

LEGISLATIVE COMMITTEE MINUTES

**SB162**

Bill as  
Introduced

SB 162-FN - AS INTRODUCED

2021 SESSION

21-0464  
04/10

SENATE BILL        ***162-FN***

AN ACT            relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

SPONSORS:        Sen. Bradley, Dist 3

COMMITTEE:      Health and Human Services

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ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; community mental health and behavioral health programs; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight.

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Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struckthrough~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,  
2 I(b)(12) to read as follows:

3 (12) Moneys received under RSA 457:29, **457:32-b, and 631:2-b, V** which shall be  
4 credited to the special fund for domestic violence programs **established in RSA 173-B:15.**

5 2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to  
6 read as follows:

7 (15) Money received under RSA **125-F:22, 143:11, 143:22-a, 143-A:6,** and 184:85,  
8 which shall be credited to the public health services special fund **established in RSA 143:11, III.**

9 3 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
10 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

11 GG Department of health and human services director of [~~program planning and~~  
12 ~~integrity~~] **Medicaid enterprise development**

13 4 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
14 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

15 JJ Department of health and human services associate commissioner [~~of human~~  
16 ~~services and behavioral health~~]

17 JJ Department of health and human services associate commissioner [~~of~~  
18 ~~operations~~]

19 JJ Department of health and human services associate commissioner [~~for~~  
20 ~~population health~~]

21 [~~JJ Department of health and human services associate commissioner,~~  
22 ~~operations~~

23 ~~JJ Department of health and human services associate commissioner, population~~  
24 ~~health~~]

25 5 Residential Care and Health Facility Licensing; Emergency Services. Amend RSA 151:2-g to  
26 read as follows:

27 151:2-g Emergency Services. Every facility licensed as a hospital under RSA 151:2, I(a) shall  
28 operate an emergency department offering emergency services to all individuals regardless of ability  
29 to pay 24 hours every day, 7 days a week. This requirement shall not apply to any hospital licensed  
30 and operating prior to July 1, 2016, which does not operate an emergency department or to any new



1 psychiatric or substance abuse treatment hospital. *For the purposes of this section, emergency*  
2 *services shall include the emergency medical treatment of both physical and behavioral*  
3 *health.*

4 6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
5 VIII by inserting after subparagraph (b) the following new subparagraph:

6 (c) The bureau chief for emergency preparedness and response with the department of  
7 health and human services, division of health public services who:

8 (1) Has the authority and responsibility to engage in the prevention and control of  
9 public health incidents or emergencies;

10 (2) As a job requirement is fully certified as an emergency preparedness official  
11 qualified to administer emergency planning, response and recovery activities in the event of natural  
12 disasters, public health crises or similar incidents; and

13 (3) As a job requirement shall meet all physical, mental, educational, and other  
14 qualifications for continuing certification as an emergency preparedness official that may be  
15 established by the certifying authority.

16 7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as follows:

17 IV. Upon request of the department of health and human services, the department of justice  
18 is authorized to institute civil action to collect a penalty imposed pursuant to this section. The  
19 attorney general shall have the exclusive power to compromise, mitigate, or remit such civil  
20 penalties as are referred to ~~him~~ *the attorney general* for collection. All civil penalties collected  
21 under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all  
22 moneys received under this section, and interest received on such money, to the public health  
23 services special fund, ~~which shall be nonlapsing~~, *established in RSA 143:11, from which the*  
24 *department of health and human services shall pay expenses incident to the*  
25 *administration of this chapter.*

26 8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-A:4,  
27 III to read as follows:

28 III. The department shall establish an office of the ombudsman to provide assistance to  
29 clients ~~and employees~~ of the department by investigating and resolving complaints regarding any  
30 matter within the jurisdiction of the department including services or assistance provided by the  
31 department or its contractors. The ombudsman's office may provide mediation or other means for  
32 informally resolving complaints. The records of the ombudsman's office shall be confidential and  
33 shall not be disclosed without the consent of the client ~~or employee~~ on whose behalf the complaint  
34 is made, except as may be necessary to assist the service provider ~~or the employee's supervisor~~ to  
35 resolve the complaint, or as required by law.

36 9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of payables  
37 for class 90 grant lines, is repealed.

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1       10 New Section; Department of Health and Human Services; Status in Retirement System.  
2 Amend RSA 126-A by inserting after section 5-e the following new section:

3       126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any  
4 person who is or becomes the bureau chief for emergency preparedness with the department's  
5 division of health public services, shall be included in the definition of group II under RSA 100-A:1,  
6 VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h)  
7 or VIII(c), any person not already a group II member for at least 10 years during or prior to his or  
8 her appointment shall be eligible for or remain as a group I member for the duration of service as the  
9 bureau chief for emergency preparedness.

10       11 Repeal. The following are repealed:

11           I. RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the  
12 housing security guarantee program.

13           II. RSA 6:12, I(b)(255), relative to moneys deposited in the homeless housing and access  
14 revolving loan fund, established in RSA 126-A:63.

15       12 State Health Plan; State Health Assessment and State Health Improvement Plan Advisory  
16 Council. Amend RSA 126-A:88, I(a) to read as follows:

17           (a) ~~Two~~ **Three** members of the house of representatives, one of whom shall be  
18 appointed by the speaker of the house of representatives and one of whom shall be appointed by the  
19 minority leader.

20       13 New Subparagraphs; State Health Plan; State Health Assessment and State Health  
21 Improvement Plan Advisory Council. Amend RSA 126-A:88, I by inserting after subparagraph (dd)  
22 the following new subparagraphs:

23           (ee) A health officer, appointed by the New Hampshire Health Officers Association.

24           (ff) A representative from Community Support Network, Inc. (CSNI) appointed by CSNI.

25           (gg) A representative from New Hampshire Community Behavioral Health Association  
26 appointed by association.

27           (hh) The director of the office of health equity, department of health and human  
28 services, or designee.

29           (ii) A representative from a large hospital system appointed by the New Hampshire  
30 Hospital Association.

31       14 State Health Plan; State Health Assessment and State Health Improvement Plan Advisory  
32 Council. Amend RSA 126-A:88, III to read as follows:

33           III. Members of the council appointed under subparagraphs II(a) through (j) in this section  
34 shall serve a term coterminous with their term in office. The members appointed pursuant to  
35 subparagraphs ~~II(k) through (dd)~~ **I(k) through (hh)** in this section shall serve 6-year terms  
36 provided that initial appointments shall be for staggered terms of one to 6 years. Legislative  
37 members shall receive mileage at the legislative rate when attending to the duties of the council.

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1 The first-named senate member shall convene the organizational meeting of the council within 45  
2 days of the effective date of this section for the purpose of electing officers. The chairperson shall be  
3 elected upon a majority vote of the council. [~~Seventeen~~] **Twenty** members shall constitute a quorum.

4 15 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

5 126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from  
6 the possibility of addiction, disability, and death resulting from the use of tobacco products by  
7 ensuring that tobacco products will not be supplied to persons under the age of 21. ***This chapter***  
8 ***shall not apply to individuals who have been issued a registry identification card under***  
9 ***RSA 126-X:4 or alternative treatment centers registered under RSA 126-X:7 with respect to***  
10 ***the therapeutic use of cannabis.***

11 16 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6, I to  
12 read as follows:

13 I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any  
14 tobacco product, e-cigarette, device, or e-liquid [~~except individuals who have been issued a registry~~  
15 ~~identification card under RSA 126-X:4 may purchase, possess and use e-liquids containing cannabis~~  
16 ~~and applicable devices as allowed under RSA 126-X~~].

17 17 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read  
18 as follows:

19 (b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe  
20 drugs to humans in the state of the patient's residence and who possesses an active registration from  
21 the United States Drug Enforcement Administration to prescribe controlled substances. [~~Such~~  
22 ~~visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New~~  
23 ~~Hampshire patient.~~]

24 18 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read as  
25 follows:

26 XI. "Registry identification card" means a document indicating the date issued, ***effective***  
27 ***date***, and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual  
28 as a qualifying patient or a designated caregiver.

29 19 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVII to read as  
30 follows:

31 XVII. "Written certification" means documentation of a qualifying medical condition by a  
32 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
33 issuing registry identification cards, after having completed a full assessment of the patient's  
34 medical history and current medical condition made in the course of a provider-patient relationship.  
35 [~~The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the~~  
36 ~~certifying provider's name, medical specialty, and signature shall be specified on the written~~  
37 ~~certification.~~]

1 20 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-  
2 X:2 by inserting after paragraph XVI the following new paragraph:

3 XVII. Authorized employees of the department shall not be subject to arrest by state or local  
4 law enforcement, prosecution, or penalty under state or municipal law, or search, when possessing,  
5 transporting, delivering, or transferring cannabis and cannabis infused products for the purposes of  
6 regulatory oversight related to this chapter.

7 21 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as  
8 follows:

9 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and  
10 educational materials to qualifying patients [~~who have designated the alternative treatment center~~  
11 ~~to provide for them~~], to designated caregivers on behalf of the qualifying patients [~~who have~~  
12 ~~designated the alternative treatment center~~], or to other alternative treatment centers.

13 22 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic  
14 Use of Cannabis. Amend RSA 126-X:3, VII-VIII to read as follows:

15 VII. The department may revoke the registry identification card of a qualifying patient or  
16 designated caregiver for violation of rules adopted by the department or for violation of any other  
17 provision of this chapter, **including for obtaining more than 2 ounces of cannabis in any 10-**  
18 **day period in violation of RSA 126-X:8, XIII(b)**, and the qualifying patient or designated  
19 caregiver shall be subject to any other penalties established in law for the violation.

20 VIII. A facility caregiver shall treat cannabis in a manner similar to [~~medications~~] **other**  
21 **narcotics** with respect to its storage, security, and administration when assisting qualifying  
22 patients with the therapeutic use of cannabis.

23 23 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
24 X:4, I(e) and the introductory paragraph of I(f) to read as follows:

25 (e) Name[~~, address, and telephone number~~] of the applicant's provider.

26 (f) Name[~~, address,~~] and date of birth of the applicant's designated caregiver, if any. A  
27 qualifying patient shall have only one designated caregiver, except as follows:

28 24 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
29 X:4, II(d) to read as follows:

30 (d) Name, residential and mailing address, and date of birth of each qualifying patient  
31 for whom the applicant will act as designated caregiver, except that if the qualifying patient is  
32 homeless, no residential address is required. [~~An applicant shall not act as a designated caregiver~~  
33 ~~for more than 5 qualifying patients.~~]

34 25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend the  
35 introductory paragraph in RSA 126-X:4, IV and RSA 126-X:4, IV(a)-(b) to read as follows:

36 IV. The department shall create and issue a registry identification card to a person applying  
37 as a qualifying patient or designated caregiver within 5 days of approving an application or renewal.

1 Each registry identification card shall expire one year after the ~~[date of issuance]~~ **effective date of**  
2 **the card**, unless the provider states in the written certification that the certification should expire  
3 at an earlier ~~[specified date]~~ **or later effective date, not to exceed 3 years**, then the registry  
4 identification card shall expire on that date. Registry identification cards shall contain all of the  
5 following:

6 (a) Name, mailing address, and date of birth of the qualifying patient or designated  
7 caregiver.

8 (b) The date of issuance, **effective date**, and expiration date of the registry  
9 identification card.

10 26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
11 X:4, VII(a) to read as follows:

12 VII.(a) The department shall track the number of qualifying patients ~~[who have designated~~  
13 ~~each alternative treatment center]~~ and issue a weekly written statement to the alternative  
14 treatment center identifying the number of qualifying patients ~~[who have designated that~~  
15 ~~alternative treatment center]~~ along with the registry identification numbers of each qualifying  
16 patient and each qualifying patient's designated caregiver.

17 27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
18 X:4, VIII to read as follows:

19 VIII. In addition to the weekly reports, the department shall also provide written notice to  
20 an alternative treatment center which identifies the names and registration identification numbers  
21 of a qualifying patient and his or her designated caregiver whenever ~~[any]~~ **either** of the following  
22 events occur:

23 (a) A qualifying patient ~~[designates the alternative treatment center to serve his or her~~  
24 ~~needs]~~ **is registered as a participating patient** under this chapter; or

25 (b) ~~[A qualifying patient revokes the designation of the alternative treatment center; or~~

26 ~~(e)]~~ (e) A qualifying patient ~~[who has designated the alternative treatment center]~~ loses his  
27 or her status as a qualifying patient under this chapter.

28 28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
29 X:4, IX(a) to read as follows:

30 IX.(a) A qualifying patient shall notify the department before changing his or her designated  
31 caregiver ~~[or alternative treatment center]~~.

32 29 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
33 X:4, XI(a) to read as follows:

34 XI.(a) The department shall create and maintain a confidential registry of each individual  
35 who has applied for and received a registry identification card as a qualifying patient or a designated  
36 caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain  
37 the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of

1 registry identification card issuance, *effective date of registry identification*, date of registry  
2 identification card expiration, *and* random 10-digit identification number~~[, and registry~~  
3 ~~identification number of the qualifying patient's designated alternative treatment center, if any].~~

4 The confidential registry and the information contained in it shall be exempt from disclosure under  
5 RSA 91-A.

6 30 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
7 X:4, XI(b)(5) to read as follows:

8 (5) Counsel for the department may notify law enforcement officials about falsified  
9 or fraudulent information submitted to the department where counsel has ~~[made a legal~~  
10 ~~determination that there is probable cause]~~ *reason* to believe the information is false or falsified.

11 31 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, I(b) to  
12 read as follows:

13 (b) The form and content of providers' written certifications, *including the*  
14 *administrative process for tracking extensions pursuant to RSA 126-X:4, I.*

15 32 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
16 X:8, VII(a) to read as follows:

17 (a) Records of the disposal of cannabis that is not distributed by the alternative  
18 treatment center to qualifying patients ~~[who have designated the alternative treatment center to~~  
19 ~~cultivate for them].~~

20 33 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
21 X:8, XV(a)-(b) to read as follows:

22 XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of  
23 the following quantities:

24 (1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6  
25 ounces of usable cannabis per qualifying patient; and

26 (2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying  
27 patient ~~[who has designated the alternative treatment center to provide him or her with cannabis for~~  
28 ~~therapeutic use]~~ *registered as a qualifying patient under this chapter.*

29 (b) An alternative treatment center or alternative treatment center agent shall not  
30 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

31 (1) A qualifying patient ~~[who has designated the relevant alternative treatment~~  
32 ~~center]; or~~

33 (2) Such patient's designated caregiver; or

34 (3) Another alternative treatment center.

35 34 Repeal. The following are repealed:

36 I. RSA 126-X:4, I(g), relative to patients designating an alternative treatment center.

37 II. RSA 126-X:4, II(e), relative to street address of the alternative treatment center.

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1 III. RSA 126-X:4, IX(e), relative to failure of a qualifying patient or designated caregiver for  
2 providing changes to name, address or designated caregiver.

3 IV. RSA 126-X:6, I(e), relative to departmental rules regarding certain fines.

4 35 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA;3, I(e)-(f)  
5 to read as follows:

6 (e) Funds received from the assessment under RSA 404-G; ~~and~~

7 (f) *Revenue from the Medicaid enhancement tax to meet the requirements*  
8 *provided in RSA 167:64(f); and*

9 (g) Funds recovered or returnable to the fund that were originally spent on the cost of  
10 coverage of the granite advantage health care program.

11 36 Community Mental Health Programs. Amend RSA 135-C:7 to read as follows:

12 135-C:7 Community Mental Health Programs. Any city, county, town, or nonprofit corporation  
13 may establish and administer a community mental health program for the purpose of providing  
14 mental health services to individuals and organizations in the area. Every program shall, at a  
15 minimum, provide emergency, medical or psychiatric screening and evaluation, case management,  
16 ~~and~~ psychotherapy services, *housing, and other supports in the continuum of care as*  
17 *necessary to meet the needs of each patient in the state mental health services system.* The  
18 department may contract with a community mental health program, pursuant to RSA 135-C:3, for  
19 the operation and administration of any services which are part of the state mental health services  
20 system, *including housing and other supports within the continuum of care.* In the event  
21 that the commissioner decides to enter into a contract for the operation and administration of any  
22 services which are part of the state mental health services system, the contract shall contain  
23 standards designed to measure the performance of the contractor in achieving positive consumer  
24 outcomes, maintaining fiscal integrity, and providing quality services.

25 37 Communicable Disease; Mosquito Control Fund. Amend RSA 141-C:25, I to read as follows:

26 I. There is hereby established a nonlapsing and continually appropriated mosquito control  
27 fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of  
28 offsetting the cost of mosquito control activities including, but not limited to, the purchase and  
29 application of chemical pesticides. The purpose of the fund is to provide financial assistance, when  
30 needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement  
31 activities in response to a declared threat to the public health. ~~[Any balance remaining in the~~  
32 ~~mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general~~  
33 ~~fund.]~~

34 38 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
35 143:11, III to read as follows:

36 III. *There is hereby established in the state treasury the public health services*  
37 *special fund, which shall be kept separate and distinct from all other funds. The fund*

1 ***shall be nonlapsing and continually appropriated to the department of health and human***  
2 ***services.*** All fees collected under this subdivision shall be forwarded to the state treasurer[~~—The~~  
3 ~~state treasurer]~~ ***who*** shall credit all [~~moneys received under this subdivision,~~] ***such moneys*** and  
4 interest received on such money, to [~~a special~~] ***the*** fund from which [~~he~~] ***the department of health***  
5 ***and human services*** shall pay all the expenses of the department incident to the administration of  
6 this subdivision. [~~This fund shall not lapse.~~]

7 39 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
8 143:22-a to read as follows:

9 143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human  
10 services shall prescribe and collect fees for certificates for establishments which process or pack  
11 shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected  
12 under this subdivision shall be forwarded to the state treasurer to be deposited in the [~~general fund~~]  
13 ***public health services special fund established in RSA 143:11. The department of health***  
14 ***and human services shall use such funds to pay expenses of the department incident to the***  
15 ***administration of this subdivision.***

16 40 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

17 VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000  
18 each fiscal year may be included in the state biennial operating budget as restricted revenue to  
19 support the activities required in this chapter. ***The state treasurer shall credit all moneys***  
20 ***received under this paragraph, and interest received on such money, to the public health***  
21 ***services special fund, established under RSA 143:11, from which the department shall pay***  
22 ***expenses incident to the administration of this chapter.***

23 41 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as follows:

24 I. If within 30 days after the date of a testate or intestate patient's death in any nursing  
25 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
26 personal property remaining at the nursing home belonging to the deceased, including any amount  
27 left in a patient account, is no more than [~~\$5,000~~] ***\$10,000***, the nursing home administrator shall file  
28 in the probate court in the county where the nursing home is located an affidavit for the purpose of  
29 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
30 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The  
31 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
32 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
33 administrator has the will or a copy of the will, the nursing home administrator shall file the same  
34 in the probate court in the county where the nursing home is located. The probate court shall waive  
35 all filing fees.

36 42 Applicability. Section 41 of this act shall apply to affidavits filed on or after the effective date  
37 of this section.



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1 43 Repeal. RSA 151-E:11, II, relative to an annual report on the utilization of non-nursing home  
2 services, is repealed.

3 44 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory paragraph of  
4 RSA 161-F:46 to read as follows:

5 Any person, including, but not limited to, physicians, other health care professionals, social  
6 workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult  
7 who is or who is suspected to be vulnerable, *at the time of the incident*, has been subjected to  
8 abuse, neglect, self-neglect, or exploitation or is, *or was* living in hazardous conditions shall report  
9 or cause a report to be made as follows:

10 45 Repeal. The following are repealed:

11 I. RSA 161-F:64, relative to an annual report on review of homemaker services.

12 II. RSA 161-I:4, IV, relative to reports regarding the home and community-based care  
13 waiver for the elderly and chronically ill.

14 III. RSA 165:20-c, relative to liability for support and reimbursement from the state.

15 IV. RSA 165:35, relative to rulemaking for forms and claims for reimbursement from the  
16 state.

17 V. RSA 167:3-j, III, relative to semi-annual reports on net savings realized for aid to the  
18 permanently and totally disabled grants.

19 46 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as  
20 follows:

21 165:2-a Expense of General Assistance. The financial responsibility for general assistance for  
22 assisted persons shall be the responsibility of the town or city in which the person making  
23 application resides, except as otherwise provided in RSA 165:1-c ~~[and 165:20-e]~~.

