserting after section 4 the following new sections:

169-F:5 Presumption in Favor of In-State Placements. There shall be a presumption that an in-state placement is the less restrictive and most appropriate placement. The court may order an out-of-state placement only upon an express written finding that the out-of-state placement offers specialized programming or services that are unable to be provided within New Hampshire, and the placement is contracted with the state. Preference shall be given to out-of-state placements that are in proximity to the child's family and/or kin, who are able to participate in family and/or reunification services. Any out-of-state placements shall be limited in time, and require increased judicial oversight.

169-F:6 Order of Preference of Out-of-Home Placement. For any out-of-home placements made under this chapter, the court shall enter an order regarding the placement of the child, in the following order of preference:

I. If remaining in the care of the child's parent or legal guardian is determined to be contrary to the welfare of the child, to secure placement:

(a) With a kin or fictive kin; or

(b) Within the child's community of origin, with fictive kin or in a licensed foster home setting, with preference given to a licensed foster home with whom the child has a pre-existing relationship; or

(c) In a licensed foster home outside of the child's community of origin, with preference given to a licensed foster home with whom the child has a pre-existing relationship, and/or in a foster home that can provide intensive (ISO) services designed to meet the specific needs of the child; and

(1) The department of health and human services and the department of education shall make every attempt to arrange for the child to continue to attend their school of origin, making special transportation arrangements when necessary; and

(2) The department of health and human services shall ensure that the child is able to maintain their connections with their community of origin, including important relationships and activities; and

II. Only if placements described under paragraph I are not appropriate for the child due to an inability to maintain safety in the community, may alternative placements be considered, such as group or residential care as defined in RSA 170-E:25 or certified by the department for the care of children placed pursuant to 169-C, or in any state-operated treatment program, that meet the specific needs of that child, and that are not available in that child's community of origin; and

(a) If the child is placed in a group or residential facility, such placement shall be for a limited time and with frequent review, pursuant to RSA 169-F:8 with the goal to return the child home or to a family setting in the community of origin as quickly as possible.

(b) The court determines that the needs of the child cannot be met by kin, fictive kin, or in a foster family home. Neither the shortage or lack of foster family homes nor the lack of community-based resources shall be acceptable reasons for determining that the needs of the child cannot be met in a family setting. Nonetheless, if there is no kin, fictive kin or licensed foster home available at the time the court is ordering placement of the child, the court may order the best available temporary placement while the department of health and human services prioritizes locating a preferred placement.

169-F:7 Oversight of Children in Care; Department Responsibilities.

I. Any child in a court-ordered placement pursuant to RSA 169-B, RSA 169-C, or RSA 169-D shall be seen in-person on at least a monthly basis, by their assigned case worker. In the event the assigned case worker is not available, another case worker or supervisor familiar with the child and/or case may perform the visit. The visit to the child shall include a private meeting with the child, in a safe place as determined by the case worker and child, to inquire about care received, as well as an in-person tour of the child's living quarters. The monthly contact shall also include contact with the child's placement provider, therapeutic providers, and educational providers, preferably in real-time, but at least by written correspondence. In addition, for any child placed in a residential placement by the department, these visits shall include a tour of the facil-

ity where the child may have access to; a check-in with appropriate leadership about program culture and therapeutic programming; a check-in with program direct care staff about the child's progress in the program; and a check-in with the clinical director and/or the child's therapeutic provider about the program culture, therapeutic programming, and the child's individual progress, strengths, and challenges in the program, which may occur outside of the in-person visit in virtual real-time if circumstances require.

II. The department shall develop, in consultation with the office of child advocate, a standard operating procedure and form for monthly visits with children conducted by the department, pursuant to RSA 169-F:5, I, to be completed during each monthly in-person visit.

169-F:8 Court Oversight of Children in Residential Programs.

I. Except in cases of emergency placement, prior to placing a child in residential treatment programs or psychiatric residential treatment programs, except in emergency situations, the court shall:

(a) Consider all assessments and plans for the child, including assessment of whether a residential treatment program is the most effective and appropriate level of care, in the least restrictive environment for the child, and any child-specific, short- and long-term goals for the child and the family. The assessment shall specify, in writing:

(1) Whether the child's needs can be met in a kin, fictive kin or foster family home, not primarily dependent upon availability of community resources.

(2) If the assessment recommends a residential treatment program:

(A) The specific reasons why the child's needs cannot be met in a kin, fictive kin or foster family home, not primarily dependent upon availability of community resources; and

(B) Why recommended placement in a residential treatment program is the setting that will provide the child with the most effective and appropriate level of care, in the least restrictive environment.

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

(b) Confirm that the school district has complied with its legal obligations to assess the educational impact of the placement, and consider the school district's input on that impact.

(c) Determine that the needs of the child cannot be met through placement with a parent, legal guardian, legal custodian, kin or fictive kin caregiver, or in a foster family home; and that placement of the child in a residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and that placement is consistent with the short- and long-term goals, including mental, behavioral, and physical health goals, for the child as specified in the permanency plan for the child, or as outlined in the family services plan. Neither the shortage or lack of foster family homes nor the lack of community-based resources shall be acceptable reasons for determining that the needs of the child cannot be met in a family setting. Nonetheless, if there is no kin, fictive kin or licensed foster home available at the time the court is ordering placement of the child, the court may order the best available temporary placement while the department of health and human services prioritizes locating a preferred placement.

(d) Review information relating to the facility, which may include staff-to-child ratio; staff training; program culture; therapeutic, clinical and milieu programming; educational programming; recreational programming; and, family connections, in order to ensure that the program is the most effective and appropriate level of care, in the least restrictive environment for the child, and meets the child-specific short- and long-term goals for the child and the family.

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

II. In the case of an emergency necessitating immediate placement of a child in a residential treatment program, the department shall notify the court within 2 business days of such placement, in order for the court to make the required findings of paragraph I.

III. Prior to determining that a residential treatment program is the most effective and appropriate level of care, in the least restrictive environment for the child, the court shall consider any available assessments and plans, giving the greatest weight to the most recent assessment and assessments completed by a licensed psychologist or licensed neuropsychologist with specialized training in the evidence-based treatment of childhood trauma. If the court deviates from such recommendation, the court shall make specific findings of fact regarding the most effective and appropriate level of care, in the least restrictive environment for the child, and that the placement is consistent with child-specific short and long-term goals for the child and the family. When making such findings of fact, the court shall consider all relevant information, including but not limited to:

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

(b) Whether the school district is meeting the child's educational needs, based on their statutory requirements under RSA 169-B:22, RSA 169-D:18, and RSA 169-C:20;

- (c) The strengths and specific treatment or service needs of the child and the family;
- (d) The expected length of stay; and
- (e) The placement preference of the child and the family.

IV. When a child is placed in a residential treatment program or psychiatric residential treatment program:

- (a) The department shall notify the court promptly of such placement.

(b)(1) The court shall review the placement of that child within 60 days after placement, and at every subsequent court review hearing; or

(2) Upon a motion by the child, the child's representative, or the child's guardian ad litem establishing reason to believe the ordered residential treatment program is not the most effective and appropriate level of care for the child in the least restrictive environment, the court shall review the placement within 30 days, and at every subsequent court review hearing.

(c) The court may review the placement at any time sua sponte or in response to a motion for review by any party.

V. As long as a child remains in a residential treatment program, the department shall submit evidence to the court and all parties, at least 5 business days prior to every regular review hearing:

- (a) Demonstrating that:

(1) Ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement with a parent, legal guardian, legal custodian, kin or fictive kin caregiver, or in a foster family home;

(2) Any recommended psychological or clinical evaluations or assessments have been completed, and if not, the status of those evaluations or assessments;

(3) The department has worked with the school district to assure, consistent with the best interest of the child, the child's educational stability;

(4) The placement in a residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and,

(5) The placement is consistent with the short- and long-term goals for the child as specified in the permanency plan for the child, or as outlined in the family services plan.

- (b) Documenting that:

(1) The specific treatment or service needs that will be met for the child in the placement;

(2) The length of time the child is expected to need treatment or services, and the treatment basis for the determination of that length of time; and

(3) The specific efforts made by the division to prepare the child and prospective placement for the child's return home or to be placed with a fit and willing kin or fictive kin caregiver, a legal guardian, legal custodian, or an adoptive parent, or in a foster family.

7 Department of Health and Human Services; Classified Positions Established; Appropriation.

I. The following classified positions are established in the department of health and human services to support the placement of youth in residential facilities:

- (a) Eight child protective service worker IV positions (labor grade 24, step 5).

- (b) Two juvenile probation and parole officer IV positions (labor grade 24, step 5).

II. The sum of \$870,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding the positions established in paragraph I. In addition to the appropriation and notwithstanding RSA 14:30-a, the department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for the general fund portion of said sum out of any money in the treasury not otherwise appropriated.

8 Department of Health and Human Services; Classified Attorney Positions Established; Appropriation.

I. The following classified positions are established in the department of health and human services to support placement of youth in residential facilities: 2 attorney III positions (labor grade 30, step 5).

II. The sum of \$210,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding the positions established in paragraph I. In addition to the appropriation and notwithstanding RSA 14:30-a, the department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for the general fund portion of said sum out of any money in the treasury not otherwise appropriated.

9 Department of Health and Human Services; Appropriation; Youth Visit Travel Costs. The sum of \$154,440 for the fiscal year ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of paying for travel costs for youth visits in order to support implementing the provisions of this act. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Judicial Branch; Appropriation. The sum of \$376,145 for the fiscal year ending June 30, 2025, is hereby appropriated to the judicial branch for the purpose of funding new positions required to carry out the duties set out in this act. In addition to the appropriation and notwithstanding RSA 14:30-a, the judicial branch may accept and expend matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for the general fund portion of said sum out of any money in the treasury not otherwise appropriated.

11 Reallocation of Monies Saved. Any monies saved by the department of health and human services, including the division for children, youth and families and the bureau of children's behavioral health, in preventing the out-of-home placement of children pursuant to this act shall be used by the department to provide services pursuant to RSA 135-F, the system of care for children's mental health, and any other community-based intervention services.

12 Effective Date.

I. Sections 7-11 of this act shall take effect July 1, 2024.

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

2024-2092s

AMENDED ANALYSIS

This bill revises criteria for out-of-home placement of children under the child protection act and other juvenile statutes and establishes an order of preference based on placement with the child's siblings, when possible, and proximity to the child's community of origin. The bill also makes appropriations to the department of health and human services and the judicial branch to support implementation of the act.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1583-FN-A, relative to the per pupil cost of an opportunity for an adequate education.

Interim Study, Vote 6-1. Senator D'Allesandro for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

HB 1588-FN, relative to court jurisdiction over persons receiving special education.

Ought to Pass with Amendment, Vote 7-0. Senator Innis for the committee.

Senate Finance

May 21, 2024

2024-2124s

02/05

Amendment to HB 1588-FN

Amend the bill by replacing section 5 with the following:

5 Appropriation; Department of Health and Human Services. Notwithstanding the provisions of RSA 198:39, I, the sum of \$3,000,000 is hereby appropriated from the education trust fund to the department of health and human services for the biennium ending June 30, 2025, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the education trust fund not otherwise appropriated.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1589-FN, establishing a veterans treatment court

Ought to Pass with Amendment, Vote 7-0. Senator Pearl for the committee.

Senate Finance

May 21, 2024

2024-2118s

11/08

Amendment to HB 1589-FN

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

1 Implementation of Veterans Court. RSA 490-I:1 is repealed and reenacted to read as follows:
490-I:1 Implementation of Veterans Court.

I. At least one veterans court shall be established in one circuit court and superior court in each county or district. In the court's discretion, in counties or districts where participation may be low, or where other administrative considerations may exist, a veterans court may be a track of an existing mental health court, may be combined across different counties or districts, may utilize a virtual docket, or may employ such other flexible measures as the court may determine appropriate in order to effectuate the objectives of this statute. The veterans court shall adjudicate, depending on jurisdiction, misdemeanor and felony cases and monitor treatment of veterans and active duty military members with mental illnesses, substance abuse issues, housing instability or homelessness, job instability or unemployment, or a combination of the aforementioned, in an effort to help veterans avoid behavior that would otherwise result in criminal conduct. The chief justice of the superior court and the administrative judge of the circuit court may issue administrative orders regarding veterans courts over which they have administrative authority.

II.(a) In this chapter, "veterans court" means a judicial intervention court based on the 10 key components listed in subparagraph (b).

(b) The 10 key veterans court components are:

(1) Integration of alcohol, drug treatment, and mental health services within the current justice system case processing.

(2) Use of a non-adversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights.

(3) Early identification of eligible participants and prompt placement in the veterans court.

(4) Access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services.

(5) Use of frequent alcohol and other drug testing to monitor abstinence.

(6) A coordinated strategy to govern veterans courts' responses to participants' compliance.

(7) Ongoing judicial interaction with each participant.

(8) Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness.

(9) Continuing interdisciplinary education to promote effective veterans court planning, implementation, and operations.

(10) Partnerships among veterans courts, the Veterans Administration, public agencies, and community-based organizations to generate local support and enhance veterans courts' effectiveness.

III. When a veteran successfully completes their veterans court-required treatment and any other case requirements, an offender's case may be disposed of by the judge in the manner prescribed by the agreement and by the applicable policies and procedures adopted by the veterans court. This may include, but is not limited to, withholding criminal charges, dismissal of charges, probation, deferred sentencing, suspended sentencing, split sentencing, or a reduced period of incarceration.

IV. A successful veterans court participant may, at least one year after completion of all programs and conditions imposed by the court, petition for annulment of the charges, arrest, conviction, and sentence that relate to such person's entry into the veterans court. Nothing in this section shall otherwise supplant or supersede the annulment procedures of RSA 651:5.

V. There is established the veterans court coordinator position under the supervision of the treatment courts coordinator within the administrative office of the courts. The coordinator shall, as appropriate, consult with the chief justice of the superior court or their designee, the administrative judge of the circuit court or their designee, an attorney representative of the state's county attorneys, an attorney representative of the New Hampshire public defender, an attorney representative of the attorney general's office, and the veteran's justice outreach coordinator or the equivalent who is or was already involved with a New Hampshire veteran's behavioral health track program, to determine how best to design, implement and administer all aspects of veterans courts, taking into account the specific treatment needs of veterans, sharable resources and reproducible designs of existing treatment courts, and the desired outcomes of a treatment court of this nature.

VI. The veterans court may convene a local committee made up of community members who can provide support for the veterans court.

VII. Where a veterans court participant charged with a felony offense must seek treatment through a circuit court drug or behavioral court in the same county, that veteran shall be allowed to participate in that drug or behavioral court even though jurisdiction shall continue to reside with the superior court. Where the veterans court judge is not the same judge overseeing a veteran's drug or mental health court treatment, the judges and treatment teams of both courts shall coordinate with one another to determine the veteran's best course of treatment and monitoring.

VIII. This section does not create a right of a veteran or service member to participate in veterans court.
490-I:2 Definitions. In this subdivision:

I. "Guidelines" means, if available, research-based, specific, practitioner-focused veterans court guidance published by the U.S. Department of Veterans Affairs, Substance Abuse and Mental Health Services Administration, National Association of Drug Court Professionals, and other relevant state and federal agencies and organizations.

II. "Coordinator" means the veterans court coordinator or designee within the administrative office of the courts.

III. "Veteran" means:

(a) A current or former member of the active or reserve components of the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, or United States Coast Guard;

(b) A current or former member of the New Hampshire National Guard;

(c) A current or former contractor for the United States Department of Defense who served in a theater of armed conflict; or

(d) A current or former military member of a foreign allied country who was attached to or under command of United States forces or coalition forces therewith in a combat operations engagement.

IV. "Veterans court" means a veterans treatment court where any veteran, as defined in paragraph III of this section, may be enrolled, should they meet the criteria for admission.

V. Military sexual trauma (MST) means sexual assault or sexual harassment experienced during military service.

490-I:3 Eligibility.

A veteran may be eligible for veterans court if he or she has experienced military sexual trauma or has a service-related mental condition, service-related traumatic brain injury, service-related substance use disorder, or service-related psychological disorder.

490-I:4 Reimbursement Program Created.

I. There is established a statewide veterans court program which shall provide state matching funds as appropriated to support veterans courts in state superior court and circuit court districts as established herein.

II. The veterans court coordinator or designee shall be responsible for developing a process by which counties may receive an annual state reimbursement on a per case basis for operational costs of a veterans court. Subject to approval of the chief justice of the supreme court or designee, the coordinator shall:

(a) Determine approval requirements for reimbursements. Prior to providing reimbursements, the approval checklists shall be posted on the judicial branch website. The checklists shall be updated on the website as revisions are made.

(b) Establish and periodically update guidelines for operating veteran courts.

(c) Develop draft policies and procedures including a participant handbook, program outline, and implementation plan.

(d) Measure recidivism rates and other outcome measures.

(e) Evaluate compliance with relevant standards.

(f) Assist in creating veteran courts in counties seeking to implement or continue them.

(g) Assist counties in obtaining ongoing training.

490-I:5 Eligibility for Reimbursements.

I. For the purpose of providing reimbursements and subject to available state appropriations, counties and districts shall be eligible for an annual reimbursement of up to \$5,000 per case. Counties shall be reimbursed on a first-come, first-served basis. Reimbursements shall be prorated based on the amount of appropriation available. Any state veterans court program funds that are not expended by the end of the fiscal year shall lapse to the general fund.

II. To be eligible for reimbursement, a county operating a veterans court shall receive a recommendation for approval from the coordinator's office. Reimbursement for all cases shall be paid annually at the end of each fiscal year by the administrative office of the courts following receipt of recommendations by the coordinator and final approval of the chief justice of the supreme court or designee.

III. A county shall make a good faith effort to apply for federal funding to provide as match funds to supplement, but not supplant, state funds, as and where required as a condition of those funds. A county need only apply once.

IV. A county seeking to implement a veterans court may obtain a state reimbursement of up to \$5,000 per case for the costs associated with veterans court establishment, administration, and operation after satisfying the conditions in paragraph III.

V. To obtain reimbursement from the state, a county shall:

- (a) Submit a budget for the total cost of the program to the coordinator for review;
- (b) Obtain draft policies and procedures from the coordinator, including a participant handbook or program outline and implementation plan, which the county may amend and return to the coordinator for consideration and approval;
- (c) Obtain and complete veterans court or veteran offender program training as approved by the coordinator; and
- (d) Establish that the veterans court is cost effective.
- (e) Based on the information provided in subparagraphs (a)-(d), the office shall recommend court programming for final approval of the chief justice of the supreme court.

VI. The judicial branch administrative office of the courts is authorized to expend from appropriated sums the amounts necessary to fund reimbursements approved by the chief justice of the supreme court or designee.

490-I:6 Report. Beginning with a report due on or before January 1, 2026, the office shall prepare an annual report on the activities, expenditures, operation and outcome measures for the veterans court program. The report shall include the information provided by each county and shall be presented by state superior court district and on a statewide basis. The report shall be forwarded to the speaker of the house of representatives, the president of the senate, and the office of the legislative budget assistant to be posted on the website of the office of the legislative budget assistant. If the required report is not provided by January 30 in any year, the veterans court program shall be suspended until such report is provided.

490-I:7 Veterans Court Special Account. There is hereby established in the state treasury the veterans court special account. The funds may be comprised of public funds, gifts, grants, donations, or any other source of funds, and shall be used for any relevant veterans court administrative purpose deemed appropriate by the chief justice of the supreme court or designee. The account shall be nonlapsing and shall be continually appropriated to the administrative office of the courts.

from the veterans court special account, those funds shall be spent prior to state general funds.

2 Application of Receipts; Veterans Court Special Account Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (394) the following new subparagraph:

(395) Moneys deposited in the veterans court special account fund as established in RSA 490-I:7.

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

President Pro Tempore Gray presiding.

HB 1593-FN, making an appropriation to the department of health and human services to support recreational activities for individuals with developmental disabilities.

Ought to Pass with Amendment, Vote 7-0. Senator Bradley for the committee.

Senate Finance

May 21, 2024

2024-2117s

05/08

Amendment to HB 1593-FN

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

AN ACT making an appropriation to the department of health and human services to support recreational activities for individuals with developmental disabilities and relative to the uncompensated care and Medicaid fund.

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

2 Uncompensated Care and Medicaid Fund; Definition of Hospital. RSA 167:63, IV is repealed and reenacted to read as follows:

IV. "Hospitals" mean general acute care hospitals licensed under RSA 151 that provide inpatient and outpatient hospital services, but shall not include government facilities or special hospitals for rehabilitation.

3 Hospital Medicaid Payments and Medicaid Payment Fund. RSA 167:64 is repealed and reenacted to read as follows:

167:64 Hospital Medicaid Payments and Medicaid Payment Fund; Disproportionate Share Hospital Fund.

I. There is hereby established in the state treasury a Medicaid payment fund, which shall consist of the moneys collected pursuant to RSA 84-A. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner of the department of health and human services is authorized to expend these funds, together with matching federal funds, as authorized by this section. Investment earnings of the fund shall be credited to the fund. The moneys in the fund shall be nonlapsing and continually appropriated to the department of health and human services for the purpose of making hospital payments and provider payments and to support Medicaid services and Medicaid programs administered by the department of health and human services in accordance with this section.

II. Beginning in state fiscal year 2025 and continuing every state fiscal year thereafter, the commissioner of the department of health and human services shall provide Medicaid payments, subject to the payment conditions set forth in paragraph V, to the hospitals in an amount equal to 93 percent of the money collected pursuant to RSA 84-A in the prior state fiscal year. Payments to the hospitals shall be made in accordance with this section.

III. The commissioner of the department of health and human services shall determine which payment method or methods are used to make the Medicaid payments subject to this section through Medicaid reimbursement for inpatient or outpatient hospital services, Medicaid supplemental payments, managed care directed payments, disproportionate share hospital payment adjustments, or any other Medicaid payment method allowed by the Centers for Medicare and Medicaid Services (CMS). In determining which Medicaid method or methods to utilize and at what percentage for each method, the commissioner shall seek to prevent to the greatest extent possible year over year hospital reimbursement reductions in the aggregate while at the same time achieving the highest available federal match. The commissioner shall work in collaboration with the hospitals in developing those determinations.

IV. All payments made pursuant to this section shall be subject to approval by CMS, and the department shall secure all necessary waivers or approvals to state plan amendments from CMS.

V. Any payments made under this section through directed payments shall comply with 42 CFR 438.6 or any other applicable federal regulation or guidance. The commissioner shall consult with and consider feedback from the hospitals prior to submission of a payment plan to CMS for approval. If CMS does not approve the hospital directed payment plan, the commissioner shall seek to provide payments through increased hospital rates, disproportionate share hospital payments, supplemental Medicaid payments, or any other allowable Medicaid payment method that provides for federal fund matching. For purposes of determining the portion of the payments to the hospitals that are attributable to CMS approved directed payments, the amount shall be the total amount available for the hospitals to earn under any directed payment, including, but not limited to, any amount of a directed payment that is at risk, value-based, or subject to performance conditions. In no event shall the state be liable for any payments the hospitals fail to earn under any CMS approved directed payments.

VI. In the event the commissioner of the department of health and human services determines there has been a change in federal law, regulations, or CMS guidance that materially impacts payments to the hospitals in accordance with this section or a material change in the amount of money collected pursuant to RSA 84-A, the hospitals and commissioner of the department of health and human services shall collaborate on adjustments, and subject to the commissioner's determination, to the payment method or methods that are used to make the hospital payments subject to this section. In determining which Medicaid method or methods to utilize and at what percentage for each method, the commissioner shall seek to prevent to the greatest extent possible year over year hospital reimbursement reductions in the aggregate, while at the same time achieving the highest available federal match.

VII.(a) Disproportionate share hospital payments shall only be made to a hospital that is:

(1) A "deemed disproportionate share hospital" as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment; or

(2) Meets the minimum criteria for disproportionate share eligibility under relevant federal statutory changes at 42 U.S.C. 1396r-4(d).

(b) For purposes of this paragraph, a hospital's uncompensated care costs, for purposes of calculating a disproportionate share hospital payment, shall include any charity care cost, and any portion of Medicaid-covered patient care costs unreimbursed by Medicaid payments, that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder.

VIII. Payment of the federal share of any amount payable under this section to the hospitals is contingent upon New Hampshire receiving those federal funds and any necessary CMS approvals that the department is required to secure pursuant to paragraph IV. In no event shall the state be liable for any payments in excess of such available federal appropriated funds. In the event of a reduction or termination of appropriated federal funds by any federal legislative or executive action that reduces, eliminates, or otherwise modifies the federal appropriation or availability of funding for the federal share, in whole or in part, the commissioner and the hospitals shall collaborate on adjustments, and subject to the commissioner's determination, to the payment method or methods that are used to make the hospitals payments subject to this section. In determining which Medicaid method or methods to utilize and at what percentage for each method, the commissioner shall seek to prevent to the greatest extent possible year over year hospital reimbursement reductions in the aggregate, while at the same time achieving the highest available federal match. The state shall not be required to transfer funds from any other account or source in the event federal funds are reduced or unavailable.

IX. The remaining funds available under this section shall be used to make provider payments and to support Medicaid services and Medicaid programs administered by the department in amounts directed by the budget in each year of the biennium, and from this an amount of at least 7 percent of the money collected pursuant to RSA 84-A in the prior state fiscal year shall be used to support Medicaid services and Medicaid programs administered by the department of health and human services with first priority to funding Medicaid service provider payments to community mental health centers, federally qualified health centers, substance use disorder providers, and other Medicaid service providers as determined by the commissioner of the department of health and human services.

X. One percent of the funds made available for hospital Medicaid payments shall be placed in a separate class line for purposes of the department administering this section.

XI. No hospital shall be entitled to receive any reimbursement under this section unless it meets the definition of a hospital, as defined in RSA 167:63, IV.

XII. For the purpose of making disproportionate share hospital payments only, there is hereby established in the state treasury the disproportionate share hospital fund, which shall be kept separate and distinct from all other funds. All disproportionate share hospital revenue received by the department of health and human services shall be credited to the fund. The moneys in the fund shall be nonlapsing and continually appropriated to the department of health and human services for the purpose of redistributing disproportionate share hospital funds between and among hospitals for compliance with the federally required disproportionate share hospital examinations.

XIII. Prior to implementing any change in the Medicaid payment methodology under paragraph III, VI, or VIII, the commissioner shall submit a document detailing such changes to the fiscal committee of the general court. The document shall be for informational purposes only and fiscal committee approval shall not be required for the department to proceed with implementation.

4 Dedicated Funds; Reference Changed. Amend RSA 6:12, I(b)(338) to read as follows:

(338) Moneys deposited in the [~~uncompensated care and~~] Medicaid **payment fund and the disproportionate share hospital fund** established in RSA 167:64.

5 Medicaid Enhancement Tax; Definitions; Reference Change. Amend RSA 84-A:1, VI to read as follows:

VI. “[~~Uncompensated care and~~] Medicaid **payment fund**” [~~means the fund~~] **and “disproportionate share hospital fund” mean the funds** established in RSA 167:64 to reimburse hospitals for costs associated with uncompensated care and shortfalls in publicly funded programs.

6 Medicaid Enhancement Tax; Method of Payment and Deposit of Tax. Amend RSA 84-A:5, I to read as follows:

I. The payments required by RSA 84-A:3 shall be made by electronic transfer of moneys to the state treasurer and deposited to the [~~uncompensated care and Medicaid fund~~] **Medicaid payment fund and disproportionate share hospital fund** established by RSA 167:64.

7 Uncompensated Care and Medicaid Fund; Effective June 30, 2028. RSA 167:64 is repealed and reenacted to read as follows:

167:64 Uncompensated Care and Medicaid Fund.

I. There is hereby established in the state treasury an uncompensated care and Medicaid fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a)(1) The commissioner shall provide reimbursement for uncompensated care costs from the uncompensated care and Medicaid fund through either Medicaid rate adjustments, Medicaid supplemental payments, MCO directed payments to hospitals, disproportionate share hospital payment adjustments, or any other allowable Medicaid payment, including a combination thereof, provided however that no hospital shall

receive any such reimbursement for uncompensated care costs unless it is a qualified hospital as defined in subparagraph (b)(1). Funds available under this section shall also be used to make provider payments and to support Medicaid services and programs administered by the department in amounts directed by the budget in each year of the biennium.

(2) Expenditure of revenues deposited to the uncompensated care and Medicaid fund shall be made for the following purposes in the following order of priority in fiscal years 2018 through 2024. However, no hospital shall be paid uncompensated care cost payments of more than 100 percent of the governing hospital-specific limit on disproportional share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder:

(A) To make uncompensated care cost payments, including the state share and matching federal share, to New Hampshire hospitals with and without critical access designation in the following order of priority, and in the following amounts: fiscal year 2018-a sum equaling 92.2 percent of money collected pursuant to RSA 84-A for the fiscal year; fiscal year 2019-a sum equaling 90.2 percent of money collected pursuant to RSA 84-A for the fiscal year; and fiscal years 2020 through 2024-a sum equaling 86 percent of money collected pursuant to RSA 84-A for the fiscal year. Notwithstanding the foregoing sums for each fiscal year, in no event shall the amounts paid to hospitals as uncompensated care cost hospital payments, including the New Hampshire Hospital, in any particular fiscal year exceed the state share for matching the maximum state disproportionate share hospital allotment established under 42 U.S.C. section 1396r-4(f) for that fiscal year plus the matching federal share. If the maximum state disproportionate share hospital allotment established under 42 U.S.C. section 1396r-4(f) for any fiscal year, less the uncompensated care cost hospital payments to be made to New Hampshire Hospital, plus state matching funds equal to the available federal state disproportionate share hospital allotment for uncompensated care cost hospital payments is less than a sum equaling the percentage of money collected pursuant to RSA 84-A for the fiscal year, any remaining amount, including state and federal share, of the foregoing sums equaling the percentage of money collected pursuant to RSA 84-A for the fiscal year shall be paid to the hospitals as supplemental Medicaid payments, MCO directed payments to hospitals, increased hospital service provider rates, or any other allowable Medicaid payment:

(i) To support 75 percent of the uncompensated care costs of New Hampshire's hospitals with critical access designation consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder to be shared among such hospitals in proportion to the amount of uncompensated care provided;

(ii) To make payments for uncompensated care costs to New Hampshire's hospitals without critical access hospital designation in proportion to the amount of uncompensated care provided by each hospital from the sum equal to the remainder of the percentage of money collected pursuant to RSA 84-A for the fiscal year specified in subparagraph (a)(2)(A).