24 47 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA 167:4-a,  
25 VI to read as follows:

26 VI. The department, in coordination with financial institutions doing business in the state,  
27 may develop and operate a data match system, using automated data exchanges to the maximum  
28 extent feasible, in which each financial institution is required to provide, when requested by the  
29 department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5  
30 years of information regarding the name, record address, social security number or other taxpayer  
31 identification number, monthly account balance, and other identifying information for each applicant  
32 or recipient who maintains an account at the financial institution, as identified by the department  
33 by name and social security number or other taxpayer identification number. The system shall be  
34 based on a cost-effective search algorithm and shall include means to assure compliance with the  
35 provisions of this section. ~~[The department shall provide a status report regarding the~~  
36 ~~implementation of the data match system to the oversight committee on health and human services,~~  
37 ~~established in RSA 126-A:13, on or before November 1, 2010, and annually thereafter, until~~

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1 ~~implementation has been fully completed. The report shall summarize the department's findings~~  
2 ~~and recommendations to date, including savings generated by both incremental asset identification~~  
3 ~~and the time and labor associated with the process, the feedback and reactions of applicants and~~  
4 ~~recipients, any barriers to implementation, anticipated future actions, and the department's~~  
5 ~~assessment of the relative success of the project.]~~

6 48 Public Assistance; Unauthorized Payments. Amend RSA 167:17-a is repealed and reenacted  
7 to read as follows:

8 167:17-a Unauthorized Payments; Recovery by State. Any sums paid to or on behalf of any  
9 individual for any public assistance program under the provisions of RSA 167 or RSA 161 as a result  
10 of any failure to report collateral resources as described in RSA 167:17, false statement,  
11 misrepresentation or concealment of or failure to disclose the receipt of property, wages, income or  
12 resources by the individual or by any person legally liable for the individual's support, or with regard  
13 to supplemental nutrition assistance program (SNAP) benefits such assistance overpaid without  
14 regard to the reason for such overpayment including, but not limited to, errors committed by the  
15 department of health and human services, its employees, agents or contractors, may be recovered  
16 through administrative or judicial process, in an action brought by the state or the commissioner of  
17 the department of health and human services or his or her designee against such individual. This  
18 recovery shall be limited by the provisions of RSA 161:10. The commissioner of the department of  
19 health and human services shall recover any unauthorized payments by reasonably adjusting  
20 current and future grant amounts received by the individual violating the provisions of this section,  
21 or through the return of the overpayment through repayment to the department. A person who  
22 knowingly, and with malfeasance, assists a recipient or other person in obtaining an overpayment is  
23 jointly and severally liable for the overpayment.

24 49 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend RSA  
25 169-C by inserting after section 12-f the following new section:

26 169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,  
27 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,  
28 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or  
29 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or  
30 neglect.

31 50 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

32 II. Upon receipt by the department of a written request and verified proof of identity, an  
33 individual shall be informed by the department whether that individual's name is listed in the  
34 founded reports maintained in the central registry. It shall be unlawful for any employer other than  
35 those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and those  
36 specified in RSA 170-E [and], RSA 170-G:8-c, **and RSA 171-A** to require as a condition of  
37 employment that the employee submit his or her name for review against the central registry of

1 founded reports of abuse and neglect. Any violation of this provision shall be punishable as a  
2 violation.

3 51 Interstate Compact for the Placement of Children. RSA 170-A is repealed and reenacted to  
4 read as follows:

5 CHAPTER 170-A  
6 INTERSTATE COMPACT  
7 FOR THE PLACEMENT OF CHILDREN

8 170-A:1 Interstate Compact for the Placement of Children. On the effective date of this chapter,  
9 based upon the enactment of the Interstate Compact for the Placement of Children into law by the  
10 thirty-fifth compacting state, the governor is authorized and directed to execute a compact on behalf  
11 of this state with any other state or states legally joining therein in the form substantially as follows:

12 ARTICLE I

13 Purpose

14 The purpose of this Interstate Compact for the Placement of Children is to:

15 I. Provide a process through which children subject to this compact are placed in safe and  
16 suitable homes in a timely manner.

17 II. Facilitate ongoing supervision of a placement, the delivery of services, and  
18 communication between the states.

19 III. Provide operating procedures that will ensure that children are placed in safe and  
20 suitable homes in a timely manner.

21 IV. Provide for the promulgation and enforcement of administrative rules implementing the  
22 provisions of this compact and regulating the covered activities of the member states.

23 V. Provide for uniform data collection and information sharing between member states  
24 under this compact.

25 VI. Promote coordination between this compact, the Interstate Compact for Juveniles, the  
26 Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement  
27 of and which provide services to children otherwise subject to this compact.

28 VII. Provide for a state's continuing legal jurisdiction and responsibility for placement and  
29 care of a child that it would have had if the placement were intrastate.

30 VIII. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for  
31 interstate cases involving Indian children as is or may be permitted by federal law.

32 ARTICLE II

33 Definitions

34 As used in this compact:

35 I. "Approved placement" means the public child-placing agency in the receiving state has  
36 determined that the placement is both safe and suitable for the child.

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1           II. "Assessment" means an evaluation of a prospective placement by a public child-placing  
2 agency in the receiving state to determine if the placement meets the individualized needs of the  
3 child, including, but not limited to, the child's safety and stability, health and well-being, and  
4 mental, emotional, and physical development. An assessment is only applicable to a placement by a  
5 public child-placing agency.

6           III. "Child" means an individual who has not attained the age of 18.

7           IV. "Certification" means to attest, declare, or swear to before a judge or notary public.

8           V. "Default" means the failure of a member state to perform the obligations or  
9 responsibilities imposed upon it by this compact or the bylaws or rules of the Interstate Commission.

10          VI. "Home study" means an evaluation of a home environment conducted in accordance with  
11 the applicable requirements of the state in which the home is located and that documents the  
12 preparation and the suitability of the placement resource for placement of a child in accordance with  
13 the laws and requirements of the state in which the home is located.

14          VII. "Indian tribe" means any Indian tribe, band, nation, or other organized group or  
15 community of Indians recognized as eligible for services provided to Indians by the Secretary of the  
16 Interior because of their status as Indians, including any Alaskan native village as defined in section  
17 3(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. section 1602(c).

18          VIII. "Interstate Commission for the Placement of Children" means the commission that is  
19 created under Article VIII of this compact and which is generally referred to as the "Interstate  
20 Commission."

21          IX. "Jurisdiction" means the power and authority of a court to hear and decide matters.

22          X. "Legal risk placement" or "legal risk adoption" means a placement made preliminary to  
23 an adoption where the prospective adoptive parents acknowledge in writing that a child can be  
24 ordered returned to the sending state or the birth mother's state of residence, if different from the  
25 sending state, and a final decree of adoption shall not be entered in any jurisdiction until all  
26 required consents are obtained or are dispensed with in accordance with applicable law.

27          XI. "Member state" means a state that has enacted this compact.

28          XII. "Noncustodial parent" means a person who, at the time of the commencement of court  
29 proceedings in the sending state, does not have sole legal custody of the child or has joint legal  
30 custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

31          XIII. "Nonmember state" means a state which has not enacted this compact.

32          XIV. "Notice of residential placement" means information regarding a placement into a  
33 residential facility provided to the receiving state, including, but not limited to, the name, date, and  
34 place of birth of the child, the identity and address of the parent or legal guardian, evidence of  
35 authority to make the placement, and the name and address of the facility in which the child will be  
36 placed. Notice of residential placement shall also include information regarding a discharge and any  
37 unauthorized absence from the facility.

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1           XV. "Placement" means the act by a public or private child-placing agency intended to  
2 arrange for the care or custody of a child in another state.

3           XVI. "Private child-placing agency" means any private corporation, agency, foundation,  
4 institution, or charitable organization, or any private person or attorney, that facilitates, causes, or  
5 is involved in the placement of a child from one state to another and that is not an instrumentality of  
6 the state or acting under color of state law.

7           XVII. "Provisional placement" means a determination made by the public child-placing  
8 agency in the receiving state that the proposed placement is safe and suitable, and, to the extent  
9 allowable, the receiving state has temporarily waived its standards or requirements otherwise  
10 applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of  
11 the receiving state requirements regarding training for prospective foster or adoptive parents shall  
12 not delay an otherwise safe and suitable placement.

13           XVIII. "Public child-placing agency" means any government child welfare agency or child  
14 protection agency or a private entity under contract with such an agency, regardless of whether the  
15 entity acts on behalf of a state, a county, a municipality, or another governmental unit, and which  
16 facilitates, causes, or is involved in the placement of a child from one state to another.

17           XIX. "Receiving state" means the state to which a child is sent, brought, or caused to be sent  
18 or brought.

19           XX. "Relative" means someone who is related to the child as a parent, stepparent, sibling by  
20 half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a nonrelative with  
21 such significant ties to the child that the nonrelative may be regarded as a relative as determined by  
22 the court in the sending state.

23           XXI. "Residential facility" means a facility providing a level of care that is sufficient to  
24 substitute for parental responsibility or foster care and that is beyond what is needed for assessment  
25 or treatment of an acute condition. For purposes of the compact, the term "residential facility" does  
26 not include institutions primarily educational in character, hospitals, or other medical facilities.

27           XXII. "Rule" means a written directive, mandate, standard, or principle issued by the  
28 Interstate Commission promulgated pursuant to Article XI of this compact that is of general  
29 applicability and that implements, interprets, or prescribes a policy or provision of the compact. A  
30 rule has the force and effect of an administrative rule in a member state and includes the  
31 amendment, repeal, or suspension of an existing rule.

32           XXIII. "Sending state" means the state from which the placement of a child is initiated.

33           XXIV. "Service member's permanent duty station" means the military installation where an  
34 active duty United States Armed Services member is currently assigned and is physically located  
35 under competent orders that do not specify the duty as temporary.

36           XXV. "Service member's state of legal residence" means the state in which the active duty  
37 United States Armed Services member is considered a resident for tax and voting purposes.

1 XXVI. "State" means a state of the United States, the District of Columbia, the  
2 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
3 Northern Mariana Islands, and any other territory of the United States.

4 XXVII. "State court" means a judicial body of a state that is vested by law with  
5 responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status  
6 offenses of individuals who have not attained the age of 18.

7 XXVIII. "Supervision" means monitoring provided by the receiving state once a child has  
8 been placed in a receiving state pursuant to this compact.

9 ARTICLE III

10 Applicability

11 I. Except as otherwise provided in paragraph II, this compact shall apply to:

12 (a) The interstate placement of a child subject to ongoing court jurisdiction in the  
13 sending state, due to allegations or findings that the child has been abused, neglected, or deprived as  
14 defined by the laws of the sending state; provided, however, that the placement of such a child into a  
15 residential facility shall only require notice of residential placement to the receiving state prior to  
16 placement.

17 (b) The interstate placement of a child adjudicated delinquent or unmanageable based  
18 on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

19 (1) The child is being placed in a residential facility in another member state and is  
20 not covered under another compact; or

21 (2) The child is being placed in another member state and the determination of  
22 safety and suitability of the placement and services required is not provided through another  
23 compact.

24 (c) The interstate placement of any child by a public child-placing agency or private  
25 child-placing agency as a preliminary step to a possible adoption.

26 II. The provisions of this compact shall not apply to:

27 (a) The interstate placement of a child in a custody proceeding in which a public child-  
28 placing agency is not a party; provided, however, that the placement is not intended to effectuate an  
29 adoption.

30 (b) The interstate placement of a child with a nonrelative in a receiving state by a parent  
31 with the legal authority to make such a placement; provided, however, that the placement is not  
32 intended to effectuate an adoption.

33 (c) The interstate placement of a child by one relative with the lawful authority to make  
34 such a placement directly with a relative in a receiving state.

35 (d) The placement of a child, not subject to paragraph I, into a residential facility by his  
36 or her parent.

37 (e) The placement of a child with a noncustodial parent, provided that:

1 (1) The noncustodial parent proves to the satisfaction of a court in the sending state  
2 a substantial relationship with the child;

3 (2) The court in the sending state makes a written finding that placement with the  
4 noncustodial parent is in the best interests of the child; and

5 (3) The court in the sending state dismisses its jurisdiction in interstate placements  
6 in which the public child-placing agency is a party to the proceeding.

7 (f) A child entering the United States from a foreign country for the purpose of adoption  
8 or leaving the United States to go to a foreign country for the purpose of adoption in that country.

9 (g) Cases in which a child who is a United States citizen living overseas with his or her  
10 family, at least one of whom is in the United States Armed Services and stationed overseas, is  
11 removed and placed in a state.

12 (h) The sending of a child by a public child-placing agency or a private child-placing  
13 agency for a visit as defined by the rules of the Interstate Commission.

14 III. For purposes of determining the applicability of this compact to the placement of a child  
15 with a family member in the United States Armed Services, the public child-placing agency or  
16 private child-placing agency may choose the state of the service member's permanent duty station or  
17 the service member's declared legal residence.

18 IV. Nothing in this compact shall be construed to prohibit the concurrent application of the  
19 provisions of this compact with other applicable interstate compacts, including the Interstate  
20 Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The  
21 Interstate Commission may, in cooperation with other interstate compact commissions having  
22 responsibility for the interstate movement, placement, or transfer of children, promulgate similar  
23 rules to ensure the coordination of services, timely placement of children, and reduction of  
24 unnecessary or duplicative administrative or procedural requirements.

25 ARTICLE IV

26 Jurisdiction

27 I. Except as provided in Article IV, paragraph VIII, and Article V, subparagraph II(b) and  
28 (c), concerning private and independent adoptions, and in interstate placements in which the public  
29 child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction  
30 over a child with respect to all matters of custody and disposition of the child which it would have  
31 had if the child had remained in the sending state. Such jurisdiction shall also include the power to  
32 order the return of the child to the sending state.

33 II. When an issue of child protection or custody is brought before a court in the receiving  
34 state, such court shall confer with the court of the sending state to determine the most appropriate  
35 forum for adjudication.

36 III. In cases that are before courts and subject to this compact, the taking of testimony for  
37 hearings before any judicial officer may occur in person or by telephone, audio-video conference, or

1 such other means as approved by the rules of the Interstate Commission, and judicial officers may  
2 communicate with other judicial officers and persons involved in the interstate process as may be  
3 permitted by their code of judicial conduct and any rules promulgated by the Interstate Commission.

4 IV. In accordance with its own laws, the court in the sending state shall have authority to  
5 terminate its jurisdiction if:

6 (a) The child is reunified with the parent in the receiving state who is the subject of  
7 allegations or findings of abuse or neglect, only with the concurrence of the public child-placing  
8 agency in the receiving state;

9 (b) The child is adopted;

10 (c) The child reaches the age of majority under the laws of the sending state;

11 (d) The child achieves legal independence pursuant to the laws of the sending state;

12 (e) A guardianship is created by a court in the receiving state with the concurrence of  
13 the court in the sending state;

14 (f) An Indian tribe has petitioned for and received jurisdiction from the court in the  
15 sending state; or

16 (g) The public child-placing agency of the sending state requests termination and has  
17 obtained the concurrence of the public child-placing agency in the receiving state.

18 V. When a sending state court terminates its jurisdiction, the receiving state child-placing  
19 agency shall be notified.

20 VI. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court  
21 sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined  
22 by the laws of the receiving state committed by the child in the receiving state which would be a  
23 violation of its laws.

24 VII. Nothing in this article shall limit the receiving state's ability to take emergency  
25 jurisdiction for the protection of the child.

26 VIII. The substantive laws of the state in which an adoption will be finalized shall solely  
27 govern all issues relating to the adoption of the child, and the court in which the adoption proceeding  
28 is filed shall have subject matter jurisdiction regarding all substantive issues relating to the  
29 adoption, except:

30 (a) When the child is a ward of another court that established jurisdiction over the child  
31 prior to the placement;

32 (b) When the child is in the legal custody of a public agency in the sending state; or

33 (c) When a court in the sending state has otherwise appropriately assumed jurisdiction  
34 over the child prior to the submission of the request for approval of placement.

35 IX. A final decree of adoption shall not be entered in any jurisdiction until the placement is  
36 authorized as an "approved placement" by the public child-placing agency in the receiving state.



Placement Evaluation

1  
2 I. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state,  
3 the public child-placing agency shall provide a written request for assessment to the receiving state.

4 II. For placements by a private child-placing agency, a child may be sent or brought, or  
5 caused to be sent or brought, into a receiving state upon receipt and immediate review of the  
6 required content in a request for approval of a placement in both the sending and receiving state  
7 public child-placing agencies. The required content to accompany a request for approval shall  
8 include all of the following:

9 (a) A request for approval identifying the child, the birth parents, the prospective  
10 adoptive parents, and the supervising agency, signed by the person requesting approval.

11 (b) The appropriate consents or relinquishments signed by the birth parents in  
12 accordance with the laws of the sending state or, where permitted, the laws of the state where the  
13 adoption will be finalized.

14 (c) Certification by a licensed attorney or authorized agent of a private adoption agency  
15 that the consent or relinquishment is in compliance with the applicable laws of the sending state or,  
16 where permitted, the laws of the state where finalization of the adoption will occur.

17 (d) A home study.

18 (e) An acknowledgment of legal risk signed by the prospective adoptive parents.

19 III. The sending state and the receiving state may request additional information or  
20 documents prior to finalization of an approved placement, but they may not delay travel by the  
21 prospective adoptive parents with the child if the required content for approval has been submitted,  
22 received, and reviewed by the public child-placing agency in both the sending state and the receiving  
23 state.

24 IV. Approval from the public child-placing agency in the receiving state for a provisional or  
25 approved placement is required as provided for in the rules of the Interstate Commission.

26 V. The procedures for making the request for an assessment shall contain all information  
27 and be in such form as provided for in the rules of the Interstate Commission.

28 VI. Upon receipt of a request from the public child-placing agency of the sending state, the  
29 receiving state shall initiate an assessment of the proposed placement to determine its safety and  
30 suitability. If the proposed placement is a placement with a relative, the public child-placing agency  
31 of the sending state may request a determination for a provisional placement.

32 VII. The public child-placing agency in the receiving state may request from the public child-  
33 placing agency or the private child-placing agency in the sending state, and shall be entitled to  
34 receive, supporting or additional information necessary to complete the assessment or approve the  
35 placement.

1 VIII. The public child-placing agency in the receiving state shall approve a provisional  
2 placement and complete or arrange for the completion of the assessment within the timeframes  
3 established by the rules of the Interstate Commission.

4 IX. For a placement by a private child-placing agency, the sending state shall not impose  
5 any additional requirements to complete the home study that are not required by the receiving state,  
6 unless the adoption is finalized in the sending state.

7 X. The Interstate Commission may develop uniform standards for the assessment of the  
8 safety and suitability of interstate placements.

9 ARTICLE VI

10 Placement Authority

11 I. Except as otherwise provided in this compact, no child subject to this compact shall be  
12 placed in a receiving state until approval for such placement is obtained.

13 II. If the public child-placing agency in the receiving state does not approve the proposed  
14 placement, then the child shall not be placed. The receiving state shall provide written  
15 documentation of any such determination in accordance with the rules promulgated by the  
16 Interstate Commission. Such determination is not subject to judicial review in the sending state.

17 III. If the proposed placement is not approved, any interested party shall have standing to  
18 seek an administrative review of the receiving state's determination.

19 (a) The administrative review and any further judicial review associated with the  
20 determination shall be conducted in the receiving state pursuant to its applicable administrative  
21 procedures act.

22 (b) If a determination not to approve the placement of the child in the receiving state is  
23 overturned upon review, the placement shall be deemed approved; provided, however, that all  
24 administrative or judicial remedies have been exhausted or the time for such remedies has passed.

25 ARTICLE VII

26 Placing Agency Responsibility

27 I. For the interstate placement of a child made by a public child-placing agency or state  
28 court:

29 (a) The public child-placing agency in the sending state shall have financial  
30 responsibility for:

31 (1) The ongoing support and maintenance for the child during the period of the  
32 placement, unless otherwise provided for in the receiving state; and

33 (2) As determined by the public child-placing agency in the sending state, services  
34 for the child beyond the public services for which the child is eligible in the receiving state.