(iii) If there is a change to the federal definition of uncompensated care costs that would result in a decrease to the calculation in subparagraph (i), the percentage of allowable uncompensated care costs for New Hampshire's hospitals with critical access designation percentage of allowable uncompensated care costs shall increase from 75 percent to a percentage that would be equivalent to their receiving 75 percent of uncompensated care costs calculated without regard to payments from Medicare or third party payers as allowable on the date of the enactment of this provision, except that no hospital shall be paid disproportionate share hospital payments of more than 100 percent of the governing hospital-specific limit on disproportional share hospital payments under Title XIX of the Social Security Act. If increasing the percentage of the allowable uncompensated care costs would exceed 100 percent of the governing hospital specific limit, any amount in excess shall be paid to the New Hampshire hospitals with critical access designation as supplemental Medicaid payments, MCO directed payments to hospitals, increased hospital service provider rates, or any other allowable Medicaid payments.

(B) To make a payment for uncompensated care costs to each hospital that meets the criteria set forth for "deemed disproportionate share hospitals" as that term is defined under 42 U.S.C. section 1396r-4 up to \$250,000 in each year of the biennium as set forth in subparagraph (b)(1)(A). For fiscal years 2018 and 2019 only, any payment under this subparagraph shall not reduce the payments made under subparagraphs (a)(2)(A)(i)-(iii).

(C) To increase hospital service provider rates in fiscal year 2020 through fiscal year 2024, by an amount equal to 5 percent of the revenue collected pursuant to RSA 84-A for the fiscal year.

(D) Any remaining funds produced from the Medicaid enhancement tax shall be used to support provider payments and to support Medicaid services and programs administered by the department.

(E) Hospitals entitled to payments under subparagraphs (a)(2)(A)(i)-(iii) or (a)(2)(C) have a vested contractual right to receive these payments in fiscal years 2018 through 2024 as limited by paragraph IV.

(b)(1) The commissioner is hereby authorized and directed to develop and implement a schedule of payments for reimbursement of the uncompensated care costs consistent with the level of funding made available for such payments in each year of any biennium, incurred by those hospitals that are qualified as follows:

(A) The hospital is a “deemed disproportionate share hospital” as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment; or

(B) The hospital:

(i) Meets the minimum criteria for disproportionate share eligibility under relevant federal statutory changes at 42 U.S.C. 1396r-4(d);

(ii) Is not a special hospital for rehabilitation; and

(iii) Participates in the provider network of the state Medicaid care management program.

(2) The reimbursement of uncompensated care costs paid in state fiscal year 2015 and thereafter shall be in accordance with the schedule of payments to hospitals consistent with this section and shall be structured in a manner that is consistent with all federal laws and regulations governing (i) Title XIX disproportionate share hospital payment adjustments and other rate payments, (ii) conditions for receiving federal financial participation, and (iii) permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all other applicable federal regulations. Disproportionate share hospital payments shall be made under this paragraph by May 31 in any fiscal year.

(c) For purposes of this section, uncompensated care costs shall include: any charity care cost, and any portion of Medicaid-covered patient care costs unreimbursed by Medicaid payments, that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder.

(d) One percent of the funds made available for uncompensated care payments shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

II. Moneys in the uncompensated care and Medicaid fund shall be continually appropriated to the department for the purposes of this subdivision.

III. The department shall secure all necessary waivers pursuant to 42 C.F.R. section 433.68 and approvals of state plan amendments from the Centers for Medicare and Medicaid Services (CMS).

IV. Payment of the federal share of uncompensated care cost hospital payments, supplemental Medicaid payments, MCO directed payments to hospitals, increased hospital service provider rates, and any other allowable Medicaid payment under this section is contingent upon New Hampshire receiving those federal funds and any necessary CMS approvals that the department is required to secure pursuant to paragraph III.

8 Dedicated Funds; Reference Changed; Effective June 30, 2028. Amend RSA 6:12, I(b)(338) to read as follows:

(338) Moneys deposited in the [~~Medicaid payment fund and the disproportionate share hospital fund~~] **uncompensated care and Medicaid fund** established in RSA 167:64.

9 Medicaid Enhancement Tax; Definitions; Reference Change; Effective June 30, 2028. Amend RSA 84-A:1, VI to read as follows:

VI. [~~“Medicaid payment fund” and “disproportionate share hospital fund” mean the funds~~] **Uncompensated care and Medicaid fund means the fund** established in RSA 167:64 to reimburse hospitals for costs associated with uncompensated care and shortfalls in publicly funded programs.

10 Medicaid Enhancement Tax; Method of Payment and Deposit of Tax; Effective June 30, 2028. Amend RSA 84-A:5, I to read as follows:

I. The payments required by RSA 84-A:3 shall be made by electronic transfer of moneys to the state treasurer and deposited to the [~~Medicaid payment fund and disproportionate share hospital fund~~] **uncompensated care and Medicaid fund** established by RSA 167:64.

11 Effective Date.

I. Sections 2-6 of this act shall take effect July 1, 2024.

II. Sections 7-10 of this act shall take effect June 30, 2028.

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

2024-2117s

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the department of health and human services to fund recreational activities for individuals with developmental disabilities.

II. Temporarily restructures the uncompensated care and Medicaid fund under RSA 167:64 as the Medicaid payment fund and disproportionate share hospital fund, administered by the department of health and human services. The bill sunsets changes to the funding distribution mechanism June 30, 2028.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 22, 2024

2024-2152s

05/08

Floor Amendment to HB 1593-FN

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

AN ACT making an appropriation to the department of health and human services to support recreational activities for individuals with developmental disabilities and relative to the uncompensated care and Medicaid fund.

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

2 Uncompensated Care and Medicaid Fund; Definition of Hospital. RSA 167:63, IV is repealed and reenacted to read as follows:

IV. "Hospitals" mean general acute care hospitals licensed under RSA 151 that provide inpatient and outpatient hospital services, but shall not include government facilities or special hospitals for rehabilitation.

3 Hospital Medicaid Payments and Medicaid Payment Fund. RSA 167:64 is repealed and reenacted to read as follows:

167:64 Hospital Medicaid Payments and Medicaid Payment Fund; Disproportionate Share Hospital Fund.

I. There is hereby established in the state treasury a Medicaid payment fund, which shall consist of the moneys collected pursuant to RSA 84-A. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner of the department of health and human services is authorized to expend these funds, together with matching federal funds, as authorized by this section. Investment earnings of the fund shall be credited to the fund. The moneys in the fund shall be nonlapsing and continually appropriated to the department of health and human services for the purpose of making hospital payments and provider payments and to support Medicaid services and Medicaid programs administered by the department of health and human services in accordance with this section.

II. Beginning in state fiscal year 2025 and continuing every state fiscal year thereafter, the commissioner of the department of health and human services shall provide Medicaid payments, subject to the payment conditions set forth in paragraph V, to the hospitals in an amount equal to 93 percent of the money collected pursuant to RSA 84-A in the prior state fiscal year. Payments to the hospitals shall be made in accordance with this section.

III. The commissioner of the department of health and human services shall determine which payment method or methods are used to make the Medicaid payments subject to this section through Medicaid reimbursement for inpatient or outpatient hospital services, Medicaid supplemental payments, managed care directed payments, disproportionate share hospital payment adjustments, or any other Medicaid payment method allowed by the Centers for Medicare and Medicaid Services (CMS). In determining which Medicaid method or methods to utilize and at what percentage for each method, the commissioner shall seek to prevent to the greatest extent possible year over year hospital reimbursement reductions in the aggregate while at the same time achieving the highest available federal match. The commissioner shall work in collaboration with the hospitals in developing those determinations.

IV. All payments made pursuant to this section shall be subject to approval by CMS, and the department shall secure all necessary waivers or approvals to state plan amendments from CMS.

V. Any payments made under this section through directed payments shall comply with 42 CFR 438.6 or any other applicable federal regulation or guidance. The commissioner shall consult with and consider feedback from the hospitals prior to submission of a payment plan to CMS for approval. If CMS does not approve the hospital directed payment plan, the commissioner shall seek to provide payments through increased hospital rates, disproportionate share hospital payments, supplemental Medicaid payments, or any other allowable Medicaid payment method that provides for federal fund matching. For purposes of determining the portion of the payments to the hospitals that are attributable to CMS approved directed payments, the amount shall be the total amount available for the hospitals to earn under any directed payment, including, but not limited

to, any amount of a directed payment that is at risk, value-based, or subject to performance conditions. In no event shall the state be liable for any payments the hospitals fail to earn under any CMS approved directed payments.

VI. In the event the commissioner of the department of health and human services determines there has been a change in federal law, regulations, or CMS guidance that materially impacts payments to the hospitals in accordance with this section or a material change in the amount of money collected pursuant to RSA 84-A, the hospitals and commissioner of the department of health and human services shall collaborate on adjustments, and subject to the commissioner's determination, to the payment method or methods that are used to make the hospital payments subject to this section. In determining which Medicaid method or methods to utilize and at what percentage for each method, the commissioner shall seek to prevent to the greatest extent possible year over year hospital reimbursement reductions in the aggregate, while at the same time achieving the highest available federal match.

VII.(a) Disproportionate share hospital payments shall only be made to a hospital that is:

(1) A "deemed disproportionate share hospital" as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment; or

(2) Meets the minimum criteria for disproportionate share eligibility under relevant federal statutory changes at 42 U.S.C. 1396r-4(d).

(b) For purposes of this paragraph, a hospital's uncompensated care costs, for purposes of calculating a disproportionate share hospital payment, shall include any charity care cost, and any portion of Medicaid-covered patient care costs unreimbursed by Medicaid payments, that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder.

VIII. Payment of the federal share of any amount payable under this section to the hospitals is contingent upon New Hampshire receiving those federal funds and any necessary CMS approvals that the department is required to secure pursuant to paragraph IV. In no event shall the state be liable for any payments in excess of such available federal appropriated funds. In the event of a reduction or termination of appropriated federal funds by any federal legislative or executive action that reduces, eliminates, or otherwise modifies the federal appropriation or availability of funding for the federal share, in whole or in part, the commissioner and the hospitals shall collaborate on adjustments, and subject to the commissioner's determination, to the payment method or methods that are used to make the hospitals payments subject to this section. In determining which Medicaid method or methods to utilize and at what percentage for each method, the commissioner shall seek to prevent to the greatest extent possible year over year hospital reimbursement reductions in the aggregate, while at the same time achieving the highest available federal match. The state shall not be required to transfer funds from any other account or source in the event federal funds are reduced or unavailable.

IX. The remaining funds available under this section shall be used to make provider payments and to support Medicaid services and Medicaid programs administered by the department in amounts directed by the budget in each year of the biennium, and from this an amount of at least 7 percent of the money collected pursuant to RSA 84-A in the prior state fiscal year shall be used to support Medicaid services and Medicaid programs administered by the department of health and human services with first priority to funding Medicaid service provider payments to community mental health centers, federally qualified health centers, substance use disorder providers, and other Medicaid service providers as determined by the commissioner of the department of health and human services.

X. One percent of the funds made available for hospital Medicaid payments shall be placed in a separate class line for purposes of the department administering this section.

XI. No hospital shall be entitled to receive any reimbursement under this section unless it meets the definition of a hospital, as defined in RSA 167:63, IV.

XII. For the purpose of making disproportionate share hospital payments only, there is hereby established in the state treasury the disproportionate share hospital fund, which shall be kept separate and distinct from all other funds. All disproportionate share hospital revenue received by the department of health and human services shall be credited to the fund. The moneys in the fund shall be nonlapsing and continually appropriated to the department of health and human services for the purpose of redistributing disproportionate share hospital funds between and among hospitals for compliance with the federally required disproportionate share hospital examinations.

XIII. Prior to implementing any change in the Medicaid payment methodology under paragraph III, VI, or VIII, the commissioner shall submit a document detailing such changes to the fiscal committee of the general court. The document shall be for informational purposes only and fiscal committee approval shall not be required for the department to proceed with implementation.

4 Dedicated Funds; Reference Changed. Amend RSA 6:12, I(b)(338) to read as follows:

(338) Moneys deposited in the [~~uncompensated care and~~] Medicaid **payment fund and the disproportionate share hospital fund** established in RSA 167:64.

5 Medicaid Enhancement Tax; Definitions; Reference Change. Amend RSA 84-A:1, VI to read as follows:

VI. “[~~Uncompensated care and~~] Medicaid **payment fund**” [~~means the fund~~] **and “disproportionate share hospital fund” mean the funds** established in RSA 167:64 to reimburse hospitals for costs associated with uncompensated care and shortfalls in publicly funded programs.

6 Medicaid Enhancement Tax; Method of Payment and Deposit of Tax. Amend RSA 84-A:5, I to read as follows:

I. The payments required by RSA 84-A:3 shall be made by electronic transfer of moneys to the state treasurer and deposited to the [~~uncompensated care and Medicaid fund~~] **Medicaid payment fund and disproportionate share hospital fund** established by RSA 167:64.

7 Uncompensated Care and Medicaid Fund; Effective June 30, 2028. RSA 167:64 is repealed and reenacted to read as follows:

167:64 Uncompensated Care and Medicaid Fund.

I. There is hereby established in the state treasury an uncompensated care and Medicaid fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a) The commissioner shall provide reimbursement for uncompensated care costs from the uncompensated care and Medicaid fund through either Medicaid rate adjustments, Medicaid supplemental payments, MCO directed payments to hospitals, disproportionate share hospital payment adjustments, or any other allowable Medicaid payment, including a combination thereof, provided however that no hospital shall receive any such reimbursement for uncompensated care costs unless it is a qualified hospital under subparagraph (b). Funds available under this section shall also be used to make provider payments and to support Medicaid services and Medicaid programs administered by the department in amounts directed by the budget in each year of the biennium.

(b) Disproportionate share hospital payments shall only be made to a hospital that is:

(1) A “deemed disproportionate share hospital” as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment; or

(2) Meets the minimum criteria for disproportionate share eligibility under relevant federal statutory changes at 42 U.S.C. 1396r-4(d).

(c) For purposes of this paragraph, a hospital’s uncompensated care costs, for purposes of calculating a disproportionate share hospital payment, shall include any charity care cost, and any portion of Medicaid-covered patient care costs unreimbursed by Medicaid payments, that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder.

II. For the purpose of making disproportionate share hospital payments only, there is hereby established in the state treasury the disproportionate share hospital fund, which shall be kept separate and distinct from all other funds. All disproportionate share hospital revenue received by the department of health and human services shall be credited to the fund. The moneys in the fund shall be nonlapsing and continually appropriated to the department of health and human services for the purpose of redistributing disproportionate share hospital funds between and among hospitals for compliance with the federally required disproportionate share hospital examinations.

III. One percent of the funds made available for hospital Medicaid payments shall be placed in a separate class line for purposes of the department administering this section.

IV. Moneys in the uncompensated care and Medicaid fund shall be continually appropriated to the department for the purposes of this section.

8 Dedicated Funds; Reference Changed; Effective June 30, 2028. Amend RSA 6:12, I(b)(338) to read as follows:

(338) Moneys deposited in the [~~Medicaid payment fund~~] **uncompensated care and Medicaid fund** and the disproportionate share hospital fund established in RSA 167:64.

9 Medicaid Enhancement Tax; Definitions; Reference Change; Effective June 30, 2028. Amend RSA 84-A:1, VI to read as follows:

VI. “[~~Medicaid payment fund~~]” **“Uncompensated care and Medicaid fund”** and “disproportionate share hospital fund” mean the funds established in RSA 167:64 to reimburse hospitals for costs associated with uncompensated care and shortfalls in publicly funded programs.

10 Medicaid Enhancement Tax; Method of Payment and Deposit of Tax; Effective June 30, 2028. Amend RSA 84-A:5, I to read as follows:

I. The payments required by RSA 84-A:3 shall be made by electronic transfer of moneys to the state treasurer and deposited to the ~~[Medicaid payment fund]~~ **uncompensated care and Medicaid fund** and disproportionate share hospital fund established by RSA 167:64.

11 Effective Date.

I. Sections 2-6 of this act shall take effect July 1, 2024.

II. Sections 7-10 of this act shall take effect June 30, 2028.

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

2024-2152s

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the department of health and human services to fund recreational activities for individuals with developmental disabilities.

II. Temporarily restructures the uncompensated care and Medicaid fund under RSA 167:64 as the Medicaid payment fund and disproportionate share hospital fund, administered by the department of health and human services. The bill sunsets changes to the funding distribution mechanism June 30, 2028.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Rosenwald, seconded by Senator Bradley.

The following Senators voted Yes: Gendreau, Lang, Bradley, Watters, Prentiss, Innis, Ward, Ricciardi, Fenton, Chandley, Avar, Rosenwald, Carson, Whitley, Murphy, Pearl, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Abbas, Gannon, Altschiller, Gray.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

President Bradley presiding.

HB 1598-FN-A, relative to the department of health and human services management of social security payments and veterans benefits for children in foster care.

Ought to Pass, Vote 7-0. Senator Rosenwald for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1623-FN, relative to involuntary retirement or decommissioning of electricity generators.

Ought to Pass, Vote 7-0. Senator Pearl for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1666-FN, relative to income reporting requirements for lobbyists.

Ought to Pass, Vote 7-0. Senator Pearl for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to after the Committee on Judiciary. Adopted.

FINANCE

HB 1202-FN, relative to the issuance of permits for the alteration of driveways exiting onto public ways and relative to the definition of disability or special needs under the child care scholarship program.

COMMERCE

HB 1187, relative to prohibiting lease agreements of equipment for building or facility improvements.

Interim Study, Vote 5-0. Senator Gannon for the committee.

The question is on the adoption of the motion of Interim Study. Failed.

Senator Watters moved Ought to Pass.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4

May 22, 2024

2024-2155s

02/06

Floor Amendment to HB 1187

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

1 Lease Agreements of Equipment. Amend RSA 33:7-e to read as follows:

33:7-e Lease Agreements of Equipment. The governing body may enter into leases of equipment as required by the municipality. Appropriations to fund lease agreements with nonappropriation clauses may be approved by a simple majority vote of the legislative body. Lease agreements with nonappropriation clauses shall not be treated as debt under RSA 33:4-a. For the purposes of this section, "lease" shall include lease-purchase, sale and lease back, installment sale, or other similar agreement to acquire use or ownership of such equipment as is from time to time required by the municipality. ~~[For purposes of this section and RSA 382-A,]~~ Building or facility improvements *that become fixtures* related to the installation, purpose, or operation of such equipment, *except for energy performance contracts as authorized by RSA 21-I:19-d*, shall *not* ~~[be deemed to constitute equipment and the costs of such improvements may]~~ be financed through lease agreements under this section.

2 Lease Agreements of Equipment; Effective 2027. RSA 33:7-e is repealed and reenacted to read as follows:

33:7-e Lease Agreements of Equipment. The governing body may enter into leases of equipment as required by the municipality. Appropriations to fund lease agreements with nonappropriation clauses may be approved by a simple majority vote of the legislative body. Lease agreements with nonappropriation clauses shall not be treated as debt under RSA 33:4-a. For the purposes of this section, "lease" shall include lease-purchase, sale and lease back, installment sale, or other similar agreement to acquire use or ownership of such equipment as is from time to time required by the municipality. Building or facility improvements that become fixtures related to the installation, purpose, or operation of such equipment shall not be financed through lease agreements under this section.

3 Effective Date.

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

II. Section 2 of this act shall take effect July 1, 2027.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1241, relative to the regulation of money transmitters and relative to license applications and renewals for certain consumer credit entities.

Ought to Pass with Amendment, Vote 5-0. Senator Chandley for the committee.

Commerce

May 14, 2024

2024-1932s

06/08

Amendment to HB 1241

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

AN ACT relative to the regulation of money transmitters, license applications and renewals for certain consumer credit entities, and to deceptive ticket sale practices.

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

6 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts Unlawful; Unauthorized Resellers. Amend RSA 358-A:2 by inserting after paragraph XVIII the following new paragraph:

XIX.(a) In this paragraph:

(1) "Clear and conspicuous" or "clearly and conspicuously" means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers.

(2) "Resale" means the second or subsequent sale of a ticket. "Resale" includes a sale by any means, including in person, by telephone, by mail, by e-mail, by facsimile, or through a website or other electronic means.

(3) “Reseller” means a person engaged in the resale of tickets.

(4) “Secondary ticket exchange” means an electronic marketplace that enables consumers to sell, purchase, and resell tickets.

(5) “Ticket” means physical, electronic, or other evidence, that grants the possessor of the evidence license to enter a place of entertainment for one or more events at a specified date and time.

(6) “Ticket Issuer” means a person that, directly or indirectly, issues initial tickets for an entertainment event. “Ticket issuer” includes a musician or musical group, an operator of a venue, a sponsor or a promoter of an entertainment event, a sports team participating in an entertainment event, a sports league whose teams are participating in an entertainment event, a theater company, a marketplace or service operated for consumers to make an initial purchase of tickets, or an agent of any of the persons listed in this subparagraph.

(7) “URL” means the Uniform Resource Locator associated with an online website.

(b) This subparagraph applies only to secondary ticket exchanges, ticket issuers, resellers, and any person selling or reselling a ticket. The listing for a ticket shall:

(1) Clearly and conspicuously disclose the total price of the ticket, including all fees and surcharges required to be paid in order to purchase the ticket, from the first time a price is displayed and anytime thereafter;

(2) Not increase the total price of the ticket from the first time a price is displayed, excluding the addition of reasonable postage or carrier charges incurred to ship non-electronic tickets based on the location or delivery method selected by the purchaser, which shall be disclosed and added to the total cost prior to purchase; and

(3) Identify the row number and zone or section of the ticket, to the extent applicable to the seat and venue.

(c) This subparagraph shall not apply to a person who is acting on behalf of a ticket issuer. A person who owns, operates, or controls a website to sell, resell, or facilitate the sale or resale of a ticket may not use or display:

(1) Any trademarked or copyrighted URL, title, designation, image, mark, or any other symbol of a ticket issuer; or

(2) Any combination of text, images, website, graphics, website display, or website addresses that is substantially similar to the website of a ticket issuer in a manner that could reasonably be expected to mislead a potential purchaser.

(3) This subparagraph does not prohibit a reseller or secondary ticketing exchange from using text or images containing the name of a ticket issuer, a place of entertainment, or an event in order to:

(A) Describe an event;

(B) Identify the location at which the event will occur; or

(C) Identify the space within the venue that the event ticket would or has entitled the bearer to occupy for an entertainment event.

7 Effective Date.

I. Sections 1 through 5 of this act shall take effect 60 days after its passage.

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

2024-1932s

AMENDED ANALYSIS

This bill:

I. Adopts the model money transmission modernization act.

II. Adjusts renewal procedures for certain consumer credit entities to align with those in the model money transmission.

III. Regulates secondary ticket exchanges, ticket issuers, and resellers.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Rosenwald offered a Floor Amendment.

Sen. Rosenwald, Dist 13

May 23, 2024

2024-2165s

06/08

Floor Amendment to HB 1241

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

AN ACT relative to the regulation of money transmitters, license applications and renewals for certain consumer credit entities; deceptive ticket sale practices; and, requiring the investment advisor for the public deposit investment pool to maintain funds in a particular manner.

Amend the bill by replacing all after section 6 with the following:

7 Public Deposit Investment Pool. Amend RSA 6:45, II to read as follows:

II. The public deposit investment pool shall be operated under contract with a private investment advisor, approved by the state treasurer and advisory committee. The state treasurer and advisory committee shall choose an investment advisor by requesting proposals from advisors and reviewing such proposals based on criteria ~~[adopted by rule under RSA 6:46]~~ **established by the state treasurer.**

8 New Paragraphs; Investment Advisor Obligations. Amend RSA 6:45 by inserting after paragraph II the following new paragraphs:

II-a. The investment advisor selected by the state treasurer and advisory committee shall strive to maintain no less than 30 percent of the funds held by the public deposit investment pool in insured or collateralized deposits that meet the requirements of RSA 6:8,I and 6:8,I-a.

II-b. The investment advisor selected by the state treasurer and advisory committee shall achieve and maintain the highest attainable rating for stable value local government investment pools. The credit rating is an indication of the ability to preserve principal as determined by a nationally recognized statistical ratings organization.

9 Rulemaking; State Treasurer. Amend RSA 6:46 to read as follows:

6:46 Rulemaking.

The state treasurer ~~[shall]~~ **may**, with the approval of the advisory committee, adopt rules, pursuant to RSA 541-A, relative to:

I. Formulation of a disclosure policy and materials to be included in a prospectus and in periodic reports to participants, including:

- (a) A written statement of policy and pool objectives;
- (b) Investment objectives designed to meet the pool objectives;
- (c) A description of eligible investment instruments;
- (d) The credit standard of investment;
- (e) Allowable maturity range of investments;
- (f) The limits of portfolio concentration permitted for each type of security;
- (g) Safekeeping practices **and disclosure of percentage of funds that are collateralized;**
- (h) Definition of pool participant eligibility;
- (i) Disclosure of size of accounts, size of transactions and administrative costs;
- (j) **Disclosure of the amount of funds invested or deposited within the state of New Hampshire;** and
- (k) Instructions for establishing and utilizing accounts.

II. Investment and administrative policies, practices, and restrictions, including the frequency and method used for calculating valuation, yields, and earnings.

III. Requests for proposals from investment managers and criteria for reviewing such proposals.

10 Repeal. RSA 6:45, II-a and II-b, relative to investment advisor obligations, is repealed.

11 Effective Date.

I. Sections 1 through 5 of this act shall take effect 60 days after its passage.

II. Section 6 of this act shall take effect January 1, 2025.

III. Section 10 of this act shall take effect December 30, 2030.

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

2024-2165s

AMENDED ANALYSIS

This bill:

I. Adopts the model money transmission modernization act.

II. Adjusts renewal procedures for certain consumer credit entities to align with those in the model money transmission.

III. Regulates secondary ticket exchanges, ticket issuers, and resellers.

IV. Encourages the investment advisor for the public deposit investment pool maintain no less than 30 percent of the funds held by the public deposit investment pool in insured or collateralized deposits and requires them to achieve and maintain the highest attainable rating for stable value local government investment pools.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1243, revising the laws relative to retail installment sales of motor vehicles.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

Senator Fenton offered a Floor Amendment.

Sen. Fenton, Dist 10
May 23, 2024
2024-2168s
06/05

Floor Amendment to HB 1243

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

AN ACT revising the laws relative to retail installment sales of motor vehicles, and relative to the sale of a vehicle to a Massachusetts resident.

Amend the bill by replacing all after section 3 with the following:

4 Repeal. RSA 261:56-a, relative to vehicles sold to Massachusetts residents, is repealed.

5 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2024.

II. The remainder of this act shall take effect 30 days after its passage.

2024-2168s

AMENDED ANALYSIS

This bill revises the law on retail installment sales of motor vehicles administered by the banking department and is a request of the banking department.

This bill also eliminates the requirement that a retail motor vehicle dealer submit a form notifying the New Hampshire department of motor vehicles of a sale of a vehicle to a Massachusetts resident.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
May 22, 2024
2024-2145s
06/08

Floor Amendment to HB 1243

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

AN ACT revising the laws relative to retail installment sales of motor vehicles, and relative to property tax offset for the town of Hampstead and making an appropriation therefor.

Amend the bill by replacing all after section 3 with the following:

4 Department of Health and Human Services; Hampstead Hospital; Property Tax Offset. The department of health and human services is hereby appropriated \$154,000 in general funds for the fiscal year ending June 30, 2025. From this amount and amounts appropriated in the state operating budget account 05-95-98-980010-2648, the department shall distribute \$191,166 in the fiscal year ending June 30, 2025 to the town of Hampstead, to offset impacts to the town's property tax base resulting from the state's acquisition of the Hampstead hospital. The governor is authorized to draw a warrant for the amount appropriated in this section out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 - 3 of this act shall take effect January 1, 2025.

II. The remainder of this act shall take effect on July 1, 2024.

2024-2145s

AMENDED ANALYSIS

This bill:

I. Revises the law on retail installment sales of motor vehicles administered by the banking department.

II. Is a request of the banking department.

III. Makes an appropriation to the department of health and human services and the town of Hampstead to offset the reduction in tax revenue from the state's acquisition of Hampstead hospital.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

HB 1259, relative to property and casualty insurance laws administered by the insurance department. Ought to Pass, Vote 5-0. Senator Innis for the committee.

President Pro Tempore Gray presiding.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 23, 2024

2024-2164s

05/08

Floor Amendment to HB 1259

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

AN ACT relative to property and casualty insurance laws administered by the insurance department; and making an appropriation to the department of environmental services to fund regional drinking water infrastructure.