35 (b) The receiving state shall only have financial responsibility for:

36 (1) Any assessment conducted by the receiving state; and



1 I. Be a joint commission of the member states and shall have the responsibilities, powers,  
2 and duties set forth herein and such additional powers as may be conferred upon it by subsequent  
3 concurrent action of the respective legislatures of the member states.

4 II. Consist of one commissioner from each member state who shall be appointed by the  
5 executive head of the state human services administration with ultimate responsibility for the child  
6 welfare program. The appointed commissioner shall have the legal authority to vote on policy-  
7 related matters governed by this compact binding the state.

8 (a) Each member state represented at a meeting of the Interstate Commission is entitled  
9 to one vote.

10 (b) A majority of the member states shall constitute a quorum for the transaction of  
11 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

12 (c) A representative shall not delegate a vote to another member state.

13 (d) A representative may delegate voting authority to another person from that state for  
14 a specified meeting.

15 III. Include, in addition to the commissioners of each member state, persons who are  
16 members of interested organizations as defined in the bylaws or rules of the Interstate Commission.  
17 Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate  
18 Commission.

19 IV. Establish an executive committee which shall have the authority to administer the day-  
20 to-day operations and administration of the Interstate Commission. The executive committee shall  
21 not have the power to engage in rulemaking.

22 ARTICLE IX

23 Powers and Duties of the Interstate Commission

24 The Interstate Commission shall have the following powers:

25 I. To promulgate rules and take all necessary actions to effect the goals, purposes, and  
26 obligations as enumerated in this compact.

27 II. To provide for dispute resolution among member states.

28 III. To issue, upon request of a member state, advisory opinions concerning the meaning or  
29 interpretation of the interstate compact, its bylaws, rules, or actions.

30 IV. To enforce compliance with this compact or the bylaws or rules of the Interstate  
31 Commission pursuant to Article XII.

32 V. Collect standardized data concerning the interstate placement of children subject to this  
33 compact as directed through its rules, which shall specify the data to be collected, the means of  
34 collection and data exchange, and reporting requirements.

35 VI. To establish and maintain offices as may be necessary for the transacting of its business.

36 VII. To purchase and maintain insurance and bonds.

1 VIII. To hire or contract for services of personnel or consultants as necessary to carry out its  
2 functions under the compact and establish personnel qualification policies and rates of  
3 compensation.

4 IX. To establish and appoint committees and officers, including, but not limited to, an  
5 executive committee as required by Article X.

6 X. To accept any and all donations and grants of money, equipment, supplies, materials, and  
7 services, and to receive, utilize, and dispose thereof.

8 XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
9 improve, or use any property, real, personal, or mixed.

10 XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
11 property, real, personal, or mixed.

12 XIII. To establish a budget and make expenditures.

13 XIV. To adopt a seal and bylaws governing the management and operation of the Interstate  
14 Commission.

15 XV. To report annually to the legislatures, the governors, the judiciary, and the state  
16 advisory councils of the member states concerning the activities of the Interstate Commission during  
17 the preceding year. Such reports shall also include any recommendations that may have been  
18 adopted by the Interstate Commission.

19 XVI. To coordinate and provide education, training, and public awareness regarding the  
20 interstate movement of children for officials involved in such activity.

21 XVII. To maintain books and records in accordance with the bylaws of the Interstate  
22 Commission.

23 XVIII. To perform such functions as may be necessary or appropriate to achieve the  
24 purposes of this compact.

25 ARTICLE X

26 Organization and Operation of the Interstate Commission

27 I. Organization.

28 (a) Within 12 months after the first Interstate Commission meeting, the Interstate  
29 Commission shall adopt rules to govern its conduct as may be necessary or appropriate to carry out  
30 the purposes of the compact.

31 (b) The Interstate Commission's rules shall establish conditions and procedures under  
32 which the Interstate Commission shall make its information and official records available to the  
33 public for inspection or copying.

34 II. Meetings.

35 (a) The Interstate Commission shall meet at least once each calendar year. The  
36 chairperson may call additional meetings and, upon the request of a simple majority of the member  
37 states, shall call additional meetings.

1 (b) Public notice shall be given by the Interstate Commission of all meetings, and all  
2 meetings shall be open to the public.

3 (c) The bylaws may provide for meetings of the Interstate Commission to be conducted  
4 by telecommunication or other electronic communication.

5 III. Officers and staff.

6 (a) The Interstate Commission may, through its executive committee, appoint or retain a  
7 staff director for such period, upon such terms and conditions, and for such compensation as the  
8 Interstate Commission may deem appropriate. The staff director shall serve as secretary to the  
9 Interstate Commission but shall not have a vote. The staff director may hire and supervise such  
10 other staff as may be authorized by the Interstate Commission.

11 (b) The Interstate Commission shall elect, from among its members, a chairperson and a  
12 vice chairperson of the executive committee, and other necessary officers, each of whom shall have  
13 such authority and duties as may be specified in the bylaws.

14 IV. Qualified immunity, defense, and indemnification.

15 (a) The Interstate Commission's staff director and its employees shall be immune from  
16 suit and liability, either personally or in their official capacity, for a claim for damage to or loss of  
17 property or personal injury or other civil liability caused or arising out of or relating to an actual or  
18 alleged act, error, or omission that occurred or that such person had a reasonable basis for believing  
19 occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
20 provided, however, that such person shall not be protected from suit or liability for damage, loss,  
21 injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of  
22 such person.

23 (b)(1) The liability of the Interstate Commission's staff director and employees or  
24 Interstate Commission representatives, acting within the scope of such person's employment or  
25 duties, for acts, errors, or omissions occurring within such person's state may not exceed the limits of  
26 liability set forth under the Constitution and laws of that state for state officials, employees, and  
27 agents. The Interstate Commission is considered to be an instrumentality of the states for the  
28 purposes of any such action. Nothing in this subsection shall be construed to protect such person  
29 from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional  
30 or willful and wanton misconduct of such person.

31 (2) The Interstate Commission shall defend the staff director and its employees and,  
32 subject to the approval of the attorney general or other appropriate legal counsel of the member  
33 state, shall defend the commissioner of a member state in a civil action seeking to impose liability  
34 arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate  
35 Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for  
36 believing occurred within the scope of Interstate Commission employment, duties, or responsibilities;

1 provided, however, that the actual or alleged act, error, or omission did not result from intentional or  
2 willful and wanton misconduct on the part of such person.

3 (3) To the extent not covered by the state involved, a member state, or the Interstate  
4 Commission, the representatives or employees of the Interstate Commission shall be held harmless  
5 in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such  
6 persons arising out of an actual or alleged act, error, or omission that occurred within the scope of  
7 Interstate Commission employment, duties, or responsibilities, or that such persons had a  
8 reasonable basis for believing occurred within the scope of Interstate Commission employment,  
9 duties, or responsibilities; provided, however, that the actual or alleged act, error, or omission did  
10 not result from intentional or willful and wanton misconduct on the part of such persons.

11 ARTICLE XI

12 Rulemaking Functions of the Interstate Commission

13 I. The Interstate Commission shall promulgate and publish rules in order to effectively and  
14 efficiently achieve the purposes of the compact.

15 II. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
16 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles  
17 of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1  
18 (2000), or such other administrative procedure acts as the Interstate Commission deems  
19 appropriate, consistent with due process requirements under the United States Constitution as now  
20 or hereafter interpreted by the United States Supreme Court. All rules and amendments shall  
21 become binding as of the date specified, as published with the final version of the rule as approved  
22 by the Interstate Commission.

23 III. When promulgating a rule, the Interstate Commission shall, at a minimum:

- 24 (a) Publish the proposed rule's entire text stating the reasons for that proposed rule;  
25 (b) Allow and invite any and all persons to submit written data, facts, opinions, and  
26 arguments, which information shall be added to the record and made publicly available; and  
27 (c) Promulgate a final rule and its effective date, if appropriate, based on input from  
28 state or local officials or interested parties.

29 IV. Rules promulgated by the Interstate Commission shall have the force and effect of  
30 administrative rules and shall be binding in the compacting states to the extent and in the manner  
31 provided for in this compact.

32 V. Not later than 60 days after a rule is promulgated, an interested person may file a  
33 petition in the United States District Court for the District of Columbia or in the federal district  
34 court where the Interstate Commission's principal office is located for judicial review of such rule. If  
35 the court finds that the Interstate Commission's action is not supported by substantial evidence in  
36 the rulemaking record, the court shall hold the rule unlawful and set it aside.

1 VI. If a majority of the legislatures of the member states rejects a rule, those states may by  
2 enactment of a statute or resolution in the same manner used to adopt the compact cause that such  
3 rule shall have no further force and effect in any member state.

4 VII. The existing rules governing the operation of the Interstate Compact on the Placement  
5 of Children superseded by this act shall be null and void no less than 12 months but no more than 24  
6 months after the first meeting of the Interstate Commission created hereunder, as determined by  
7 the members during the first meeting.

8 VIII. Within the first 12 months of operation, the Interstate Commission shall promulgate  
9 rules addressing the following:

- 10 (a) Transition rules.
- 11 (b) Forms and procedures.
- 12 (c) Timelines.
- 13 (d) Data collection and reporting.
- 14 (e) Rulemaking.
- 15 (f) Visitation.
- 16 (g) Progress reports and supervision.
- 17 (h) Sharing of information and confidentiality.
- 18 (i) Financing of the Interstate Commission.
- 19 (j) Mediation, arbitration, and dispute resolution.
- 20 (k) Education, training, and technical assistance.
- 21 (l) Enforcement.
- 22 (m) Coordination with other interstate compacts.

23 IX. Upon determination by a majority of the members of the Interstate Commission that an  
24 emergency exists:

25 (a) The Interstate Commission may promulgate an emergency rule only if it is required  
26 to:

- 27 (1) Protect the children covered by this compact from an imminent threat to their  
28 health, safety, and well-being;
- 29 (2) Prevent loss of federal or state funds; or
- 30 (3) Meet a deadline for the promulgation of an administrative rule required by  
31 federal law.

32 (b) An emergency rule shall become effective immediately upon adoption, provided that  
33 the usual rulemaking procedures provided hereunder shall be retroactively applied to the emergency  
34 rule as soon as reasonably possible, but no later than 90 days after the effective date of the  
35 emergency rule.

36 (c) An emergency rule shall be promulgated as provided for in the rules of the Interstate  
37 Commission.



ARTICLE XII

Oversight, Dispute Resolution, and Enforcement

I. Oversight.

(a) The Interstate Commission shall oversee the administration and operation of the compact.

(b) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall be binding in the compacting states to the extent and in the manner provided for in this compact.

(c) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.

(d) The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order, or other determination, however so captioned or classified, void as to this compact, its bylaws, or rules of the Interstate Commission.

II. Dispute resolution.

(a) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

(b) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution shall be the responsibility of the parties to the dispute.

III. Enforcement. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, its bylaws, or rules of the Interstate Commission, the Interstate Commission may:

(a) Provide remedial training and specific technical assistance;

(b) Provide written notice to the defaulting state and other member states of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default;

(c) By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal office, to enforce compliance with the provisions of the compact, its bylaws, or rules of the Interstate Commission. The relief sought may include both injunctive relief and damages. In the event judicial

1 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including  
2 reasonable attorney's fees; or

3 (d) Avail itself of any other remedies available under state law or the regulation of  
4 official or professional conduct.

5 ARTICLE XIII

6 Financing of the Commission

7 I. The Interstate Commission shall pay, or provide for the payment of, the reasonable  
8 expenses of its establishment, organization, and ongoing activities.

9 II. The Interstate Commission may levy on and collect an annual assessment from each  
10 member state to cover the cost of the operations and activities of the Interstate Commission and its  
11 staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget  
12 as approved by its members each year. The aggregate annual assessment amount shall be allocated  
13 based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule  
14 binding upon all member states.

15 III. The Interstate Commission shall not incur obligations of any kind prior to securing the  
16 funds adequate to meet those obligations, nor shall the Interstate Commission pledge the credit of  
17 any of the member states, except by and with the authority of the member state.

18 IV. The Interstate Commission shall keep accurate accounts of all receipts and  
19 disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the  
20 audit and accounting procedures established under its bylaws. However, all receipts and  
21 disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified  
22 or licensed public accountant, and the report of the audit shall be included in and become part of the  
23 annual report of the Interstate Commission.

24 ARTICLE XIV

25 Member States, Effective Date, and Amendment

26 I. Any state is eligible to become a member state.

27 II. The compact shall become effective and binding upon legislative enactment of the  
28 compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007, or  
29 upon enactment of the compact into law by the thirty-fifth state. Thereafter, it shall become  
30 effective and binding as to any other member state upon enactment of the compact into law by that  
31 state. The executive heads of the state human services administration with ultimate responsibility  
32 for the child welfare program of nonmember states or their designees shall be invited to participate  
33 in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact  
34 by all states.

35 III. The Interstate Commission may propose amendments to the compact for enactment by  
36 the member states. No amendment shall become effective and binding on the member states unless  
37 and until it is enacted into law by unanimous consent of the member states.

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ARTICLE XV

Withdrawal and Dissolution

I. Withdrawal.

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(b) Withdrawal from this compact shall be by the enactment of a statute repealing the compact. The effective date of withdrawal shall be the effective date of the repeal of the statute.

(c) The withdrawing state shall immediately notify the president of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall then notify the other member states of the withdrawing state's intent to withdraw.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal.

(e) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the members of the Interstate Commission.

II. Dissolution of compact.

(a) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

(b) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVI

Severability and Construction

I. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

II. The provisions of this compact shall be liberally construed to effectuate its purposes.

III. Nothing in this compact shall be construed to prohibit the concurrent applicability of other interstate compacts to which the states are members.

ARTICLE XVII

Binding Effect of Compact and Other Laws

I. Other laws. Nothing in this compact prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

II. Binding effect of the compact.

(a) All lawful actions of the Interstate Commission are binding upon the member states.

1 (b) All agreements between the Interstate Commission and the member states are  
2 binding in accordance with their terms.

3 (c) In the event any provision of this compact exceeds the constitutional limits imposed  
4 on the legislature or executive branch of any member state, such provision shall be ineffective to the  
5 extent of the conflict with the constitutional provision in question in that member state.

6 ARTICLE XVIII

7 Indian Tribes

8 Notwithstanding any other provision in this compact, the Interstate Commission may promulgate  
9 guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the  
10 compact as specified in Article I. The Interstate Commission shall make reasonable efforts to  
11 consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the  
12 various Indian tribes.

13 52 Adoption; Assessment. Amend RSA 170-B:18, IV to read as follows:

14 IV. The department or a licensed child-placing agency making the required assessment may  
15 request other departments or licensed child-placing agencies within or outside this state to make the  
16 assessment or designated portions thereof as may be appropriate. Where such written assessments  
17 are made, a written report shall be filed with the court; provided, however, said report shall not  
18 violate RSA 170-A, the interstate compact ~~[on]~~ for the placement of children.

19 53 Applicability Sections 51-52 of this act, relative to the 2009 edition of the Interstate Compact  
20 for the Placement of Children, shall take effect on the date that the commissioner of the department  
21 of health and human services certifies to the director of the office of legislative services and the  
22 secretary of state that 35 compacting states, including New Hampshire, have enacted the 2009  
23 edition of the Interstate Compact for the Placement of Children.

24 54 Child Day Care Licensing; Definitions RSA 170-E:2, IV(g) is repealed and reenacted to read  
25 as follows:

26 (g) "School-age program" means a child day care agency providing child day care before  
27 or after, or before and after, regular school hours, and all day any time school is not in session, for 6  
28 or more children enrolled in school, who are 4 years and 11 months of age or older, and which is not  
29 licensed under RSA 170-E:56. The number of children shall include all children present during the  
30 period of the program, including those children related to the caregiver.

31 55 New Section; Residential Care and Child-Placing Agency Licensing; Deemed Licensed.  
32 Amend RSA 170-E by inserting after section 31 the following new section:

33 170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by  
34 organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as  
35 amended, shall submit a completed license application or renewal application. Such child care  
36 institutions and child care agencies defined as group homes, specialized care, or homeless youth  
37 programs, shall be deemed licensed under this subdivision and shall be exempt from inspections

1 carried out under RSA 170-E:31, IV. This section shall only apply to the activities or portions of the  
2 facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G),  
3 as amended.

4 56 Recreation Camp Licensing; Availability of Epinephrine Auto-Injector. Amend RSA 170-E:61  
5 to read as follows:

6 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse  
7 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child  
8 with severe allergies at least one epinephrine auto-injector, provided by the child or the child's  
9 parent or guardian, [~~in the nurse's office or in a similarly accessible location~~] **which shall be**  
10 **immediately accessible to the recreational camp staff caring for children requiring such**  
11 **medications.**

12 57 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA 170-  
13 E by inserting after section 63 the following new section:

14 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not  
15 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with  
16 asthma at least one metered dose inhaler or a dry powder inhaler, provided by the child or the child's  
17 parent or guardian, which shall be immediately accessible to the recreational camp staff caring for  
18 children requiring such medications.

19 58 New Paragraph; Services for Children, Youth, and Families; Peer Support Program. Amend  
20 RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

21 VIII. The commissioner may establish a confidential peer support program for the purpose  
22 of providing critical incident stress management and crisis intervention services for staff exposed to  
23 critical incidents and trauma through the course of their employment.

24 (a) In this section:

25 (1) "Critical incident" means any incident that has a high emotional impact on the  
26 responders, or is beyond the realm of a person's usual experience that overwhelms his or her sense of  
27 vulnerability and/or lack of control over the situation.

28 (2) "Critical incident stress" means a normal reaction to an abnormal event that has  
29 the potential to interfere with normal functioning and that results from the response to a critical  
30 incident or long-term occupational exposure to a series of critical incident responses over a period of  
31 time that are believed to be causing debilitating stress that is affecting an emergency service  
32 provider and his or her work performance or family situation. This may include, but is not limited  
33 to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job,  
34 personality changes, or loss of ability to function.

35 (3) "Critical incident stress management" means a process of crisis intervention  
36 designed to assist employees in coping with the psychological trauma resulting from response to a  
37 critical incident.

1           (4) "Critical incident stress management and crisis intervention services" means  
2 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and  
3 referral provided by a critical incident stress management team member.

4           (5) "Critical incident stress management team" or "team" means the group of one or  
5 more trained volunteers, including members of peer support groups who offer critical incident stress  
6 management and crisis intervention services following a critical incident or long term or continued,  
7 debilitating stress being experienced by employees and affecting them or their family situation.

8           (6) "Critical incident stress management team member" or "team member" means an  
9 employee, including any specially trained to provide critical incident stress management and crisis  
10 intervention services as a member of an organized team.

11           (7) "Debriefing" means a closed, confidential discussion of a critical incident relating  
12 to the feelings and perceptions of those directly involved prior to, during, and after a stressful event.  
13 It is intended to provide support, education, and an outlet for associated views and feelings.  
14 Debriefings do not provide counseling or an operational critique of the incident.

15           (b)(1) Any information divulged to the team or a team member during the provision of  
16 critical incident stress management and crisis intervention services shall be kept confidential and  
17 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records  
18 kept by critical incident stress management team members are not subject to subpoena, discovery, or  
19 introduction into evidence in a criminal, civil, or administrative action. Except as provided in  
20 subparagraph (c), no person, whether critical incident stress management team member or team  
21 leader providing or receiving critical incident stress management and crisis intervention services,  
22 shall be required to testify or divulge any information obtained solely through such crisis  
23 intervention.

24           (2) In any civil action against any individual, or the department, including the state  
25 of New Hampshire, arising out of the conduct of a member of such team, this section is not intended  
26 and shall not be admissible to establish negligence in any instance where requirements herein are  
27 higher than the standard of care that would otherwise have been applicable in such action under  
28 state law.

29           (c) A communication shall not be deemed confidential pursuant to this section if:

30           (1) The communication indicates the existence of a danger to the individual who  
31 receives critical incident stress management and crisis intervention services or to any other person  
32 or persons;

33           (2) The communication indicates the existence of past child abuse or neglect of the  
34 individual, abuse of an adult as defined by law, or family violence as defined by law; or

35           (3) The communication indicates the existence of a danger to the individual who  
36 receives critical incident stress management and crisis intervention services or to any other person  
37 or persons.

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1           59 New Paragraph; Services for Children, Youth, and Families; Procurement Model for Services.  
2 Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

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

10          60 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials relating  
11 to missing children issues and matters, is repealed.