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

6 Department of Environmental Services; Appropriation. The sum of \$25,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the department of environmental services from a combination of federal funds, the drinking water and groundwater trust fund established under RSA 485-F, the PFAS remediation loan and grant fund established under RSA 485-H, and local contributions for the purpose of funding regional drinking water infrastructure as part of Phase 2 of the Southern New Hampshire Regional Water Project to increase water supply by over 2 million gallons per day to multiple towns impacted by per- and polyfluoroalkyl substance contamination and growing water demands. The infrastructure shall include all ancillary projects needed, including but not limited to booster pumping stations, pressure reducing stations, water storage tanks, water mains, raising the water level of Lake Massabesic, and all associated design and construction permits. This sum shall be nonlapsing.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2024.

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

2024-2164s

AMENDED ANALYSIS

This bill clarifies the distinction between personal and commercial lines in homeowners policies; permits the use of electronic communication for auditable basis policies; requires the insurer to state the specific reason for cancellation or refusal to renew a policy; and provides an exemption to the insurance claims adjusters statute for persons who solely handle automobile glass claims.

The bill also makes an appropriation to the department of environmental services for the funding of regional drinking water infrastructure as part of Phase 2 of the Southern New Hampshire Regional Water Project to increase water supply to multiple towns impacted by PFAS contamination and growing water demands.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

President Bradley presiding.

ENERGY AND NATURAL RESOURCES

HB 1499, establishing a committee to study the civilian clean energy, community resilience, and conservation corps.

Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

May 21, 2024

2024-2120s

02/08

Floor Amendment to HB 1499

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

AN ACT establishing a committee to study the civilian clean energy, community resilience, and conservation corps, and establishing a committee to study the child protection act.

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

6 Committee Established. There is established a committee to study the child protection act.

7 Membership and Compensation.

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

(a) Two members of the senate, one from the majority and one from the minority, 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.

8 Duties. The committee shall:

I. Study the definitions under the child protection act.

II. Study circumstances creating a rebuttable presumption of harm under RSA 169-C:12-f and prospective repeal of the section on July 1, 2024, pursuant to 2020, 26:56.

III. Study the expansion of the child abuse reporting requirement to include health care providers who treat a child under 13 years of age for a sexually transmitted disease.

IV. Propose any legislation the committee deems appropriate as a result of its study.

9 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.

10 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, 2024.

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

2024-2120s

AMENDED ANALYSIS

This bill establishes a study committee to study clean energy, community resilience and conservation corps. This bill also establishes a committee to study the child protection act.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1078, directing the division of emergency services and communications to examine gaps in radio and broadband communications coverage with a focus on the needs of first responders.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration
 May 15, 2024
 2024-1993s
 06/05

Amendment to HB 1078

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

AN ACT relative to directing the division of emergency services and communications to examine gaps in radio and broadband communications coverage, and the department of safety establishing a repository of maps showing radio systems within the state.

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

2 New Section; Department of Safety; Radio System Repository. Amend RSA 21-P by inserting after section 15-c the following new section:

21-P:15-d Radio System Repository. The department of safety, through its officials, shall:

I. Establish and maintain a comprehensive catalog of maps showing tower and site locations of all municipal, county, and state government radio systems throughout the state.

II. Collect maps from every municipality, county, and state agency, detailing the locations of their radio systems.

III. Receive regular updates from municipalities, counties, and state agencies to ensure the repository remains current and accurate.

IV. Collaborate with the municipalities, counties, and state agencies to efficiently gather information and updates.

V. Provide access and to the repository for all municipalities, counties, state agencies and relevant stakeholders involved in emergency services and public safety communication.

VI. Permit municipalities and counties may utilize the repository to enhance their own radio capabilities and to identify areas with gaps in radio coverage.

VII. Provide guidance on usage of the repository when requested.

2024-1993s

AMENDED ANALYSIS

This bill:

I. Directs the division of emergency services and communications to investigate how to close gaps in radio and broadband communications coverage, with a focus on the needs of first responders.

II. Directs the department of safety to establish a repository of maps showing radio systems, collect and update maps from various sources, and provide access and guidance to the repository.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Pearl offered a Floor Amendment.

Sen. Pearl, Dist 17
 May 21, 2024
 2024-2093s
 06/05

Floor Amendment to HB 1078

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

AN ACT relative to the department of safety establishing a repository of maps showing radio systems within the state.

Amend the bill by replacing section 1 with the following:

1 New Section; Department of Safety; Radio System Repository. Amend RSA 21-P by inserting after section 15-c the following new section:

21-P:15-d Radio System Repository. The department of safety, through its officials, shall:

I. Establish and maintain a comprehensive catalog of maps showing tower and site locations of all municipal, county, and state government radio systems throughout the state.

II. Collect maps from every municipality, county, and state agency, detailing the locations of their radio systems.

III. Receive regular updates from municipalities, counties, and state agencies to ensure the repository remains current and accurate.

IV. Collaborate with the municipalities, counties, and state agencies to efficiently gather information and updates.

V. Provide access and to the repository for all municipalities, counties, state agencies and relevant stakeholders involved in emergency services and public safety communication.

VI. Permit municipalities and counties may utilize the repository to enhance their own radio capabilities and to identify areas with gaps in radio coverage.

VII. Provide guidance on usage of the repository when requested.

2024-2093s

AMENDED ANALYSIS

This bill directs the department of safety to establish a repository of maps showing radio systems, collect and update maps from various sources, and provide access and guidance to the repository.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1585, relative to the position of certified assisted living medication aide.

Ought to Pass with Amendment, Vote 5-0. Senator Perkins Kwoka for the committee.

Senate Executive Departments and Administration

May 15, 2024

2024-2005s

05/06

Amendment to HB 1585

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

AN ACT relative to the position of certified assisted living medication aide.

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

1 New Paragraph; Nurse Practice Act; Definition of Administrator Added. Amend RSA 326-B:2 by inserting after paragraph I-a the following new paragraph:

I-b. "Administrator" means the licensee or individual appointed by the licensee of the facility to be responsible for all aspects of the daily operation of the licensed premise.

2 New Paragraphs; Nurse Practice Act; Definitions Added. Amend RSA 326-B:2 by inserting after paragraph II the following new paragraphs:

II-a. "Certified assisted living medication aide" or "CALMA" means an individual who is certified by the office of professional licensure and certification to administer specific classes of and routes of medication, as described in rule, in a residential setting as defined in RSA 151:9, VII(a)(1) and RSA 151:9, VII(a)(2) under the direction of the facility administrator with access to clinical consultation 24 hours a day.

II-b. "Clinical consultant" means an APRN, RN, LPN, PA, or physician available electronically or in person 24 hours a day to provide clinical consultation.

3 New Section; Nurse Practice Act; Scope of Practice; Certified Assisted Living Medication Aide. Amend RSA 326-B by inserting after section 14 the following new section:

326-B:14-a Scope of Practice; Certified Assisted Living Medication Aide.

I. A certified assisted living medication aide (CALMA) shall practice under the supervision of the administrator of the licensed facility and have access to clinical consultation 24 hours a day appropriate for the setting in accordance with regulations established pursuant to RSA 326-B:4, I.

II. A CALMA is responsible for competency in the CALMA education program curriculum approved by the board.

III. A CALMA is authorized to administer medication if:

(a) The individual holds a currently valid certificate of completion from a board-approved CALMA education program; and

(b) The persons served are in a residential setting as defined in RSA 151:9, VII(a)(1) and (2).

IV. After successful completion of the CALMA education program, a CALMA shall be able to:

(a) Apply knowledge and techniques in the practice of medication administration;

(b) Communicate effectively with the administrator and other health care professionals concerning the administration of medication;

(c) Maintain safe and effective methods of medication administration; and

(d) Maintain records as directed by the administrator of the facility.

V. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6. 4 New Section; Nurse Practice Act; Certified Assisted Living Medication Aide. Amend RSA 326-B by inserting after section 27 the following new section:

326-B:27-a Certified Assisted Living Medication Aide (CALMA).

I. Applicants for an initial certification for CALMA shall:

(a) Have participated in and completed a board-approved CALMA education program which offers a minimum of 40 hours of classroom and clinical setting education as defined by the board.

(b) Have passed an examination approved by the board.

(c) Have paid the certification fee.

(d) Be an employee of a residential care facility or supported residential care facility.

(e) Be at least 18 years of age.

II. Certification shall be renewed as required by RSA 310:8.

5 New Paragraph; Nurse Practice Act; Continuing Education; CALMA. Amend RSA 326-B:31 by inserting after paragraph III the following new paragraph:

IV. A CALMA shall complete 8 hours of continuing education relative to medication administration in programs approved by the board every 2 years.

6 New Paragraph; Nurse Practice Act; Rulemaking; Medication Administration. Amend RSA 326-B:9 by inserting after paragraph XIV the following new paragraph:

XV. Criteria for the administration of medications and the process of approving a registered nurse to conduct a medication administration educational program. Such rules shall include CALMA continuing education regarding medication administration under RSA 326-B:31, IV.

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

2024-2005s

AMENDED ANALYSIS

This bill defines the position of certified assisted living medication aide (CALMA) under the nurse practice act, provides for certification as a CALMA through the office of professional licensure and certification, and authorizes a CALMA to administer medication to individuals in specified residential settings.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23

May 23, 2024

2024-2181s

05/06

Floor Amendment to HB 1585

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

AN ACT relative to the position of certified assisted living medication aide and relative to the state loan repayment program for qualified nursing professionals, and making an appropriation therefor.

Amend the bill by replacing all after section 6 with the following:

7 Appropriation. For the biennium ending June 30, 2025, the sum of \$300,000 is hereby appropriated to the department of health and human services, state office of rural health, established under RSA 126-A:5, XVIII, for deposit into the state loan repayment program, established pursuant to RSA 6:12, I(b)(330). These dedicated, non-lapsing funds shall be limited to qualified nursing professionals licensed under RSA 326-B, the nurse practice act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Reporting. The department of health and human services shall provide 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 over health and human services, the senate clerk, the house clerk, the governor, and the state library. This report shall contain a budget proposal for a student loan forgiveness program that would cover nurses who do not qualify for the state loan repayment program, and shall be submitted on or before November 1, 2024.

9 Effective Date.

I. Sections 1-6 of this act shall take effect 60 days after its passage.

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

2024-2181s

AMENDED ANALYSIS

This bill defines the position of certified assisted living medication aide (CALMA) under the nurse practice act, provides for certification as a CALMA through the office of professional licensure and certification, and authorizes a CALMA to administer medication to individuals in specified residential settings.

The bill also makes an appropriation to the department of health and human services, state office of rural health, for the state loan repayment program to qualified nursing professionals, and directs the department of health and human services to provide a report to the legislature on a budget proposal for a student loan forgiveness program that would cover nurses who do not qualify for the state loan repayment program.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

May 21, 2024

2024-2129s

08/06

Floor Amendment to HB 1585

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

AN ACT relative to the position of certified assisted living medication aide, and directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment, creating a new position, and making an appropriation therefor.

Amend the bill by replacing all after section 6 with the following:

7 New Paragraphs; Office of Professional Licensure and Certification; Notifications. Amend RSA 310:5 by inserting after paragraph V the following new paragraphs:

VI. All boards, councils, and commissions within the office of professional licensure and certification shall notify the public of any public meeting no less than 14 calendar days prior to the meeting unless, the chair of the board deems it prudent to hold a public meeting without sufficient notice under this section. In such instances, meetings shall be noticed in accordance with RSA 91-A. All governmental records, as defined in RSA 91-A:1-a, III, distributed to the board, council, or commission for the meeting shall be available to the public no less than 7 calendar days prior to the meeting, provided the governmental records do not contain information exempt from disclosure under RSA 91-A:5 or other applicable law. The chair of the board, council, or commission shall add items to the agenda within 7 calendar days of a meeting if, at the chair's discretion, the public's interest in the board addressing the matter outweighs the public's interest in timely access to governmental records associated with the new agenda item. In such circumstances, governmental records shall be available to the public as soon as reasonably practicable. If it is not practicable to make available to the public at least one day prior to a meeting, then paper copies of governmental records associated with the new agenda item shall be available at the meeting location upon request, provided the governmental records to be considered have undergone legal review to identify information exempt from disclosure. In such instances, materials associated with the new agenda item shall undergo legal review and be made available to the public within 7 calendar days of the public meeting or in accordance with RSA 91-A when the chair deems it prudent to hold a public meeting without sufficient notice under this section. This paragraph shall not apply to emergency meetings conducted pursuant to RSA 91-A:2; emergency hearings conducted pursuant to RSA 541-A:30, III or RSA 310:12, IV; disciplinary and non-disciplinary adjudicative or remedial proceedings conducted pursuant to RSA 310:10; and, unlicensed practice hearings conducted pursuant to RSA 310:13.

VII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for comment from the public, virtually or in person, at public meetings, in a manner established by the board, council, or commission chair within 7 calendar days of the public meeting or in accordance with RSA 91-A when the chair deems a meeting must be held without sufficient notice under this section. This paragraph shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III or RSA 310:12, IV; disciplinary and non-disciplinary remedial proceedings conducted pursuant to RSA 310:10; and, unlicensed practice hearings conducted pursuant to RSA 310:13.

VIII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for the public to submit written comments on matters before the board, council, or commission. This paragraph shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III or RSA 310:12, IV; disciplinary and non-disciplinary remedial proceedings conducted pursuant to RSA 310:10; and, unlicensed practice hearings conducted pursuant to RSA 310:13.

8 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

I. One attorney II position, labor grade 28, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be a charge against the office of professional licensure and certification fund in RSA 310:5.

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

2024-2129s

AMENDED ANALYSIS

This bill:

I. Defines the position of certified assisted living medication aide (CALMA) under the nurse practice act, provides for certification as a CALMA through the office of professional licensure and certification, and authorizes a CALMA to administer medication to individuals in specified residential settings.

II. Directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings.

III. Establishes an attorney II position for the office of professional licensure and certification.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Perkins Kwoka offered a Floor Amendment.

Sen. Perkins Kwoka, Dist 21

May 23, 2024

2024-2185s

05/06

Floor Amendment to HB 1585

Amend the introductory paragraph of RSA 326-B:14-a, III as inserted by section 3 of the bill by replacing it with the following:

III. A CALMA is authorized to administer non-injectable medication if:

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

President Pro Tempore Gray presiding.

HB 1236, relative to repealing the commission on the status of health coverage markets for individuals and small employers.

Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Health and Human Services

May 15, 2024

2024-1996s

05/08

Amendment to HB 1236

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

AN ACT establishing a pilot recruitment and retention program within the department of health and human services.

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

1 Department of Health and Human Services; Recruitment and Retention Program; Pilot.

I. The general court finds that the recruitment and retention of employees within the department of health and human services is necessary to maintaining a strong and vital workforce within the array of critical service deliveries within its jurisdiction including those administered through the department's division for children, youth and families and Hampstead hospital residential treatment facility (HHRTF). The intent of this act is to proactively address vacancy rates, fluctuations experienced in census populations, acuity of care and reliance on contracted staff at the current Sununu youth services center (SYSC) and at the secured treatment facility to replace SYSC and at HHRTF.

II. The department shall establish a pilot recruitment and retention program. The program may include:

(a) Any recruitment or retention incentives received by a department employee pursuant to this paragraph shall not be considered gifts under RSA 15-B.

(b) Any expenditures made for recruitment or retention incentives pursuant to this paragraph shall be considered a matter of legislatively enacted public policy that is designed to benefit certain department employees and the state, and that is confined exclusively to the public employer by statute as provided in RSA 273-A:1, XI, and which shall not be subject to collective bargaining. Nothing in this paragraph shall be construed to invalidate any portion of a collective bargaining agreement entered into by the state.

III. On or before December 31, 2024, the department shall provide a report on the effectiveness of the pilot established in paragraph II for possible inclusion in the state operating budget for the biennium ending June 30, 2027, to the senate health and human services committee, the house health, human services and elderly affairs committee, the senate and house finance committees, the senate president, the speaker of the house of representatives, and the governor.

2 Repeal. Section 1 of this act, relative to a pilot recruitment and retention program within the department of health and human services, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect September 15, 2025.

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

2024-1996s

AMENDED ANALYSIS

This bill establishes a pilot recruitment and retention program in the department of health and human services.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 23, 2024

2024-2174s

08/05

Floor Amendment to HB 1236

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

AN ACT establishing a pilot recruitment and retention program within the department of health and human services and authorizing the department of administrative services to establish certain positions at Hampstead Hospital Residential Treatment Facility.

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

2 Department of Administrative Services; Hampstead Hospital Residential Treatment Facility; Establishing Certain Positions.

I. For the biennium ending June 30, 2025, the department of administrative services shall have the authority to establish any temporary or permanent positions necessary for the department of health and human services to hire and retain the staff currently employed by Wellpath Recovery Solutions, LLC to work at Hampstead Hospital Residential Treatment Facility (HHRTF).

II. Notwithstanding any law or rule to the contrary, staff working at HHRTF pursuant to paragraph I shall maintain current pay and vacation, sick, and leave time. State health and dental benefits shall be available upon hire. Accruals for vacation, sick, and leave time shall be determined based on a staff member's length of service at HHRTF, taking into account all years of service, no matter the employer.

3 Repeal. Section 1 of this act, relative to a pilot recruitment and retention program within the department of health and human services, is repealed.

4 Effective Date.

I. Section 2 of this act shall take effect June 1, 2024.

II. Section 3 of this act shall take effect September 15, 2025.

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

2024-2174s

AMENDED ANALYSIS

This bill establishes a pilot recruitment and retention program in the department of health and human services and authorizes the department of administrative services to establish certain positions at Hampstead Hospital Residential Treatment Facility for staff currently employed by Wellpath Recovery Solutions, LLC.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 21, 2024

2024-2079s

05/06

Floor Amendment to HB 1236

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

AN ACT establishing a pilot recruitment and retention program within the department of health and human services and relative to the income eligibility for “in and out medical assistance” under the state Medicaid plan.

Amend the bill by replacing all after section 2 with the following:

3 Department of Health and Human Services; Income Eligibility for “In and Out Medical Assistance.” Amend 2020, 39:1 to read as follows:

39:1 Department of Health and Human Services; Income Eligibility for “In and Out Medical Assistance.” The commissioner of the department of health and human services shall amend the income eligibility requirement for “in and out medical assistance” defined in section 625 of the department’s medical assistance manual as less than or equal to 133 1/3 percent of the section 1931 income limit or using methodology as described in section 1902(r)(2) of the federal Social Security Act. ***Subject to approval by the Centers for Medicare and Medicaid Services, effective January 1, 2025, the income eligibility limit shall be increased by 3.2 percent. Beginning July 1, 2025, and annually thereafter each July 1, the income eligibility limit shall be adjusted in accordance with the federal Social Security Administration’s annual cost of living adjustment in effect on January 1 of the same respective calendar year.***

4 Department of Health and Human Services; Income Eligibility for “In and Out Medical Assistance;” Supplemental Appropriation. The sum of \$671,298 for the fiscal year ending June 30, 2025, is hereby appropriated to the department of health and human services for the purposes of implementing section 3 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The department may accept and expend matching federal funds for this purpose without prior approval of the fiscal committee.

5 Effective Date.

I. Section 2 of this act shall take effect September 15, 2025.

II. Sections 3 and 4 of this act shall take effect July 1, 2024.

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

2024-2079s

AMENDED ANALYSIS

This bill establishes a pilot recruitment and retention program in the department of health and human services. The bill also directs the department of health and human services to increase the income eligibility limit for “in and out medical assistance” under the state Medicaid plan, and makes an appropriation to the department for this purpose.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

President Bradley presiding.

HEALTH AND HUMAN SERVICES

HB 1349-FN, relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

Ought to Pass, Vote 3-2. Senator Whitley for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 1069, relative to material subject to disclosure under the right-to-know law.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary

May 14, 2024

2024-1966s

05/02

Amendment to HB 1069

Amend the bill by replacing section 2 with the following:

2 Minutes and Records Available for Public Inspection; Electronic Record Requests. Amend RSA 91-A:4, I to read as follows:

I. ~~[Every citizen]~~ **Any person** during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. In this section, "to copy" means the reproduction of original records by whatever method, including, but not limited to photography, photostatic copy, printing, or electronic or tape recording.

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

4 New Paragraph; Access to Governmental Records and Meetings; Minutes and Records Available for Public Inspection. Amend RSA 91-A:4 by inserting after paragraph V the following new paragraph:

V-a.(a) Any person may request governmental records electronically or by mail without physically appearing at the regular business premises of public bodies or agencies to request governmental records.

(b) At the election of the person requesting the records, the public body or agency shall provide such records electronically or by mail without requiring the person's physical appearance at its business premises to receive delivery of the records. If the person requests that the records be provided by mail, the public body or agency may charge the person the cost of postage. No charge shall be made for records delivered electronically.

(c) The public body or agency shall not be required to provide records electronically in a format other than the format under which the public body or agency regularly maintains such records, unless the application, program, or format in which the records are stored or accessed is capable of producing the records into a standard or common file format, in which case the public body or agency shall provide the records in the standard or common file format requested.

(d) The public body or agency shall not be required to provide records electronically if it lacks the technological capability to do so, if doing so would be unduly burdensome, or if doing so would compromise the security of its record-keeping system.

SPECIAL ORDER

Without objection, HB 1069 is Special Ordered to be the first bill after break. Adopted.

HB 1118, relative to the issuance of drivers' licenses for aliens temporarily residing in New Hampshire. Interim Study, Vote 5-0. Senator Abbas for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

SPECIAL ORDER

Without objection, HB 1189 is Special Ordered to after HB 1069. Adopted.

HB 1197, relative to criminal background checks.

Ought to Pass, Vote 5-0. Senator Chandley for the committee.

Senator Perkins Kwoka offered a Floor Amendment.

Sen. Perkins Kwoka, Dist 21

May 21, 2024

2024-2121s

09/08

Floor Amendment to HB 1197

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

AN ACT relative to criminal background checks and relative to insurance coverage for intrauterine insemination.

Amend the bill by replacing all after section 25 with the following:

26 New Section; Accident and Health Insurance; Coverage for Intrauterine Insemination. Amend RSA 415 by inserting after section 18-ee the following new section:

415:18-ff Coverage for Intrauterine Insemination.

I. Each health carrier that issues or renews any group policy, plan, or contract of health insurance providing benefits for medical or hospital expenses, shall provide certificate holders of such insurance coverage for up to 6 rounds of intrauterine insemination per plan year in accordance with medical necessity per standards or guidelines developed by the American Society for Reproductive Medicine, the American College of Obstetricians and Gynecologists, or the Society for Assisted Reproductive Technology, subject to a deductible, copayments, coinsurance, or other cost-sharing requirements as set forth in the policy.

II. Coverage under paragraph I shall not apply to plans available through the Small Business Health Options Program or to Extended Transition to Affordable Care Act-Compliant Policies.

27 Effective Date.

I. Section 2 through 23 of this act shall take effect on June 30, 2025.

II. Section 25 of this act shall take effect September 1, 2025.

III. Section 26 of this act shall take effect January 1, 2025.

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

2024-2121s

AMENDED ANALYSIS

This bill amends various statutes to authorize additional personnel to take fingerprints of those undergoing non-criminal related background checks. This bill further establishes a multi-agency task force designed to review the need for Federal Bureau of Investigation Criminal History Record Information checks across employment and volunteer positions in the state, and requires reports related to their findings and recommendations.

This bill also requires health insurance to cover certain fertility treatments.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4

May 23, 2024

2024-2161s

08/06

Floor Amendment to HB 1197

Amend the bill by replacing all after section 24 with the following:

25 Fish and Game Guide Applications. Amend RSA 215:2 to read as follows:

Application for a license shall be made to the executive director, or [to some person designated by him.] their designee. The executive director shall prescribe rules and regulations under which such licenses shall be issued.

26 New Paragraphs; Fish and Game Guide License Applications; Criminal Background Check. Amend RSA 215:2 by inserting after the introductory paragraph the following new paragraphs:

I. Every new applicant applying for a New Hampshire guide's license for the first time shall submit to the fish and game department a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of any criminal history record to the department.

II. 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 department 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.

III. The department 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 criminal history records to the department.

IV. The chief of the fish and game law enforcement division or their designee shall review the criminal record information prior to making a registration decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

27 Repeal. RSA 106-B:14-d, relative to a multi-agency task force, is repealed.

28 Effective Date.

I. Section 2 through 23 of this act shall take effect on June 30, 2025.

II. Section 27 of this act shall take effect September 1, 2025.

III. Sections 24 through 26 of this act shall take effect 60 days after its passage.

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

2024-2161s

AMENDED ANALYSIS

This bill amends various statutes to authorize additional personnel to take fingerprints of those undergoing non-criminal related background checks. This bill further establishes a multi-agency task force designed to review the need for Federal Bureau of Investigation Criminal History Record Information checks across employment and volunteer positions in the state, and requires reports related to their findings and recommendations.

This bill requires a criminal background check when applying for a fish and game guide license.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

HB 1069, relative to material subject to disclosure under the right-to-know law.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary

May 14, 2024

2024-1966s

05/02

Amendment to HB 1069

Amend the bill by replacing section 2 with the following:

2 Minutes and Records Available for Public Inspection; Electronic Record Requests. Amend RSA 91-A:4, I to read as follows:

I. ~~[Every citizen]~~ **Any person** during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. In this section, "to copy" means the reproduction of original records by whatever method, including, but not limited to photography, photostatic copy, printing, or electronic or tape recording.

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

4 New Paragraph; Access to Governmental Records and Meetings; Minutes and Records Available for Public Inspection. Amend RSA 91-A:4 by inserting after paragraph V the following new paragraph:

V-a.(a) Any person may request governmental records electronically or by mail without physically appearing at the regular business premises of public bodies or agencies to request governmental records.

(b) At the election of the person requesting the records, the public body or agency shall provide such records electronically or by mail without requiring the person's physical appearance at its business premises to receive delivery of the records. If the person requests that the records be provided by mail, the public body or agency may charge the person the cost of postage. No charge shall be made for records delivered electronically.

(c) The public body or agency shall not be required to provide records electronically in a format other than the format under which the public body or agency regularly maintains such records, unless the application, program, or format in which the records are stored or accessed is capable of producing the records into a standard or common file format, in which case the public body or agency shall provide the records in the standard or common file format requested.

(d) The public body or agency shall not be required to provide records electronically if it lacks the technological capability to do so, if doing so would be unduly burdensome, or if doing so would compromise the security of its record-keeping system.

Recess. Out of recess.

SPECIAL ORDER

Without objection, HB 1559-FN is Special Ordered to after HB 1069. Adopted.

The question is on the adoption of the Committee Amendment. Adopted.

A roll call was requested by Senator Avard, seconded by Senator Innis.

Senators Avard and Innis withdrew their request for a roll call.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1559-FN, repealing the chapter relative to cash dispensing machines.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

Senator Soucy offered a Floor Amendment.

Sen. Soucy, Dist 18
May 16, 2024
2024-2012s
02/08

Floor Amendment to HB 1559-FN

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

AN ACT repealing the chapter relative to cash dispensing machines and establishing and appropriating funds to the New Hampshire Canadian Trade Council Fund.

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

2 New Hampshire Canadian Trade Council; Authority to Raise and Accept Funds. Amend RSA 12-O:22 to read as follows:

12-O:22 New Hampshire Canadian Trade Council.

I. The commissioner of business and economic affairs and the secretary of state shall have the authority to establish a New Hampshire trade council to meet with one or more trade councils established by the Canadian provinces, either separately or collectively. The members of the council shall include 2 senators appointed by the president of the senate, 2 house members appointed by the speaker of the house of representatives, the commissioner or designee, the secretary of state or designee, and such other members as the commissioner and secretary of state may appoint.

II. *The New Hampshire Canadian trade council shall be authorized to raise and accept funds through direct solicitation or other fundraising events, alone or with other groups, and accept gifts, grants, and bequests from individuals, corporations, foundations, government agencies, and public and private organizations and institutions.*

III. There is established in the state treasury the New Hampshire Canadian trade council fund. The funds shall be comprised of monies obtained according to paragraph II. The fund shall be non-lapsing and shall be continually appropriated to the secretary of state's office to defray the council's administrative costs and to carry out its purposes.

3 New Subparagraph; Application of Receipts; New Hampshire Canadian Trade Council Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (394) the following new subparagraph:

(395) Moneys deposited in the New Hampshire Canadian Trade Council fund as established in RSA 12-O:22.

4 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

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

2024-2012s

AMENDED ANALYSIS

This bill repeals RSA 399-F relative to cash dispensing machines. This bill also establishes and appropriates funds to the New Hampshire Canadian Trade Council Fund.

The Chair ruled sections of the Floor Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Floor Amendment. Adopted by the necessary 2/3 vote.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

May 22, 2024

2024-2142s

02/06

Floor Amendment to HB 1559-FN

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

AN ACT repealing the chapter relative to cash dispensing machines and relative to disability pensions for public safety employees who are victims of violence.

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

1 New Subparagraphs; Violent Accidental Disability Retirement Allowance. Amend RSA 100-A:6, II by inserting after subparagraph (d) the following new subparagraphs:

(e)(1) Upon the application of a group II member in service or of the member's employer, any member shall be retired by the board of trustees on a violent accidental disability retirement allowance where the member has been totally and permanently incapacitated for duty as the result of a purposeful, hostile, and violent attack upon such member in the line of duty. In this section, a "purposeful, hostile, and violent attack" means a physical attack with a deadly weapon, as defined in RSA 625:11, V, and done with conscious intent and with such force that it results in the infliction of serious bodily injury, as defined in RSA 625:11, VI.

(2) The provisions of subparagraph (e)(1) shall apply provided that:

(A) The member is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent;

(B) The member did not intend for injury to result from the member's conduct; and

(C) The incapacitating event has been determined by the commissioner of safety to meet the criteria of a violent attack under this section and certified to the retirement system on a form approved by the board of trustees. Solely for the purpose of making this determination and notwithstanding any other law to the contrary, the commissioner of safety may obtain any records held by any state or municipal official regarding the circumstances, cause, or manner of violent injury disability. The commissioner of safety may consult with the labor commissioner and may disclose any information or records obtained in the course of his or her inquiry. Any records held by the commissioner of safety pursuant to this section shall not be subject to the right-to-know law, RSA 91-A, and shall not be subject to disclosure in any civil action.