12          61 Services for the Developmentally Disabled; Funding for Wait List. Amend the introductory  
13 paragraph of RSA 171-A:1-a, I to read as follows:

14           I. The department of health and human services and area agencies shall provide services to  
15 eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-  
16 K in a timely manner. The department and area agencies shall provide *funding for* services in  
17 such a manner that:

18          62 Services for the Developmentally Disabled; Wait List RSA 171-A:1-a, I(d) is repealed and  
19 reenacted to read as follows:

20           (d) For persons 18-21 years of age enrolled in school and determined eligible for  
21 developmental services that are not the legal responsibility of the local education agency, another  
22 state agency, or another division of the department, the time period between completion of the  
23 individual service agreement pursuant to RSA 171-A:12 and the allocation by the department of the  
24 funds needed to carry out the services required by the agreement shall not exceed 90 days.

25          63 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read as  
26 follows:

27           II. ~~[Beginning with the fiscal year ending June 30, 2010, and thereafter,]~~ The department of  
28 health and human services shall incorporate *in its appropriation requests* the cost of fully  
29 funding services to eligible persons, in accordance with the requirements of paragraph I, and as  
30 otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet  
31 such costs and requirements.

32          64 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend RSA  
33 169-C by inserting after section 12-f the following new section:

34          169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,  
35 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,  
36 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or

1 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or  
2 neglect.

3 65 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

4 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence  
5 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic  
6 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The  
7 state treasurer shall deposit all fees received by the department under RSA 457:29, **457:32-b, and**  
8 **631:2-b, V** in the fund. All moneys deposited in the fund shall be continually appropriated for the  
9 purposes of the domestic violence grant program and shall not lapse.

10 66 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read as  
11 follows:

12 342:9 Termination of Granite Workforce Program.

13 I. The commissioner of the department of health and human services shall be responsible for  
14 determining, every 3 months commencing no later than December 31, 2018, whether available TANF  
15 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available  
16 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health  
17 and human services and employment security shall, within 20 business days of such determination,  
18 terminate the granite workforce program. The commissioners shall notify the governor, the speaker  
19 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of  
20 the general court, and granite workforce participants of the program's pending termination. ***The***  
21 ***commissioners shall have the discretion to limit granite workforce program services based***  
22 ***on the availability of appropriated, available, or reserve funds.***

23 II. If at any time the New Hampshire granite advantage health care program, established  
24 under RSA 126-AA, terminates, the commissioners of the departments of health and human services  
25 and employment security shall terminate the granite workforce program. The date of the granite  
26 workforce program's termination shall align with that of the New Hampshire granite advantage  
27 health care program.

28 ***III. If the work and community engagement waiver is held invalid, or is not***  
29 ***approved by the Centers for Medicare and Medicaid Services, the granite workforce***  
30 ***program shall be suspended until such time that the work and community engagement***  
31 ***waiver is approved or revalidated.***

32 67 Health Facility Licensure; Effective Dates Amended. Amend 2020, 39:72, V-VI to read as  
33 follows:

34 V. Sections 55-57~~[, 64-67, and 69]~~ **and 64** of this act shall take effect July 1, 2020.

35 VI. Sections 5~~[, and 60]~~ **and 60**~~[, and 68]~~ of this act shall take effect July 1, 2021.

36 68 Milk Sanitation Code; Terms Defined. Amend RSA 184:79, XIII to read as follows:



1 XIII. The term "milk plant" means any place, premises, or establishment where milk or milk  
2 products are collected, handled, processed, stored, pasteurized, bottled, packaged, or prepared for  
3 distribution, except an establishment where milk or milk products are sold at retail only. ***This term***  
4 ***shall include wash stations where milk tank trucks are cleaned and sanitized.***

5 69 Milk Sanitation Code; License Fees. Amend RSA 184:85, IV to read as follows:

6 IV. All fees collected under this section shall be forwarded to the state treasurer. The state  
7 treasurer shall credit all moneys received under this section, and interest received on such money, to  
8 [a] ***the public health services*** special fund ***established in RSA 143:11***, from which [he] ***the***  
9 ***department*** shall pay all the expenses of the department incident to the licensing and regulation of  
10 milk plants, milk distributors and milk producer-distributors. [~~This fund shall not lapse.~~]

11 70 New Subdivision; Administration of Epinephrine. Amend RSA 329 by inserting after section  
12 1-g the following new subdivision:

13 Administration of Epinephrine

14 329:1-h Administration of Epinephrine.

15 I. In this section:

16 (a) "Administer" means the direct application of an epinephrine auto-injector to the body  
17 of an individual.

18 (b) "Authorized entity" means any entity or organization in which allergens capable of  
19 causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized  
20 entity shall not include an elementary or secondary school or a postsecondary educational institution  
21 eligible to establish policies and guidelines for the emergency administration of epinephrine under  
22 RSA 200-N.

23 (c) "Epinephrine auto-injector" means a single-use device used for the automatic  
24 injection of a premeasured dose of epinephrine into the human body.

25 (d) "Health care practitioner" means a person who is lawfully entitled to prescribe,  
26 administer, dispense, or distribute controlled drugs.

27 (e) "Provide" means to furnish one or more epinephrine auto-injectors to an individual.

28 II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an  
29 authorized entity for use in accordance with this section, and pharmacists and health care  
30 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name  
31 of an authorized entity.

32 III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors  
33 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors  
34 shall be stored in a location readily accessible in an emergency and in accordance with the  
35 instructions for use, and any additional requirements that may be established by board of medicine.  
36 An authorized entity shall designate employees or agents who have completed the training required

1 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of  
2 epinephrine auto-injectors acquired by the authorized entity.

3 IV. An employee or agent of an authorized entity, or other individual, who has completed the  
4 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this  
5 section to:

6 (a) Provide an epinephrine auto-injector to any individual who the employee agent or  
7 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or  
8 caregiver of such individual, for immediate administration, regardless of whether the individual has  
9 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

10 (b) Administer an epinephrine auto-injector to any individual who the employee, agent,  
11 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the  
12 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with  
13 an allergy.

14 V.(a) An employee, agent, or other individual described in paragraph IV shall complete an  
15 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis  
16 training program. Such training shall be conducted by a nationally-recognized organization  
17 experienced in training unlicensed persons in emergency health care treatment or an entity or  
18 individual approved by the board of medicine. Training may be conducted online or in person and, at  
19 a minimum, shall cover:

20 (1) How to recognize signs and symptoms of severe allergic reactions, including  
21 anaphylaxis;

22 (2) Standards and procedures for the storage and administration of an epinephrine  
23 auto-injector; and

24 (3) Emergency follow-up procedures.

25 (b) The entity or individual that conducts the training shall issue a certificate, on a form  
26 developed or approved by the board of medicine to each person who successfully completes the  
27 anaphylaxis training program.

28 VI. No authorized entity that possesses and makes available epinephrine auto-injectors and  
29 its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses  
30 epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that  
31 dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts  
32 the training described in paragraph V, shall be liable for any injuries or related damages that result  
33 from any act or omission pursuant to this section, unless such injury or damage is the result of  
34 willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with  
35 this section shall not be considered to be the practice of medicine or any other profession that  
36 otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any  
37 other immunity or defense that may be available under state law. An entity located in this state

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1 shall not be liable for any injuries or related damages that result from the provision or  
2 administration of an epinephrine auto-injector outside of this state if the entity would not have been  
3 liable for such injuries or related damages had the provision or administration occurred within this  
4 state, or is not liable for such injuries or related damages under the law of the state in which such  
5 provision or administration occurred.

6 71 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

7 72 Guardians and Conservators; Termination of Guardianship. Amend RSA 464-A:40, V(a) to  
8 read as follows:

9 V.(a) If, within 30 days after the date of a testate or intestate ward's death, no petition for  
10 probate has been filed under any section of RSA 553 and the gross value of the personal property  
11 remaining in the possession of the guardian belonging to the deceased, including any amount left in  
12 designated accounts for the ward, is no more than [~~\$5,000~~] **\$10,000**, the guardian may file in the  
13 probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of  
14 disposing of such deceased ward's estate. Once approved by the court, the guardian shall be  
15 authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form  
16 of the affidavit, and the rules governing proceedings under this section, shall be provided by the  
17 probate court pursuant to RSA 547:33.

18 73 Custody and Escheat of Unclaimed or Abandoned Property; Filing of Claim. Amend RSA  
19 471-C:26, I(c)(2)-(3) to read as follows:

20 (2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where  
21 the unclaimed property is valued at less than [~~\$5,000~~] **\$10,000** and does not include securities in  
22 share form, in accordance with the final distribution of assets as approved by the probate court.

23 (3) Except as provided in subparagraphs (5)-(7), in the absence of an open estate or  
24 probate court decree of final distribution, and the unclaimed property is valued at less than [~~\$5,000~~]  
25 **\$10,000** and does not include securities in share form, by the surviving spouse of the deceased  
26 owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
27 RSA 561:1.

28 74 Applicability. Sections 72-73 of this act shall apply to affidavits or claims filed on or after the  
29 effective date of this section.

30 75 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
31 VII by inserting after subparagraph (g) the following new subparagraph:

32 (h) The bureau chief for emergency preparedness and response with the department of  
33 health and human services, division of health public services who:

34 (1) Has the authority and responsibility to engage in the prevention and control of  
35 public health incidents or emergencies;

**SB 162-FN - AS INTRODUCED**

**- Page 37 -**

1                   (2) As a job requirement is fully certified as an emergency preparedness official  
2 qualified to administer emergency planning, response and recovery activities in the event of natural  
3 disasters, public health crises or similar incidents; and

4                   (3) As a job requirement shall meet all physical, mental, educational, and other  
5 qualifications for continuing certification as an emergency preparedness official that may be  
6 established by the certifying authority.

7           76 Effective Date.

8           I. Sections 51-52 of this act shall take effect as provided in section 53 of this act.

9           II. Sections 3-6, 10, 15-34, and 75 of this act shall take effect 60 days after its passage.

10          III. Sections 41-42 and 72-74 of this act shall take effect July 1, 2021.

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

LBA  
21-0464  
2/8/21

**SB 162-FN- FISCAL NOTE  
AS INTRODUCED**

**AN ACT** relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

**AGENCIES CONTACTED:**

Judicial Branch, New Hampshire Retirement System, Treasury Department, and Department of Health and Human Services

SB 162-FN - AS AMENDED BY THE SENATE

03/18/2021 0778s

03/18/2021 0850s

2021 SESSION

21-0464

04/10

SENATE BILL **162-FN**

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Health and Human Services

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AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 162-FN - AS AMENDED BY THE SENATE

03/18/2021 0778s

03/18/2021 0850s

21-0464

04/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,  
2 I(b)(12) to read as follows:

3               (12) Moneys received under RSA 457:29, **457:32-b**, and **631:2-b**, V which shall be  
4 credited to the special fund for domestic violence programs **established in RSA 173-B:15**.

5       2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to  
6 read as follows:

7               (15) Money received under RSA **125-F:22**, 143:11, **143:22-a**, **143-A:6**, and 184:85,  
8 which shall be credited to the public health services special fund **established in RSA 143:11, III**.

9       3 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
10 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

11               GG Department of health and human services director of [~~program planning and~~  
12 ~~integrity~~] **Medicaid enterprise development**

13       4 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
14 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

15               JJ Department of health and human services associate commissioner [~~of human~~  
16 ~~services and behavioral health~~]

17               JJ Department of health and human services associate commissioner [~~of~~  
18 ~~operations~~]

19               JJ Department of health and human services associate commissioner [~~for~~  
20 ~~population health~~]

21               ~~[JJ Department of health and human services associate commissioner,~~  
22 ~~operations~~

23               ~~JJ Department of health and human services associate commissioner, population~~  
24 ~~health~~]

25       5 Department of Health and Human Services; Emergency Services Plan. The department of  
26 health and human services in collaboration with all New Hampshire hospitals that operate  
27 emergency facilities shall draft a plan to be presented to the speaker of the house of representatives,  
28 the senate president and the governor's office by September 1, 2021 that details the necessary  
29 emergency services offered for medical treatment of both physical and behavioral health. Such a

1 plan shall include any recommendations for future legislation or required funding to ensure  
2 sufficient physical and behavioral health services.

3 6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
4 VIII by inserting after subparagraph (b) the following new subparagraph:

5 (c) The bureau chief for emergency preparedness and response with the department of  
6 health and human services, division of health public services who:

7 (1) Has the authority and responsibility to engage in the prevention and control of  
8 public health incidents or emergencies;

9 (2) As a job requirement is fully certified as an emergency preparedness official  
10 qualified to administer emergency planning, response and recovery activities in the event of natural  
11 disasters, public health crises or similar incidents; and

12 (3) As a job requirement shall meet all physical, mental, educational, and other  
13 qualifications for continuing certification as an emergency preparedness official that may be  
14 established by the certifying authority.

15 7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as follows:

16 IV. Upon request of the department of health and human services, the department of justice  
17 is authorized to institute civil action to collect a penalty imposed pursuant to this section. The  
18 attorney general shall have the exclusive power to compromise, mitigate, or remit such civil  
19 penalties as are referred to ~~him~~ **the attorney general** for collection. All civil penalties collected  
20 under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all  
21 moneys received under this section, and interest received on such money, to the public health  
22 services special fund, ~~[which shall be nonlapsing]~~, **established in RSA 143:11, from which the**  
23 **department of health and human services shall pay expenses incident to the**  
24 **administration of this chapter.**

25 8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-A:4,  
26 III to read as follows:

27 III. The department shall establish an office of the ombudsman to provide assistance to  
28 clients ~~[and employees]~~ of the department by investigating and resolving complaints regarding any  
29 matter within the jurisdiction of the department including services or assistance provided by the  
30 department or its contractors. The ombudsman's office may provide mediation or other means for  
31 informally resolving complaints. The records of the ombudsman's office shall be confidential and  
32 shall not be disclosed without the consent of the client ~~[or employee]~~ on whose behalf the complaint  
33 is made, except as may be necessary to assist the service provider ~~[or the employee's supervisor]~~ to  
34 resolve the complaint, or as required by law.

35 9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of payables  
36 for class 90 grant lines, is repealed.



1 10 New Section; Department of Health and Human Services; Status in Retirement System.  
2 Amend RSA 126-A by inserting after section 5-e the following new section:

3 126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any  
4 person who is or becomes the bureau chief for emergency preparedness with the department's  
5 division of health public services, shall be included in the definition of group II under RSA 100-A:1,  
6 VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h)  
7 or VIII(c), any person not already a group II member for at least 10 years during or prior to his or  
8 her appointment shall be eligible for or remain as a group I member for the duration of service as the  
9 bureau chief for emergency preparedness.

10 11 Repeal. The following are repealed:

11 I. RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the  
12 housing security guarantee program.

13 II. RSA 6:12, I(b)(255), relative to moneys deposited in the homeless housing and access  
14 revolving loan fund, established in RSA 126-A:63.

15 12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

16 126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from  
17 the possibility of addiction, disability, and death resulting from the use of tobacco products by  
18 ensuring that tobacco products will not be supplied to persons under the age of 21. *This chapter*  
19 *shall not apply to individuals who have been issued a registry identification card under*  
20 *RSA 126-X:4 or alternative treatment centers registered under RSA 126-X:7 with respect to*  
21 *the therapeutic use of cannabis.*

22 13 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6, I to  
23 read as follows:

24 I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any  
25 tobacco product, e-cigarette, device, or e-liquid [~~except individuals who have been issued a registry~~  
26 ~~identification card under RSA 126-X:4 may purchase, possess and use e-liquids containing cannabis~~  
27 ~~and applicable devices as allowed under RSA 126-X~~].

28 14 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read  
29 as follows:

30 (b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe  
31 drugs to humans in the state of the patient's residence and who possesses an active registration from  
32 the United States Drug Enforcement Administration to prescribe controlled substances. [~~Such~~  
33 ~~visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New~~  
34 ~~Hampshire patient.~~]

35 15 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read as  
36 follows:

1 XI. "Registry identification card" means a document indicating the date issued, *effective*  
2 *date*, and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual  
3 as a qualifying patient or a designated caregiver.

4 16 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVII to read as  
5 follows:

6 XVII. "Written certification" means documentation of a qualifying medical condition by a  
7 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
8 issuing registry identification cards, after having completed a full assessment of the patient's  
9 medical history and current medical condition made in the course of a provider-patient relationship.  
10 ~~[The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the~~  
11 ~~certifying provider's name, medical specialty, and signature shall be specified on the written~~  
12 ~~certification.]~~

13 17 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-  
14 X:2 by inserting after paragraph XVI the following new paragraph:

15 XVII. Authorized employees of the department shall not be subject to arrest by state or local  
16 law enforcement, prosecution, or penalty under state or municipal law, or search, when possessing,  
17 transporting, delivering, or transferring cannabis and cannabis infused products for the purposes of  
18 regulatory oversight related to this chapter.

19 18 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as  
20 follows:

21 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and  
22 educational materials to qualifying patients ~~[who have designated the alternative treatment center~~  
23 ~~to provide for them]~~, to designated caregivers on behalf of the qualifying patients ~~[who have~~  
24 ~~designated the alternative treatment center]~~, or to other alternative treatment centers.

25 19 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic  
26 Use of Cannabis. Amend RSA 126-X:3, VII-VIII to read as follows:

27 VII. The department may revoke the registry identification card of a qualifying patient or  
28 designated caregiver for violation of rules adopted by the department or for violation of any other  
29 provision of this chapter, *including for obtaining more than 2 ounces of cannabis in any 10-*  
30 *day period in violation of RSA 126-X:8, XIII(b)*, and the qualifying patient or designated  
31 caregiver shall be subject to any other penalties established in law for the violation.

32 VIII. A facility caregiver shall treat cannabis in a manner similar to *controlled*  
33 *prescription* medications with respect to its storage, security, and administration when assisting  
34 qualifying patients with the therapeutic use of cannabis.

35 20 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-  
36 X:4, I(a)-(b) to read as follows:

1 (a) Written certification [~~as defined in RSA 126-X:1~~] *which includes the date of*  
2 *issuance, the patient's qualifying medical condition, symptoms, or side effects, and the*  
3 *certifying provider's name, medical specialty, and signature. If a written certification has*  
4 *been previously issued for fewer than 3 years, a provider may extend the written*  
5 *certification, provided that the written certification shall not exceed 3 years.*

6 (b) An application or a renewal application accompanied by the application or renewal  
7 fee. *A renewal application and fee shall not be required if the applicant receives an*  
8 *extension to the written certification previously issued for fewer than 3 years.*

9 21 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
10 X:4, I(e) and the introductory paragraph of I(f) to read as follows:

11 (e) Name [~~address, and telephone number~~] of the applicant's provider.

12 (f) Name [~~address,~~] and date of birth of the applicant's designated caregiver, if any. A  
13 qualifying patient shall have only one designated caregiver, except as follows:

14 22 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
15 X:4, II(d) to read as follows:

16 (d) Name, residential and mailing address, and date of birth of each qualifying patient  
17 for whom the applicant will act as designated caregiver, except that if the qualifying patient is  
18 homeless, no residential address is required. [~~An applicant shall not act as a designated caregiver~~  
19 ~~for more than 5 qualifying patients.~~]

20 23 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend the  
21 introductory paragraph in RSA 126-X:4, IV and RSA 126-X:4, IV(a)-(b) to read as follows:

22 IV. The department shall create and issue a registry identification card to a person applying  
23 as a qualifying patient or designated caregiver within 5 days of approving an application or renewal.  
24 Each registry identification card shall expire one year after the [~~date of issuance~~] *effective date of*  
25 *the card*, unless the provider states in the written certification that the certification should expire  
26 at an earlier [~~specified date~~] *or later effective date, not to exceed 3 years*, then the registry  
27 identification card shall expire on that date. Registry identification cards shall contain all of the  
28 following:

29 (a) Name, mailing address, and date of birth of the qualifying patient or designated  
30 caregiver.

31 (b) The date of issuance, *effective date*, and expiration date of the registry  
32 identification card.

33 24 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
34 X:4, VII(a) to read as follows:

35 VII.(a) The department shall track the number of qualifying patients [~~who have designated~~  
36 ~~each alternative treatment center~~] and issue a weekly written statement to the alternative  
37 treatment center identifying the number of qualifying patients [~~who have designated that~~

1 ~~alternative treatment center]~~ along with the registry identification numbers of each qualifying  
 2 patient and each qualifying patient's designated caregiver.