(D) The injury has been found to be compensable by the employer, the employer's insurance carrier, or the commissioner of labor pursuant to RSA 281-A:43.

(3) If the board of trustees is unable to grant violent accidental disability retirement benefits after review of medical and factual information submitted by the member and by a physician designated by the

board, then the member shall be entitled to a hearing before the board in order to determine whether the member qualifies for disability retirement benefits. The hearing before the board may be designated to a presiding officer. The presiding officer designated by the board shall not be the same person who made an initial disability determination and recommendation to the board based on the medical and factual information submitted by the member and physician as stated above.

(f) Upon violent accidental disability retirement, the group II member shall receive a violent accidental disability retirement allowance equal to the member's earnable compensation during their last 12 months of active service at the date of the member's disability or an annual allowance of \$75,000, whichever is greater.

2 Retrospective Application for Benefit. Members who retired under accidental disability on or after July 1, 2018 shall have 90 days from the effective date of this act to file application for violent accidental disability benefits under section 1 of this act and, if approved, such members' benefit shall be modified effective to the date of the application for violent accidental disability retirement benefits.

3 Maximum Benefit Limitation; Reference Added. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, for members who commenced service before July 1, 2009, or have attained vested status prior to January 1, 2012, a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. For members who commenced service on or after July 1, 2009, and have not attained vested status prior to January 1, 2012, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$120,000. Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c) **or RSA 100-A:6, II(e) and (f)**. This provision shall not limit the application of supplemental allowances.

4 Disability Retirement Benefits. Amend RSA 100-A:6, III(b)(4) to read as follows:

(4) The provisions of subparagraph (b)(1) shall not apply to a group II accidental disability beneficiary whose total of years of service as a member in group II plus years of accidental disability retirement is at least 20 years, as determined by the board, and who has attained the age of 45, **or a group II violent accidental disability beneficiary, regardless of age or years of service**. Any such accidental disability **or violent accidental disability** beneficiary shall receive retirement allowance benefits under this section without reduction for gainful occupation.

5 Benefits Upon Member's Death After Retirement - Group II Members. Amend RSA 100-A:12, II to read as follows:

II. Upon the death of a group II member who has retired on or after April 1, 1987, or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired before July 1, 1988, and if the member is married on the date of such member's retirement, there shall be paid to such surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, ~~or~~ accidental disability, **or violent accidental disability** retirement allowance payments. For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, and on or prior to July 1, 1993, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be terminally funded.

6 New Subparagraph; New Hampshire Retirement System; Medical Benefits; Payment by Retirement System; Group II. Amend RSA 100-A:52, I by inserting after subparagraph (g) the following new subparagraph:

(h) Any member retired on a violent accidental disability retirement allowance pursuant to RSA 100-A:6, II(e).

7 New Hampshire Retirement System; Medical Benefits; Payment by Retirement System; Group II. Amend RSA 100-A:52, II to read as follows:

II.(a) For the fiscal year beginning July 1, 2011, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$375.56 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$236.84 per month. The rate payable under this paragraph shall not be increased.

(b) Notwithstanding subparagraph (a), for the fiscal year beginning July 1, 2024, the maximum amount payable by the retirement system under this subdivision on account of each person

qualified under subparagraph I(h) as result of a violent accidental disability who is not entitled to Medicare benefits, shall be \$1,000 per month, and on account of each person qualified under subparagraph I(h) who is entitled to Medicare benefits, shall be \$630.63 per month. The rate payable under this paragraph shall not be increased.

8 New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; ~~and~~ to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II before July 1, 2005 or permanent firemen members of group II before July 1, 2005; ***and to persons who are group II permanent policemen or permanent firemen members retired under a violent accidental disability.*** Such additional benefits shall not apply to other persons who become members of group II after the dates stated in this paragraph, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be terminally funded.

9 Medical Insurance Benefits; Retired Group II Employees. Amend RSA 21-I:30, VII(b) to read as follows:

(b) Dies or retires and is eligible for accidental death, ~~or~~ accidental disability, ***or violent accidental disability*** retirement benefits, regardless of the state employee's age or number of years of creditable service; or

10 Repeal. RSA 399-F, relative to cash dispensing machines, is repealed.

11 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2024.

2024-2142s

AMENDED ANALYSIS

This bill repeals RSA 399-F relative to cash dispensing machines.

The bill also establishes a retirement system benefit for group II members who retire due to a violent act injury.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avar, seconded by Senator Birdsell.

The following Senators voted Yes: Gendreau, Lang, Watters, Prentiss, Gray, Innis, Ward, Ricciardi, Fenton, Chandley, Avar, Rosenwald, Carson, Whitley, Murphy, Pearl, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Abbas, Gannon, Altschiller, Bradley.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

Recess. Out of recess.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

PRESIDENT BRADLEY: And if you recall I've been, from various times, I've been reading a without objection resolution that the Clerk is authorized to make technical and administrative corrections. So, without objection the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. This will apply to any of the bills that we have and have had today. Alright? Without objection, so ordered.

HB 1189, relative to criteria for reporting child support delinquencies to federal agencies.

Ought to Pass with Amendment, Vote 3-2. Senator Abbas for the committee.

Senate Judiciary
May 15, 2024
2024-1972s
05/02

Amendment to HB 1189

Amend the bill by replacing section 1 with the following:

1 Duties of the Department of Health and Human Services; Child Support; Compliance with Title IV-D of the Social Security Act. Amend RSA 161:2, XIV to read as follows:

XIV. Child Support Program. Establish, direct, and maintain a program of child support based upon Title IV-D of the Social Security Act as amended. The commissioner is authorized to enter into agreements with any individual, state or local agency or governmental body and may employ such assistants, including, but not limited to, persons with legal training who are not licensed attorneys, as may be necessary to carry out the purpose of this paragraph. ***The department shall maintain an automated system of reporting child support arrearages that complies with the federal guidelines on child support delinquency and shall not report as delinquent any arrearage that does not meet the applicable federal threshold. The system also shall report to the requesting agency the dollar amount of the arrearage if the account is delinquent.***

The question is on the adoption of the Committee Amendment. Adopted.

Senator Fenton offered a Floor Amendment.

Sen. Fenton, Dist 10
May 23, 2024
2024-2183s
05/02

Floor Amendment to HB 1189

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

AN ACT relative to criteria for reporting child support delinquencies to federal agencies and establishing a rural and underserved area educator incentive program for higher education and making an appropriation therefor.

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

2 New Section; Department of Education; Rural and Underserved Area Educator Incentive Program. Amend RSA 21-N by inserting after section 8-b the following new section:

21-N:8-c Rural and Underserved Area Educator Incentive Program.

I. In this section:

- (a) "Department" means the department of education.
- (b) "Division" means the division of educator support and higher education.
- (c) "Commission" means the New Hampshire higher education commission.
- (d) "Educational loans" means all loans made pursuant to a federal loan 26 program, except federal parent loans for undergraduate students (PLUS), as provided in 20 U.S.C. section 1078-2.
- (e) "Eligible educational expenses" means any outstanding loans payments made during the school year.
- (f) "Federal loan program" means educational loans authorized by 20 U.S.C. section 1071 et seq., 20 U.S.C. section 1087a et seq., and 20 U.S.C. section 1087aa et seq.
- (g) "Rural and underserved area educator" means a full-time, credentialed individual employed as an instructional or pupil service employee in an eligible public school district or at an eligible chartered public school.

(h) "Rural school district" means:

- (1) There are fewer than 20 enrolled students per square mile within the area encompassed by the school district's boundaries; or
- (2) The regional public health network in which a plurality of the school district's market value for assessment purposes is located is deemed rural as defined by the department of health and human services, division of public health.

II. The department shall identify specific schools that are affected by critical educator shortages using the following criteria:

- (a) Rural isolation of the school; or

(b) Economic disadvantage of the school based on eligibility for funds pursuant to title I, part A of the federal Elementary and Secondary Education Act, as amended.

III. Rural and underserved area educators who are employed at schools identified in paragraph II shall be eligible for repayment of all or part of any such educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established in this section up to the amount specified in this section, or repayment of eligible education expenses established by the commission, and in rules adopted by the commission pursuant to RSA 541-A.

IV. Loan repayment assistance or the reimbursement of eligible education expenses may be provided on behalf of a rural and underserved area educator who:

- (a) Is employed in a school identified in paragraph II;
- (b) Has a signed contract with such school; and
- (c) Has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 or has at least \$1,000 in eligible education expenses at the time of application; or
- (d) Has eligible education expenses that may be reimbursed pursuant to this section.

V. To qualify for loan repayment assistance or education expense reimbursement under this section, a rural and underserved area educator shall submit an application to the commission. For loan repayment applications, the application shall include official verification or proof of the applicant's total unpaid accumulated educational loan debt and any other documentation as required by the department for verification of the applicant's eligibility.

VI. A rural and underserved area educator shall be eligible for loan repayment assistance or eligible educational expenses for up to 4 years, provided that the educator remains employed at the same school or by the same school district. The department may remit payment of the loan on behalf of the rural and underserved area educator in accordance with the requirements of this section and rules adopted by the commission.

VII. The total incentive award shall be:

- (a) In the amount of \$1,500 for the first year;
- (b) In the amount of \$2,500 for the second year;
- (c) In the amount of \$3,500 for the third year; and
- (d) In the amount of \$4,500 for the fourth year.

VIII. The commission shall adopt rules pursuant to RSA 541-A to establish protocols for determining the number of incentive awards that will be made annually based on available appropriations for the program.

IX. Incentive awards under this section shall be offered to the extent of available funding.

3 Rural and Underserved Area Educator Incentive Program; Appropriation. There is hereby appropriated the sum of \$1 for the fiscal year ending June 30, 2025, to the department of education, division of educator support and higher education, for the purpose of funding the rural and underserved area educator incentive program established in RSA 21-N:8-c. All funds appropriated for the program shall be nonlapsing. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

2024-2183s

AMENDED ANALYSIS

This bill requires the department of health and human services to ensure that the automated system of reporting child support delinquencies meets, but does not exceed, federal guidelines. The bill also directs the department to provide the amount of the arrearage to the requesting agency.

This bill also establishes the rural and underserved area educator incentive program and makes an appropriation therefor.

Senator Fenton withdrew Floor Amendment 2024-2183s.

Recess. Out of recess.

Senator Innis offered a Floor Amendment.

Sen. Innis, Dist 7

Sen. Birdsell, Dist 19

May 21, 2024

2024-2109s

05/02

Floor Amendment to HB 1189

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

AN ACT relative to criteria for reporting child support delinquencies to federal agencies and relative to newborn screening for cytomegalovirus.

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

2 Department of Health and Human Services; Early Detection of Cytomegalovirus. The department of health and human services shall provide information on the importance of early detection of cytomegalovirus (CMV) through the New Hampshire newborn screening program, established in RSA 132:10-a, and include an update on targeted newborn CMV screening in New Hampshire to the oversight committee on health and human services, established in RSA 126-A:13, for inclusion in the department's annual report, pursuant to RSA 132:10-a, IV, on or before March 1, 2025.

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.

2024-2109s

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to ensure that the automated system of reporting child support delinquencies meets, but does not exceed, federal guidelines.

II. Directs the department of health and human services to provide the amount of the arrearage to the requesting agency.

III. Directs the department of health and human services to provide information on the importance of early detection of cytomegalovirus (CMV) through the New Hampshire newborn screening program, established in RSA 132:10-a and to provide an update on targeted newborn CMV screening to the oversight committee on health and human services.

Senator Innis withdrew Floor Amendment 2024-2109s.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

President Pro Tempore Gray presiding.

HB 1649-FN, relative to prohibiting certain products with intentionally added PFAS.

Ought to Pass, Vote 7-0. Senator Rosenwald for the committee.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 22, 2024

2024-2149s

08/06

Floor Amendment to HB 1649-FN

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

4 Rulemaking; Department of Environmental Services Exempt. Notwithstanding any provisions of law to the contrary, for the biennium ending June 30, 2025, the department of environmental services' PFAS removal rebate program for private wells authorized pursuant to RSA 485-H:3, II-a shall not be subject to any rulemaking requirements contained in RSA 485-H and RSA 541-A.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Watters, Dist 4

May 23, 2024

2024-2193s

05/11

Floor Amendment to HB 1649-FN

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

AN ACT relative to prohibiting certain products with intentionally added PFAS and relative to settlement of lawsuits against manufacturers of PFAS for impacts to public drinking water systems.

Amend the bill by replacing all after section 3 with the following:

4 PFAS Fund and Programs; Contingent Reimbursement. Amend RSA 485-H:6 to read as follows:
485-H:6 Contingent Reimbursement.

I. ***Except as provided in paragraph I-a***, following the reimbursement of the department of justice for legal expenses related to relevant litigation; the transfer of funds to the revenue stabilization reserve account pursuant to RSA 7:6-e; the redemption of bonds issued or debt incurred pursuant to RSA 6:13-e, III(a); and reimbursement of the general fund for any debt principal or interest payments made to support bonds issued or debt incurred pursuant to RSA 6:13-e, III(a), any remaining funds from judgments or settlements received by the state resulting from lawsuits against the manufacturers of PFAS shall be deposited into the drinking water and groundwater trust fund established in RSA 6-D:1.

I-a. Following the reimbursement of the department of justice for legal expenses related to relevant litigation, any funds from judgments or settlements received by the state resulting from lawsuits against manufacturers of PFAS attributable to impacts to public drinking water systems shall be deposited directly into the drinking water and groundwater trust fund established in RSA 6-D:1. RSA 7:6-e and RSA 6:13-e, III, shall not apply to funds deposited pursuant to this paragraph. The New Hampshire drinking water and groundwater advisory commission shall ensure that an amount equivalent to the funds deposited pursuant to this paragraph is distributed through a combination of loans and grants to public water systems whose water sources have been impacted by PFAS contamination above applicable standards.

II. In addition to the loan forgiveness described in RSA 485-H:5, the department, upon certification by the state treasurer that funds from judgments or settlements have been received ***under paragraph I*** and used to redeem the bonds issued under RSA 6:13-e in full and the general fund has been reimbursed for all interest and principal payments charged against it to support said bond, shall grant partial loan forgiveness to the loan recipients, up to 50 percent of the loan principal.

(a) If insufficient funds are received by the state ***under paragraph I*** to cover 50 percent of the principal, the reimbursements shall be prorated. In no instance shall the loan reimbursement exceed 50 percent of the total loan amount, unless it received loan forgiveness under RSA 485-H:5, in which case the combined maximum shall be 60 percent.

(b) In the event a loan recipient receives compensation from a responsible party, the department shall not grant partial loan forgiveness that in combination with any compensation would exceed 100 percent of the total cost of the remediation.

5 State Treasurer; Authority to Borrow; Certain Environmental Projects. Amend RSA 6:13-e, III to read as follows:

III. Payment of principal and interest on the borrowing authorized under paragraph I shall be paid when due from general fund revenue; provided, however, that pursuant to RSA 485-H:6, I, any borrowing under paragraph I shall be paid at or prior to maturity from any available funds derived from lawsuits against the manufacturers of PFAS, after reimbursement to the department of justice for legal expenses related to the litigation and the transfer of funds to the revenue stabilization reserve account pursuant to RSA 7:6-e. ***This paragraph shall not apply to any funds from judgments or settlements received by the state resulting from lawsuits against manufacturers of PFAS for impacts to public drinking water systems.***

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

2024-2193s

AMENDED ANALYSIS

This bill restricts the use of per and polyfluoroalkyl substances in certain consumer products sold in New Hampshire. The bill also makes appropriations to the department of environmental services to fund an additional position and to fund the PFAS products control program. The bill further provides that funds received by the state in settlement of PFAS litigation will be deposited in the drinking water and groundwater trust fund and used to provide grants and loans to public water systems whose water sources have been impacted by PFAS above applicable standards.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Ricciardi offered a Floor Amendment.

Sen. Ricciardi, Dist 9
May 21, 2024
2024-2114s
08/02

Floor Amendment to HB 1649-FN

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

AN ACT relative to prohibiting certain products with intentionally added PFAS and relative to civil actions for PFAS contamination.

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Hazardous Waste Fund Cleanup. Amend RSA 147-B:2 by inserting after paragraph II-b the following new paragraph:

II-c. "Fully fluorinated carbon atom" means a carbon atom on which all of the hydrogen substituents have been replaced by fluorine.

5 New Paragraphs; Hazardous Waste Fund Cleanup. Amend RSA 147-B:2 by inserting after paragraph VIII-i the following new paragraphs:

VIII-j. "PFAS" means all perfluoroalkyl and polyfluoroalkyl substances.

VIII-k. "Perfluoroalkyl substance" means a chemical of which all of the alkyl carbon atoms are fully fluorinated carbon atoms.

VIII-l. "Polyfluoroalkyl substance" means a chemical containing at least one fully fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

VIII-m. "PFAS facility" means any site, area, or location where PFAS is or has been used in a manufacturing process.

VIII-n. "Manufacturing process" means a process that turns raw materials into a finished product.

6 Strict Liability; Civil Action. Amend RSA 147-B:10, I(d) to read as follows:

(d) Accepts or accepted any hazardous waste or hazardous material for transport to disposal or treatment facilities or sites selected by such person, shall be strictly liable for all costs incurred by the state in responding to a release or threatened release of hazardous waste or hazardous material at or from the facility as specified in paragraph II **and shall be strictly liable for containment, cleanup, restoration, or other remediation related to the release or threatened release of hazardous waste or hazardous material in accordance with applicable law and departmental rules.**

7 Strict Liability; Civil Action. Amend RSA 147-B:10, III(a) to read as follows:

(a) The attorney general may institute an action before the superior court for the county in which the facility is located against any person liable pursuant to paragraph I of this section to recover all costs incurred by the state **or to require containment, cleanup, restoration, or other remediation in accordance with applicable law and departmental rules.** Costs recovered under this section shall be deposited into the fund except that costs recovered to offset expenditures made from the drinking water and groundwater trust fund established in RSA 6-D:1 shall be deposited into the drinking water and groundwater trust fund.

8 New Paragraph; Strict Liability; Civil Action; PFAS Facilities. Amend RSA 147-B:10 by inserting after paragraph VII the following new paragraph:

VIII. Any person who owns or operates a PFAS facility where a release or releases of PFAS at or from such PFAS facility have resulted in total combined concentrations in groundwater or surface water of 10,000 ng/l (parts per trillion) or greater of PFAS compounds for which ambient groundwater quality standards have been established pursuant to RSA 485-C, or who owned or operated a PFAS facility at the time of such a release or releases, shall be subject to the provisions of RSA 147-B:10 and RSA 147-B:10-a. However, any public water system as defined by RSA 485:1-a, XV, wastewater treatment plant as defined by RSA 485-A:2, XVI-a, or facility permitted pursuant to RSA 149-M:9 shall be exempt from the provisions of this paragraph. Nothing herein shall be interpreted to limit the applicability of RSA 147-B:10 or RSA 147-B:10-a to releases of PFAS otherwise subject to such sections.

9 New Paragraph; Definitions; Point of Entry Treatment. Amend RSA 485:1-a by inserting after paragraph XIV the following new paragraph:

XIV-a. "Point of entry treatment" or "POET" means a treatment device or system applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

10 New Paragraphs; Enforcement and Penalties; Provision of Safe Drinking Water. Amend RSA 485:58 by inserting after paragraph VII the following new paragraphs:

VIII. Notwithstanding RSA 507:7-e, I-III, and in addition to any other available remedies, where a property owner demonstrates by a preponderance of the evidence that contamination emanating from a PFAS facility subject to RSA 147-B:10, VIII caused contamination of the property owner's drinking water at a level at or above state or federal maximum contaminant levels, the owner or operator of such PFAS facility shall be jointly and severally liable for:

(a) The provision of safe drinking water to such property owner either in the form of a point-of-entry treatment system capable of treating such PFAS to non-detect levels or, if practicable, a connection to a public water system;

(b) If connection to a public water system is not practicable, the property owner shall also be entitled to the cost of all reasonable operation and maintenance costs needed to ensure that the POET treats such PFAS to non-detect levels; and,

(c) All other reasonable costs including attorneys' fees related to obtaining compliance with subparagraphs (a) and (b).

IX. A judgment pursuant to paragraph VIII requiring installation of a POET or connection to a public water system, along with associated costs, shall not preclude any other remedies including but not limited to a separate claim for personal injuries caused in whole or in part by the consumption of drinking water contaminated by PFAS.

11 Effective Date.

I. Sections 1-3 of this act shall take effect upon its passage.

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

2024-2114s

AMENDED ANALYSIS

This bill:

I. Restricts the use of per and polyfluoroalkyl substances in certain consumer products sold in New Hampshire.

II. Makes appropriations to the department of environmental services to fund an additional position and to fund the PFAS products control program.

III. Creates a civil action for certain PFAS contamination.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1018, relative to on-premise and off-premise liquor licenses.

Ought to Pass, Vote 5-0. Senator Innis for the committee.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 21, 2024

2024-2103s

08/02

Floor Amendment to HB 1018

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

AN ACT relative to on-premise and off-premise liquor licenses and relative to land in current use.

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

8 Current Use Taxation; Powers and Duties of Board. Amend RSA 79-A:4, II to read as follows:

II. The board shall reduce by 20 percent the current use value of land which is open 12 months a year to public recreational use, without entrance fee, and which also qualifies for current use assessment under an open space category. There shall be no prohibition of skiing, snowshoeing, fishing, hunting, hiking or nature observation on such open space land, unless these activities would be detrimental to a specific agricultural or forest crop or activity. ***An owner of open space land may post "no trespass except for skiing, snowshoeing, fishing, hunting, hiking, or nature observation" signs that prohibit or restrict the access to or use of such open space land for any other purpose.*** The owner of land who opens his ***or her*** land to public recreational use as provided in this paragraph shall not be liable for personal injury or property damage to any person, and shall be subject to the same duty of care as provided in RSA 212:34.

9 New Subparagraphs; Criminal Trespass. Amend RSA 635:2, III(b)(3) and (4) to read as follows:

(3) In any place in defiance of any court order restraining him from entering such place so long as he has been properly notified of such order; [or]

(4) On any grounds, lands, or parking areas of any state correctional facility or transitional housing unit operated by the department of corrections without prior authorization or without a legitimate purpose associated with department of corrections operations[-];

(5) On open space land in violation of a posted “no trespass except for skiing, snowshoeing, fishing, hunting, hiking, or nature observation” sign authorized pursuant to RSA 79-A:4, II; or

(6) On the property of another during the commission of any crime under RSA 318-B or RSA 633:7.

10 Effective Date.

I. Sections 8 and 9 of this act shall take effect January 1, 2025.

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

2024-2103s

AMENDED ANALYSIS

This bill:

I. Makes changes to the laws relative to on-premise and off-premise liquor licenses, including the regulation of certain on-premises licensees which sell hookah products.

II. Provides that the owner of land in current use and designated as open space may post that such land is restricted to use for public recreation only.

III. Expands grounds for criminal trespass to include violation of open space land posted for recreational use only and when associated with a violation of the controlled drug act or human trafficking.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Soucy.

The following Senators voted Yes: Gendreau, Lang, Bradley, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Gannon, Gray.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D’Allesandro, Perkins Kwoka, Altschiller.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

President Bradley presiding.

HB 1358, relative to tenant and contract manufacturers of beer, wine, and liquor.

Ought to Pass, Vote 5-0. Senator Innis for the committee.

Senator Birdsell offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Birdsell, Dist 19

May 21, 2024

2024-2095s

06/08

Floor Amendment to HB 1358

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

AN ACT relative to tenant and contract manufacturers of beer, wine, and liquor; allowing pharmacists to administer influenza, COVID-19, and other FDA licensed vaccines without explicit approval from the general court; and, restricting the purchase of real property on or around military installations.

Amend the bill by replacing all after section 9 with the following:

10 Pharmacist Administration of Vaccines. Amend the introductory paragraph of RSA 318:16-b to read as follows:

A pharmacist, pharmacy intern, licensed advanced pharmacy technician, or certified pharmacy technician, under the supervision of an on-site immunizing pharmacist may administer influenza and a COVID-19 vaccine, if available, to the general public, [~~A pharmacist, pharmacy intern, or licensed advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist may administer haemophilus influenza, hepatitis A, hepatitis B, hepatitis A and B, human papillomavirus, meningococcal, pneumococcal, tetanus and diphtheria, varicella, zoster, RSV (respiratory syncytial virus), MMR (measles, mumps, and rubella), and Tdap (tetanus, diphtheria and pertussis) vaccines, which have been approved by the Food and Drug Administration]~~ **and vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization**, to individuals 18 years of age or older as ordered by an immunizing pharmacist. The pharmacist, pharmacy intern, licensed advanced pharmacy technician, or certified pharmacy technician shall:

11 New Section; Conveyances of Realty to Foreign Entities; Prohibited. Amend RSA 477 by inserting after section 22-a the following new section:

477:22-b Prohibition on Acquisition of Real Property on or around Military Installations; People's Republic of China.

I. Any company or development owned or controlled by a company that is owned, in whole or in part, by, or is a subsidiary of, a company that is owned by the People's Republic of China or the Chinese Communist Party or whose principal place of business is located within the People's Republic of China shall not own, lease, possess, or exercise any control over real property on or within 10 miles of any military installation or critical infrastructure facilities.

II. For purposes of this section:

(a) "Chinese Communist Party" includes all agencies, institutions, and instrumentalities of the Chinese Communist Party.

(b) "Company" or "development" means a sole proprietorship, organization, association, corporation, partnership, trust, venture, group, subgroup, or any other entity or organization, its subsidiary or affiliate that exists for-profit-making purposes or to otherwise secure economic advantage.

(c) "People's Republic of China" includes all agencies, institutions, instrumentalities, and political subdivisions of the People's Republic of China.

(d) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense or the state of New Hampshire, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

(e) "Critical infrastructure" means systems and assets, whether physical or virtual, so vital to the United States or the state of New Hampshire that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(f) "Critical infrastructure facility" means any of the following:

(1) Chemical, polymer, or rubber manufacturing facility.

(2) Communications facilities, including but not limited to privately owned communications infrastructure, including satellite, terrestrial, wireless communications and the Internet.

(3) Critical manufacturing, including but not limited to primary metals manufacturing, machinery manufacturing, electrical equipment, appliance and component manufacturing, and transportation equipment manufacturing.

(4) Dams, bridges, and tunnels.

(5) Military installations, including but not limited to facilities conducting or overseeing research, design, production and maintenance of military weapons systems.

(6) Emergency services, including but not limited to emergency management, emergency medical services, fire and rescue services, law enforcement, public works and other specialty emergency services.

(7) Energy facilities, including but not limited to the production and distribution of electricity, oil, and natural gas.

(8) Financial services facilities, including but not limited to banks, credit unions, insurance companies and investment institutions, or locations with the ability to deposit, withdraw, loan, invest, and transfer funds.

(9) Food and agriculture facilities, including but not limited to farms, restaurants, and food manufacturing facilities.

(10) Government facilities, including but not limited to federal, state, local and tribal government facilities; government offices, embassies, courthouses, schools, national monuments and election facilities.

(11) Health care and public health facilities.

(12) Information technology facilities.

(13) Nuclear reactors, materials, and waste facilities, including but not limited nuclear power plants, medical radioactive sources, and radioactive material transportation facilities.

(14) Transportation systems, including but not limited to highway and motor carriers, aviation, maritime transportation systems, mass transit and passenger rails, pipeline systems, freight rail, and postal and shipping facilities.

(15) Water and wastewater facilities or pump stations, including but not limited to public water supplies and water treatment facilities.

III. Any person who fails to comply with this section shall be guilty of a misdemeanor.

12 Effective Date.

I. Section 11 of this act shall take effect January 1, 2025.

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

2024-2095s

AMENDED ANALYSIS

This bill:

I. Expands tenant brewing to include manufacturers of wine and liquor.

II. Allows pharmacists to administer influenza, COVID-19, and other FDA licensed vaccines without explicit approval from the general court.

III. Prohibits the purchase of real property by the People's Republic of China on or within 10 miles of any military installations or critical infrastructure facilities.

Senator Birdsell moved to divide the question on the Floor Amendment: Lines 8-24 (Section 10) and then the Remainder of the Amendment.

The Chair ruled the question divisible.

The question is on the adoption of the Floor Amendment: Lines 8-24 (Section 10). Failed.

The question is on the adoption of Floor Amendment: The Remainder of the Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

EDUCATION

HB 1265, relative to the penalty for failure to file school expenditure reports, and relative to certain adequacy grants.

Ought to Pass, Vote 5-0. Senator Prentiss for the committee.

Senator Murphy offered a Floor Amendment.

Sen. Murphy, Dist 16

May 21, 2024

2024-2105s

02/06

Floor Amendment to HB 1265

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

AN ACT relative to the penalty for failure to file school expenditure reports, relative to certain adequacy grants, and requiring mandatory reporting by school districts of school expenses.

Amend the bill by replacing all after section 2 with the following:

3 New Subdivision; Students First Act. Amend RSA 189 by inserting after section 74 the following new subdivision:

Students First Act

189:75 Definitions. In this subdivision:

I. "Cost-per-pupil" refers to the cost-per-pupil within a school district and shall mean the lowest of:

(a) The total expenditures associated with the daily operation of schools divided by the average daily membership in attendance;

(b) Any reasonable and good faith estimate of I(a); or

(c) An amount determined in good faith by the department of education to correspond to I(a).