3 25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 4 X:4, VIII to read as follows:

5 VIII. In addition to the weekly reports, the department shall also provide written notice to  
 6 an alternative treatment center which identifies the names and registration identification numbers  
 7 of a qualifying patient and his or her designated caregiver whenever ~~[any]~~ **either** of the following  
 8 events occur:

9 (a) A qualifying patient ~~[designates the alternative treatment center to serve his or her~~  
 10 ~~needs]~~ **is registered as a participating patient** under this chapter; or

11 (b) ~~[A qualifying patient revokes the designation of the alternative treatment center; or~~

12 (c) A qualifying patient ~~[who has designated the alternative treatment center]~~ loses his  
 13 or her status as a qualifying patient under this chapter.

14 26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 15 X:4, IX(a) to read as follows:

16 IX.(a) A qualifying patient shall notify the department before changing his or her designated  
 17 caregiver ~~[or alternative treatment center]~~.

18 27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 19 X:4, XI(a) to read as follows:

20 XI.(a) The department shall create and maintain a confidential registry of each individual  
 21 who has applied for and received a registry identification card as a qualifying patient or a designated  
 22 caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain  
 23 the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of  
 24 registry identification card issuance, **effective date of registry identification**, date of registry  
 25 identification card expiration, **and** random 10-digit identification number~~[-and-registry~~  
 26 ~~identification number of the qualifying patient's designated alternative treatment center, if any]~~.

27 The confidential registry and the information contained in it shall be exempt from disclosure under  
 28 RSA 91-A.

29 28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 30 X:4, XI(b)(5) to read as follows:

31 (5) Counsel for the department may notify law enforcement officials about falsified  
 32 or fraudulent information submitted to the department where counsel has ~~[made a legal~~  
 33 ~~determination that there is probable cause]~~ **reason** to believe the information is false or falsified.

34 29 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, I(b) to  
 35 read as follows:

36 (b) The form and content of providers' written certifications, **including the**  
 37 **administrative process for tracking extensions pursuant to RSA 126-X:4, I.**

1       30 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
2 X:8, VII(a) to read as follows:

3           (a) Records of the disposal of cannabis that is not distributed by the alternative  
4 treatment center to qualifying patients [~~who have designated the alternative treatment center to~~  
5 ~~cultivate for them~~].

6       31 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
7 X:8, XV(a)-(b) to read as follows:

8           XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of  
9 the following quantities:

10           (1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6  
11 ounces of usable cannabis per qualifying patient; and

12           (2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying  
13 patient [~~who has designated the alternative treatment center to provide him or her with cannabis for~~  
14 ~~therapeutic use~~] **registered as a qualifying patient under this chapter.**

15           (b) An alternative treatment center or alternative treatment center agent shall not  
16 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

17           (1) A qualifying patient [~~who has designated the relevant alternative treatment~~  
18 ~~center~~]; or

19           (2) Such patient's designated caregiver; or

20           (3) Another alternative treatment center.

21       32 Repeal. The following are repealed:

22           I. RSA 126-X:4, I(g), relative to patients designating an alternative treatment center.

23           II. RSA 126-X:4, II(e), relative to street address of the alternative treatment center.

24           III. RSA 126-X:4, IX(e), relative to failure of a qualifying patient or designated caregiver for  
25 providing changes to name, address or designated caregiver.

26           IV. RSA 126-X:6, I(e), relative to departmental rules regarding certain fines.

27       33 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA;3, I(e)-(f)  
28 to read as follows:

29           (e) Funds received from the assessment under RSA 404-G; [~~and~~]

30           (f) **Revenue from the Medicaid enhancement tax to meet the requirements**  
31 **provided in RSA 167:64; and**

32           (g) Funds recovered or returnable to the fund that were originally spent on the cost of  
33 coverage of the granite advantage health care program.

34       34 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

35       35 Communicable Disease; Mosquito Control Fund. Amend RSA 141-C:25, I to read as follows:

36           I. There is hereby established a nonlapsing and continually appropriated mosquito control  
37 fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of

1 offsetting the cost of mosquito control activities including, but not limited to, the purchase and  
2 application of chemical pesticides. The purpose of the fund is to provide financial assistance, when  
3 needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement  
4 activities in response to a declared threat to the public health. ~~[Any balance remaining in the~~  
5 ~~mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general~~  
6 ~~fund.]~~

7 36 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
8 143:11, III to read as follows:

9 III. *There is hereby established in the state treasury the public health services*  
10 *special fund, which shall be kept separate and distinct from all other funds. The fund*  
11 *shall be nonlapsing and continually appropriated to the department of health and human*  
12 *services.* All fees collected under this subdivision shall be forwarded to the state treasurer~~[- The~~  
13 ~~state treasurer]~~ *who shall credit all [moneys received under this subdivision,] such moneys and*  
14 *interest received on such money, to [a special] the fund from which [he] the department of health*  
15 *and human services shall pay all the expenses of the department incident to the administration of*  
16 *this subdivision.* ~~[This fund shall not lapse.]~~

17 37 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
18 143:22-a to read as follows:

19 143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human  
20 services shall prescribe and collect fees for certificates for establishments which process or pack  
21 shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected  
22 under this subdivision shall be forwarded to the state treasurer to be deposited in the ~~[general fund]~~  
23 *public health services special fund established in RSA 143:11. The department of health*  
24 *and human services shall use such funds to pay expenses of the department incident to the*  
25 *administration of this subdivision.*

26 38 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

27 VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000  
28 each fiscal year may be included in the state biennial operating budget as restricted revenue to  
29 support the activities required in this chapter. *The state treasurer shall credit all moneys*  
30 *received under this paragraph, and interest received on such money, to the public health*  
31 *services special fund, established under RSA 143:11, from which the department shall pay*  
32 *expenses incident to the administration of this chapter.*

33 39 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as follows:

34 I. If within 30 days after the date of a testate or intestate patient's death in any nursing  
35 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
36 personal property remaining at the nursing home belonging to the deceased, including any amount  
37 left in a patient account, is no more than ~~[\$5,000]~~ *\$10,000*, the nursing home administrator shall file

1 in the probate court in the county where the nursing home is located an affidavit for the purpose of  
2 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
3 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The  
4 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
5 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
6 administrator has the will or a copy of the will, the nursing home administrator shall file the same  
7 in the probate court in the county where the nursing home is located. The probate court shall waive  
8 all filing fees.

9 40 Applicability. Section 39 of this act shall apply to affidavits filed on or after the effective date  
10 of this section.

11 41 Repeal. RSA 151-E:11, II, relative to an annual report on the utilization of non-nursing home  
12 services, is repealed.

13 42 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory paragraph of  
14 RSA 161-F:46 to read as follows:

15 Any person, including, but not limited to, physicians, other health care professionals, social  
16 workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult  
17 who is or who is suspected to be vulnerable, *at the time of the incident*, has been subjected to  
18 abuse, neglect, self-neglect, or exploitation or is, *or was* living in hazardous conditions shall report  
19 or cause a report to be made as follows:

20 43 Repeal. The following are repealed:

21 I. RSA 161-F:64, relative to an annual report on review of homemaker services.

22 II. RSA 161-I:4, VI, relative to reports regarding the home and community-based care  
23 waiver for the elderly and chronically ill.

24 III. RSA 165:20-c, relative to liability for support and reimbursement from the state.

25 IV. RSA 165:35, relative to rulemaking for forms and claims for reimbursement from the  
26 state.

27 V. RSA 167:3-j, III, relative to semi-annual reports on net savings realized for aid to the  
28 permanently and totally disabled grants.

29 44 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as  
30 follows:

31 165:2-a Expense of General Assistance. The financial responsibility for general assistance for  
32 assisted persons shall be the responsibility of the town or city in which the person making  
33 application resides, except as otherwise provided in RSA 165:1-c [~~and 165:20-e~~].

34 45 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA 167:4-a,  
35 VI to read as follows:

36 VI. The department, in coordination with financial institutions doing business in the state,  
37 may develop and operate a data match system, using automated data exchanges to the maximum

1 extent feasible, in which each financial institution is required to provide, when requested by the  
 2 department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5  
 3 years of information regarding the name, record address, social security number or other taxpayer  
 4 identification number, monthly account balance, and other identifying information for each applicant  
 5 or recipient who maintains an account at the financial institution, as identified by the department  
 6 by name and social security number or other taxpayer identification number. The system shall be  
 7 based on a cost-effective search algorithm and shall include means to assure compliance with the  
 8 provisions of this section. ~~[The department shall provide a status report regarding the~~  
 9 ~~implementation of the data match system to the oversight committee on health and human services,~~  
 10 ~~established in RSA 126 A:13, on or before November 1, 2010, and annually thereafter, until~~  
 11 ~~implementation has been fully completed. The report shall summarize the department's findings~~  
 12 ~~and recommendations to date, including savings generated by both incremental asset identification~~  
 13 ~~and the time and labor associated with the process, the feedback and reactions of applicants and~~  
 14 ~~recipients, any barriers to implementation, anticipated future actions, and the department's~~  
 15 ~~assessment of the relative success of the project.]~~

16 46 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend RSA  
 17 169-C by inserting after section 12-f the following new section:

18 169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,  
 19 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,  
 20 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or  
 21 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or  
 22 neglect.

23 47 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

24 II. Upon receipt by the department of a written request and verified proof of identity, an  
 25 individual shall be informed by the department whether that individual's name is listed in the  
 26 founded reports maintained in the central registry. It shall be unlawful for any employer other than  
 27 those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and those  
 28 specified in RSA 170-E ~~[and]~~, RSA 170-G:8-c, *and RSA 171-A* to require as a condition of  
 29 employment that the employee submit his or her name for review against the central registry of  
 30 founded reports of abuse and neglect. Any violation of this provision shall be punishable as a  
 31 violation.

32 48 Interstate Compact for the Placement of Children. RSA 170-A is repealed and reenacted to  
 33 read as follows:

34 CHAPTER 170-A  
 35 INTERSTATE COMPACT  
 36 FOR THE PLACEMENT OF CHILDREN



1 170-A:1 Interstate Compact for the Placement of Children. On the effective date of this chapter,  
2 based upon the enactment of the Interstate Compact for the Placement of Children into law by the  
3 thirty-fifth compacting state, the governor is authorized and directed to execute a compact on behalf  
4 of this state with any other state or states legally joining therein in the form substantially as follows:

5 ARTICLE I

6 Purpose

7 The purpose of this Interstate Compact for the Placement of Children is to:

8 I. Provide a process through which children subject to this compact are placed in safe and  
9 suitable homes in a timely manner.

10 II. Facilitate ongoing supervision of a placement, the delivery of services, and  
11 communication between the states.

12 III. Provide operating procedures that will ensure that children are placed in safe and  
13 suitable homes in a timely manner.

14 IV. Provide for the promulgation and enforcement of administrative rules implementing the  
15 provisions of this compact and regulating the covered activities of the member states.

16 V. Provide for uniform data collection and information sharing between member states  
17 under this compact.

18 VI. Promote coordination between this compact, the Interstate Compact for Juveniles, the  
19 Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement  
20 of and which provide services to children otherwise subject to this compact.

21 VII. Provide for a state's continuing legal jurisdiction and responsibility for placement and  
22 care of a child that it would have had if the placement were intrastate.

23 VIII. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for  
24 interstate cases involving Indian children as is or may be permitted by federal law.

25 ARTICLE II

26 Definitions

27 As used in this compact:

28 I. "Approved placement" means the public child-placing agency in the receiving state has  
29 determined that the placement is both safe and suitable for the child.

30 II. "Assessment" means an evaluation of a prospective placement by a public child-placing  
31 agency in the receiving state to determine if the placement meets the individualized needs of the  
32 child, including, but not limited to, the child's safety and stability, health and well-being, and  
33 mental, emotional, and physical development. An assessment is only applicable to a placement by a  
34 public child-placing agency.

35 III. "Child" means an individual who has not attained the age of 18.

36 IV. "Certification" means to attest, declare, or swear to before a judge or notary public.

1 V. "Default" means the failure of a member state to perform the obligations or  
2 responsibilities imposed upon it by this compact or the bylaws or rules of the Interstate Commission.

3 VI. "Home study" means an evaluation of a home environment conducted in accordance with  
4 the applicable requirements of the state in which the home is located and that documents the  
5 preparation and the suitability of the placement resource for placement of a child in accordance with  
6 the laws and requirements of the state in which the home is located.

7 VII. "Indian tribe" means any Indian tribe, band, nation, or other organized group or  
8 community of Indians recognized as eligible for services provided to Indians by the Secretary of the  
9 Interior because of their status as Indians, including any Alaskan native village as defined in section  
10 3(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. section 1602(c).

11 VIII. "Interstate Commission for the Placement of Children" means the commission that is  
12 created under Article VIII of this compact and which is generally referred to as the "Interstate  
13 Commission."

14 IX. "Jurisdiction" means the power and authority of a court to hear and decide matters.

15 X. "Legal risk placement" or "legal risk adoption" means a placement made preliminary to  
16 an adoption where the prospective adoptive parents acknowledge in writing that a child can be  
17 ordered returned to the sending state or the birth mother's state of residence, if different from the  
18 sending state, and a final decree of adoption shall not be entered in any jurisdiction until all  
19 required consents are obtained or are dispensed with in accordance with applicable law.

20 XI. "Member state" means a state that has enacted this compact.

21 XII. "Noncustodial parent" means a person who, at the time of the commencement of court  
22 proceedings in the sending state, does not have sole legal custody of the child or has joint legal  
23 custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

24 XIII. "Nonmember state" means a state which has not enacted this compact.

25 XIV. "Notice of residential placement" means information regarding a placement into a  
26 residential facility provided to the receiving state, including, but not limited to, the name, date, and  
27 place of birth of the child, the identity and address of the parent or legal guardian, evidence of  
28 authority to make the placement, and the name and address of the facility in which the child will be  
29 placed. Notice of residential placement shall also include information regarding a discharge and any  
30 unauthorized absence from the facility.

31 XV. "Placement" means the act by a public or private child-placing agency intended to  
32 arrange for the care or custody of a child in another state.

33 XVI. "Private child-placing agency" means any private corporation, agency, foundation,  
34 institution, or charitable organization, or any private person or attorney, that facilitates, causes, or  
35 is involved in the placement of a child from one state to another and that is not an instrumentality of  
36 the state or acting under color of state law.

1 XVII. "Provisional placement" means a determination made by the public child-placing  
2 agency in the receiving state that the proposed placement is safe and suitable, and, to the extent  
3 allowable, the receiving state has temporarily waived its standards or requirements otherwise  
4 applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of  
5 the receiving state requirements regarding training for prospective foster or adoptive parents shall  
6 not delay an otherwise safe and suitable placement.

7 XVIII. "Public child-placing agency" means any government child welfare agency or child  
8 protection agency or a private entity under contract with such an agency, regardless of whether the  
9 entity acts on behalf of a state, a county, a municipality, or another governmental unit, and which  
10 facilitates, causes, or is involved in the placement of a child from one state to another.

11 XIX. "Receiving state" means the state to which a child is sent, brought, or caused to be sent  
12 or brought.

13 XX. "Relative" means someone who is related to the child as a parent, stepparent, sibling by  
14 half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a nonrelative with  
15 such significant ties to the child that the nonrelative may be regarded as a relative as determined by  
16 the court in the sending state.

17 XXI. "Residential facility" means a facility providing a level of care that is sufficient to  
18 substitute for parental responsibility or foster care and that is beyond what is needed for assessment  
19 or treatment of an acute condition. For purposes of the compact, the term "residential facility" does  
20 not include institutions primarily educational in character, hospitals, or other medical facilities.

21 XXII. "Rule" means a written directive, mandate, standard, or principle issued by the  
22 Interstate Commission promulgated pursuant to Article XI of this compact that is of general  
23 applicability and that implements, interprets, or prescribes a policy or provision of the compact. A  
24 rule has the force and effect of an administrative rule in a member state and includes the  
25 amendment, repeal, or suspension of an existing rule.

26 XXIII. "Sending state" means the state from which the placement of a child is initiated.

27 XXIV. "Service member's permanent duty station" means the military installation where an  
28 active duty United States Armed Services member is currently assigned and is physically located  
29 under competent orders that do not specify the duty as temporary.

30 XXV. "Service member's state of legal residence" means the state in which the active duty  
31 United States Armed Services member is considered a resident for tax and voting purposes.

32 XXVI. "State" means a state of the United States, the District of Columbia, the  
33 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
34 Northern Mariana Islands, and any other territory of the United States.

35 XXVII. "State court" means a judicial body of a state that is vested by law with  
36 responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status  
37 offenses of individuals who have not attained the age of 18.

1 XXVIII. "Supervision" means monitoring provided by the receiving state once a child has  
2 been placed in a receiving state pursuant to this compact.

3 ARTICLE III

4 Applicability

5 I. Except as otherwise provided in paragraph II, this compact shall apply to:

6 (a) The interstate placement of a child subject to ongoing court jurisdiction in the  
7 sending state, due to allegations or findings that the child has been abused, neglected, or deprived as  
8 defined by the laws of the sending state; provided, however, that the placement of such a child into a  
9 residential facility shall only require notice of residential placement to the receiving state prior to  
10 placement.

11 (b) The interstate placement of a child adjudicated delinquent or unmanageable based  
12 on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

13 (1) The child is being placed in a residential facility in another member state and is  
14 not covered under another compact; or

15 (2) The child is being placed in another member state and the determination of  
16 safety and suitability of the placement and services required is not provided through another  
17 compact.

18 (c) The interstate placement of any child by a public child-placing agency or private  
19 child-placing agency as a preliminary step to a possible adoption.

20 II. The provisions of this compact shall not apply to:

21 (a) The interstate placement of a child in a custody proceeding in which a public child-  
22 placing agency is not a party; provided, however, that the placement is not intended to effectuate an  
23 adoption.

24 (b) The interstate placement of a child with a nonrelative in a receiving state by a parent  
25 with the legal authority to make such a placement; provided, however, that the placement is not  
26 intended to effectuate an adoption.

27 (c) The interstate placement of a child by one relative with the lawful authority to make  
28 such a placement directly with a relative in a receiving state.

29 (d) The placement of a child, not subject to paragraph I, into a residential facility by his  
30 or her parent.

31 (e) The placement of a child with a noncustodial parent, provided that:

32 (1) The noncustodial parent proves to the satisfaction of a court in the sending state  
33 a substantial relationship with the child;

34 (2) The court in the sending state makes a written finding that placement with the  
35 noncustodial parent is in the best interests of the child; and

36 (3) The court in the sending state dismisses its jurisdiction in interstate placements  
37 in which the public child-placing agency is a party to the proceeding.

1 (f) A child entering the United States from a foreign country for the purpose of adoption  
2 or leaving the United States to go to a foreign country for the purpose of adoption in that country.

3 (g) Cases in which a child who is a United States citizen living overseas with his or her  
4 family, at least one of whom is in the United States Armed Services and stationed overseas, is  
5 removed and placed in a state.

6 (h) The sending of a child by a public child-placing agency or a private child-placing  
7 agency for a visit as defined by the rules of the Interstate Commission.

8 III. For purposes of determining the applicability of this compact to the placement of a child  
9 with a family member in the United States Armed Services, the public child-placing agency or  
10 private child-placing agency may choose the state of the service member's permanent duty station or  
11 the service member's declared legal residence.

12 IV. Nothing in this compact shall be construed to prohibit the concurrent application of the  
13 provisions of this compact with other applicable interstate compacts, including the Interstate  
14 Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The  
15 Interstate Commission may, in cooperation with other interstate compact commissions having  
16 responsibility for the interstate movement, placement, or transfer of children, promulgate similar  
17 rules to ensure the coordination of services, timely placement of children, and reduction of  
18 unnecessary or duplicative administrative or procedural requirements.

19 ARTICLE IV

20 Jurisdiction

21 I. Except as provided in Article IV, paragraph VIII, and Article V, subparagraph II(b) and  
22 (c), concerning private and independent adoptions, and in interstate placements in which the public  
23 child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction  
24 over a child with respect to all matters of custody and disposition of the child which it would have  
25 had if the child had remained in the sending state. Such jurisdiction shall also include the power to  
26 order the return of the child to the sending state.