II. "Administrator" shall include superintendents, assistant superintendents, directors or coordinators of diversity, equity, and inclusion, or functionally equivalent officials whether or not their salaries are listed by the department of education, and business managers or administrators.

III. "Corresponding school administrative unit" shall mean the school administrative unit which includes a given school district.

189:76 Mandatory Report to Voters.

I. Before any meeting at which any school district adopts a school budget, whether or not the district has adopted the provisions of RSA 194-C:9-b, a mandatory report to voters must be posted in at least 3 appropriate places, 2 of which must be places of business or other public locations, and one of which shall be the local newspaper or, if a local newspaper is not available, the district's website. The report must be posted at least 7 days, excluding Sundays and legal holidays, prior to the meeting.

II. The report shall display the name of the school district, be prominently titled "Mandatory Report to Voters on School Expenses," and shall contain three line graphs and one table. When posted in public locations, the report shall be displayed on two pages which are each eighteen inches wide and twenty-four inches tall.

III. The first line graph shall be titled "Average Cost Per Pupil" and shall display the district's annual cost-per-pupil over the previous 10 years. The second line graph shall be titled "Average Teacher Salary" and shall display the district's yearly average teacher salary over the previous 10 years. A good faith effort shall be made to adjust each annual statistic for inflation using the U.S. Bureau of Labor Statistics Inflation Calculator or an equivalent resource. Each yearly statistic shall be clearly labeled. In each graph, the upper and lower boundaries of the y-axis must be capped at the nearest thousand dollars.

IV. The third line graph shall be titled "Administrator Salaries" and shall display annual totals of all salaries paid to administrators employed by the district and corresponding school administrative unit over the previous 10 years. A good faith effort shall be made to adjust each annual statistic for inflation using the U.S. Bureau of Labor Statistics Inflation Calculator or an equivalent resource. Each yearly total shall be clearly labeled. The upper and lower boundaries of the y-axis must be capped at the nearest hundred thousand dollars.

V. The table shall be titled "Top Administrator Salaries" and shall list the titles and current salaries of the 4 highest-paid administrators employed by the district or corresponding school administrative unit. If less than 4 administrators are so employed, all administrators shall be so listed.

VI. Other than the name and logo of the district and corresponding school administrative unit, the mandatory report to voters shall not contain additional commentary or other text not described in this subdivision. Additional information may be posted on separate pages together with or alongside the mandatory report to voters.

189:77 Civil Remedies.

I. Any taxpayer in the taxing district who is aggrieved by a violation of this chapter may petition the superior court for declaratory and equitable relief.

II. The superior court may order declaratory, injunctive, or other equitable relief.

III. Any taxpayer who prevails on any claim brought pursuant to this subsection shall be entitled to an award of reasonable attorney's fees.

189:78 Severability.

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

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2025.

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

2024-2105s

AMENDED ANALYSIS

This bill:

I. Removes the requirement that public academies file financial reports with the department of education.

II. Inserts a provision for adequacy grants for school districts that tuition their students.

III. Requires school districts to post mandatory reports of school expenses, including average cost per pupil, average teacher salaries, and top administrator salaries. It also creates a civil remedy for the enforcement of this requirement.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 518, relative to the administration of occupations by the office of professional licensure and certification. Ought to Pass with Amendment, Vote 5-0. Senator Perkins Kwoka for the committee.

Senate Executive Departments and Administration

May 16, 2024

2024-2017s

11/08

Amendment to HB 518

Amend RSA 310:2, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) "Investigation" shall mean ~~[procedures for]~~ investigation of allegations and complaints of misconduct in accordance with RSA 310:9.

Amend RSA 310:8, II as inserted by section 3 of the bill by replacing it with the following:

II. Licenses shall be valid for 2 years from the date of issuance except for those apprentices licensed for one year in accordance with rules adopted pursuant to 541-A, provided that timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until the office has acted on the renewal application, ***or, in matters appealed pursuant to RSA 310:14, until the office has issued a final decision.***

Amend RSA 310:10, V as inserted by section 4 of the bill by replacing it with the following:

V. ~~[The presiding officer]~~ In disciplinary and non-disciplinary remedial proceedings, ***including those held pursuant to this section, RSA 310:12, IV, and RSA 310:13, the presiding officer*** may issue subpoenas for persons, relevant documents, and relevant materials in accordance with the following conditions:

(a) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.
(b) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(c) Service shall be made on licensees ~~[and certified individuals]~~ by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(d) Service shall be made on persons who are not licensees ~~[or certified individuals]~~ in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

Amend RSA 310:10, X as inserted by section 4 of the bill by replacing it with the following:

X. Except as otherwise provided by RSA 541-A:30, the ~~[board]~~ ***office*** shall furnish the respondent at least 15 days' written notice ~~[of the date, time and place]~~ of a hearing ***in accordance with RSA 541-A:31, III.*** Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

Amend RSA 310:10, XV as inserted by section 4 of the bill by replacing it with the following:

XV. In instances where a board lacks sufficient members to meet quorum, the executive director, or designee, may initiate proceedings held pursuant to RSA 310 or RSA 541-A and direct that evidence be received solely by the presiding officer who, in addition to exercising the authority given to the presiding officer under RSA 310 and RSA 541-A, shall be charged with making findings of fact, determining appropriate sanctions or action, or denying or accepting settlement agreements.

Amend the bill by replacing section 10 with the following:

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

329:16-g Continuing Medical Education Requirement. ~~[As a condition of renewal of license,]~~ The board shall require each licensee to show proof at least at every biennial license renewal that the licensee has completed 100 hours of approved continuing medical education program within the preceding 2 years. For the purposes of this section, an approved continuing medical education program is a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national, state, or county medical society or college or university. ~~[There shall be a complete audit of all continuing education credits annually by the New Hampshire Medical Society.]~~ Each licensee shall submit a continuing medical education report with copies of continuing medical education course certificates earned by the licensee and other documents which establish that continuing medical education course requirements have been met, using a form approved by the board. ~~[The complete audit shall include the collection, review, verification, and preservation of the continuing medical education documentation of each licensed physician and a report which records the credits awarded to each licensee during the 2-year period applicable to each licensee. The fee charged to licensees for continuing medical education verification shall not exceed 125 percent of the actual cost of providing the service. The New Hampshire Medical Society is prohibited from using any information from this program for promotional purposes or any other purpose not necessary for continuing education verification.]~~

Amend the bill by replacing all after section 10 with the following:

11 Disciplinary Action; Remedial Proceedings. Amend RSA 329:17 to read as follows:

329:17 Disciplinary Action; Remedial Proceedings.

I. ~~[Repealed].~~

I-a. ~~[Repealed].~~

II. Every clerk of the superior court shall report to the board the filing and final disposition of any action for medical injury as defined in paragraph III within 30 days after such filing and within 30 days after such final disposition.

III. Every insurer, including self-insurers, providing professional liability insurance to a licensee of the board shall send a complete report to the board as to all reservable claims coincident with medical injury that take place in this state or in any other state within 30 days after establishing the reserve. For the purpose of this paragraph, medical injury means any adverse, untoward or undesired consequences arising out of or sustained in the course of professional services rendered by a medical care provider, whether resulting from negligence, error or omission in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

III-a. ~~The board shall instruct the medical review subcommittee to conduct an investigation of any person licensed by the board who has had 3 reservable claims, written complaints, or actions for medical injury, as defined by paragraph I, II, or III, or any combination thereof, which pertain to 3 different acts or events within any consecutive 5-year period.~~

III-b. **III.(a) The office shall investigate** any referral by the insurance commissioner under RSA 420-J:5-e, VIII or any complaint alleging that a medical director has committed misconduct as set forth in paragraph ~~[VI]~~ **VII** of this section shall be received and reviewed by the board in accordance with the provisions of this section for potential disciplinary action. For the purposes of this paragraph, "medical director" means a physician licensed under this chapter who is employed by a health carrier or medical utilization review entity and is responsible for the utilization review techniques and methods of the health carrier or medical utilization review entity and their administration and implementation.

(b) Any complaint received by the ~~[board]~~ **office** regarding an insurance coverage decision by a medical director shall be forwarded ~~[by the board]~~ to the insurance commissioner for review.

IV. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the ~~[board]~~ **office** any disciplinary or adverse action, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a ~~[person]~~ licensed ~~[by the board]~~ **individual**. Disciplinary or adverse action shall include the requirement that a licensee undergo counseling or be subject to any policy with regard to disruptive behavior.

V. Every professional society within the state comprised primarily of ~~[persons licensed by the board]~~ **licensees** shall report to the ~~[board]~~ **office** any disciplinary action against a member relating to professional ethics, medical incompetence, ~~[moral turpitude,]~~ or drug or alcohol abuse within 30 days after such disciplinary action is taken.

~~[V-a. A medical review subcommittee of 13 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of 13 persons, 9 of whom shall be physicians, one of whom shall be a physician assistant, and 3 of whom shall be public members. One of the physician members shall practice in the area of pain medicine and anesthesiology. No public member of the subcommittee shall be or ever have been a member of the medical profession or the spouse of a member of the medical profession. No public member shall have or ever have had a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee. The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year. The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. The state of New Hampshire, by the board and the office of professional licensure and certification, and with the approval of governor and council, shall contract with a qualified physician to serve as a medical review subcommittee investigator.]~~

~~[V-b]~~ **VI.** When a threat to public health, safety, or welfare may exist, the ~~[-board of medicine]~~ **office** shall notify the facility, a practice's managing physician or administrator, or the hospital chief executive officer of any pending disciplinary proceedings, non-disciplinary remedial proceedings, recommended corrective actions, or concerns for informational purposes or referral to the facility, practice, or hospital's credentials and quality assurance committees or their equivalent. The entity receiving notification shall report back to the board of medicine with a progress or final report within 45 days.

~~[VI.]~~ **VII.** The board, after hearing, may take disciplinary action against any person licensed by it upon finding that the person:

(a) Has knowingly provided false information during any application for professional licensure or hospital privileges, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is a habitual user of drugs or intoxicants.

(c) Has displayed medical practice which is incompatible with the basic knowledge and competence expected of persons licensed to practice medicine or any particular aspect or specialty thereof.

(d) Has engaged in dishonest or unprofessional conduct or has been grossly or repeatedly negligent in practicing medicine or in performing activities ancillary to the practice of medicine or any particular aspect or specialty thereof, or has intentionally injured a patient while practicing medicine or performing such ancillary activities.

(e) Has employed or allowed an unlicensed person to practice in the licensee's office.

(f) Has failed to provide adequate safeguards in regard to aseptic techniques or radiation techniques.

(g) Has included in advertising any statement of a character tending to deceive or mislead the public or any statement claiming professional superiority.

(h) Has advertised the use of any drug or medicine of an unknown formula or any system of anesthetic that is unnamed, misnamed, misrepresented, or not in reality used.

(i) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the board.

(j) Has been convicted of a felony under the laws of the United States or any state.

(k) Has failed to maintain adequate medical record documentation on diagnostic and therapeutic treatment provided or has unreasonably delayed medical record transfer, or violated RSA 332-I.

(l) Has knowingly obtained, attempted to obtain or assisted a person in obtaining or attempting to obtain a prescription for a controlled substance without having formed a valid physician-patient relationship pursuant to RSA 329:1-c.

~~[VI-a.]~~ **VIII.** The board may take non-disciplinary remedial action against any person licensed by it upon finding that the person is afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding, the board, may take non-disciplinary remedial action:

(a) By suspension, limitation, or restriction of a license for a period of time as determined reasonable by the board.

(b) By revocation of license.

(c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(d) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the board.

~~[VI-b]~~ **IX.** The state of New Hampshire confirms its strong support for shared decision making between health care professionals and their patients. A licensee may lawfully prescribe an FDA approved drug product for an off-label indication and be held to the same standard of care as when prescribing for on-label indication when:

(a) Off-label use of the drug product for this indication has longstanding common use;

(b) There is medical evidence to support this use and no known evidence contraindicating such use, including but not limited to, peer reviewed studies and practice guidelines from relevant medical societies; or

(c) The licensee has provided and the patient, or if the patient is a minor, the patient's parent or guardian, has signed an informed consent form that includes the known potential benefits, known potential risks, alternative treatment options, expected prognosis without treatment, and a disclosure that a prescription is for an off-label indication. The signed informed consent form shall remain part of the patient's medical record.

~~[VII. Repealed.]~~

~~VII-a. Repealed.]~~

~~VIII. Repealed.]~~

~~[IX]~~ **X.** No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

~~[IX-a.]~~ **XI.** Any persons who have had their licenses to practice medicine revoked or suspended shall be barred from practicing any other human health care activities, including psychotherapy, whether or not such other activity is licensed or certified by another licensing agency.

~~[X, XI. Repealed.]~~

~~XII. Repealed.]~~

~~XIII. Repealed.]~~

12 Inspectors. Amend RSA 313-A:21, III to read as follows:

III. Sanitary inspections of all salons, barbershops, and schools shall be made at least ~~[twice]~~ **once** each year.

13 Directors; Appointments and Salaries. Amend RSA 310:3, IV-V to read as follows:

IV. The executive director shall nominate for appointment by the governor and council the unclassified positions of ~~[agency]~~ chief legal officer and ~~[board]~~ chief ~~[legal officer]~~ **of staff**. Each officer shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director.

V. The salaries of the executive director, each division director, ~~[each]~~ **chief** legal officer, **chief of staff**, the chief pharmacy investigator, and each pharmacy investigator shall be as specified in RSA 94:1-a.

14 Executive Director Responsibilities. Amend RSA 310:4, II(a) to read as follows:

(a) Supervision of the division directors, ~~[and]~~ chief legal ~~[officers]~~ **officer, and chief of staff**.

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

The question is on the adoption of the Committee Amendment. Adopted.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

May 21, 2024

2024-2127s

11/08

Floor Amendment to HB 518

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 16:

15 Office of Professional Licensure and Certification; Military Service Members and Spousal Temporary Licensure. Amend RSA 310:16 to read as follows:

310:16 Military Service Members and Spousal Temporary Licensure.

I. The office of professional licensure and certification shall issue temporary licenses to a member of the armed forces or their spouse, if the applicant holds a current, valid unencumbered occupational or professional license in good standing issued by a state or territory of the United States, in accordance with rules adopted by executive director of the office of professional licensure and certification under RSA 541-A, provided that

the applicant meets the requirements of this section, within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check. The rules shall contain the following provisions:

[E-] (a) The applicant shall obtain a temporary license for a period of not less than 180 days while completing any requirements for licensure in New Hampshire so long as no cause for denial of a license exists under this title, or under any other law.

[H-] (b) The license applicant must submit a notarized affidavit affirming, under penalty of law, that the applicant is the person described and identified in the application, that all statements made on the application are true and correct and complete, that the applicant has read and understands the requirements for licensure and certifies that they meet those requirements, and that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license.

[HH-] (c) The applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements. The applicant must make this request within 15 days prior to the temporary license's expiration date.

[IV-] (d) All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

II. Notwithstanding any general or special law to the contrary, the office of professional licensure and certification shall facilitate the issuance of a license or certification for a person: (a) who is certified or licensed in a state other than New Hampshire; (b) whose spouse is a member of the armed forces in the United States; (c) whose spouse is the subject of a military transfer to New Hampshire; and (d) who left employment to accompany a spouse to New Hampshire. The procedure shall include, but not be limited to, facilitating the issuance of a license, digitally verifiable license, certificate, or registration if the requirements for licensure, certification, or registration of such other state are substantially similar to the requirements for licensure, certification, or registration in New Hampshire, as determined by the executive director in consultation with the boards, councils, and commissions.

III. The executive director shall, in consultation with the boards, councils, and commissions, adopt rules, when applicable, when applicable, under RSA 541-A for:

(a) What constitutes military education, training, or service acceptable for the specific regulated occupation or profession, as required under paragraph I.

(b) The procedures and notice required for the inactive status of licenses, certificates, or registrations under paragraph II.

(c) Procedures for facilitating issuance of licenses, certificates, or registrations for a spouse of a member of the armed forces as required in paragraph II.

(d) Procedures for issuing digitally verifiable licenses, certificates, or permits that can be recognized by other states as required in paragraph II.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1079, relative to critical incident stress management team members.

Ought to Pass, Vote 5-0. Senator Gendreau for the committee.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

May 21, 2024

2024-2134s

08/05

Floor Amendment to HB 1079

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

AN ACT relative to critical incident stress management team members and relative to certification of alcohol and other drug use treatment facilities.

Amend the bill by replacing all after section 2 with the following:

3 New Hampshire Substance Use Disorder Services System. Amend RSA 172:1, IX-a to read as follows:

IX-a. "Client" means a person who voluntarily seeks substance abuse treatment ~~[as provided by the office of alcohol and drug abuse prevention through its agents or substance abuse treatment contractors].~~

4 New Hampshire Substance Use Disorder Services System. Amend RSA 172:1, XXIV to read as follows:

XXIV. "Certified substance abuse treatment facility" means a facility ~~[funded in part or in whole by the office of alcohol and drug abuse prevention, and]~~ **certified or licensed by the department of health and human services** under rules adopted pursuant to RSA 541-A.

5 New Hampshire Substance Use Disorder Services System. Amend RSA 172:2-a to read as follows:

172:2-a State Substance Use Disorder Services System Established.

I. The commissioner shall provide for the scientific care, treatment, and rehabilitation of individuals with substance use disorders and their families, and work towards the prevention of, and assist in the control of, alcohol and drug misuse within the state through education, treatment, community organization, and research. The department shall establish, maintain, implement, and coordinate a system of substance use disorder treatment services under this chapter. This system shall be supervised by the commissioner. ~~[With the exception of a youth drug treatment center required to be operated by a non-governmental entity at the Sununu youth services center, at the discretion of the commissioner,]~~ The department may directly operate and administer any program or facility which provides, or which may be established to provide, services to persons with substance use disorders or may enter into a contract with any individual, partnership, association, public or private, for profit or nonprofit, agency or corporation for the operation and administration of any such program or facility.

II. *Subject to available funding, the commissioner shall establish, pursuant to rules adopted under RSA 541-A, a certification process for substance use treatment programs and facilities operating in the state of New Hampshire. Programs and facilities required to be certified shall include, but not be limited to those providing early intervention treatment, outpatient treatment, intensive outpatient and partial hospitalization treatment, and medically managed intensive treatment. Independent providers, facilities licensed under RSA 151, the programs and facilities in the system of mental health services established by RSA 135-C:3, and other providers identified by the commissioner shall be exempt from certification.*

III. *The commissioner shall adopt rules under RSA 541-A, relative to:*

(a) Certification procedures, requirements, and exemptions for substance use treatment programs and facilities.

(b) Certification and renewal fees.

(c) The scope and content of training requirements for substance use treatment programs and providers.

(d) The scope and content of education materials for providers and clients to understand complaint procedures.

(e) Public access to findings of investigatory and monitoring reports, and final decisions made relative to certification.

IV. *All fees received from certification under this section shall be kept in a nonlapsing fund known as the substance use treatment certification fund, which shall be kept separate and distinct from all other funds. The fund shall be continually appropriated to the department of health and human services to fund the certification process for substance use treatment programs and facilities operating in the state of New Hampshire. The commissioner may accept gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.*

V. *The department shall maintain and regularly update on its website a publicly available listing of all programs and facilities certified under this chapter.*

6 New Subparagraph; Dedicated Funds; Substance Use Treatment Certification Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (394) the following new subparagraph:

(395) Moneys deposited in the substance use treatment certification fund under RSA 172:2-a.

7 New Hampshire Substance Use Disorder Services System. Amend RSA 172:2-c to read as follows:

172:2-c Community Substance Use Disorder Treatment Programs.

I. Any city, county, town, or any individual, partnership, association, public or private, for profit or nonprofit, agency or corporation may establish and administer a community substance use disorder treatment program for the purpose of providing substance use disorder treatment services to individuals, families, and organizations in the area. Every program shall, at a minimum, provide substance use disorder screening and evaluation, case management, and outpatient counseling services. The department may contract with a community substance use disorder treatment program, pursuant to RSA 172:2-a, for the operation and administration of any services that are part of the state substance use disorder treatment system. In the event that

the commissioner decides to enter into a contract for the operation and administration of any services which are part of the state substance use disorder treatment system, the contract shall contain standards designed to measure the performance of the contractor in achieving positive consumer outcomes, maintaining fiscal integrity, and providing quality services. The commissioner shall adopt rules, pursuant to RSA 172:8-b, to establish criteria for designating substance use disorder treatment programs under this chapter.

II. No person may establish, maintain, operate, or conduct any program or facility for substance use treatment without any certification required by the department under RSA 172:2-a.

III. Every facility or program certified under RSA 172:2-a shall pay a certification fee to the commissioner for deposit in the fund established under RSA 172:2-a.

8 Department of Health and Human Services, Department Established; Office of the Ombudsman. Amend RSA 126-A:4, III to read as follows:

III. The department shall establish an office of the ombudsman to provide assistance to clients of the department by investigating and resolving complaints regarding any matter within the jurisdiction of the department including services or assistance provided by the department or its contractors. The ombudsman's office may provide mediation or other means for informally resolving complaints. The records of the ombudsman's office shall be confidential and shall not be disclosed without the consent of the client on whose behalf the complaint is made, except as may be necessary to assist the service provider to resolve the complaint, or as required by law. **Subject to available funding, the department shall designate within the office of the ombudsman a person as the behavioral health specialist dedicated solely to investigate and resolve complaints to promote the health, safety, welfare, or civil or human rights of any person receiving the treatment or services of a substance use or mental health treatment facility.**

9 Repeal. The following are repealed:

I. RSA 172:1, XXV, relative to the definition of certified alcohol and drug abuse counselor.

II. RSA 171:2, XXIX, relative to the definition of designated drug counselor.

10 Effective Date.

I. Sections 1-2 of this act shall take effect 60 days after its passage.

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

2024-2134s

AMENDED ANALYSIS

This bill revises membership of critical incident stress management teams and terminology regarding critical incident intervention and management.

This bill provides for certification of substance use treatment programs by the department of health and human services. The bill also directs the department to establish within the office of the ombudsman, a behavioral health specialist dedicated to complaint investigations regarding substance use and mental health treatment programs.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Fenton offered a Floor Amendment.

Sen. Fenton, Dist 10

May 23, 2024

2024-2190s

05/09

Floor Amendment to HB 1079

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

AN ACT relative to critical incident stress management team members and establishing a rural and underserved area educator incentive program for higher education and making an appropriation therefor.

Amend the bill by replacing all after section 2 with the following:

3 New Section; Department of Education; Rural and Underserved Area Educator Incentive Program. Amend RSA 21-N by inserting after section 8-b the following new section:

21-N:8-c Rural and Underserved Area Educator Incentive Program.

I. In this section:

(a) "Department" means the department of education.

(b) "Division" means the division of educator support and higher education.

(c) "Commission" means the New Hampshire higher education commission.

(d) "Educational loans" means all loans made pursuant to a federal loan 26 program, except federal parent loans for undergraduate students (PLUS), as provided in 20 U.S.C. section 1078-2.

(e) "Eligible educational expenses" means any outstanding loans payments made during the school year.

(f) "Federal loan program" means educational loans authorized by 20 U.S.C. section 1071 et seq., 20 U.S.C. section 1087a et seq., and 20 U.S.C. section 1087aa et seq.

(g) "Rural and underserved area educator" means a full-time, credentialed individual employed as an instructional or pupil service employee in an eligible public school district or at an eligible chartered public school.

(h) "Rural school district" means:

(1) There are fewer than 20 enrolled students per square mile within the area encompassed by the school district's boundaries; or

(2) The regional public health network in which a plurality of the school district's market value for assessment purposes is located is deemed rural as defined by the department of health and human services, division of public health.

II. The department shall identify specific schools that are affected by critical educator shortages using the following criteria:

(a) Rural isolation of the school; or

(b) Economic disadvantage of the school based on eligibility for funds pursuant to title I, part A of the federal Elementary and Secondary Education Act, as amended.

III. Rural and underserved area educators who are employed at schools identified in paragraph II shall be eligible for repayment of all or part of any such educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established in this section up to the amount specified in this section, or repayment of eligible education expenses established by the commission, and in rules adopted by the commission pursuant to RSA 541-A.

IV. Loan repayment assistance or the reimbursement of eligible education expenses may be provided on behalf of a rural and underserved area educator who:

(a) Is employed in a school identified in paragraph II;

(b) Has a signed contract with such school; and

(c) Has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 or has at least \$1,000 in eligible education expenses at the time of application; or

(d) Has eligible education expenses that may be reimbursed pursuant to this section.

V. To qualify for loan repayment assistance or education expense reimbursement under this section, a rural and underserved area educator shall submit an application to the commission. For loan repayment applications, the application shall include official verification or proof of the applicant's total unpaid accumulated educational loan debt and any other documentation as required by the department for verification of the applicant's eligibility.

VI. A rural and underserved area educator shall be eligible for loan repayment assistance or eligible educational expenses for up to 4 years, provided that the educator remains employed at the same school or by the same school district. The department may remit payment of the loan on behalf of the rural and underserved area educator in accordance with the requirements of this section and rules adopted by the commission.

VII. The total incentive award shall be:

(a) In the amount of \$1,500 for the first year;

(b) In the amount of \$2,500 for the second year;

(c) In the amount of \$3,500 for the third year; and

(d) In the amount of \$4,500 for the fourth year.

VIII. The commission shall adopt rules pursuant to RSA 541-A to establish protocols for determining the number of incentive awards that will be made annually based on available appropriations for the program.

IX. Incentive awards under this section shall be offered to the extent of available funding.

4 Rural and Underserved Area Educator Incentive Program; Appropriation. There is hereby appropriated the sum of \$1 for the fiscal year ending June 30, 2025, to the department of education, division of educator support and higher education, for the purpose of funding the rural and underserved area educator incentive program established in RSA 21-N:8-c. All funds appropriated for the program shall be nonlapsing. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

2024-2190s

AMENDED ANALYSIS

This bill revises membership of critical incident stress management teams and terminology regarding critical incident intervention and management.

The bill also establishes the rural and underserved area educator incentive program and makes an appropriation therefor.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

HB 1278-FN, relative to qualifying medical conditions for purposes of therapeutic cannabis.

Ought to Pass, Vote 5-0. Senator Prentiss for the committee.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

Sen. Prentiss, Dist 5

May 21, 2024

2024-2107s

05/06

Floor Amendment to HB 1278-FN

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

AN ACT relative to qualifying medical conditions for purposes of therapeutic cannabis and relative to the New Hampshire vaccine association.

Amend the bill by replacing all after section 2 with the following:

3 New Hampshire Vaccine Association; Definitions; Definition of Biological Product Added. Amend RSA 126-Q:1, III - X to read as follows:

III. "Assessable lives" means all children under 19 years of age residing in the state who have assessable coverage written or administered by an assessable entity, with the exception of children whose vaccines **or biological products** are paid for under the federal Vaccines for Children program, established under 42 U.S.C. section 1396s.

IV. "Assessment" means the assessable entity's liability with respect to childhood vaccines **or biological products** determined in accordance with this chapter. For purposes of rate setting and medical loss ratio calculations, all association assessments are considered pharmaceutical or medical benefit costs and not regulatory costs. In the event of any insolvency or similar proceeding affecting any payer, assessments shall be included in the highest priority of obligations to be paid by or on behalf of such payer.

V. "Association" means the New Hampshire vaccine association.

V-a. "Biological product" means any biological product, including monoclonal antibody products, that has been approved by the federal Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention to be added to the Vaccines for Children program and has been authorized by the commissioner of the department of health and human services for administration to children of the state of New Hampshire under the age of 19 years for the purposes of protecting against diseases caused by infectious pathogens.

VI. "Board" means the board of directors of the New Hampshire vaccine association.

VII. "Commissioner" means the commissioner of the department of health and human services.

VIII. "Estimated vaccine cost" means the estimated cost to the state over the course of a state fiscal year of the purchase, distribution, and administration of vaccines **and biological products** purchased at the federal discount rate by the department of health and human services.

IX. "Provider" means a person licensed by this state to provide health care services to persons or a partnership or corporation made up of those persons.

X. "Total non-federal program cost" means the estimated vaccine **and biological products** cost less the amount of federal revenue available to the state for the purchase, distribution, and administration of vaccines.

4 New Hampshire Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, II(c) to read as follows:

(c) Add a reserve of up to 10 percent of the anticipated cost under subparagraph (a) for unanticipated costs associated with providing vaccines **and biological products** to children covered; and

5 New Hampshire Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, V to read as follows:

V. The board may determine an interim assessment for new vaccines, **new biological products**, or unanticipated shortfalls in the association's ability to meet childhood vaccine funding needs. The board shall

calculate the interim assessment in accordance with paragraph II, and the interim assessment is payable the calendar quarter that begins no less than 30 days following the establishment of the federal contract price. The board shall not impose more than one interim assessment per year, except in the case of a public health emergency declared in accordance with state or federal law.

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

2024-2107s

AMENDED ANALYSIS

This bill adds debilitating or terminal medical conditions to the qualifying medical conditions for therapeutic cannabis if a health care provider certifies the potential benefit to the patient. The bill also removes certain limitations on a qualifying visiting patient's access to cannabis.

The bill also defines biological products for purposes of the assessment determination by the New Hampshire vaccine association.

Senator Birdsell withdrew Floor Amendment 2024-2107s.

Senator Whitley offered a Floor Amendment.

Sen. Whitley, Dist 15

Sen. Bradley, Dist 3

May 22, 2024

2024-2147s

05/02

Floor Amendment to HB 1278-FN

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

AN ACT relative to qualifying medical conditions for purposes of therapeutic cannabis; and relative to the summer EBT program, the SNAP elderly simplified application and the school lunch program and making appropriations therefor.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; Schools; Food and Nutrition Programs. Amend RSA 189:11-a, VII by inserting after subparagraph (b) the following new subparagraph:

(c) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b is in effect, and that such school is providing lunch meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a reimbursement for each lunch meal served to a pupil and an additional reimbursement for each meal served to students eligible for a reduced price meal. The department of education shall request biennial appropriations in an amount sufficient to meet projected school lunch reimbursements to ensure students eligible for reduced price meals are offered lunch at no cost. The department of education shall prescribe forms as necessary under this subparagraph.

4 New Paragraphs; Human Service; Summer EBT and Elderly Simplified Application. Amend RSA 161:2 by inserting after paragraph XIII-b the following new paragraphs:

XIII-c. Summer EBT. The department shall apply for and meet all deadlines to participate in the federal Summer EBT program so that families whose children are eligible for free and reduced price meals can receive benefits on an EBT card in the summer. The department shall include in its biennial budget request under RSA 9:4 funding for any administrative costs related to administering the federal Summer EBT program.

XIII-d. Elderly Simplified Application. The department shall apply for and participate in the elderly simplified application project within the Supplemental Nutrition Assistance Program (SNAP). The department shall include in its biennial budget request under RSA 9:4 funding for any administrative costs related to administering the SNAP elderly simplified application.

5 Appropriations.

I. The sum of \$143,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding personnel costs associated with the summer EBT program established by section 1 of this act. The department may contract with external resources, fill unfunded positions, or take other appropriate actions to facilitate the administrative support required under the provisions of this bill. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$55,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding systems and technology costs associated with the summer EBT program established by section 1 of this act for the summer of 2024. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$667,500 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding systems and technology costs associated with the summer EBT program established by section 1 of this act for the summer of 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

IV. The sum of \$82,500 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding transaction fees in the issuance of EBT costs associated with the summer EBT program established by section 1 of this act for the summer of 2024. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

V. The sum of \$82,500 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding transaction fees in the issuance of EBT costs associated with the summer EBT program established by section 1 of this act for the summer of 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

VI. The sum of \$10,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding one-time set-up costs associated with the summer EBT program established by section 1 of this act for the summer of 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

VII. The sum of \$25,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding outreach costs associated with the summer EBT program established by section 1 of this act for the summer of 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

VIII. The sum of \$37,500 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding technology costs associated with the SNAP elderly simplified application established by section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

IX. In addition to the appropriations contained in paragraphs I through VIII of this section, the department of health and human services may accept and expend matching federal funds without prior approval of the fiscal committee of the general court for this purpose.

X. For the purpose of funding RSA 189:11-a, VII(c) as inserted by section 3 of this act, the sum necessary to provide school reimbursement for the free and reduced priced meal program is appropriated to the department of education for the biennium ending June 30, 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 2024.

2024-2147s

AMENDED ANALYSIS

This bill adds debilitating or terminal medical conditions to the qualifying medical conditions for therapeutic cannabis if a health care provider certifies the potential benefit to the patient. The bill also removes certain limitations on a qualifying visiting patient's access to cannabis.

This bill further directs the department of health and human services to participate in the federal summer EBT program and the SNAP elderly simplified application program and makes appropriations to the department for this purpose. The bill also provides reimbursement through the department of education to schools providing free and reduced priced lunch meals to students.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 1127, relative to the revocation and suspension of drivers' licenses.

Ought to Pass, Vote 5-0. Senator Carson for the committee.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23
 May 21, 2024
 2024-2116s
 11/06

Floor Amendment to HB 1127

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

AN ACT relative to the revocation and suspension of drivers' licenses and to invalidating out-of-state driver's licenses issued to undocumented immigrants.

Amend the bill by replacing all after section 6 with the following:

7 New Paragraph; Drivers License Penalty; Invalidate Undocumented Immigrants. Amend RSA 263:1 by inserting after paragraph III. the following new paragraph:

IV. Any person who holds a driver license that is of a class of licenses issued by another state exclusively to undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued, the driver license, or other permit purporting to authorize the holder to operate a motor vehicle on public roadways, is invalid in this state and does not authorize the holder to operate a motor vehicle in this state. Such classes of licenses include licenses that are issued exclusively to undocumented immigrants or licenses that are substantially the same as licenses issued to citizens, residents, or those lawfully present in the United States, but have markings establishing that the license holder did not exercise the option of providing proof of lawful presence.

(a) Any person who drives a motor vehicle in this state holding a driver license that is of a class of licenses described in paragraph IV shall be guilty of a class B misdemeanor.

(b) The department, to facilitate the enforcement of this paragraph and to aid in providing notice to the public and visitors of invalid licenses, shall maintain on its website a list of out-of-state classes of driver licenses that are invalid in this state.

8 Driver License Compact; Undocumented Foreign State Licenses Invalid. Amend RSA 263:77, I(b)(2) to read as follows:

(2) ***Except as specified in RSA 263:1, IV, [Make] make*** the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

9 Repeal. RSA 263:12, IV, relative to failure to surrender license, is repealed.

10 Effective Date.

I. Sections 7-8 of this act shall take effect 60 days after its passage.

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

2024-2116s

AMENDED ANALYSIS

This bill allows individuals with suspended licenses to mow their lawns without penalty and eliminates the requirement that drivers with suspended licenses surrender their licenses to the department of motor vehicles. This bill also invalidates out-of-state driver's licenses issued specifically to undocumented immigrants.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1245, relative to release of confidential records of a person appointed a guardian.
 Ought to Pass, Vote 5-0. Senator Whitley for the committee.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
 May 21, 2024
 2024-2104s
 09/02

Floor Amendment to HB 1245

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

AN ACT relative to release of confidential records of a person appointed a guardian and relative to patient access to medical records.

Amend the bill by replacing all after section 4 with the following:

5 Medical Records. RSA 332-I:1, I is repealed and reenacted to read as follows:

I. All medical information contained in the medical records in the possession of any health care provider, or in the possession of any third-party vendor with whom a health care provider contracts to store, handle, and issue copies of such medical records, shall be deemed to be the property of the patient. The patient or the patient's requestor shall be entitled to a copy of such records upon request, as regulated by the Health Insurance Portability and Accountability Act of 1996, as amended ("HIPAA").

(a) For purposes of this section, a "requestor" means the patient's personal representative, an individual authorized to access the patient's medical record through a valid power of attorney, or the patient's attorney.

(b) For any request made by a requestor, the cost for electronic copies of the patient's medical records, and all related services, shall be charged at a reasonable rate not to exceed \$50.00, and the cost for paper copies of the patient's medical records, and all related services, shall not exceed \$5 for the first page, \$.41 per page for pages 2 through 50, and \$.30 per page for pages 51 and higher. If, however, any redactions to the patient's records are specifically requested by the requestor, such as for example, redactions of sensitive information pertaining to HIV status, drug and alcohol use, mental health, or genetic testing, the requestor may be charged a reasonable cost for the labor necessary to complete those redactions, not to exceed \$25 per hour.

(c) If a patient's medical records are stored and available in an electronic format, they shall be provided in that format to the requestor. Records which are stored and available in an electronic format shall not be printed and provided in paper format unless specifically requested in paper format by the requestor.

(d) All records being provided pursuant to requests by a requestor shall be provided to the requestor within 30 days of the receipt of the request, and any records not provided within 30 days shall be provided at no cost, absent an independent intervening force majeure which renders the requested records inaccessible, irretrievable, or undeliverable within this 30-day timeframe.

(e) If an incomplete copy of the requested medical records is provided, and additional requests are required to obtain a complete copy of the originally requested medical records, any records provided pursuant to those additional requests shall be provided at no cost.

6 Effective Date.

I. Sections 1 through 4 of this act shall take effect January 1, 2025.

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

2024-2104s

AMENDED ANALYSIS

This bill provides that a person appointed a guardian shall retain the right to access and consent to the release of his or her confidential records unless the terms of the appointment provide otherwise. This bill further amends the amounts that can be charged for copies of medical records, and requires electronic production where available unless otherwise requested.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

FINANCE

HB 1202-FN, relative to the issuance of permits for the alteration of driveways exiting onto public ways. Ought to Pass, Vote 7-0. Senator Pearl for the committee.

Senator Ricciardi offered a Floor Amendment.

Sen. Ricciardi, Dist 9

May 23, 2024

2024-2192s

11/05

Floor Amendment to HB 1202-FN

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

AN ACT relative to the issuance of permits for the alteration of driveways exiting onto public ways and relative to the definition of disability or special needs under the child care scholarship program.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; New Hampshire Employment Program and Family Assistance Program; Rulemaking; Child Care Scholarship Program. Amend RSA 167:83, II by inserting after subparagraph (q) the following new subparagraph:

(r) The development and administration of the child care scholarship program as a component of the Child Care Development Block Grant. The department may suspend implementation of this subparagraph if the department lacks sufficient appropriation for implementation. Such rules shall:

(1) Identify a protected class for children at-risk of or diagnosed with a disability or special needs under the Child Care Development Block Grant.

(2) Consider in its definition delays across all domains of child development including but not limited to a child's physical, cognitive, communication, social, emotional, and/or behavioral skills.

(A) The definition of "disability" or "special needs" under the child care scholarship program shall include any child who displays, or is at risk for, delayed social or emotional development.

(B) An eligible child shall not require a formal diagnosis or formal special education code, but rather shall qualify under this category so long as the child is screened and found to be delayed or at risk of delay through an approved early childhood developmental screening tool and the results verified by an approved by a child care provider and licensed treating clinician, or other approved licensed professional.

(3) Identify the standardized and/or approved early childhood developmental screening tools necessary to determine eligibility and establish the verification process by which a child's child care provider, licensed treating clinician, or other licensed professional as reasonably identified by the department, shall verify, or otherwise certify the results of the tool.

4 Appropriation. The sum of \$375,000 for the biennium ending June 30, 2025 is appropriated to the department of health and human services for the purpose of adopting rules and administering the child care scholarship program in accordance with the criteria specified in section 1 of this act. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, or any other federal funds can be used for this purpose and any remainder, not to exceed \$1, shall be general funds. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 3-4 shall take effect January 1, 2025.

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

2024-2192s

AMENDED ANALYSIS

This bill:

I. Establishes certain deadlines for issuance of permits for the alteration of driveways exiting onto public ways.

II. Directs the department of health and human services to adopt rules relative to the definition of disability or special needs for purposes of the child care scholarship program and authorizes the department to suspend implementation for insufficient funding. The bill also makes an appropriation of available federal funds to the child care scholarship program.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1568-FN, relative to reimbursement for ambulance services under the state Medicaid plan.

Ought to Pass, Vote 7-0. Senator Birdsell for the committee.

Senator Prentiss offered a Floor Amendment.

Sen. Prentiss, Dist 5

Sen. Rosenwald, Dist 13

May 23, 2024

2024-2160s

05/08

Floor Amendment to HB 1568-FN

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

AN ACT relative to reimbursement for ambulance services under the state Medicaid plan and making an appropriation therefor.

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

1 New Paragraph; Commissioner of the Department of Health and Human Services; State Medicaid Plan Amendment Regarding Ambulance Services. Amend RSA 126-A:5 by inserting after paragraph XXXIV the following new paragraph:

XXXV. The commissioner shall submit to the Centers for Medicare and Medicaid Services (CMS) an amendment to the state Medicaid plan to provide reimbursement for ambulance services when care is provided in response to an emergency call to a member's home or on a scene, when an ambulance is dispatched, and treatment is provided to the patient without the patient being transported to another site.

(a) Providers shall be eligible for Medicaid reimbursement when the provider has documented that:

(1) The response originated through an emergency call; and

(2) The patient consents to evaluation and treatment, and one of the following outcomes has occurred:

(A) After the evaluation, and when indicated, treatment, the licensed paramedic or emergency medical technician (EMT) and the patient agree there is no need for transportation by ambulance;

(B) The patient does not request and actively refuses transport to an emergency department for evaluation; or

(C) The patient is stable for referral to the patient's physician, other community resource, and the patient has the ability, including mental capacity and transportation resources, to obtain assistance and medically indicated follow-up.

(b) Providers shall also be eligible for Medicaid reimbursement when the provider has documented that the response originated through an emergency call, resuscitation efforts were terminated, and the patient is deceased.

2 Contingency. Section 1 of this act shall take effect on the date the Centers for Medicare and Medicaid Services certifies the approval of the amendment to the state Medicaid plan to the director of legislative services and the secretary of state.

3 Appropriation; Department of Health and Human Services. The sum of \$500,000, for the biennium ending June 30, 2025, is appropriated to the department of health and human services for the purposes of this act. The department may accept and expend any available matching federal funds without the approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for said sum from any money in the treasury not otherwise appropriated.

4 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

2024-2160s

AMENDED ANALYSIS

This bill directs the department of health and human services to submit an amendment to the state Medicaid plan regarding reimbursement for ambulance services. The bill also makes an appropriation to the department of health and human services for this purpose.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 318-FN-A, relative to bail commissioners, the standards applicable to and the administration of bail, and making an appropriation.

Ought to Pass with Amendment, Vote 6-1. Senator Birdsell for the committee.

Senate Finance

May 21, 2024

2024-2096s

09/05

Amendment to HB 318-FN-A

Amend RSA 597:2, III(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) If a person is charged with any **other** criminal offense, [~~an offense listed in RSA 173-B:1, I, or a violation of a protective order under RSA 458:16, III, or after arraignment, is charged with a violation of a protective order issued under RSA 173-B;~~] the court may order preventive detention without bail, or, in the

alternative, may [order] **recommend** restrictive conditions including but not limited to electronic monitoring and supervision, only if the court determines by clear and convincing evidence that release will endanger the safety of that person or the public. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant factors presented pursuant to paragraph IV.

Amend RSA 490-K:1 as inserted by section 7 of the bill by replacing it with the following:

490-K:1 Judicial Training Coordinator.

A judicial training coordinator position shall be created on or before July 1, 2025, to work under the direction of the chief justice of the supreme court. The judicial training coordinator shall develop high quality judicial branch training and continuing education programs and work to provide judges, bail commissioners, administrators, and court staff with a reasonable opportunity to fulfill any mandatory orientation and initial required training as well as continuing educational requirements set by the chief justice of the supreme court.

Amend the bill by replacing section 11 with the following:

11 Effective Date.

- I. Sections 10 and 11 of this act shall take effect July 1, 2024.
- II. Section 7 of this act shall take effect July 1, 2025.
- III. The remainder of this act shall take effect January 1, 2025.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
May 23, 2024
2024-2178s
09/08

Floor Amendment to HB 318-FN-A

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

AN ACT relative to magistrates, bail commissioners, the standards applicable to and the administration of bail, and making appropriations.

Amend the bill by replacing section 1 with the following:

1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, I-IV to read as follows:

I. Except as provided in paragraph VI, upon the appearance before the court **or magistrate** of a person charged with an offense, the court **or magistrate** shall issue an order that, pending arraignment or trial, the person be:

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;
- (c) Detained; or
- (d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph VIII.

II. Except as provided in RSA 597:1-d, a person charged with a probation violation shall be entitled to a bail hearing. The court **or magistrate** shall issue an order that, pending a probation violation hearing, the person be:

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or
- (c) Detained.

III. When considering whether to release or detain a person, the court **or magistrate** shall consider the following issues:

- (a) Safety of the public or the defendant.

(1) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; felony level domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; felony level stalking under RSA 633:3-a, VI(a); trafficking in persons under RSA 633:7; robbery under RSA 636:1, III; possession,

manufacture, or distribution of child sexual abuse images under RSA 649-A; or computer pornography and child exploitation under RSA 649-B; shall not be brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before the court. Arraignment shall occur no later than 24 hours after the arrest. In the case of a person arrested when the court is not open within the next 24 hours, a decision on bail shall be made by a judge or magistrate within 24 hours of the arrest. At the person's appearance before the court or magistrate, the court or magistrate shall order that the person be detained pending trial if the court or magistrate determines by a preponderance of the evidence that release of the person is a danger to that person or the public. In determining whether release will endanger the safety of that person or the public, the court or magistrate may consider all relevant and material factors presented pursuant to paragraph IV. If the court or magistrate does not find sufficient evidence that the person must be detained, the court or magistrate shall order the person released pursuant to subparagraph I(a) or subparagraph I(b), or, if applicable, temporarily detained pursuant to subparagraph I(d). A person arrested for violating the conditions of his or her bail for an offense listed in this subparagraph shall be held until they can be brought before the court at the first available date. If at a subsequent hearing, the court finds probable cause exists that the person violated the conditions of his or her bail for any of the crimes listed in this subparagraph, the defendant shall be held pending trial.

(2) If a person is charged with any **other** criminal offense, [~~an offense listed in RSA 173-B:1, I, or a violation of a protective order under RSA 458:16, III, or after arraignment, is charged with a violation of a protective order issued under RSA 173-B;~~] the court **or magistrate** may order preventive detention without bail, or, in the alternative, may [~~order~~] **recommend** restrictive conditions including, but not limited to electronic monitoring and supervision, only if the court **or magistrate** determines by clear and convincing evidence that release will endanger the safety of that person or the public. In determining whether release will endanger the safety of that person or the public, the court **or magistrate** may consider all relevant factors presented pursuant to paragraph IV.

(b) Assuring the court appearance of charged persons.

(1) The court **or magistrate** shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court **or magistrate** may require unless the court **or magistrate** determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required.

(2)(A) If the court **or magistrate** determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past [5] 3 years, or twice on the present case, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required, **and the person shall be detained. At the bail hearing, the defendant shall be permitted to present evidence and the court or magistrate shall decide whether such person has rebutted the presumption that release will not reasonably assure the appearance of the person as required.**

(3) In determining the amount of the unsecured appearance bond or cash or corporate surety bail, the court **or magistrate** may consider all relevant factors bearing upon a person's ability to post bail.

(4) The court **or magistrate** shall not impose a financial condition that will result in the pretrial detention of a person solely as a result of that financial condition, unless the court **or magistrate** determines by clear and convincing evidence that the nature of the allegations presents a substantial risk that the person will not appear and that no reasonable alternative will assure the person's appearance. The defendant shall be afforded the opportunity to be heard.

(c) Failure of a person to abide by previous bail conditions. If there is probable cause to believe that, while on release pending resolution of a previous offense, the person committed a felony, class A misdemeanor, or driving or operating while impaired, there shall be a rebuttable presumption that the person will not abide by a condition that the person not commit a new offense. The court **or magistrate** shall not impose a financial condition that will result in the pretrial detention of the person solely as a result of that financial condition unless the court **or magistrate** determines by clear and convincing evidence after a hearing that no reasonable alternative or combination of conditions will assure that the person will not commit a new offense. The court **or magistrate** may consider any relevant factors in making its determination.

IV.(a) Evidence in support of preventive detention shall be made by offer of proof at the initial appearance before the court **or magistrate**. At that time, the defendant may request a subsequent bail hearing where live testimony is presented to the court.

(b) At any subsequent hearing, such testimony may be presented via video conferencing, unless the court determines that witness testimony in court is necessary. A request by the defendant for in-court testimony shall be made by oral motion at the initial hearing or by written motion prior to any subsequent hearing. Any order granting the defendant's request shall be distributed to the parties at least 48 hours prior to any subsequent hearing.

(c) There shall be a rebuttable presumption that an alleged victim of the crime shall not be required to testify at the bail hearing. Nothing in this section shall preclude an alleged victim from voluntarily testifying at such hearing. The state may present evidence of statements made in the course of an investigation through a law enforcement officer.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 through 11 to read as 6 through 15, respectively:

2 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, VII-IX to read as follows:

VII. In a release order issued pursuant to this section, the court *or magistrate* shall include a written statement that sets forth:

(a) All of the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

(b) The provisions of RSA 641:5, relative to tampering with witnesses and informants.

VIII. A person charged with an offense who is, or was at the time the offense was committed, on release pending trial for a felony or misdemeanor under federal or state law, release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal or state law; or probation or parole for any offense under federal or state law, except as provided in RSA 597:1-d, III, may be detained for a period of not more than 72 hours from the time of his or her arrest, excluding Saturdays, Sundays and holidays. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state, or local law enforcement official. Upon such notice, the court *or magistrate* shall direct the clerk to notify by telephone the department of corrections, division of field services, of the pending bail hearing. If the department fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole may be subject to arrest and detention as probation and parole violators.

IX. Upon the appearance of a person charged with a class B misdemeanor, the court *or magistrate* shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court *or magistrate* determines pursuant to paragraph III that such release will endanger the safety of the person or the public. The court *or magistrate* shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

3 Arrests in Criminal Cases; Release or Detention; Place and Time of Detention. Amend RSA 594:20-a, I to read as follows:

I. When a person is arrested with or without a warrant, he or she may be committed to a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody. The person shall be taken to appear before a *magistrate*, circuit court, or a superior court in the case of felony complaints and misdemeanors and violation level charges that are directly related to those felonies, without unreasonable delay, to answer for the offense. All persons shall appear no later than 24 hours after arrest[, or no later than 36 hours after arrest if arrested between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an arraignment on the same day, Saturdays, Sundays, and holidays excepted]. *In the case of a person arrested when the court is not open within the next 24 hours, a decision on bail shall be made by a magistrate within 24 hours of the arrest. The person arrested shall be entitled to be heard on the question of bail. Such hearing may be held telephonically, and the magistrate may conduct such hearing from any location within the state of New Hampshire, without regard to the jurisdiction in which the person was arrested. An arrestee shall be entitled to an in-person, de novo appeal of the magistrate's bail determination, to be held in the judicial district in which he or she was arrested or in which the crime is alleged to have occurred.*

4 Bail and Recognizances; Review and Appeal of Release or Detention Order. Amend RSA 597:6-e to read as follows:

597:6-e Review and Appeal of Release or Detention Order.

I. If a person is ordered released by a bail commissioner *or magistrate*, the person, or the state, shall be entitled to a hearing, if requested, on the conditions of bail before a justice within 48 hours, Sundays and holidays excepted.

II. Subject to RSA 597:2, X, the person or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice **or magistrate**, or by a bail commissioner. The motion shall be determined promptly. However, no action shall be taken on any such motion until the moving party has provided to the superior court certified copies of the complaint, affidavit, warrant, bail slip, and any other court orders relative to each charge for which a release or detention order was issued by a justice, or a bail commissioner. In cases where a district court justice has made a finding, pursuant to RSA 597:2, IV that the person poses a danger to another, the superior court shall, after notification to both parties, the police department that brought the charges in district court, and the victim, conduct a hearing and make written findings supporting any modifications and reasons for new conditions or changes from the district court order. The reviewing court shall take into consideration the district court's written findings, orders, pleadings, or transcript when making a modification.

III. The person, or the state pursuant to RSA 606:10, V, may appeal to the supreme court from a court's release or detention order, or from a decision denying revocation or amendment of such an order. The appeal shall be determined promptly.

5 Bail and Recognizances; Detention and Sanctions for Default or Breach Conditions. Amend RSA 597:7-a, I to read as follows:

I. A peace officer may detain an accused until [he] **the accused** can be brought before a justice **or magistrate** if [he] **the peace officer** has a warrant issued by a justice for default of recognizance or for breach of conditions of release or if [he] **the peace officer** witnesses a breach of conditions of release. The accused shall be brought before a justice **or magistrate** for a bail revocation hearing within [48] **24** hours[, Saturdays, Sundays and holidays excepted].

Amend the bill by replacing section 11 with the following:

11 New Chapter; Judicial Training. Amend RSA by inserting after chapter 490-J the following new chapter:

CHAPTER 490-K JUDICIAL TRAINING

490-K:1 Judicial Training Coordinator.

A judicial training coordinator position shall be created on or before July 1, 2025, to work under the direction of the chief justice of the supreme court. The judicial training coordinator shall develop high quality judicial branch training and continuing education programs and work to provide judges, magistrates, bail commissioners, administrators, and court staff with a reasonable opportunity to fulfill any mandatory orientation and initial required training as well as continuing educational requirements set by the chief justice of the supreme court.

490-K:2 Initial Judicial Training Requirements.

Any person who holds the position of judge or magistrate in this state, and all nonjudicial employees of the judicial branch with a hire date on or after July 1, 2025, shall complete an orientation and training program within 3 months of hire, as directed by the chief justice of the supreme court. The minimum initial training for judges may be as follows:

I. Orientation for new judges on procedures and functions of the applicable court and relevant procedural and substantive law;

II. Education for new judges on major legal subjects and practical skills needed by them and appropriate to the jurisdiction of the court in which they serve;

III. At least one hour of training devoted to the topics of legal and judicial ethics, professionalism, preventing implicit bias, mental health, and domestic violence.

490-K:3 Judicial Continuing Education Requirements.

Any person who holds the position of judge, magistrate, court administrator, clerk, or director of the administrative office of the court in this state, shall be required to complete continuing education as the chief justice of the supreme court directs.

Amend the bill by replacing all after section 13 with the following:

14 New Chapter; Magistrates. Amend RSA by inserting after chapter 491-A the following new chapter:

CHAPTER 491-B MAGISTRATES

491-B:1 Appointment and qualifications. The chief justice of the supreme court, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, shall appoint at least 3 magistrates, subject to appropriation by the legislature. Such magistrates shall serve at such locations as the chief justice of the supreme court may determine under this chapter. Magistrates shall be judicial branch employees.

491-B:2 Duties.

I. At the discretion of the chief justice of the supreme court, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, magistrates may have the following powers:

(a) To determine the release or detention of defendants on all days of the week and at all times of day pursuant to RSA 597:2;

(b) To conduct arraignment hearings and issue decisions on arraignments;

(c) To conduct bail hearings and issue decisions on bail and other decisions regarding release or detention of persons pending trial pursuant to RSA 597:2;

(d) To issue arrest warrants or other processes of arrest;

(e) To issue search warrants;

(f) To administer oaths and affirmations; and

(g) To perform such other acts or functions specifically authorized by the chief justice of the supreme court not inconsistent with the New Hampshire constitution or any state or federal laws.

II. Magistrates may only perform the powers listed in paragraph I(b) through I(g) if they are licensed to practice law in the state of New Hampshire.

III. The magistrates shall provide to any person bailed by the magistrate pursuant to the authority granted by this chapter information on local services that are available to the person relating to homelessness, hunger, mental health, and substance use issues.

15 Funding.

I. The judicial branch shall determine the amount of funding needed in order to pay for the fees for bail commissioners and to establish the identification cards as directed in sections 4-6 of this act, and that amount is hereby appropriated in the fiscal year ending June 30, 2025, to the judicial branch.

II. The judicial branch shall determine the amount of funding needed to establish 3 new magistrates who will serve at such locations as the chief justice of the supreme court designates and who shall be empowered to perform certain judicial functions relative to bail, arraignments, and warrants, and that amount is hereby appropriated in the fiscal year ending June 30, 2025 to the judicial branch.

III. The appropriations in paragraph I and II shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

16 Effective Date.

I. Sections 15 and 16 of this act shall take effect July 1, 2024.

II. Section 11 of this act shall take effect July 1, 2025.

III. The remainder of this act shall take effect January 1, 2025.

2024-2178s

AMENDED ANALYSIS

This bill:

I. Establishes magistrates and provides them certain authority.

II. Makes various amendments governing the standards applicable to and the administration of bail, as well as the penalties for violations of bail conditions.

III. Authorizes counties to establish criteria concerning a criminal defendant's ability to repay the costs of electronic monitoring.

IV. Makes amendments to the amount of the bail commissioner's fee and the process to pay this fee, and makes other amendments to the duties and educational requirements for bail commissioners.

V. Establishes a judicial training coordinator and establishes training requirements for judges and certain judicial employees.

VI. Makes appropriations to the judicial branch.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1380-FN, relative to brew pub licenses.

Ought to Pass, Vote 6-1. Senator Innis for the committee.

Senator Innis offered a Floor Amendment.

Sen. Innis, Dist 7
Sen. Avard, Dist 12
May 21, 2024
2024-2119s
08/06

Floor Amendment to HB 1380-FN

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

AN ACT relative to brew pub licenses, relative to insurance cost-sharing calculations, and relative to receipt of pharmaceutical rebates by insurers and pharmacy benefits managers.

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

2 New Section; Accident and Health Insurance; Fairness in Cost-Sharing Calculations. Amend RSA 415 by inserting after section 27 the following new section:

415:28 Fairness in Cost-Sharing Calculations.

I. In this section, "cost-sharing requirements" means any coinsurance, copayment, deductible or out-of-pocket maximum.

II. When calculating an enrollee's overall contribution to any cost-sharing requirements under an individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, the insurer or pharmacy benefit manager shall include any amounts paid by the enrollee or paid on behalf of the enrollee. This requirement shall not apply in the case of a prescription drug for which there is a generic alternative, unless the insured has obtained prior authorization, a step therapy protocol, or the insurer's exceptions and appeals process. If under federal law, application of this requirement would result in health savings account ineligibility with section 223 of the federal Internal Revenue Code, this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under section 223, except for with respect to items or services that are preventive care pursuant to section 223(c)(2)(C) of the federal Internal Revenue Code, in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under section 223 has been satisfied.

III. When applying paragraph II to the calculation of an enrollee or insured's contribution to the annual limitation on cost-sharing set forth in 42 U.S.C. sections 18022(c) and 300gg-6(b), an individual or group policy, plan, or contract of accident or health insurance, or pharmacy benefit manager shall include expenditures for any item or service covered by such insurer or pharmacy benefit manager and included within a category of essential health benefits as described in 42 U.S.C. section 18022(b)(1).

IV. This section shall apply to a group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses delivered, issued for delivery, or renewed on or after January 1, 2025.

3 New Section; Health Service Corporations; Fairness in Cost-Sharing Calculations. Amend RSA 420-A by inserting after section 32 the following new section:

420-A:33 Fairness in Cost-Sharing Calculations.