27 II. When an issue of child protection or custody is brought before a court in the receiving  
28 state, such court shall confer with the court of the sending state to determine the most appropriate  
29 forum for adjudication.

30 III. In cases that are before courts and subject to this compact, the taking of testimony for  
31 hearings before any judicial officer may occur in person or by telephone, audio-video conference, or  
32 such other means as approved by the rules of the Interstate Commission, and judicial officers may  
33 communicate with other judicial officers and persons involved in the interstate process as may be  
34 permitted by their code of judicial conduct and any rules promulgated by the Interstate Commission.

35 IV. In accordance with its own laws, the court in the sending state shall have authority to  
36 terminate its jurisdiction if:

1 (a) The child is reunified with the parent in the receiving state who is the subject of  
2 allegations or findings of abuse or neglect, only with the concurrence of the public child-placing  
3 agency in the receiving state;

4 (b) The child is adopted;

5 (c) The child reaches the age of majority under the laws of the sending state;

6 (d) The child achieves legal independence pursuant to the laws of the sending state;

7 (e) A guardianship is created by a court in the receiving state with the concurrence of  
8 the court in the sending state;

9 (f) An Indian tribe has petitioned for and received jurisdiction from the court in the  
10 sending state; or

11 (g) The public child-placing agency of the sending state requests termination and has  
12 obtained the concurrence of the public child-placing agency in the receiving state.

13 V. When a sending state court terminates its jurisdiction, the receiving state child-placing  
14 agency shall be notified.

15 VI. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court  
16 sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined  
17 by the laws of the receiving state committed by the child in the receiving state which would be a  
18 violation of its laws.

19 VII. Nothing in this article shall limit the receiving state's ability to take emergency  
20 jurisdiction for the protection of the child.

21 VIII. The substantive laws of the state in which an adoption will be finalized shall solely  
22 govern all issues relating to the adoption of the child, and the court in which the adoption proceeding  
23 is filed shall have subject matter jurisdiction regarding all substantive issues relating to the  
24 adoption, except:

25 (a) When the child is a ward of another court that established jurisdiction over the child  
26 prior to the placement;

27 (b) When the child is in the legal custody of a public agency in the sending state; or

28 (c) When a court in the sending state has otherwise appropriately assumed jurisdiction  
29 over the child prior to the submission of the request for approval of placement.

30 IX. A final decree of adoption shall not be entered in any jurisdiction until the placement is  
31 authorized as an "approved placement" by the public child-placing agency in the receiving state.

32 ARTICLE V

33 Placement Evaluation

34 I. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state,  
35 the public child-placing agency shall provide a written request for assessment to the receiving state.

36 II. For placements by a private child-placing agency, a child may be sent or brought, or  
37 caused to be sent or brought, into a receiving state upon receipt and immediate review of the

1 required content in a request for approval of a placement in both the sending and receiving state  
2 public child-placing agencies. The required content to accompany a request for approval shall  
3 include all of the following:

4 (a) A request for approval identifying the child, the birth parents, the prospective  
5 adoptive parents, and the supervising agency, signed by the person requesting approval.

6 (b) The appropriate consents or relinquishments signed by the birth parents in  
7 accordance with the laws of the sending state or, where permitted, the laws of the state where the  
8 adoption will be finalized.

9 (c) Certification by a licensed attorney or authorized agent of a private adoption agency  
10 that the consent or relinquishment is in compliance with the applicable laws of the sending state or,  
11 where permitted, the laws of the state where finalization of the adoption will occur.

12 (d) A home study.

13 (e) An acknowledgment of legal risk signed by the prospective adoptive parents.

14 III. The sending state and the receiving state may request additional information or  
15 documents prior to finalization of an approved placement, but they may not delay travel by the  
16 prospective adoptive parents with the child if the required content for approval has been submitted,  
17 received, and reviewed by the public child-placing agency in both the sending state and the receiving  
18 state.

19 IV. Approval from the public child-placing agency in the receiving state for a provisional or  
20 approved placement is required as provided for in the rules of the Interstate Commission.

21 V. The procedures for making the request for an assessment shall contain all information  
22 and be in such form as provided for in the rules of the Interstate Commission.

23 VI. Upon receipt of a request from the public child-placing agency of the sending state, the  
24 receiving state shall initiate an assessment of the proposed placement to determine its safety and  
25 suitability. If the proposed placement is a placement with a relative, the public child-placing agency  
26 of the sending state may request a determination for a provisional placement.

27 VII. The public child-placing agency in the receiving state may request from the public child-  
28 placing agency or the private child-placing agency in the sending state, and shall be entitled to  
29 receive, supporting or additional information necessary to complete the assessment or approve the  
30 placement.

31 VIII. The public child-placing agency in the receiving state shall approve a provisional  
32 placement and complete or arrange for the completion of the assessment within the timeframes  
33 established by the rules of the Interstate Commission.

34 IX. For a placement by a private child-placing agency, the sending state shall not impose  
35 any additional requirements to complete the home study that are not required by the receiving state,  
36 unless the adoption is finalized in the sending state.

1 X. The Interstate Commission may develop uniform standards for the assessment of the  
2 safety and suitability of interstate placements.

3 ARTICLE VI

4 Placement Authority

5 I. Except as otherwise provided in this compact, no child subject to this compact shall be  
6 placed in a receiving state until approval for such placement is obtained.

7 II. If the public child-placing agency in the receiving state does not approve the proposed  
8 placement, then the child shall not be placed. The receiving state shall provide written  
9 documentation of any such determination in accordance with the rules promulgated by the  
10 Interstate Commission. Such determination is not subject to judicial review in the sending state.

11 III. If the proposed placement is not approved, any interested party shall have standing to  
12 seek an administrative review of the receiving state's determination.

13 (a) The administrative review and any further judicial review associated with the  
14 determination shall be conducted in the receiving state pursuant to its applicable administrative  
15 procedures act.

16 (b) If a determination not to approve the placement of the child in the receiving state is  
17 overturned upon review, the placement shall be deemed approved; provided, however, that all  
18 administrative or judicial remedies have been exhausted or the time for such remedies has passed.

19 ARTICLE VII

20 Placing Agency Responsibility

21 I. For the interstate placement of a child made by a public child-placing agency or state  
22 court:

23 (a) The public child-placing agency in the sending state shall have financial  
24 responsibility for:

25 (1) The ongoing support and maintenance for the child during the period of the  
26 placement, unless otherwise provided for in the receiving state; and

27 (2) As determined by the public child-placing agency in the sending state, services  
28 for the child beyond the public services for which the child is eligible in the receiving state.

29 (b) The receiving state shall only have financial responsibility for:

30 (1) Any assessment conducted by the receiving state; and

31 (2) Supervision conducted by the receiving state at the level necessary to support the  
32 placement as agreed upon by the public child-placing agencies of the receiving and sending states.

33 (c) Nothing in this section shall prohibit public child-placing agencies in the sending  
34 state from entering into agreements with licensed agencies or persons in the receiving state to  
35 conduct assessments and provide supervision.

36 II. For the placement of a child by a private child-placing agency preliminary to a possible  
37 adoption, the private child-placing agency shall be:



1 (a) Legally responsible for the child during the period of placement as provided for in the  
2 law of the sending state until the finalization of the adoption.

3 (b) Financially responsible for the child absent a contractual agreement to the contrary.

4 III. The public child-placing agency in the receiving state shall provide timely assessments,  
5 as provided for in the rules of the Interstate Commission.

6 IV. The public child-placing agency in the receiving state shall provide, or arrange for the  
7 provision of, supervision and services for the child, including timely reports, during the period of the  
8 placement.

9 V. Nothing in this compact shall be construed to limit the authority of the public child-  
10 placing agency in the receiving state from contracting with a licensed agency or person in the  
11 receiving state for an assessment or the provision of supervision or services for the child or otherwise  
12 authorizing the provision of supervision or services by a licensed agency during the period of  
13 placement.

14 VI. Each member state shall provide for coordination among its branches of government  
15 concerning the state's participation in and compliance with the compact and Interstate Commission  
16 activities through the creation of an advisory council or use of an existing body or board.

17 VII. Each member state shall establish a central state compact office which shall be  
18 responsible for state compliance with the compact and the rules of the Interstate Commission.

19 VIII. The public child-placing agency in the sending state shall oversee compliance with the  
20 provisions of the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., for placements subject to  
21 the provisions of this compact, prior to placement.

22 IX. With the consent of the Interstate Commission, states may enter into limited  
23 agreements that facilitate the timely assessment and provision of services and supervision of  
24 placements under this compact.

25 ARTICLE VIII

26 Interstate Commission for the Placement of Children

27 The member states hereby establish, by way of this compact, a commission known as the "Interstate  
28 Commission for the Placement of Children." The activities of the Interstate Commission are the  
29 formation of public policy and are a discretionary state function. The Interstate Commission shall:

30 I. Be a joint commission of the member states and shall have the responsibilities, powers,  
31 and duties set forth herein and such additional powers as may be conferred upon it by subsequent  
32 concurrent action of the respective legislatures of the member states.

33 II. Consist of one commissioner from each member state who shall be appointed by the  
34 executive head of the state human services administration with ultimate responsibility for the child  
35 welfare program. The appointed commissioner shall have the legal authority to vote on policy-  
36 related matters governed by this compact binding the state.

1 (a) Each member state represented at a meeting of the Interstate Commission is entitled  
2 to one vote.

3 (b) A majority of the member states shall constitute a quorum for the transaction of  
4 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

5 (c) A representative shall not delegate a vote to another member state.

6 (d) A representative may delegate voting authority to another person from that state for  
7 a specified meeting.

8 III. Include, in addition to the commissioners of each member state, persons who are  
9 members of interested organizations as defined in the bylaws or rules of the Interstate Commission.  
10 Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate  
11 Commission.

12 IV. Establish an executive committee which shall have the authority to administer the day-  
13 to-day operations and administration of the Interstate Commission. The executive committee shall  
14 not have the power to engage in rulemaking.

15 ARTICLE IX

16 Powers and Duties of the Interstate Commission

17 The Interstate Commission shall have the following powers:

18 I. To promulgate rules and take all necessary actions to effect the goals, purposes, and  
19 obligations as enumerated in this compact.

20 II. To provide for dispute resolution among member states.

21 III. To issue, upon request of a member state, advisory opinions concerning the meaning or  
22 interpretation of the interstate compact, its bylaws, rules, or actions.

23 IV. To enforce compliance with this compact or the bylaws or rules of the Interstate  
24 Commission pursuant to Article XII.

25 V. Collect standardized data concerning the interstate placement of children subject to this  
26 compact as directed through its rules, which shall specify the data to be collected, the means of  
27 collection and data exchange, and reporting requirements.

28 VI. To establish and maintain offices as may be necessary for the transacting of its business.

29 VII. To purchase and maintain insurance and bonds.

30 VIII. To hire or contract for services of personnel or consultants as necessary to carry out its  
31 functions under the compact and establish personnel qualification policies and rates of  
32 compensation.

33 IX. To establish and appoint committees and officers, including, but not limited to, an  
34 executive committee as required by Article X.

35 X. To accept any and all donations and grants of money, equipment, supplies, materials, and  
36 services, and to receive, utilize, and dispose thereof.

1 XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
2 improve, or use any property, real, personal, or mixed.

3 XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
4 property, real, personal, or mixed.

5 XIII. To establish a budget and make expenditures.

6 XIV. To adopt a seal and bylaws governing the management and operation of the Interstate  
7 Commission.

8 XV. To report annually to the legislatures, the governors, the judiciary, and the state  
9 advisory councils of the member states concerning the activities of the Interstate Commission during  
10 the preceding year. Such reports shall also include any recommendations that may have been  
11 adopted by the Interstate Commission.

12 XVI. To coordinate and provide education, training, and public awareness regarding the  
13 interstate movement of children for officials involved in such activity.

14 XVII. To maintain books and records in accordance with the bylaws of the Interstate  
15 Commission.

16 XVIII. To perform such functions as may be necessary or appropriate to achieve the  
17 purposes of this compact.

18 ARTICLE X

19 Organization and Operation of the Interstate Commission

20 I. Organization.

21 (a) Within 12 months after the first Interstate Commission meeting, the Interstate  
22 Commission shall adopt rules to govern its conduct as may be necessary or appropriate to carry out  
23 the purposes of the compact.

24 (b) The Interstate Commission's rules shall establish conditions and procedures under  
25 which the Interstate Commission shall make its information and official records available to the  
26 public for inspection or copying.

27 II. Meetings.

28 (a) The Interstate Commission shall meet at least once each calendar year. The  
29 chairperson may call additional meetings and, upon the request of a simple majority of the member  
30 states, shall call additional meetings.

31 (b) Public notice shall be given by the Interstate Commission of all meetings, and all  
32 meetings shall be open to the public.

33 (c) The bylaws may provide for meetings of the Interstate Commission to be conducted  
34 by telecommunication or other electronic communication.

35 III. Officers and staff.

36 (a) The Interstate Commission may, through its executive committee, appoint or retain a  
37 staff director for such period, upon such terms and conditions, and for such compensation as the

1 Interstate Commission may deem appropriate. The staff director shall serve as secretary to the  
2 Interstate Commission but shall not have a vote. The staff director may hire and supervise such  
3 other staff as may be authorized by the Interstate Commission.

4 (b) The Interstate Commission shall elect, from among its members, a chairperson and a  
5 vice chairperson of the executive committee, and other necessary officers, each of whom shall have  
6 such authority and duties as may be specified in the bylaws.

7 IV. Qualified immunity, defense, and indemnification.

8 (a) The Interstate Commission's staff director and its employees shall be immune from  
9 suit and liability, either personally or in their official capacity, for a claim for damage to or loss of  
10 property or personal injury or other civil liability caused or arising out of or relating to an actual or  
11 alleged act, error, or omission that occurred or that such person had a reasonable basis for believing  
12 occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
13 provided, however, that such person shall not be protected from suit or liability for damage, loss,  
14 injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of  
15 such person.

16 (b)(1) The liability of the Interstate Commission's staff director and employees or  
17 Interstate Commission representatives, acting within the scope of such person's employment or  
18 duties, for acts, errors, or omissions occurring within such person's state may not exceed the limits of  
19 liability set forth under the Constitution and laws of that state for state officials, employees, and  
20 agents. The Interstate Commission is considered to be an instrumentality of the states for the  
21 purposes of any such action. Nothing in this subsection shall be construed to protect such person  
22 from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional  
23 or willful and wanton misconduct of such person.

24 (2) The Interstate Commission shall defend the staff director and its employees and,  
25 subject to the approval of the attorney general or other appropriate legal counsel of the member  
26 state, shall defend the commissioner of a member state in a civil action seeking to impose liability  
27 arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate  
28 Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for  
29 believing occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
30 provided, however, that the actual or alleged act, error, or omission did not result from intentional or  
31 willful and wanton misconduct on the part of such person.

32 (3) To the extent not covered by the state involved, a member state, or the Interstate  
33 Commission, the representatives or employees of the Interstate Commission shall be held harmless  
34 in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such  
35 persons arising out of an actual or alleged act, error, or omission that occurred within the scope of  
36 Interstate Commission employment, duties, or responsibilities, or that such persons had a  
37 reasonable basis for believing occurred within the scope of Interstate Commission employment,

1 duties, or responsibilities; provided, however, that the actual or alleged act, error, or omission did  
2 not result from intentional or willful and wanton misconduct on the part of such persons.

3 ARTICLE XI

4 Rulemaking Functions of the Interstate Commission

5 I. The Interstate Commission shall promulgate and publish rules in order to effectively and  
6 efficiently achieve the purposes of the compact.

7 II. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
8 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles  
9 of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1  
10 (2000), or such other administrative procedure acts as the Interstate Commission deems  
11 appropriate, consistent with due process requirements under the United States Constitution as now  
12 or hereafter interpreted by the United States Supreme Court. All rules and amendments shall  
13 become binding as of the date specified, as published with the final version of the rule as approved  
14 by the Interstate Commission.

15 III. When promulgating a rule, the Interstate Commission shall, at a minimum:

16 (a) Publish the proposed rule's entire text stating the reasons for that proposed rule;

17 (b) Allow and invite any and all persons to submit written data, facts, opinions, and  
18 arguments, which information shall be added to the record and made publicly available; and

19 (c) Promulgate a final rule and its effective date, if appropriate, based on input from  
20 state or local officials or interested parties.

21 IV. Rules promulgated by the Interstate Commission shall have the force and effect of  
22 administrative rules and shall be binding in the compacting states to the extent and in the manner  
23 provided for in this compact.

24 V. Not later than 60 days after a rule is promulgated, an interested person may file a  
25 petition in the United States District Court for the District of Columbia or in the federal district  
26 court where the Interstate Commission's principal office is located for judicial review of such rule. If  
27 the court finds that the Interstate Commission's action is not supported by substantial evidence in  
28 the rulemaking record, the court shall hold the rule unlawful and set it aside.

29 VI. If a majority of the legislatures of the member states rejects a rule, those states may by  
30 enactment of a statute or resolution in the same manner used to adopt the compact cause that such  
31 rule shall have no further force and effect in any member state.

32 VII. The existing rules governing the operation of the Interstate Compact on the Placement  
33 of Children superseded by this act shall be null and void no less than 12 months but no more than 24  
34 months after the first meeting of the Interstate Commission created hereunder, as determined by  
35 the members during the first meeting.

36 VIII. Within the first 12 months of operation, the Interstate Commission shall promulgate  
37 rules addressing the following:

- 1 (a) Transition rules.
- 2 (b) Forms and procedures.
- 3 (c) Timelines.
- 4 (d) Data collection and reporting.
- 5 (e) Rulemaking.
- 6 (f) Visitation.
- 7 (g) Progress reports and supervision.
- 8 (h) Sharing of information and confidentiality.
- 9 (i) Financing of the Interstate Commission.
- 10 (j) Mediation, arbitration, and dispute resolution.
- 11 (k) Education, training, and technical assistance.
- 12 (l) Enforcement.
- 13 (m) Coordination with other interstate compacts.

14 IX. Upon determination by a majority of the members of the Interstate Commission that an  
15 emergency exists:

16 (a) The Interstate Commission may promulgate an emergency rule only if it is required  
17 to:

18 (1) Protect the children covered by this compact from an imminent threat to their  
19 health, safety, and well-being;

20 (2) Prevent loss of federal or state funds; or

21 (3) Meet a deadline for the promulgation of an administrative rule required by  
22 federal law.

23 (b) An emergency rule shall become effective immediately upon adoption, provided that  
24 the usual rulemaking procedures provided hereunder shall be retroactively applied to the emergency  
25 rule as soon as reasonably possible, but no later than 90 days after the effective date of the  
26 emergency rule.

27 (c) An emergency rule shall be promulgated as provided for in the rules of the Interstate  
28 Commission.

## 29 ARTICLE XII

### 30 Oversight, Dispute Resolution, and Enforcement

#### 31 I. Oversight.

32 (a) The Interstate Commission shall oversee the administration and operation of the  
33 compact.

34 (b) The executive, legislative, and judicial branches of state government in each member  
35 state shall enforce this compact and the rules of the Interstate Commission and shall take all actions  
36 necessary and appropriate to effectuate the compact's purposes and intent. The compact and its

1 rules shall be binding in the compacting states to the extent and in the manner provided for in this  
2 compact.

3 (c) All courts shall take judicial notice of the compact and the rules in any judicial or  
4 administrative proceeding in a member state pertaining to the subject matter of this compact.

5 (d) The Interstate Commission shall be entitled to receive service of process in any  
6 action in which the validity of a compact provision or rule is the issue for which a judicial  
7 determination has been sought and shall have standing to intervene in any proceedings. Failure to  
8 provide service of process to the Interstate Commission shall render any judgment, order, or other  
9 determination, however so captioned or classified, void as to this compact, its bylaws, or rules of the  
10 Interstate Commission.

11 II. Dispute resolution.

12 (a) The Interstate Commission shall attempt, upon the request of a member state, to  
13 resolve disputes which are subject to the compact and which may arise among member states and  
14 between member and nonmember states.

15 (b) The Interstate Commission shall promulgate a rule providing for both mediation and  
16 binding dispute resolution for disputes among compacting states. The costs of such mediation or  
17 dispute resolution shall be the responsibility of the parties to the dispute.