I. "Cost-sharing requirements" has the same meaning as in RSA 415:28.

II. Every health service corporation and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group accident or health insurance providing benefits for medical or hospital expenses, or pharmacy benefit manager when calculating an enrollee's overall contribution to any cost-sharing requirements shall include any amounts paid by the enrollee or paid on behalf of the enrollee. This requirement shall not apply in the case of a prescription drug for which there is a generic alternative, unless the insured has obtained prior authorization, a step therapy protocol, or the insurer's exceptions and appeals process. If under federal law, application of this requirement would result in health savings account ineligibility with section 223 of the federal Internal Revenue Code, this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under section 223, except for with respect to items or services that are preventive care pursuant to section 223(c)(2)(C) of the federal Internal Revenue Code, in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under section 223 has been satisfied.

III. When applying paragraph II to the calculation of an enrollee or insured's contribution to the annual limitation on cost-sharing set forth in 42 U.S.C. sections 18022(c) and 300gg-6(b), an individual or group policy,

plan, or contract of accident or health insurance, or pharmacy benefit manager shall include expenditures for any item or service covered by such insurer or pharmacy benefit manager and included within a category of essential health benefits as described in 42 U.S.C. section 18022(b)(1).

4 New Section; Health Maintenance Organizations; Fairness in Cost-Sharing Calculations. Amend RSA 420-B by inserting after section 26 the following new section:

420-B:27 Fairness in Cost-Sharing Calculations.

I. "Cost-sharing requirements" has the same meaning as in RSA 415:28.

II. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing benefits for medical or hospital expenses, or pharmacy benefit manager when calculating an enrollee's overall contribution to any cost-sharing requirements shall include any amounts paid by the enrollee or paid on behalf of the enrollee. This requirement shall not apply in the case of a prescription drug for which there is a generic alternative, unless the insured has obtained prior authorization, a step therapy protocol, or the insurer's exceptions and appeals process. If under federal law, application of this requirement would result in health savings account ineligibility with section 223 of the federal Internal Revenue Code, this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under section 223, except for with respect to items or services that are preventive care pursuant to section 223(c)(2)(C) of the federal Internal Revenue Code, in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under section 223 has been satisfied.

III. When applying paragraph II to the calculation of an enrollee or insured's contribution to the annual limitation on cost-sharing set forth in 42 U.S.C. sections 18022(c) and 300gg-6(b), an individual or group policy, plan, or contract of accident or health insurance, or pharmacy benefit manager shall include expenditures for any item or service covered by such insurer or pharmacy benefit manager and included within a category of essential health benefits as described in 42 U.S.C. section 18022(b)(1).

5 Pharmacy Benefits Manager Reporting. Amend RSA 402-N:6, I to read as follows:

I. Each pharmacy benefits manager shall submit an annual ***or quarterly*** report to the commissioner containing a list of health benefit plans it administered[;] and the ~~[aggregate amount of all]~~ rebates it collected from pharmaceutical manufacturers that were attributable to patient utilization in the state of New Hampshire during the prior calendar year. ***This paragraph shall not apply to Medicaid, the Medicaid Care Management Program, the Ryan White HIV/AIDS Program administered by the department of health and human services, or self-funded plans such as the state employee health benefit plan. The report submitted to the commissioner shall include the following information:***

(a) ***The aggregate number of rebates and total value received by the pharmacy benefit manager;***

(b) ***The aggregate number of rebates and total value distributed to the appropriate health care insurer;***

(c) ***The aggregate number of rebates and total value passed on to an insured of each health care insurer at the point of sale that reduced the insured's applicable deductible, copayment, co-insurance, or other cost-sharing amount;***

(d) ***The individual and aggregate amount paid by the health care insurer to the pharmacy benefit manager for pharmacist services itemized by pharmacy, by product (at the unique NDC level), and by goods and services; and***

(e) ***The individual and aggregate amount a pharmacy benefit manager paid for pharmacist services itemized by pharmacy, by product, and by goods and services.***

6 Pharmaceutical Rebates. Amend RSA 415-A:7, II-IV to read as follows:

II. All rebates remitted by or on behalf of a pharmaceutical manufacturer, developer, or labeler, directly or indirectly, to an insurer, or to a pharmacy benefits manager under contract with an insurer, related to its prescription drug benefits shall be remitted in ~~[one or both of]~~ the following ways:

(a) ***At least 50 percent of all rebates shall be*** remitted directly to the covered person at the point of sale to reduce the out-of-pocket cost to the covered person associated with a particular ***or specific*** prescription drug;

(b) Remitted to, and retained by, the insurer. ***The remainder of the*** rebates remitted to the insurer shall be applied by the insurer in its plan design and in future plan years to offset the premium for covered persons.

III. Beginning ~~[November 1, 2020]~~ ***March 1, 2025*** and annually thereafter, an insurer shall file with the commissioner a report in the manner and form determined by the commissioner demonstrating the manner in which the insurer ***and/or its contracted entity for pharmacy benefit services*** has complied with this section. ***The report shall include at least the following:***

(a) An actuarial certification attesting:

(1) All discounts and rebates received by health insurers were used to reduce costs for policyholders in compliance with paragraph II.

(2) How rebates were remitted in the individual, small, and large group market.

(3) If applied pursuant to subparagraph II(b), an explanation of how remittance was applied to both plan design, based on estimated rebates, and in future plan years to offset premium.

(4) A description of the methodology employed to calculate the estimated rebate amount, for the purpose of applying to plan design.

(b) Methodology for determining estimated rebate amount:

(1) Insurers shall employ actuarial and analytical methodologies to estimate the total rebate amount expected to be received from drug manufacturers over a defined period.

(2) The determination of the estimated rebate amount shall account for factors such as historical rebate data, anticipated changes in drug utilization, formulary modifications, and other pertinent variables.

(3) The calculated estimated rebate amount shall adhere to generally accepted actuarial principles and industry best practices to ensure precision and dependability.

(4) The calculation shall be documented and made available for review by the insurance commissioner, upon request.

III-a. This section shall not apply to Medicaid, the Medicaid Care Management Program, the Ryan White HIV/AIDS Program administered by the department of health and human services, or self-funded plans such as the state employee health benefit plan.

IV. Any insurer that violates any provision of this section may, at the discretion of the commissioner, be subject to subparagraph (a) or (b), or both:

(a) Its certificate of authority may be indefinitely suspended or revoked.

(b) A civil fine not to exceed [~~\$2,500~~] **\$10,000** may be imposed for each violation. Repeated violations of the same provision shall constitute separate civil offenses.

7 Repeal. 2020; 15:2, relative to the prospective repeal of RSA 415-A:7, is repealed.

8 Effective Date.

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

II. Section 7 of this act shall take effect June 30, 2024.

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

2024-2119s

AMENDED ANALYSIS

This bill:

I. Allows a brew pub licensee to also hold an on-premises or off-premises license.

II. Provides that, when calculating an enrollee's contribution to cost-sharing requirements, the insurer or pharmacy benefits manager shall include any amount paid by the enrollee or paid on their behalf.

III. Includes a limited exception for health savings account-qualified high deductible health plans if application of the requirement would result in account ineligibility under the Internal Revenue Code.

IV. Revises the annual reporting requirement for pharmacy benefits managers regarding pharmaceutical rebates.

V. Revises the percentage of rebates insurers are required to make available to enrollees, increases the fine for noncompliance, and removes prospective repeal of RSA 415-A:7, relative to insurer cost sharing of rebates.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1292-FN, relative to coverage of children under the state retiree insurance plan.

Ought to Pass, Vote 5-0. Senator Perkins Kwoka for the committee.

Senator Avard offered a Floor Amendment.

Sen. Avard, Dist 12
May 23, 2024
2024-2179s
05/06

Floor Amendment to HB 1292-FN

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

AN ACT relative to coverage of children under the state retiree insurance plan and relative to federal immigration enforcement.

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

2 New Chapter; Anti-Sanctuary Act. Amend RSA by inserting after chapter 130 the following new chapter:

CHAPTER 130-A
ANTI-SANCTUARY ACT

103-A:1 Definitions. In this chapter:

I. "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law.

II. "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. sections 1226 and 1357 along with a warrant described in subparagraph (c). For the purpose of this section, an immigration detainer shall be deemed facially sufficient if:

(a) The federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and

(c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law.

III. "Inmate" means a person in the custody of a law enforcement agency.

IV. "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriff's offices, state police departments, state university and college police departments, county correctional agencies, and the department of corrections.

V. "Local governmental entity" means any county, municipality, or other political subdivision of this state.

VI. "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. section 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. section 1357; or

(e) Providing a federal immigration agency with an inmate's incarceration status or release date.

VII. "State entity" means any county, city, municipality, town, village, village district, special district, or other political subdivision of this state, including law enforcement agencies. The term shall include officials, officers, representatives, agents, and employees.

103-A:2 Prohibition of Sanctuary Policies.

No state government entity, local government entity, or law enforcement agency shall knowingly enact, issue, adopt, promulgate, enforce, permit, endorse, maintain, or have in effect any sanctuary policy.

103-A:3 Cooperation with Federal Immigration Authorities.

I. A law enforcement agency shall use best efforts to support the enforcement of federal immigration law.

II. Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:

(a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.

(b) Recording and maintaining the information for purposes of this chapter.

(c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.

(d) Using the information to comply with an immigration detainer.

(e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

III. This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperation in the investigation or prosecution of the offense.

IV. This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was a victim of a criminal offense.

V. This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering.

103-A:4 Enforcement.

I. Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the attorney general, who may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.

II. If a local governmental entity or local law enforcement agency violates this chapter, the court shall enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.

III. An order approving a consent decree or granting an injunction shall include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2025.

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

2024-2179s

AMENDED ANALYSIS

This bill removes the requirement that young adult children covered under a retired state employee's insurance plan be full-time students.

The bill also prohibits state and local government entities from adopting sanctuary policies to prohibit or impede the enforcement of federal immigration law.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Soucy.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

Senator Soucy moved to divide the question on Ought to Pass with Amendment: Section 1 and then the Remainder of the Bill.

The Chair ruled the question divisible.

The question is on the adoption of the motion of Ought to Pass with Amendment: Section 1. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment: Remainder of the Bill.

A roll call was requested by Senator Avard, seconded by Senator Lang.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 185-FN, relative to the determination of parental rights and responsibilities based on shared parenting. Interim Study, Vote 4-1. Senator Carson for the committee.

The question is on the adoption of the motion of Interim Study. Failed.

Senator Carson moved Ought to Pass.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
May 15, 2024
2024-1973s
06/08

Floor Amendment to HB 185-FN

Amend the bill by replacing section 1 with the following:

1 Parental Rights and Responsibilities; Statement of Purpose. Amend the introductory paragraph of RSA 461-A:2, I and subparagraph (a) to read as follows:

I. Because children do best when both parents have a stable and meaningful involvement in their lives, it is the policy of this state, unless it is [clearly] shown that in a particular case it is [detrimental to] **not in the best interest of** a child, to:

(a) [~~Support frequent and continuing contact~~] **Encourage approximately equal parenting time** between each child and both parents **if it is in the best interest of the child.**

The question is on the adoption of the Floor Amendment. Adopted.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
May 23, 2024
2024-2189s
05/11

Floor Amendment to HB 185-FN

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

AN ACT relative to the determination of parental rights and responsibilities based on shared parenting and requiring all municipalities and school governing bodies to post on their official website the amount of funds received by the state either by allocation or grant.

Amend the bill by replacing all after section 2 with the following:

3 New Section; Disclosure of State Funding Received. Amend RSA 32 by inserting after section 5-c the following new section:

32:5-d Disclosure of State Funding Received. All municipalities and school district governing bodies shall post the amount of funds received by the state, either by allocation or grant, on their official town or school website within 30 days of receipt. In the absence of a website a political subdivision shall post the information in two appropriate places.

4 Effective Date.

I. Section 3 of this act shall take effect 60 days after its passage.

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

2024-2189s

AMENDED ANALYSIS

This bill provides that it is a state policy to support approximately equal parenting time between a child and parent unless such an arrangement is clearly detrimental to the child. The bill also provides that if the court concludes that approximately equal parenting time is not in the best interest of the child, the court shall make findings supporting its order.

The bill also requires all municipalities and school governing bodies to post on their official town or school website within 30 days the amount of funds received by the state either by allocation or grant.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

May 22, 2024

2024-2141s

06/02

Floor Amendment to HB 185-FN

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

AN ACT relative to the determination of parental rights and responsibilities based on shared parenting, and disability pensions for public safety employees who are victims of violence.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraphs; Violent Accidental Disability Retirement Allowance. Amend RSA 100-A:6, II by inserting after subparagraph (d) the following new subparagraphs:

(e)(1) Upon the application of a group II member in service or of the member's employer, any member shall be retired by the board of trustees on a violent accidental disability retirement allowance where the member has been totally and permanently incapacitated for duty as the result of a purposeful, hostile, and violent attack upon such member in the line of duty. In this section, a "purposeful, hostile, and violent attack" means a physical attack with a deadly weapon, as defined in RSA 625:11, V, and done with conscious intent and with such force that it results in the infliction of serious bodily injury, as defined in RSA 625:11, VI.

(2) The provisions of subparagraph (e)(1) shall apply provided that:

(A) The member is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent;

(B) The member did not intend for injury to result from the member's conduct; and

(C) The incapacitating event has been determined by the commissioner of safety to meet the criteria of a violent attack under this section and certified to the retirement system on a form approved by the board of trustees. Solely for the purpose of making this determination and notwithstanding any other law to the contrary, the commissioner of safety may obtain any records held by any state or municipal official regarding the circumstances, cause, or manner of violent injury disability. The commissioner of safety may consult with the labor commissioner and may disclose any information or records obtained in the course of his or her inquiry. Any records held by the commissioner of safety pursuant to this section shall not be subject to the right-to-know law, RSA 91-A, and shall not be subject to disclosure in any civil action.

(D) The injury has been found to be compensable by the employer, the employer's insurance carrier, or the commissioner of labor pursuant to RSA 281-A:43.

(3) If the board of trustees is unable to grant violent accidental disability retirement benefits after review of medical and factual information submitted by the member and by a physician designated by the board, then the member shall be entitled to a hearing before the board in order to determine whether the member qualifies for disability retirement benefits. The hearing before the board may be designated to a presiding officer. The presiding officer designated by the board shall not be the same person who made an initial disability determination and recommendation to the board based on the medical and factual information submitted by the member and physician as stated above.

(f) Upon violent accidental disability retirement, the group II member shall receive a violent accidental disability retirement allowance equal to the member's earnable compensation during their last 12 months of active service at the date of the member's disability or an annual allowance of \$75,000, whichever is greater.

4 Retrospective Application for Benefit. Members who retired under accidental disability on or after July 1, 2018 shall have 90 days from the effective date of this act to file application for violent accidental disability benefits under section 1 of this act and, if approved, such members' benefit shall be modified effective to the date of the application for violent accidental disability retirement benefits.

5 Maximum Benefit Limitation; Reference Added. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, for members who commenced service before July 1, 2009, or have attained vested status prior to January 1, 2012, a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. For members who commenced service on or after July 1, 2009, and have not attained vested status prior to January 1, 2012, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$120,000. Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c) **or RSA 100-A:6, II(e) and (f)**. This provision shall not limit the application of supplemental allowances.

6 Disability Retirement Benefits. Amend RSA 100-A:6, III(b)(4) to read as follows:

(4) The provisions of subparagraph (b)(1) shall not apply to a group II accidental disability beneficiary whose total of years of service as a member in group II plus years of accidental disability retirement is at least 20 years, as determined by the board, and who has attained the age of 45, **or a group II violent accidental disability beneficiary, regardless of age or years of service**. Any such accidental disability **or violent accidental disability** beneficiary shall receive retirement allowance benefits under this section without reduction for gainful occupation.

7 Benefits Upon Member's Death After Retirement - Group II Members. Amend RSA 100-A:12, II to read as follows:

II. Upon the death of a group II member who has retired on or after April 1, 1987, or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired before July 1, 1988, and if the member is married on the date of such member's retirement, there shall be paid to such surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, [or] accidental disability, **or violent accidental disability** retirement allowance payments. For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, and on or prior to July 1, 1993, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be terminally funded.

8 New Subparagraph; New Hampshire Retirement System; Medical Benefits; Payment by Retirement System; Group II. Amend RSA 100-A:52, I by inserting after subparagraph (g) the following new subparagraph:

(h) Any member retired on a violent accidental disability retirement allowance pursuant to RSA 100-A:6, II(e).

9 New Hampshire Retirement System; Medical Benefits; Payment by Retirement System; Group II. Amend RSA 100-A:52, II to read as follows:

II.(a) For the fiscal year beginning July 1, 2011, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$375.56 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$236.84 per month. The rate payable under this paragraph shall not be increased.

(b) Notwithstanding subparagraph (a), for the fiscal year beginning July 1, 2024, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under subparagraph I(h) as result of a violent accidental disability who is not entitled to Medicare benefits, shall be \$1,000 per month, and on account of each person qualified under subparagraph I(h) who is entitled to Medicare benefits, shall be \$630.63 per month. The rate payable under this paragraph shall not be increased.

10 New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group

II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; ~~and~~ to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II before July 1, 2005 or permanent firemen members of group II before July 1, 2005; **and to persons who are group II permanent policemen or permanent firemen members retired under a violent accidental disability**. Such additional benefits shall not apply to other persons who become members of group II after the dates stated in this paragraph, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be terminally funded.

11 Medical Insurance Benefits; Retired Group II Employees. Amend RSA 21-I:30, VII(b) to read as follows:

(b) Dies or retires and is eligible for accidental death, ~~or~~ accidental disability, **or violent accidental disability** retirement benefits, regardless of the state employee's age or number of years of creditable service; or

12 Effective Date.

I. Sections 1 - 2 of this act shall take effect January 1, 2025.

II. The remainder of this act shall take effect July 1, 2024.

2024-2141s

AMENDED ANALYSIS

This bill provides that it is a state policy to support approximately equal parenting time between a child and parent unless such an arrangement is clearly detrimental to the child. The bill also provides that if the court concludes that approximately equal parenting time is not in the best interest of the child, the court shall make findings supporting its order.

The bill further establishes a retirement system benefit for group II members who retire due to a violent act injury.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Soucy moved to divide the question on Ought to Pass with Amendment: Original bill and Floor Amendment 2024-1973s and then Floor Amendments 2024-2189s, Floor Amendment 2024-2141s, and the effective date.

The Chair ruled the question divisible.

The question is on the adoption of the motion of Ought to Pass with Amendment: Original Bill and Floor Amendment 2024-1973s. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment: Floor Amendment 2024-2189s, Floor Amendment 2024-2141s, and the effective date. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

President Pro Tempore Gray presiding.

HB 1633-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor. Ought to Pass with Amendment, Vote 4-3. Senator Innis for the committee.

Senate Finance

May 21, 2024

2024-2138s

09/02

Amendment to HB 1633-FN-A

Amend RSA 318-F:1, XXXV(a)(1) as inserted by section 5 of the bill by replacing it with the following:

(1) Two ounces of cannabis flower or cannabis trim or any combination thereof;

Amend RSA 318-F:7 as inserted by section 5 of the bill by inserting after paragraph IV the following new paragraph:

V. The provisions of this section shall not apply with respect to the employment of law enforcement officers. In addition to federal prohibitions on the use of marijuana and the possession of a firearm, law enforcement officers and peace officers shall be prohibited from prior use as identified in New Hampshire police standards and training council rules and any current use while employed as a law enforcement officer or peace officer.

Amend RSA 318-F:12 as inserted by section 5 of the bill by replacing it with the following:

318-F:12 Enforcement Activity Verifying Noncompliance.

It shall be a misdemeanor to sell any cannabis, cannabis product, cannabis accessories, or cannabis paraphernalia to a minor during enforcement activity initiated solely for the purpose of verifying noncompliance with RSA 318-F:5. It shall be a class A misdemeanor to knowingly sell cannabis, cannabis product, or cannabis paraphernalia to a minor at the time of any such enforcement activity. The commission shall retain the right to require the licensee or franchisee in such a circumstance to initiate additional training of its staff or individual employees. This section shall not apply to law enforcement initiatives involving surveillance, investigations, or criminal complaints of RSA 318-F:5.

Amend RSA 318-F:13, II(h) as inserted by section 5 of the bill by replacing it with the following:

(h) Annual mandatory training and continuing education required for licensees, franchisees, and all cannabis retail store employees, which shall include, but not be limited to, training on checking photo identification and for false identification, cannabis use disorder, mental health training, and mandatory reporting criteria. The rules set forth shall be specific as to the amount of annual training that is required and the specific subject matters the licensees, franchisees, and retail store employees are to be trained on each year.

Amend RSA 318-F:13, II(r)(2) as inserted by section 5 of the bill by replacing it with the following:

(2) That testing shall include, but not be limited to, analysis for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous herbicides, pesticides, and fungicides; heavy metals; harmful microbials, such as *E. coli* or salmonella; and such other substances as the commission shall adopt by rule;

Amend RSA 318-F:13, II(s) as inserted by section 5 of the bill by replacing it with the following:

(s) Change in ownership, change in franchise, change in licenses, and changes in location for cannabis establishments.

Amend RSA 318-F:13, III(f)(9) as inserted by section 5 of the bill by replacing it with the following:

(9) Establishing the maximum amount of THC that may be included in each edible cannabis product serving as 10 milligrams and no more than 200 milligrams per package. For all other cannabis products, the cannabis control commission shall determine a maximum cannabis content based upon public health, mental health, and public safety criteria. In determining a maximum cannabis content, the cannabis control commission shall research scientific literature and the policies of other states and countries.

Amend RSA 318-F:13, III as inserted by section 5 of the bill by inserting after subparagraph (g) the following new subparagraph:

(h) Rules to ensure that a minimum of 5 licenses for cannabis cultivation facilities are awarded to independent growers with demonstrated experience in New Hampshire agriculture.

Amend RSA 318-F:14, V(d) as inserted by section 5 of the bill by replacing it with the following:

(d) Opaque, child-resistant packaging, which shall be designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for adults to use properly as defined by 16 C.F.R. section 1700, et seq. Cannabis and cannabis products may be pre-packaged in opaque, child-resistant packaging or placed in a compliant exit package prior to transfer to a consumer.

Amend RSA 318-F:19 as inserted by section 5 of the bill by replacing it with the following:

318-F:19 Enactment of Municipal Ordinance.

I. Any town or city may allow cannabis retail outlets in their municipality according to the provisions of this subdivision, in the following manner:

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of cannabis establishments within this town or city?"

(d) The recount of any local option vote, the procedures for holding such a recount, the declaration of the results of such a recount, and the procedure for an appeal from such a recount shall be as provided in RSA 660:13 through RSA 660:15.

(e) Notwithstanding any other provision of law to the contrary, the provisions of RSA 664:14 through RSA 664:22 shall apply to any election or meeting at which the voters of a municipality decide the question set forth in this section.

II. If a majority of those voting on the question vote "yes," cannabis establishments may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I at the annual town meeting or regular municipal election held not less than 3 years after the election or meeting at which the question failed.

IV. A municipality that has voted to allow cannabis retail outlets may consider rescinding its action in the manner described in paragraph I of this section.

V. A municipality may enact an ordinance limiting the number of each type of non-retail cannabis establishment that may be permitted within the municipality.

VI. A municipality may not negotiate or enter into an agreement with a cannabis establishment or a cannabis establishment applicant requiring that the cannabis establishment or applicant provide money, donations, in-kind contributions, services, or anything of value to the locality.

VII. In a municipality that voted to permit cannabis establishments, if the municipality has a zoning ordinance, it shall consider adoption of an innovative land use control pursuant to RSA 674:21, II, specifying where a cannabis establishment will be a permitted use and further provide what, if any, conditions will be placed upon cannabis establishments. If a municipality has passed an innovative land use control relative to cannabis establishments, it shall notify the liquor commission within 90 days of passage. Municipalities without zoning ordinances or which have failed to pass an innovative land use control relative to cannabis establishments will be governed by the provisions of RSA 318-F and administrative rules relating to cannabis establishments enacted pursuant to RSA 541-A. No local ordinance may be less restrictive than the provisions of RSA 318-F or administrative rules enacted pursuant to RSA 541-A.

Amend RSA 318-F:21, III as inserted by section 5 of the bill by replacing it with the following:

III. For the biennium ending June 30, 2025, the sum of \$8,000,000 is hereby appropriated to the liquor commission for the cost of administration of this chapter.

Amend RSA 318-F:21, V(b)-(d) as inserted by section 5 of the bill by replacing it with the following:

(b) Twenty percent shall be allocated to the alcohol abuse prevention and treatment fund established by RSA 176-A. This allocation shall be in addition to any other monies allocated to the fund, and shall be distributed by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery in the manner established in RSA 12-J and RSA 176-A:1;

(c) Fifteen percent shall be allocated to public safety agencies, including police, fire, and rescue agencies, for the hiring and training of additional drug recognition experts, for advanced roadside impaired driving enforcement training, for reimbursement of local police agencies for salaries of police officers during their attendance at the trainings listed in this subparagraph, and to assist in responding to drug overdose incidents; and

(d) Fifteen percent shall be disbursed to the department of health and human services, division of behavioral health, for the purpose of supporting the children's system of care.

Amend RSA 318-F:22, I as inserted by section 5 of the bill by replacing it with the following:

I. There shall be a cannabis control commission ("CCC") to study and approve rules and regulations proposed by the liquor commission on the regulation, public health issues, and business operations of cannabis establishments. The cannabis control commission shall be administratively attached to the liquor commission.

Amend RSA 318-F:22, II(d) as inserted by section 5 of the bill by replacing it with the following:

(d) A prevention specialist, who is currently certified by the prevention certification board of New Hampshire, appointed by the chairman of the governor's commission on alcohol and other drugs.

Amend RSA 318-F:22, II as inserted by section 5 of the bill by inserting after subparagraph (l) the following new subparagraph:

(m) The commissioner of the department of agriculture, markets, and food, or designee.

Amend the bill by replacing section 30 with the following:

I. The sum of \$100,000 annually to the department of health and human services, for data collection and reporting related to the health impacts of cannabis legalization and regulation under RSA 318-F:10. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$8,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the liquor commission for deposit into the cannabis fund established in RSA 318-F:21 for the administration of RSA 318-F. Said appropriation shall be a charge against the liquor fund.

III. For the biennium ending June 30, 2025, the sum of \$500,000 is hereby appropriated to the cannabis fund established in RSA 318-F:21 for the purpose of funding the appropriation in RSA 318-F:21, IV, to the alcohol abuse prevention and treatment fund established by RSA 176-A. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

IV. The sum of \$250,000 for the fiscal year ending June 30, 2025, and the sum of \$250,000 for the fiscal year ending June 30, 2026, are hereby appropriated to the liquor commission for the purpose of hiring a consultant to assist the liquor commission with developing the administrative rules required under this chapter. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing all after section 31 with the following:

32 Prospective Repeal. RSA 318-F:22, relative to the cannabis control commission, is repealed.

33 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such 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 declared to be severable.

34 Effective Date.

I. RSA 318-F:13, RSA 318-F:19, RSA 318-F:20, RSA 318-F:21, and RSA 318-F:22, as inserted by section 5 of this act, shall take effect upon its passage.

II. Section 32 of this act shall take effect July 1, 2029.

III. The remainder of this act shall take effect January 1, 2026.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Chandley offered a Floor Amendment.

Sen. Chandley, Dist 11

Sen. Whitley, Dist 15

May 16, 2024

2024-2023s

09/05

Floor Amendment to HB 1633-FN-A

Amend RSA 318-F:13, II(c)(6) as inserted by section 5 of the bill by replacing it with the following:

(6) Prior experience of the applicant in operating an alternative treatment center or other facility that cultivates, manufactures, or sells cannabis and/or cannabis products pursuant to and in accordance with the laws of the state of New Hampshire or another state. Preference shall be given to applicants with prior experience in operating an alternative treatment center or other facility that cultivates, manufactures, or sells cannabis and/or cannabis products pursuant to the laws of New Hampshire, provided that such applicants meet the rules and requirements established under RSA 318-F:13, II.

The question is on the adoption of the Floor Amendment. Failed.

Senator Chandley offered a Floor Amendment.

Sen. Chandley, Dist 11

Sen. Rosenwald, Dist 13

May 23, 2024

2024-2175s

09/02

Floor Amendment to HB 1633-FN-A

Amend the bill by replacing section 34 with the following:

34 Effective Date.

I. RSA 318-F:2, RSA 318-F:3, RSA 318-F:13, RSA 318-F:19, RSA 318-F:20, RSA 318-F:21, and RSA 318-F:22, as inserted by section 5 of this act, shall take effect upon its passage.

II. Section 32 of this act shall take effect July 1, 2029.

III. The remainder of this act shall take effect January 1, 2026.

Senator Chandley withdrew Floor Amendment 2024-2175s.

Senator Chandley offered a Floor Amendment.

Sen. Chandley, Dist 11

Sen. Rosenwald, Dist 13

May 23, 2024

2024-2186s

09/02

Floor Amendment to HB 1633-FN-A

Amend the bill by replacing section 34 with the following:

34 Effective Date.

I. RSA 318-F:1, RSA 318-F:2, RSA 318-F:3, RSA 318-F:4, RSA 318-F:5, RSA 318-F:13, RSA 318-F:19, RSA 318-F:20, RSA 318-F:21, and RSA 318-F:22, as inserted by section 5 of this act, shall take effect upon its passage.