18 III. Enforcement. If the Interstate Commission determines that a member state has  
19 defaulted in the performance of its obligations or responsibilities under this compact, its bylaws, or  
20 rules of the Interstate Commission, the Interstate Commission may:

21 (a) Provide remedial training and specific technical assistance;

22 (b) Provide written notice to the defaulting state and other member states of the nature  
23 of the default and the means of curing the default. The Interstate Commission shall specify the  
24 conditions by which the defaulting state must cure its default;

25 (c) By majority vote of the members, initiate against a defaulting member state legal  
26 action in the United States District Court for the District of Columbia or, at the discretion of the  
27 Interstate Commission, in the federal district where the Interstate Commission has its principal  
28 office, to enforce compliance with the provisions of the compact, its bylaws, or rules of the Interstate  
29 Commission. The relief sought may include both injunctive relief and damages. In the event judicial  
30 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including  
31 reasonable attorney's fees; or

32 (d) Avail itself of any other remedies available under state law or the regulation of  
33 official or professional conduct.

34 ARTICLE XIII

35 Financing of the Commission

36 I. The Interstate Commission shall pay, or provide for the payment of, the reasonable  
37 expenses of its establishment, organization, and ongoing activities.

1 II. The Interstate Commission may levy on and collect an annual assessment from each  
2 member state to cover the cost of the operations and activities of the Interstate Commission and its  
3 staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget  
4 as approved by its members each year. The aggregate annual assessment amount shall be allocated  
5 based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule  
6 binding upon all member states.

7 III. The Interstate Commission shall not incur obligations of any kind prior to securing the  
8 funds adequate to meet those obligations, nor shall the Interstate Commission pledge the credit of  
9 any of the member states, except by and with the authority of the member state.

10 IV. The Interstate Commission shall keep accurate accounts of all receipts and  
11 disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the  
12 audit and accounting procedures established under its bylaws. However, all receipts and  
13 disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified  
14 or licensed public accountant, and the report of the audit shall be included in and become part of the  
15 annual report of the Interstate Commission.

16 ARTICLE XIV

17 Member States, Effective Date, and Amendment

18 I. Any state is eligible to become a member state.

19 II. The compact shall become effective and binding upon legislative enactment of the  
20 compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007, or  
21 upon enactment of the compact into law by the thirty-fifth state. Thereafter, it shall become  
22 effective and binding as to any other member state upon enactment of the compact into law by that  
23 state. The executive heads of the state human services administration with ultimate responsibility  
24 for the child welfare program of nonmember states or their designees shall be invited to participate  
25 in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact  
26 by all states.

27 III. The Interstate Commission may propose amendments to the compact for enactment by  
28 the member states. No amendment shall become effective and binding on the member states unless  
29 and until it is enacted into law by unanimous consent of the member states.

30 ARTICLE XV

31 Withdrawal and Dissolution

32 I. Withdrawal.

33 (a) Once effective, the compact shall continue in force and remain binding upon each and  
34 every member state, provided that a member state may withdraw from the compact by specifically  
35 repealing the statute which enacted the compact into law.

36 (b) Withdrawal from this compact shall be by the enactment of a statute repealing the  
37 compact. The effective date of withdrawal shall be the effective date of the repeal of the statute.



1 (c) The withdrawing state shall immediately notify the president of the Interstate  
2 Commission in writing upon the introduction of legislation repealing this compact in the  
3 withdrawing state. The Interstate Commission shall then notify the other member states of the  
4 withdrawing state's intent to withdraw.

5 (d) The withdrawing state is responsible for all assessments, obligations, and liabilities  
6 incurred through the effective date of withdrawal.

7 (e) Reinstatement following withdrawal of a member state shall occur upon the  
8 withdrawing state reenacting the compact or upon such later date as determined by the members of  
9 the Interstate Commission.

10 II. Dissolution of compact.

11 (a) This compact shall dissolve effective upon the date of the withdrawal or default of the  
12 member state which reduces the membership in the compact to one member state.

13 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be  
14 of no further force or effect, and the business and affairs of the Interstate Commission shall be  
15 concluded and surplus funds shall be distributed in accordance with the bylaws.

16 ARTICLE XVI

17 Severability and Construction

18 I. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or  
19 provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

20 II. The provisions of this compact shall be liberally construed to effectuate its purposes.

21 III. Nothing in this compact shall be construed to prohibit the concurrent applicability of  
22 other interstate compacts to which the states are members.

23 ARTICLE XVII

24 Binding Effect of Compact and Other Laws

25 I. Other laws. Nothing in this compact prevents the enforcement of any other law of a  
26 member state that is not inconsistent with this compact.

27 II. Binding effect of the compact.

28 (a) All lawful actions of the Interstate Commission are binding upon the member states.

29 (b) All agreements between the Interstate Commission and the member states are  
30 binding in accordance with their terms.

31 (c) In the event any provision of this compact exceeds the constitutional limits imposed  
32 on the legislature or executive branch of any member state, such provision shall be ineffective to the  
33 extent of the conflict with the constitutional provision in question in that member state.

34 ARTICLE XVIII

35 Indian Tribes

36 Notwithstanding any other provision in this compact, the Interstate Commission may promulgate  
37 guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the

1 compact as specified in Article I. The Interstate Commission shall make reasonable efforts to  
2 consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the  
3 various Indian tribes.

4 49 Adoption; Assessment. Amend RSA 170-B:18, IV to read as follows:

5 IV. The department or a licensed child-placing agency making the required assessment may  
6 request other departments or licensed child-placing agencies within or outside this state to make the  
7 assessment or designated portions thereof as may be appropriate. Where such written assessments  
8 are made, a written report shall be filed with the court; provided, however, said report shall not  
9 violate RSA 170-A, the interstate compact ~~on~~ *for* the placement of children.

10 50 Applicability Sections 48-49 of this act, relative to the 2009 edition of the Interstate Compact  
11 for the Placement of Children, shall take effect on the date that the commissioner of the department  
12 of health and human services certifies to the director of the office of legislative services and the  
13 secretary of state that 35 compacting states, including New Hampshire, have enacted the 2009  
14 edition of the Interstate Compact for the Placement of Children.

15 51 Child Day Care Licensing; Definitions RSA 170-E:2, IV(g) is repealed and reenacted to read  
16 as follows:

17 (g) "School-age program" means a child day care agency providing child day care before  
18 or after, or before and after, regular school hours, and all day any time school is not in session, for 6  
19 or more children enrolled in school, who are 4 years and 8 months of age or older, and which is not  
20 licensed under RSA 170-E:56. The number of children shall include all children present during the  
21 period of the program, including those children related to the caregiver.

22 52 New Section; Residential Care and Child-Placing Agency Licensing; Deemed Licensed.  
23 Amend RSA 170-E by inserting after section 31 the following new section:

24 170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by  
25 organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as  
26 amended, shall submit a completed license application or renewal application. Such child care  
27 institutions and child care agencies defined as group homes, specialized care, or homeless youth  
28 programs, shall be deemed licensed under this subdivision and shall be exempt from inspections  
29 carried out under RSA 170-E:31, IV. This section shall only apply to the activities or portions of the  
30 facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G),  
31 as amended.

32 53 Recreation Camp Licensing; Availability of Epinephrine Auto-Injector. Amend RSA 170-E:61  
33 to read as follows:

34 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse  
35 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child  
36 with severe allergies at least one epinephrine auto-injector, provided by the child or the child's  
37 parent or guardian, ~~[in the nurse's office or in a similarly accessible location]~~ *which shall be*

1 *readily accessible to the recreational camp staff caring for children requiring such*  
2 *medications.*

3 54 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA 170-  
4 E by inserting after section 63 the following new section:

5 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not  
6 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with  
7 asthma at least one metered dose inhaler or a dry powder inhaler, provided by the child or the child's  
8 parent or guardian, which shall be readily accessible to the recreational camp staff caring for  
9 children requiring such medications.

10 55 New Paragraph; Services for Children, Youth, and Families; Peer Support Program. Amend  
11 RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

12 VIII. The commissioner may establish a confidential peer support program for the purpose  
13 of providing critical incident stress management and crisis intervention services for staff exposed to  
14 critical incidents and trauma through the course of their employment.

15 (a) In this section:

16 (1) "Critical incident" means any incident that has a high emotional impact on the  
17 responders, or is beyond the realm of a person's usual experience that overwhelms his or her sense of  
18 vulnerability and/or lack of control over the situation.

19 (2) "Critical incident stress" means a normal reaction to an abnormal event that has  
20 the potential to interfere with normal functioning and that results from the response to a critical  
21 incident or long-term occupational exposure to a series of critical incident responses over a period of  
22 time that are believed to be causing debilitating stress that is affecting an emergency service  
23 provider and his or her work performance or family situation. This may include, but is not limited  
24 to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job,  
25 personality changes, or loss of ability to function.

26 (3) "Critical incident stress management" means a process of crisis intervention  
27 designed to assist employees in coping with the psychological trauma resulting from response to a  
28 critical incident.

29 (4) "Critical incident stress management and crisis intervention services" means  
30 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and  
31 referral provided by a critical incident stress management team member.

32 (5) "Critical incident stress management team" or "team" means the group of one or  
33 more trained volunteers, including members of peer support groups who offer critical incident stress  
34 management and crisis intervention services following a critical incident or long term or continued,  
35 debilitating stress being experienced by employees and affecting them or their family situation.

1 (6) "Critical incident stress management team member" or "team member" means an  
2 employee, including any specially trained to provide critical incident stress management and crisis  
3 intervention services as a member of an organized team.

4 (7) "Debriefing" means a closed, confidential discussion of a critical incident relating  
5 to the feelings and perceptions of those directly involved prior to, during, and after a stressful event.  
6 It is intended to provide support, education, and an outlet for associated views and feelings.  
7 Debriefings do not provide counseling or an operational critique of the incident.

8 (b)(1) Any information divulged to the team or a team member during the provision of  
9 critical incident stress management and crisis intervention services shall be kept confidential and  
10 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records  
11 kept by critical incident stress management team members are not subject to subpoena, discovery, or  
12 introduction into evidence in a criminal, civil, or administrative action. Except as provided in  
13 subparagraph (c), no person, whether critical incident stress management team member or team  
14 leader providing or receiving critical incident stress management and crisis intervention services,  
15 shall be required to testify or divulge any information obtained solely through such crisis  
16 intervention.

17 (2) In any civil action against any individual, or the department, including the state  
18 of New Hampshire, arising out of the conduct of a member of such team, this section is not intended  
19 and shall not be admissible to establish negligence in any instance where requirements herein are  
20 higher than the standard of care that would otherwise have been applicable in such action under  
21 state law.

22 (c) A communication shall not be deemed confidential pursuant to this section if:

23 (1) The communication indicates the existence of a danger to the individual who  
24 receives critical incident stress management and crisis intervention services or to any other person  
25 or persons;

26 (2) The communication indicates the existence of past child abuse or neglect of the  
27 individual, abuse of an adult as defined by law, or family violence as defined by law; or

28 (3) The communication indicates the existence of a danger to the individual who  
29 receives critical incident stress management and crisis intervention services or to any other person  
30 or persons.

31 56 New Paragraph; Services for Children, Youth, and Families; Procurement Model for Services.  
32 Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

33 I-a. The commissioner shall employ a procurement model for administering the provision of  
34 therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G  
35 and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases  
36 where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a  
37 contracted provider, the commissioner may approve and shall pay for placement with another

1 certified provider on a temporary basis if the commissioner determines that the placement is  
2 necessary to meet the juvenile's immediate treatment needs.

3 57 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials relating  
4 to missing children issues and matters, is repealed.

5 58 Services for the Developmentally Disabled; Funding for Wait List. Amend the introductory  
6 paragraph of RSA 171-A:1-a, I to read as follows:

7 I. The department of health and human services and area agencies shall provide services to  
8 eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-  
9 K in a timely manner. The department and area agencies shall provide *funding for* services in  
10 such a manner that:

11 59 Coverage Plan for Services to Individuals with Developmental Disabilities. The department  
12 of health and human services in collaboration with the department of education, the Disability  
13 Rights Center-New Hampshire, and the representatives of the 10 area agencies shall develop a plan  
14 by October 1, 2021 that provides coverage for services to individuals with developmental disabilities  
15 aged 18-21 enrolled in school and determined eligible for developmental services that are not the  
16 responsibility of the local education agency, another state agency, or another division of the  
17 department. Such a plan shall estimate the number of eligible individuals likely to need such  
18 services, the costs of providing such services, and reimbursement mechanisms for service providers.

19 60 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read as  
20 follows:

21 II. ~~[Beginning with the fiscal year ending June 30, 2010, and thereafter,]~~ The department of  
22 health and human services shall incorporate *in its appropriation requests* the cost of fully  
23 funding services to eligible persons, in accordance with the requirements of paragraph I, and as  
24 otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet  
25 such costs and requirements.

26 61 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

27 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence  
28 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic  
29 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The  
30 state treasurer shall deposit all fees received by the department under RSA 457:29, *457:32-b, and*  
31 *631:2-b, V* in the fund. All moneys deposited in the fund shall be continually appropriated for the  
32 purposes of the domestic violence grant program and shall not lapse.

33 62 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read as  
34 follows:

35 342:9 Termination of Granite Workforce Program.

36 I. The commissioner of the department of health and human services shall be responsible for  
37 determining, every 3 months commencing no later than December 31, 2018, whether available TANF

1 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available  
 2 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health  
 3 and human services and employment security shall, within 20 business days of such determination,  
 4 terminate the granite workforce program. The commissioners shall notify the governor, the speaker  
 5 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of  
 6 the general court, and granite workforce participants of the program's pending termination. *The*  
 7 *commissioners shall have the discretion to limit granite workforce program services based*  
 8 *on the availability of appropriated, available, or reserve funds.*

9 II. If at any time the New Hampshire granite advantage health care program, established  
 10 under RSA 126-AA, terminates, the commissioners of the departments of health and human services  
 11 and employment security shall terminate the granite workforce program. The date of the granite  
 12 workforce program's termination shall align with that of the New Hampshire granite advantage  
 13 health care program.

14 III. *If the work and community engagement waiver is held invalid, or is not*  
 15 *approved, or is withdrawn by the Centers for Medicare and Medicaid Services, the granite*  
 16 *workforce program shall be suspended until such time that the work and community*  
 17 *engagement waiver is approved or revalidated.*

18 63 Health Facility Licensure; Effective Dates Amended. Amend 2020, 39:72, V-VI to read as  
 19 follows:

20 V. Sections 55-57~~[, 64-67, and 69]~~ *and 64* of this act shall take effect July 1, 2020.

21 VI. Sections 5~~[, 60, and 68]~~ *and 60* of this act shall take effect July 1, 2021.

22 64 Milk Sanitation Code; Terms Defined. Amend RSA 184:79, XIII to read as follows:

23 XIII. The term "milk plant" means any place, premises, or establishment where milk or milk  
 24 products are collected, handled, processed, stored, pasteurized, bottled, packaged, or prepared for  
 25 distribution, except an establishment where milk or milk products are sold at retail only. *This term*  
 26 *shall include wash stations where milk tank trucks are cleaned and sanitized.*

27 65 Milk Sanitation Code; License Fees. Amend RSA 184:85, IV to read as follows:

28 IV. All fees collected under this section shall be forwarded to the state treasurer. The state  
 29 treasurer shall credit all moneys received under this section, and interest received on such money, to  
 30 ~~[a]~~ *the public health services special fund established in RSA 143:11*, from which ~~[he]~~ *the*  
 31 *department* shall pay all the expenses of the department incident to the licensing and regulation of  
 32 milk plants, milk distributors and milk producer-distributors. ~~[This fund shall not lapse.]~~

33 66 New Subdivision; Administration of Epinephrine. Amend RSA 329 by inserting after section  
 34 1-g the following new subdivision:

35 Administration of Epinephrine

36 329:1-h Administration of Epinephrine.

37 I. In this section:

1 (a) "Administer" means the direct application of an epinephrine auto-injector to the body  
2 of an individual.

3 (b) "Authorized entity" means any entity or organization in which allergens capable of  
4 causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized  
5 entity shall not include an elementary or secondary school or a postsecondary educational institution  
6 eligible to establish policies and guidelines for the emergency administration of epinephrine under  
7 RSA 200-N.

8 (c) "Epinephrine auto-injector" means a single-use device used for the automatic  
9 injection of a premeasured dose of epinephrine into the human body.

10 (d) "Health care practitioner" means a person who is lawfully entitled to prescribe,  
11 administer, dispense, or distribute controlled drugs.

12 (e) "Provide" means to furnish one or more epinephrine auto-injectors to an individual.

13 II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an  
14 authorized entity for use in accordance with this section, and pharmacists and health care  
15 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name  
16 of an authorized entity.

17 III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors  
18 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors  
19 shall be stored in a location readily accessible in an emergency and in accordance with the  
20 instructions for use, and any additional requirements that may be established by board of medicine.  
21 An authorized entity shall designate employees or agents who have completed the training required  
22 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of  
23 epinephrine auto-injectors acquired by the authorized entity.

24 IV. An employee or agent of an authorized entity, or other individual, who has completed the  
25 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this  
26 section to:

27 (a) Provide an epinephrine auto-injector to any individual who the employee agent or  
28 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or  
29 caregiver of such individual, for immediate administration, regardless of whether the individual has  
30 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

31 (b) Administer an epinephrine auto-injector to any individual who the employee, agent,  
32 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the  
33 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with  
34 an allergy.

35 V.(a) An employee, agent, or other individual described in paragraph IV shall complete an  
36 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis  
37 training program. Such training shall be conducted by a nationally-recognized organization

1 experienced in training unlicensed persons in emergency health care treatment or an entity or  
2 individual approved by the board of medicine. Training may be conducted online or in person and, at  
3 a minimum, shall cover:

4 (1) How to recognize signs and symptoms of severe allergic reactions, including  
5 anaphylaxis;

6 (2) Standards and procedures for the storage and administration of an epinephrine  
7 auto-injector; and

8 (3) Emergency follow-up procedures.

9 (b) The entity or individual that conducts the training shall issue a certificate, on a form  
10 developed or approved by the board of medicine to each person who successfully completes the  
11 anaphylaxis training program.

12 VI. No authorized entity that possesses and makes available epinephrine auto-injectors and  
13 its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses  
14 epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that  
15 dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts  
16 the training described in paragraph V, shall be liable for any injuries or related damages that result  
17 from any act or omission pursuant to this section, unless such injury or damage is the result of  
18 willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with  
19 this section shall not be considered to be the practice of medicine or any other profession that  
20 otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any  
21 other immunity or defense that may be available under state law. An entity located in this state  
22 shall not be liable for any injuries or related damages that result from the provision or  
23 administration of an epinephrine auto-injector outside of this state if the entity would not have been  
24 liable for such injuries or related damages had the provision or administration occurred within this  
25 state, or is not liable for such injuries or related damages under the law of the state in which such  
26 provision or administration occurred.

27 67 Guardians and Conservators; Termination of Guardianship. Amend RSA 464-A:40, V(a) to  
28 read as follows:

29 V.(a) If, within 30 days after the date of a testate or intestate ward's death, no petition for  
30 probate has been filed under any section of RSA 553 and the gross value of the personal property  
31 remaining in the possession of the guardian belonging to the deceased, including any amount left in  
32 designated accounts for the ward, is no more than [~~\$5,000~~] **\$10,000**, the guardian may file in the  
33 probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of  
34 disposing of such deceased ward's estate. Once approved by the court, the guardian shall be  
35 authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form  
36 of the affidavit, and the rules governing proceedings under this section, shall be provided by the  
37 probate court pursuant to RSA 547:33.



1       68 Custody and Escheat of Unclaimed or Abandoned Property; Filing of Claim. Amend RSA  
2 471-C:26, I(c)(2)-(3) to read as follows:

3               (2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where  
4 the unclaimed property is valued at less than [~~\$5,000~~] **\$10,000** and does not include securities in  
5 share form, in accordance with the final distribution of assets as approved by the probate court.

6               (3) Except as provided in subparagraphs (5)-(7), in the absence of an open estate or  
7 probate court decree of final distribution, and the unclaimed property is valued at less than [~~\$5,000~~]  
8 **\$10,000** and does not include securities in share form, by the surviving spouse of the deceased  
9 owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
10 RSA 561:1.