II. Section 32 of this act shall take effect July 1, 2029.

III. The remainder of this act shall take effect January 1, 2026.

The question is on the adoption of the Floor Amendment. Failed.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Carson, Dist 14

Sen. Rosenwald, Dist 13

Sen. Abbas, Dist 22

May 23, 2024

2024-2176s

09/08

Floor Amendment to HB 1633-FN-A

Amend RSA 318-F:9 as inserted by section 5 of the bill by replacing it with the following:

318-F:9 Lawful Operation of Cannabis-Related Facilities.

I. The following acts shall not be illegal under New Hampshire law nor shall they be a basis for the seizure or forfeiture of assets under New Hampshire law if:

(a) The act is undertaken by a person or business entity that possesses a current, valid license defined in RSA 126-X, RSA 318-F:1, VI, VII, X, XII, XIII, or XIV;

(b) The person is acting in his or her capacity as an owner, employee, or agent of such a person or business entity; and

(c) The act is within the scope of activities authorized by the respective license as defined in subparagraphs (1)-(8):

(1) An "alternative treatment center" registered pursuant to RSA 126-X shall be entitled legally to sell, offer for sale, transfer, transport, and deliver therapeutic grade cannabis products to cannabis establishments.

(2) A "cannabis cultivation facility" license or "cultivation facility" license as defined in RSA 318-F:1, VI, shall entitle the person or business entity possessing such license legally to cultivate, harvest, process, package, transport, distribute, display, and possess cannabis; to obtain or purchase cannabis seeds, clones, and seedlings from any adult 21 years of age or older; to deliver or transfer cannabis to a cannabis testing facility; to sell or transfer cannabis that has not been processed into cannabis concentrate or other cannabis product to cannabis cultivation facilities, cannabis product manufacturing facilities, and cannabis retail stores; and to obtain or purchase cannabis from a cannabis cultivation facility.

(3) A "cannabis distributor" license as defined in RSA 318-F:1, VII or a "cannabis transporter" license as defined in RSA 318-F:1, XV, shall entitle the person or business entity possessing such license legally to possess, obtain, cultivate, process, store, transport, distribute, and receive cannabis obtained from a cannabis establishment.

(4) A “cannabis product manufacturing facility” license as defined in RSA 318-F:1, X, shall entitle the person or business entity possessing such license legally to package, process, transport, manufacture, display, and possess cannabis and cannabis products; to deliver or transfer cannabis and cannabis products to a cannabis testing facility; to sell cannabis and cannabis products to cannabis retail stores and cannabis product manufacturing facilities; to purchase or obtain cannabis from cannabis cultivation facilities and cannabis production facilities; and to purchase or obtain cannabis or cannabis products from a cannabis product manufacturing facility.

(5) A “cannabis production facility” license as defined in RSA 318-F:1, XII, shall entitle the person or business entity possessing such license legally to cultivate, prepare, and package cannabis and manufacture, prepare, and package cannabis products within the same premises; to transport and sell cannabis to other cannabis production facilities, cannabis cultivation facilities, cannabis product manufacturing facilities, and cannabis retail stores, but not to consumers; and to transport and sell cannabis products to other cannabis production facilities, cannabis product manufacturing facilities, and cannabis retail stores, but not to consumers.

(6) A “cannabis retail store” license as defined in RSA 318-F:1, XIII, shall entitle the person or business entity possessing such license legally to possess, display, warehouse, transport, and distribute cannabis and cannabis products; to obtain or purchase cannabis from cannabis cultivation facilities and cannabis production facilities; to deliver or transfer cannabis to a cannabis testing facility; to obtain or purchase cannabis or cannabis products from cannabis product manufacturing facilities and cannabis production facilities; to obtain or purchase therapeutic grade cannabis products from an alternative treatment center; to sell cannabis or cannabis products to an adult who is 21 years of age or older; to sell therapeutic grade cannabis products to qualified patients and designated caregivers as defined in RSA 126-X:1; to distribute cannabis and cannabis products to other cannabis retail stores; and to distribute therapeutic grade cannabis to alternative treatment centers.

(7) A “cannabis testing facility” license as defined in RSA 318-F:1, XIV, shall entitle the person or business entity possessing such a license legally to possess, test, store, transport, receive, and display cannabis and cannabis products.

(8) A “cannabis establishment” license as defined in RSA 318-F:1, IX, shall entitle the person or business possessing such license legally to engage in any activities involving cannabis or cannabis products that are within the scope of the activities allowed by the commission for that type of cannabis establishment.

II. Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this chapter shall not for that reason be unlawful.

III. It shall not be illegal under New Hampshire law to sell, offer for sale, transfer, transport, or deliver cannabis to establishments licensed to process or sell cannabis under the laws of other states if the person or business entity has obtained a current, valid license to operate a cannabis transporter, cannabis distributor, cannabis product manufacturing facility, cannabis production facility, or cannabis cultivation facility, or is acting in his or her capacity as an owner, employee, or agent of a cannabis transporter, cannabis distributor, cannabis product manufacturing facility, cannabis production facility, or cannabis cultivation facility, and marijuana is no longer scheduled as a controlled substance as defined under the Federal Controlled Substances Act, 21 U.S.C. section 801, et. seq.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Rosenwald offered a Floor Amendment.

Sen. Rosenwald, Dist 13

Sen. Bradley, Dist 3

Sen. Abbas, Dist 22

May 23, 2024

2024-2172s

09/02

Floor Amendment to HB 1633-FN-A

Amend the bill by replacing section 34 with the following:

34 Effective Date.

I. RSA 318-F:13, RSA 318-F:19, RSA 318-F:20, RSA 318-F:21, and RSA 318-F:22, as inserted by section 5 of this act, and section 30 of this act, shall take effect upon its passage.

II. Section 32 of this act shall take effect July 1, 2029.

III. The remainder of this act shall take effect January 1, 2026.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Gannon, seconded by Senator Soucy.

The following Senators voted Yes: Lang, Watters, Prentiss, Innis, Fenton, Chandley, Rosenwald, Whitley, Murphy, Pearl, Soucy, Perkins Kwoka, Abbas, Altschiller.

The following Senators voted No: Gendreau, Bradley, Ward, Ricciardi, Avard, Carson, Birdsell, D'Allesandro, Gannon, Gray.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

President Bradley presiding.

TRANSPORTATION

HB 2024, relative to the state 10-year transportation improvement plan.

Ought to Pass with Amendment, Vote 4-0. Senator Ricciardi for the committee.

Senate Transportation

May 15, 2024

2024-2002s

11/05

Amendment to HB 2024

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-11 to read as 11-15, respectively:

7 Charlestown; Project Added. The project named Charlestown, project number 41478, construction on Cheshire Bridge carrying NH 11 over the Connecticut River between Charlestown, NH and Springfield, VT, provided that public access to the bridge is not closed until January 1, 2027, at the earliest, with the department and town to consider various project options, shall be included in the 2025-2034 10-year transportation improvement plan.

8 Milford; Project Added. Preliminary engineering for a median barrier project along the Milford Bypass if deemed feasible; such project shall be included in the 2025-2034 10-year transportation improvement plan with funding of \$2,000,000 in 2033.

9 Hampton; Turnpike System; Project Added. Comprehensive capital needs evaluation on the turnpike system, including all electronic tolling (AET) in Hampton. The project shall be included in the 2025-2034 10-year transportation improvement plan with \$2,000,000 for design and engineering for AET in Hampton in 2028.

10 University of New Hampshire; Project Added. Two compressed natural gas (CNG) buses. The project shall be included in the 2025-2034 10-year transportation improvement plan with \$1,800,000 in 2025 and 2027, funded with FTA funds. The programmatic project named FTA 5307 is reduced by \$1,800,000 in 2025 and 2027.

Amend section 11 of the bill by inserting after paragraph VIII the following new paragraph:

IX. The project named Hudson, project number 42108, said project being withdrawn from the 2025-2034 10-year transportation improvement plan by the town of Hudson.

Amend section 12 of the bill by inserting after paragraph XIII the following new paragraph:

XIV The project named Statewide Programmatic Corridor Study is amended to increase the funding for the corridor studies in 2025 by \$700,000 for a total of \$1,400,000.

Amend the bill by replacing all after section 13 with the following:

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

2024-2002s

AMENDED ANALYSIS

This bill:

I. Adopts the 2025-2034 10-year transportation plan.

II. Adds certain projects to the 2025-2034 10-year transportation improvement plan.

III. Removes certain projects from the 2025-2034 10-year transportation improvement plan.

IV. Increases funding for certain projects in the 2025-2034 10-year transportation.

V. Requires that all rail removed from a portion of the Conway Branch rail line be used to offset construction costs of the portion's rail bed.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Watters, Dist 4

May 23, 2024

2024-2194s

11/05

Floor Amendment to HB 2024

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

AN ACT relative to the state 10-year transportation improvement plan and relative to adding a speed limit of 45 miles per hour on rural highways.

Amend the bill by replacing all after section 13 with the following:

14 Basic Rule and Maximum Limits. Amend RSA 265:60 to read as follows:
265:60 Basic Rule and Maximum Limits.

I. No person shall drive a vehicle on a way at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the way in compliance with legal requirements and the duty of all persons to use due care.

II. Where no hazard exists that requires lower speed for compliance with RSA 265:60, I, the speed of any vehicle not in excess of the limit specified in this section or established as hereinafter authorized shall be prima facie lawful, but any speed in excess of the limit specified in this section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(a) In a posted school zone, at a speed of 10 miles per hour below the usual posted limit from 45 minutes prior to each school opening until each school opening and from each school closing until 45 minutes after each school closing.

(b) 30 miles per hour in any business or urban residence district as defined in RSA 259:118;

(c) 35 miles per hour in any rural residence district as defined in RSA 259:93, and on any class V highway outside the compact part of any city or town as defined in RSA 229:5, IV;

(d) 45 miles per hour in any unimproved rural highway as defined in RSA 259:116-a.

~~[(d)]~~ (e) 55 miles per hour in other locations, except as provided in (e);

~~[(e)]~~ (f) 65 miles an hour on the interstate system, the central New Hampshire turnpike and the eastern New Hampshire turnpike in locations where said highways are 4-lane divided highways or other divided highways of 4 or more lanes, except that the speed limit on the portion of I-93 from mile marker 45 to the Vermont border shall be 70 miles per hour.

~~[(f)]~~ (g) On a portion of a highway where officers or employees of the agency having jurisdiction of the same, or any contractor of the agency or their employees, are at work on the roadway or so close thereto as to be endangered by passing traffic, at a speed of at least 10 miles per hour below the usual posted limit. The speed shall be displayed on signs as required by RSA 265:6-a.

~~[(g)]~~ (h) For a vehicle equipped with a transponder, 25 miles per hour through a toll booth or gate that is equipped with a transponder reader for automated toll collection except for an open road tolling lane and except that at toll booths staffed by toll collectors drivers whose vehicles are not equipped for automated tolling shall come to a full stop at the toll booth so that the attendant may collect the toll.

~~[(h)]~~ (i) In the toll collection area of an open road tolling lane, at a speed greater than is reasonable and prudent for the conditions and actual and potential hazards existing at the time or greater than a per se maximum speed of 65 miles per hour, whichever is less.

III. The limits specified in subparagraphs II~~[(e)]~~(f) and II~~[(g)]~~(h) shall be the maximum lawful speed and no person shall drive a vehicle on said ways at a speed in excess of such maximum limit. The prima facie speed limits set forth in this section may be altered as authorized in RSA 265:62.

IV. The driver of every vehicle shall, consistent with requirements of paragraph I, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic by reason of weather or highway conditions.

V. The fines for violation of subparagraphs II(a)-[(d)] (e) shall be as follows:

Miles per hour above the limit specified:

1-10 \$50
 11-15 75
 16-20 100
 21-25 200
 26+ \$350

The fines listed in this paragraph shall be plus penalty assessment.

VI. The fines for violations of subparagraph II[(e)](f) shall be as follows:

Miles above the 65 mph limit:

1-5 \$65
 6-10 100
 11-15 150
 16-20 250
 21+ 350

Miles above the 70 mph limit:

1-5 \$65
 6-10 100
 11-15 200
 16-20 300
 21+ 400

15 New Section; Unimproved Rural Highway. Amend RSA 259 by inserting after section 259:116 the following new section:

259:116-a Unimproved Rural Highway. “Unimproved Rural Highway” means the territory contiguous to a 2-lane highway not comprising a business district, urban residence district, or rural residence district, but where reduced speeds are warranted due to highway geometry, lack of paved shoulders, or low-density presence of driveways and other accesses to the public way.

16 Establishment of State Speed Zones. Amend RSA 265:62, II to read as follows:

II. Notwithstanding the provisions of paragraph I and RSA 265:60, II, or any other law to the contrary, upon recommendation of the commissioner of transportation and a determination by the governor and council that it is in the public interest to conserve motor vehicle fuels or to conform with other national goals, the governor and council may establish temporary prima facie speed limits upon any part, including, but not limited to, the ways specified in RSA 265:60, II[(e)] (f), of the state highway system outside the compact part of cities and towns. Such temporary speed limits shall become effective when appropriate signs giving notice of the limits thereby established are erected.

17 Effective Date.

I. Sections 14-16 shall take effect January 1, 2025.

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

2024-2194s

AMENDED ANALYSIS

This bill:

I. Adopts the 2025-2034 10-year transportation plan.

II. Adds certain projects to the 2025-2034 10-year transportation improvement plan.

III. Removes certain projects from the 2025-2034 10-year transportation improvement plan.

IV. Increases funding for certain projects in the 2025-2034 10-year transportation.

V. Requires that all rail removed from a portion of the Conway Branch rail line be used to offset construction costs of the portion's rail bed.

VI. Adds a speed limit of 45 miles per hour on rural highways.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

May 23, 2024

2024-2187s

11/05

Floor Amendment to HB 2024

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

AN ACT relative to the state 10-year transportation improvement plan and relative to disability pensions for public safety employees who are victims of violence.

Amend the bill by replacing all after section 13 with the following:

14 New Subparagraphs; Violent Accidental Disability Retirement Allowance. Amend RSA 100-A:6, II by inserting after subparagraph (d) the following new subparagraphs:

(e)(1) Upon the application of a group II member in service or of the member's employer, any member shall be retired by the board of trustees on a violent accidental disability retirement allowance where the member has been totally and permanently incapacitated for duty as the result of a purposeful, hostile, and violent attack upon such member in the line of duty. In this section, a "purposeful, hostile, and violent attack" means a physical attack with a deadly weapon, as defined in RSA 625:11, V, and done with conscious intent and with such force that it results in the infliction of serious bodily injury, as defined in RSA 625:11, VI.

(2) The provisions of subparagraph (e)(1) shall apply provided that:

(A) The member is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent;

(B) The member did not intend for injury to result from the member's conduct; and

(C) The incapacitating event has been determined by the commissioner of safety to meet the criteria of a violent attack under this section and certified to the retirement system on a form approved by the board of trustees. Solely for the purpose of making this determination and notwithstanding any other law to the contrary, the commissioner of safety may obtain any records held by any state or municipal official regarding the circumstances, cause, or manner of violent injury disability. The commissioner of safety may consult with the labor commissioner and may disclose any information or records obtained in the course of his or her inquiry. Any records held by the commissioner of safety pursuant to this section shall not be subject to the right-to-know law, RSA 91-A, and shall not be subject to disclosure in any civil action.

(D) The injury has been found to be compensable by the employer, the employer's insurance carrier, or the commissioner of labor pursuant to RSA 281-A:43.

(3) If the board of trustees is unable to grant violent accidental disability retirement benefits after review of medical and factual information submitted by the member and by a physician designated by the board, then the member shall be entitled to a hearing before the board in order to determine whether the member qualifies for disability retirement benefits. The hearing before the board may be designated to a presiding officer. The presiding officer designated by the board shall not be the same person who made an initial disability determination and recommendation to the board based on the medical and factual information submitted by the member and physician as stated above.

(f) Upon violent accidental disability retirement, the group II member shall receive a violent accidental disability retirement allowance equal to the member's earnable compensation during their last 12 months of active service at the date of the member's disability or an annual allowance of \$75,000, whichever is greater.

15 Retrospective Application for Benefit. Members who retired under accidental disability on or after July 1, 2018 shall have 90 days from the effective date of this act to file application for violent accidental disability benefits under section 1 of this act and, if approved, such members' benefit shall be modified effective to the date of the application for violent accidental disability retirement benefits.

16 Maximum Benefit Limitation; Reference Added. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, for members who commenced service before July 1, 2009, or have attained vested status prior to January 1, 2012, a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. For members who commenced service on or after July 1, 2009, and have not attained vested status prior to January 1, 2012, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$120,000.

Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c) **or RSA 100-A:6, II(e) and (f)**. This provision shall not limit the application of supplemental allowances.

17 Disability Retirement Benefits. Amend RSA 100-A:6, III(b)(4) to read as follows:

(4) The provisions of subparagraph (b)(1) shall not apply to a group II accidental disability beneficiary whose total of years of service as a member in group II plus years of accidental disability retirement is at least 20 years, as determined by the board, and who has attained the age of 45, **or a group II violent accidental disability beneficiary, regardless of age or years of service**. Any such accidental disability **or violent accidental disability** beneficiary shall receive retirement allowance benefits under this section without reduction for gainful occupation.

18 Benefits Upon Member's Death After Retirement - Group II Members. Amend RSA 100-A:12, II to read as follows:

II. Upon the death of a group II member who has retired on or after April 1, 1987, or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired before July 1, 1988, and if the member is married on the date of such member's retirement, there shall be paid to such surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, ~~or~~ accidental disability, **or violent accidental disability** retirement allowance payments. For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, and on or prior to July 1, 1993, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be terminally funded.

19 New Subparagraph; New Hampshire Retirement System; Medical Benefits; Payment by Retirement System; Group II. Amend RSA 100-A:52, I by inserting after subparagraph (g) the following new subparagraph:

(h) Any member retired on a violent accidental disability retirement allowance pursuant to RSA 100-A:6, II(e).

20 New Hampshire Retirement System; Medical Benefits; Payment by Retirement System; Group II. Amend RSA 100-A:52, II to read as follows:

II.(a) For the fiscal year beginning July 1, 2011, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$375.56 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$236.84 per month. The rate payable under this paragraph shall not be increased.

(b) Notwithstanding subparagraph (a), for the fiscal year beginning July 1, 2024, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under subparagraph I(h) as result of a violent accidental disability who is not entitled to Medicare benefits, shall be \$1,000 per month, and on account of each person qualified under subparagraph I(h) who is entitled to Medicare benefits, shall be \$630.63 per month. The rate payable under this paragraph shall not be increased.

21 New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; ~~and~~ to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II before July 1, 2005 or permanent firemen members of group II before July 1, 2005; **and to persons who are group II permanent policemen or permanent firemen members retired under a violent accidental disability**. Such additional benefits shall not apply to other persons who become members of group II after the dates stated in this paragraph, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be terminally funded.

22 Medical Insurance Benefits; Retired Group II Employees. Amend RSA 21-I:30, VII(b) to read as follows:

(b) Dies or retires and is eligible for accidental death, ~~or~~ accidental disability, **or violent accidental disability** retirement benefits, regardless of the state employee's age or number of years of creditable service; or

23 Effective Date.

I. Sections 14-22 shall take effect July 1, 2024.

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

2024-2187s

AMENDED ANALYSIS

This bill:

I. Adopts the 2025-2034 10-year transportation plan.

II. Adds certain projects to the 2025-2034 10-year transportation improvement plan.

III. Removes certain projects from the 2025-2034 10-year transportation improvement plan.

IV. Increases funding for certain projects in the 2025-2034 10-year transportation.

V. Requires that all rail removed from a portion of the Conway Branch rail line be used to offset construction costs of the portion's rail bed.

VI. Establishes a retirement system benefit for group II members who retire due to a violent act injury.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Gray offered a Floor Amendment.

Sen. Bradley, Dist 3

May 23, 2024

2024-2167s

11/05

Floor Amendment to HB 2024

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

AN ACT relative to the state 10-year transportation improvement plan and making a capital appropriation to the department of corrections toward the replacement of the New Hampshire state prison for men.

Amend the bill by replacing all after section 13 with the following:

14 Replacement of the New Hampshire State Prison For Men; Appropriation and Bonds Authorized.

I. There is hereby appropriated \$40,000,000 to be deposited in the New Hampshire state prison fund under 21-H:17 for architectural, engineering, programming, and design and construction documents for a replacement correctional facility of the New Hampshire state prison for men.

II. To provide funds for the appropriation in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$40,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

15 Effective Date.

I. Section 14 shall take effect 30 days its passage.

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

2024-2167s

AMENDED ANALYSIS

This bill:

I. Adopts the 2025-2034 10-year transportation plan.

II. Adds certain projects to the 2025-2034 10-year transportation improvement plan.

III. Removes certain projects from the 2025-2034 10-year transportation improvement plan.

IV. Increases funding for certain projects in the 2025-2034 10-year transportation.

V. Requires that all rail removed from a portion of the Conway Branch rail line be used to offset construction costs of the portion's rail bed.

VI. Makes a bonded appropriation of funds for architectural, engineering, programming, and design and construction documents for the New Hampshire state prison for men.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

MOTION OF RECONSIDERATION

Senator Carson, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1243, revising the laws relative to retail installment sales of motor vehicles, and relative to the sale of a vehicle to a Massachusetts resident. Rescind Third Reading, Reconsider the vote on Ought to Pass with Amendment, Reconsider the vote on Floor Amendment 2024-2145s. Adopted.

Senator Birdsell withdrew Floor Amendment 2024-2145s.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

MOTION OF RECONSIDERATION

Senator Carson, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1585, relative to the position of certified assisted living medication aide and relative to the state loan repayment program for qualified nursing professionals, and making an appropriation therefor. Rescind Third Reading, Reconsider the vote on Ought to Pass with Amendment, Reconsider the vote on Floor Amendment 2024-2185s. Adopted.

Senator Carson withdrew Floor Amendment 2024-2129s.

Senator Perkins Kwoka offered a Floor Amendment.

Sen. Perkins Kwoka, Dist 21
May 23, 2024
2024-2185s
05/06

Floor Amendment to HB 1585

Amend the introductory paragraph of RSA 326-B:14-a, III as inserted by section 3 of the bill by replacing it with the following:

III. A CALMA is authorized to administer non-injectable medication if:

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Carson moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION LIST OF RULE 6-25'S FOR THE DAY

Senator Carson: HB 1179-FN
Senator Pearl: HB 1282-FN
Senator Perkins Kwoka: HB 1187

LIST OF IN FAVOR/OPPOSITION FORMS FOR THE DAY

Senator Altschiller: HB 185-FN: In opposition to Floor Amendment 2024-1973s.
Senator Altschiller: HB 1265: In opposition to the motion of Ought to Pass with Amendment.
Senator Avard: HB 1394: In opposition to the motion of Interim Study.
Senator Chandley: HB 1394-FN-A: In opposition to the motion of Interim Study.
Senator Chandley: HB 1583-FN-A: In opposition to the motion of Interim Study.
Senator Gendreau: HB 1197: In opposition to Floor Amendment 2024-2121s.
Senator Innis: HB 1069: In opposition to the Committee Amendment and the motion of Ought to Pass with Amendment.

ANNOUNCEMENTS

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Senate groans. Very briefly Mister President, I want to say this is an extraordinary day and I wanted to commend you for all the work and also particularly for the spirit of fairness and inclusion of all Senators desires to get their bills to have a second chance and also to bring us together today as you have done. I think really been an extraordinary day and thank you, Mister President.

PRESIDENT BRADLEY: Well, thank you very much. I'm sure that Senator D'Allesandro and I both did a radio interview this morning. We called ourselves dinosaurs. I guess we still have a little bit of kick left, just like the Celtics.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President, Personal Privilege. I want to thank the Clerk and the staff. We get to walk out of here, but they're still in here doing their thing, and that's amazing. And I know that we've doubled up on them, so just hats off to them.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Just adding on to Senator Avard's Personal Privilege, we should also thank the staff of OLS, because we've really taxed them with a lot of amendments, so we should say a big thank you.

PRESIDENT BRADLEY: I think adding on to Senator Soucy, both the minority and the majority staff, the security staff, the folks that are out in the hall, everybody who's hung tough and stuck with us in the entire building. Thank you very much. Everyone. Alright.

SENATOR D'ALLESANDRO: Jenny Horgan gets a vote of confidence and much appreciation for all she did for the Democrats. I can't believe it. I thought I thought these amendments were, they were being born as we spoke. So, thank you, Jenny.

Without objection, all Personal Privileges and Unanimous Consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 185-FN, relative to the determination of parental rights and responsibilities based on shared parenting and requiring all municipalities and school governing bodies to post on their official website the amount of funds received by the state either by allocation or grant.

HB 318-FN-A, relative to bail commissioners, the standards applicable to and the administration of bail, and making an appropriation.

HB 463-FN, relative to the establishment of an election information portal and makes an appropriation therefor.

HB 518, relative to the administration of occupations by the office of professional licensure and certification.

HB 645-FN, relative to the establishment of decentralized autonomous organizations as legal entities within the state.

HB 1018, relative to on-premise and off-premise liquor licenses and relative to land in current use.

HB 1069, relative to material subject to disclosure under the right-to-know law.

HB 1076, relative to wine manufacturer licenses and relative to on-premises licenses for beverage manufacturers.

HB 1078, relative to the department of safety establishing a repository of maps showing radio systems within the state.

HB 1079, relative to critical incident stress management team members and establishing a rural and underserved area educator incentive program for higher education and making an appropriation therefor.

HB 1105-FN-L, relative to application of a local tax cap.

HB 1127, relative to the revocation and suspension of drivers' licenses and to invalidating out-of-state driver's licenses issued to undocumented immigrants.

HB 1179-FN, relative to state park system fees for retired members of the armed forces.

HB 1187, relative to prohibiting lease agreements of equipment for building or facility improvements.

HB 1189, relative to criteria for reporting child support delinquencies to federal agencies.

HB 1197, relative to criminal background checks and relative to insurance coverage for intrauterine insemination.

HB 1202-FN, relative to the issuance of permits for the alteration of driveways exiting onto public ways and relative to the definition of disability or special needs under the child care scholarship program.

HB 1236, (Second Title) establishing a pilot recruitment and retention program within the department of health and human services and relative to the income eligibility for “in and out medical assistance” under the state Medicaid plan.

HB 1241, relative to the regulation of money transmitters and relative to license applications and renewals for certain consumer credit entities.

HB 1243, revising the laws relative to retail installment sales of motor vehicles, and relative to the sale of a vehicle to a Massachusetts resident.

HB 1245, relative to release of confidential records of a person appointed a guardian and relative to patient access to medical records.

HB 1259, relative to property and casualty insurance laws administered by the insurance department; and making an appropriation to the department of environmental services to fund regional drinking water infrastructure.

HB 1265, relative to the penalty for failure to file school expenditure reports, relative to certain adequacy grants, and requiring mandatory reporting by school districts of school expenses.

HB 1278-FN, relative to qualifying medical conditions for purposes of therapeutic cannabis; and relative to the summer EBT program, the SNAP elderly simplified application and the school lunch program and making appropriations therefor.

HB 1282-FN, relative to the duration of child support.

HB 1292-FN, relative to coverage of children under the state retiree insurance plan and relative to federal immigration enforcement.

HB 1329-FN, relative to creating special number plates for fire departments.

HB 1349-FN, relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

HB 1355-FN, relative to the New Hampshire National Guard recruitment and reenlistment incentive program, and continuing a recruitment and retention incentive program and efforts within the department of transportation.

HB 1358, relative to tenant and contract manufacturers of beer, wine, and liquor; allowing pharmacists to administer influenza, COVID-19, and other FDA licensed vaccines without explicit approval from the general court; and, restricting the purchase of real property on or around military installations.

HB 1380-FN, relative to brew pub licenses, relative to insurance cost-sharing calculations, and relative to receipt of pharmaceutical rebates by insurers and pharmacy benefits managers.

HB 1410-FN, relative to certain professional licenses and relative to the board of optometry and the regulation of optometry.

HB 1499, establishing a committee to study the civilian clean energy, community resilience, and conservation corps, and establishing a committee to study the child protection act.

HB 1540-FN, relative to the definitions of full course meals and full service restaurant for purposes of alcohol licensing.

HB 1559-FN, repealing the chapter relative to cash dispensing machines and relative to disability pensions for public safety employees who are victims of violence.

HB 1564-FN, relative to the child support guidelines.

HB 1567-FN, relative to zoning provisions concerning family and group family child care uses.

HB 1568-FN, relative to reimbursement for ambulance services under the state Medicaid plan and making an appropriation therefor.

HB 1569-FN, relative to eliminating voter identification exceptions.

HB 1573-FN, relative to out-of-home placements for children.

HB 1585, relative to the position of certified assisted living medication aide and relative to the state loan repayment program for qualified nursing professionals, and making an appropriation therefor.

HB 1588-FN, relative to court jurisdiction over persons receiving special education.

HB 1589-FN, establishing a veterans treatment court

HB 1593-FN, making an appropriation to the department of health and human services to support recreational activities for individuals with developmental disabilities and relative to the uncompensated care and Medicaid fund.

HB 1598-FN-A, relative to the department of health and human services management of social security payments and veterans benefits for children in foster care.

HB 1623-FN, relative to involuntary retirement or decommissioning of electricity generators.

HB 1633-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor.

HB 1649-FN, relative to prohibiting certain products with intentionally added PFAS and relative to civil actions for PFAS contamination, and relative to settlement of lawsuits against manufacturers of PFAS for impacts to public drinking water systems.

HB 1666-FN, relative to income reporting requirements for lobbyists.

HB 2024, relative to the state 10-year transportation improvement plan; relative to adding a speed limit of 45 miles per hour on rural highways; relative to disability pensions for public safety employees who are victims of violence; and making a capital appropriation to the department of corrections toward the replacement of the New Hampshire state prison for men.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Carson moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, vacating bills, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.