11       69 Applicability. Sections 67-68 of this act shall apply to affidavits or claims filed on or after the  
12 effective date of this section.

13       70 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
14 VII by inserting after subparagraph (g) the following new subparagraph:

15               (h) The bureau chief for emergency preparedness and response with the department of  
16 health and human services, division of health public services who:

17                       (1) Has the authority and responsibility to engage in the prevention and control of  
18 public health incidents or emergencies;

19                       (2) As a job requirement is fully certified as an emergency preparedness official  
20 qualified to administer emergency planning, response and recovery activities in the event of natural  
21 disasters, public health crises or similar incidents; and

22                       (3) As a job requirement shall meet all physical, mental, educational, and other  
23 qualifications for continuing certification as an emergency preparedness official that may be  
24 established by the certifying authority.

25       71 Effective Date.

26               I. Sections 48-49 of this act shall take effect as provided in section 50 of this act.

27               II. Sections 3-4, 6, 10, 12-32, and 70 of this act shall take effect 60 days after its passage.

28               III. Sections 39-40 and 67-69 of this act shall take effect July 1, 2021.

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

**SB 162-FN- FISCAL NOTE**

AS AMENDED BY THE SENATE (AMENDMENTS #2021-0778s and #2021-0850s)

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

**METHODOLOGY:**

This bill amends several provisions relative to programs administered by the Department of Health and Human Services (DHHS) as summarized below. DHHS and other affected agencies anticipated no fiscal impact unless otherwise specified.

- Sections 1, 2, 7, 35-38, 61 and 65 all relate to a DHHS internal project to review dedicated funds administered by the agency and identify statutory gaps, aligning funds for specific programs and application of receipts to a specific corresponding treasury account in RSA 6:12, I(b). Funds that have been identified for this statutory “clean-up” exercise include: the fund for Domestic Violence Grant Program, the Public Health Services Special Fund, Radiological Health Programs, and the Mosquito Control Fund.
- Sections 3 aligns the working and legal title for the unclassified director of Medicaid enterprise development.
- Section 4 eliminates certain qualifiers for three unclassified associate commissioner to provide greater flexibility for the DHHS Commissioner to align these positions as needed to certain programmatic areas as the agency evolves to create greater efficiencies.
- Section 5 requires an emergency services plan. DHHS expects no fiscal impact.

- Sections 6, 10, and 70 authorize DHHS to recruit prospective candidates from Group II retirement, without the candidate losing Group II status, for the position of bureau chief for emergency preparedness and response with the DHHS Division of Public Health Services. The New Hampshire Retirement System states that since the extension of Group II status will affect only one position, the fiscal impact of this provision will likely be minimal.
- Section 8 amends the DHHS ombudsman's authority to focus responsibilities to servicing clients and eliminating the reference to "employees" where support is provided through the employee assistance program and existing personnel process through human resources.
- Sections 9, 41, 43, 45, and 57 eliminate redundant, outdated, and unnecessary reporting requirements, and DHHS consequently anticipates an indeterminate decrease in demand on agency staff and personnel resources.
- Section 11 repeals RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the housing security guarantee program and related treasury fund where DHHS funds housing support services through another funding mechanism.
- Sections 12-32 makes numerous technical revisions to the statutes related to the DHHS Therapeutic Cannabis Program under RSA 126-X.
- Section 33 amends RSA 126-AA:3, I, to authorize Medicaid enhancement tax (MET) funds be deposited into the Granite Advantage Health Care Program Trust Fund for certain purposes. Specifically, the funds will be used for the limited purpose of funding the Granite Advantage Health Care Program member portion of provider payments, in the form of directed payments, payable to critical access hospitals as outlined in RSA 167:64 (as amended by HB 1817, Chapter 162:32 Laws of 2018).
- Sections 39, 40 and 67-68 relate to increasing the jurisdiction limits from \$5,000 to \$10,000 for probate administration of estates that have minimal assets. These sections are anticipated to reduce demands on DHHS estate recoveries unit staffing resources in an indeterminate amount.
- Section 42 amends RSA 161-F:46 to authorize a report to the DHHS adult protective services central registry in circumstances where the vulnerable adult is no longer

living. Current law has been interpreted to only allow reports in cases where the vulnerable adult is living at the time of the investigation and finding of abuse or neglect.

- Sections 42 (paragraph III) and 44 relate to the repeal of RSA 165:20-c relative to the DHHS liability to municipalities for reimbursement of certain cash benefits in the event the agency fails to timely process an application for eligible benefits from the agency. The reimbursement is capped at an aggregate of \$100,000 annually for municipalities making such a claim. DHHS notes that since the law has been in effect that there have only been inquiries from certain municipalities on RSA 165:20-c, however, no claims have been filed with DHHS as of this date. Therefore, the fiscal impact of this section is indeterminable with the greatest exposure for recovery of \$100,000 against DHHS in any given year.
- Section 46 establishes a new RSA 169-C:12-f I, providing that the court may order a parent, guardian, custodian, or other caregiver to produce a child for the purpose of an investigatory interview, including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or neglect. DHHS assumes that it will absorb any cost within existing staffing and administrative resources.
- Section 47 is follow-up legislation from HB '1162 (2020) that expands the type of employers permitted to require that employees submit their names to the child abuse and neglect central registry as a condition of employment to include those residential settings providing developmental services under RSA 171-A.
- Sections 48-50 enacts the 2009 edition of the Interstate Compact on Child Placement, contingent upon its enactment in 34 other states. The Judicial Branch anticipates that the fiscal impact will be minor if the Interstate Compact on Child Placement is implemented.
- Section 51 repeals and reenacts the definition of "school-age program" under child care licensing found at RSA 170-E:2, IV(g) to read as follows: "(g) "School-age program" means a child day care agency providing child day care before or after, or before and after, regular school hours, and all day any time school is not in session, for 6 or more children enrolled in school, who are 4 years and 11 months of age or older, and which is not licensed under RSA 170-E:56. The number of children shall

include all children present during the period of the program, including those children related to the caregiver.”

- Section 52 provides that qualified residential treatment programs accredited under federal law shall be deemed licensed under RSA 170-E. This section required pursuant to Social Security Act, 42 U.S.C. section 672(k)(4)(G), as amended. DHHS anticipates the fiscal impact for this section is indeterminable.
- Sections 53 and 54 provides that summer camps licensed by DHHS shall have asthma inhalers and epi-pens immediately accessible under RSA 170-E.
- Section 55 authorizes the DHHS Commissioner to establish a confidential peer support program to provide stress management and crisis intervention services to staff exposed to critical incidents and trauma through the course of their employment. DHHS anticipates any cost for the proposed peer support program to be absorbed using existing resources.
- Section 56 establishes criteria governing the use of contracted providers in the DHHS child welfare program.
- Sections 58-60 require coverage plans for services to individuals with developmental disabilities. DHHS assumes no fiscal impact will result from this provision.
- Section 62 relates to the Granite Workforce Program authorizing the commissioners from Employment Security and DHHS the discretion to limit Granite Workforce Program services based on the availability of appropriated, available, or reserve funds. It also provides if the work and community engagement waiver is held invalid, or is not approved by the Centers for Medicare and Medicaid Services, the granite workforce program be suspended until such time that the work and community engagement waiver is approved or revalidated.
- Section 63 seeks to align the effective dates to July 1, 2020 regarding repeal of the old process and establishment of the new special health care licensing review and approval process under RSA 151:4-a.
- Section 64 amends RSA 184:79, XIII to include as part of milk sanitation to the definition of “milk plant” shall include wash stations where milk tank trucks are

cleaned and sanitized. DHHS assumes that it will absorb any cost within existing staffing and administrative resources.

- Sections 65-66 transfer the responsibilities for certain training around the administration of epinephrine in non-academic or school settings from DHHS to the Office of Professional Licensure and Certification, Board of Medicine. DHHS anticipates that any fiscal impact resulting from these sections would be less than \$10,000.

**AGENCIES CONTACTED:**

Judicial Branch, State Treasury, Department of Health and Human Services, and New Hampshire Retirement System

**SB 162-FN FISCAL NOTE**  
**AS AMENDED BY THE SENATE (AMENDMENTS #2021-0778s and #2021-0850s)**

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
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**AGENCIES CONTACTED:**

Judicial Branch, State Treasury, Department of Health and Human Services, and New Hampshire Retirement System

SB 162-FN - AS AMENDED BY THE SENATE

03/18/2021 0778s

03/18/2021 0850s

2021 SESSION

21-0464

04/10

SENATE BILL **162-FN**

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Health and Human Services

OTY/A 5-0

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AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight.

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Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 162-FN - AS AMENDED BY THE SENATE

03/18/2021 0778s

03/18/2021 0850s

21-0464

04/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,  
2 I(b)(12) to read as follows:

3               (12) Moneys received under RSA 457:29, **457:32-b, and 631:2-b, V** which shall be  
4 credited to the special fund for domestic violence programs **established in RSA 173-B:15**.

5       2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to  
6 read as follows:

7               (15) Money received under RSA **125-F:22, 143:11, 143:22-a, 143-A:6,** and 184:85,  
8 which shall be credited to the public health services special fund **established in RSA 143:11, III**.

9       3 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
10 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

11               GG Department of health and human services director of [~~program planning and~~  
12 ~~integrity~~] **Medicaid enterprise development**

13       4 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
14 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

15               JJ Department of health and human services associate commissioner [~~of human~~  
16 ~~services and behavioral health~~]

17               JJ Department of health and human services associate commissioner [~~of~~  
18 ~~operations~~]

19               JJ Department of health and human services associate commissioner [~~for~~  
20 ~~population health~~]

21               ~~[JJ Department of health and human services associate commissioner,~~  
22 ~~operations~~

23               ~~JJ Department of health and human services associate commissioner, population~~  
24 ~~health~~]

25       5 Department of Health and Human Services; Emergency Services Plan. The department of  
26 health and human services in collaboration with all New Hampshire hospitals that operate  
27 emergency facilities shall draft a plan to be presented to the speaker of the house of representatives,  
28 the senate president and the governor's office by September 1, 2021 that details the necessary  
29 emergency services offered for medical treatment of both physical and behavioral health. Such a

1 plan shall include any recommendations for future legislation or required funding to ensure  
2 sufficient physical and behavioral health services.

3 6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
4 VIII by inserting after subparagraph (b) the following new subparagraph:

5 (c) The bureau chief for emergency preparedness and response with the department of  
6 health and human services, division of health public services who:

7 (1) Has the authority and responsibility to engage in the prevention and control of  
8 public health incidents or emergencies;

9 (2) As a job requirement is fully certified as an emergency preparedness official  
10 qualified to administer emergency planning, response and recovery activities in the event of natural  
11 disasters, public health crises or similar incidents; and

12 (3) As a job requirement shall meet all physical, mental, educational, and other  
13 qualifications for continuing certification as an emergency preparedness official that may be  
14 established by the certifying authority.

15 7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as follows:

16 IV. Upon request of the department of health and human services, the department of justice  
17 is authorized to institute civil action to collect a penalty imposed pursuant to this section. The  
18 attorney general shall have the exclusive power to compromise, mitigate, or remit such civil  
19 penalties as are referred to ~~[him]~~ **the attorney general** for collection. All civil penalties collected  
20 under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all  
21 moneys received under this section, and interest received on such money, to the public health  
22 services special fund, ~~[which shall be nonlapsing]~~, **established in RSA 143:11, from which the**  
23 **department of health and human services shall pay expenses incident to the**  
24 **administration of this chapter.**

25 8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-A:4,  
26 III to read as follows:

27 III. The department shall establish an office of the ombudsman to provide assistance to  
28 clients ~~[and employees]~~ of the department by investigating and resolving complaints regarding any  
29 matter within the jurisdiction of the department including services or assistance provided by the  
30 department or its contractors. The ombudsman's office may provide mediation or other means for  
31 informally resolving complaints. The records of the ombudsman's office shall be confidential and  
32 shall not be disclosed without the consent of the client ~~[or employee]~~ on whose behalf the complaint  
33 is made, except as may be necessary to assist the service provider ~~[or the employee's supervisor]~~ to  
34 resolve the complaint, or as required by law.

35 9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of payables  
36 for class 90 grant lines, is repealed.

SB 162-FN - AS AMENDED BY THE SENATE

- Page 3 -

1 10 New Section; Department of Health and Human Services; Status in Retirement System.

2 Amend RSA 126-A by inserting after section 5-e the following new section:

3 126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any  
4 person who is or becomes the bureau chief for emergency preparedness with the department's  
5 division of health public services, shall be included in the definition of group II under RSA 100-A:1,  
6 VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h)  
7 or VIII(c), any person not already a group II member for at least 10 years during or prior to his or  
8 her appointment shall be eligible for or remain as a group I member for the duration of service as the  
9 bureau chief for emergency preparedness.

10 11 Repeal. The following are repealed:

11 I. RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the  
12 housing security guarantee program.

13 II. RSA 6:12, I(b)(255), relative to moneys deposited in the homeless housing and access  
14 revolving loan fund, established in RSA 126-A:63.

15 12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

16 126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from  
17 the possibility of addiction, disability, and death resulting from the use of tobacco products by  
18 ensuring that tobacco products will not be supplied to persons under the age of 21. ***This chapter***  
19 ***shall not apply to individuals who have been issued a registry identification card under***  
20 ***RSA 126-X:4 or alternative treatment centers registered under RSA 126-X:7 with respect to***  
21 ***the therapeutic use of cannabis.***

22 13 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6, I to  
23 read as follows:

24 I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any  
25 tobacco product, e-cigarette, device, or e-liquid ~~[except individuals who have been issued a registry~~  
26 ~~identification card under RSA 126 X:4 may purchase, possess and use e-liquids containing cannabis~~  
27 ~~and applicable devices as allowed under RSA 126 X].~~

28 14 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read  
29 as follows:

30 (b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe  
31 drugs to humans in the state of the patient's residence and who possesses an active registration from  
32 the United States Drug Enforcement Administration to prescribe controlled substances. ~~[Such~~  
33 ~~visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New~~  
34 ~~Hampshire patient.]~~

35 15 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read as  
36 follows:

1 XI. "Registry identification card" means a document indicating the date issued, *effective*  
2 *date*, and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual  
3 as a qualifying patient or a designated caregiver.

4 16 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVII to read as  
5 follows:

6 XVII. "Written certification" means documentation of a qualifying medical condition by a  
7 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
8 issuing registry identification cards, after having completed a full assessment of the patient's  
9 medical history and current medical condition made in the course of a provider-patient relationship.  
10 [~~The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the~~  
11 ~~certifying provider's name, medical specialty, and signature shall be specified on the written~~  
12 ~~certification.~~]

13 17 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-  
14 X:2 by inserting after paragraph XVI the following new paragraph:

15 XVII. Authorized employees of the department shall not be subject to arrest by state or local  
16 law enforcement, prosecution, or penalty under state or municipal law, or search, when possessing,  
17 transporting, delivering, or transferring cannabis and cannabis infused products for the purposes of  
18 regulatory oversight related to this chapter.

19 18 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as  
20 follows:

21 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and  
22 educational materials to qualifying patients [~~who have designated the alternative treatment center~~  
23 ~~to provide for them~~], to designated caregivers on behalf of the qualifying patients [~~who have~~  
24 ~~designated the alternative treatment center~~], or to other alternative treatment centers.

25 19 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic  
26 Use of Cannabis. Amend RSA 126-X:3, VII-VIII to read as follows:

27 VII. The department may revoke the registry identification card of a qualifying patient or  
28 designated caregiver for violation of rules adopted by the department or for violation of any other  
29 provision of this chapter, *including for obtaining more than 2 ounces of cannabis in any 10-*  
30 *day period in violation of RSA 126-X:8, XIII(b)*, and the qualifying patient or designated  
31 caregiver shall be subject to any other penalties established in law for the violation.

32 VIII. A facility caregiver shall treat cannabis in a manner similar to *controlled*  
33 *prescription* medications with respect to its storage, security, and administration when assisting  
34 qualifying patients with the therapeutic use of cannabis.

35 20 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-  
36 X:4, I(a)-(b) to read as follows:



1 (a) Written certification [~~as defined in RSA 126-X:1~~] *which includes the date of*  
2 *issuance, the patient's qualifying medical condition, symptoms, or side effects, and the*  
3 *certifying provider's name, medical specialty, and signature. If a written certification has*  
4 *been previously issued for fewer than 3 years, a provider may extend the written*  
5 *certification, provided that the written certification shall not exceed 3 years.*

6 (b) An application or a renewal application accompanied by the application or renewal  
7 fee. *A renewal application and fee shall not be required if the applicant receives an*  
8 *extension to the written certification previously issued for fewer than 3 years.*

9 21 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
10 X:4, I(e) and the introductory paragraph of I(f) to read as follows:

11 (e) Name[, ~~address, and telephone number~~] of the applicant's provider.

12 (f) Name[, ~~address,~~] and date of birth of the applicant's designated caregiver, if any. A  
13 qualifying patient shall have only one designated caregiver, except as follows:

14 22 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
15 X:4, II(d) to read as follows:

16 (d) Name, residential and mailing address, and date of birth of each qualifying patient  
17 for whom the applicant will act as designated caregiver, except that if the qualifying patient is  
18 homeless, no residential address is required. [~~An applicant shall not act as a designated caregiver~~  
19 ~~for more than 5 qualifying patients.~~]

20 23 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend the  
21 introductory paragraph in RSA 126-X:4, IV and RSA 126-X:4, IV(a)-(b) to read as follows:

22 IV. The department shall create and issue a registry identification card to a person applying  
23 as a qualifying patient or designated caregiver within 5 days of approving an application or renewal.  
24 Each registry identification card shall expire one year after the [~~date of issuance~~] *effective date of*  
25 *the card*, unless the provider states in the written certification that the certification should expire  
26 at an earlier [~~specified date~~] *or later effective date, not to exceed 3 years*, then the registry  
27 identification card shall expire on that date. Registry identification cards shall contain all of the  
28 following:

29 (a) Name, mailing address, and date of birth of the qualifying patient or designated  
30 caregiver.

31 (b) The date of issuance, *effective date*, and expiration date of the registry  
32 identification card.

33 24 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
34 X:4, VII(a) to read as follows:

35 VII.(a) The department shall track the number of qualifying patients [~~who have designated~~  
36 ~~each alternative treatment center~~] and issue a weekly written statement to the alternative  
37 treatment center identifying the number of qualifying patients [~~who have designated that~~

1 ~~alternative treatment center]~~ along with the registry identification numbers of each qualifying  
 2 patient and each qualifying patient's designated caregiver.

3 25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 4 X:4, VIII to read as follows:

5 VIII. In addition to the weekly reports, the department shall also provide written notice to  
 6 an alternative treatment center which identifies the names and registration identification numbers  
 7 of a qualifying patient and his or her designated caregiver whenever ~~[any]~~ *either* of the following  
 8 events occur:

9 (a) A qualifying patient ~~[designates the alternative treatment center to serve his or her~~  
 10 ~~needs]~~ *is registered as a participating patient* under this chapter; or

11 (b) ~~[A qualifying patient revokes the designation of the alternative treatment center; or~~

12 (c) ~~[A qualifying patient who has designated the alternative treatment center]~~ loses his  
 13 or her status as a qualifying patient under this chapter.

14 26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 15 X:4, IX(a) to read as follows:

16 IX.(a) A qualifying patient shall notify the department before changing his or her designated  
 17 caregiver ~~[or alternative treatment center]~~.

18 27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 19 X:4, XI(a) to read as follows:

20 XI.(a) The department shall create and maintain a confidential registry of each individual  
 21 who has applied for and received a registry identification card as a qualifying patient or a designated  
 22 caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain  
 23 the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of  
 24 registry identification card issuance, *effective date of registry identification*, date of registry  
 25 identification card expiration, *and* random 10-digit identification number~~[, and registry~~  
 26 ~~identification number of the qualifying patient's designated alternative treatment center, if any]~~.  
 27 The confidential registry and the information contained in it shall be exempt from disclosure under  
 28 RSA 91-A.

29 28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 30 X:4, XI(b)(5) to read as follows:

31 (5) Counsel for the department may notify law enforcement officials about falsified  
 32 or fraudulent information submitted to the department where counsel has ~~[made a legal~~  
 33 ~~determination that there is probable cause]~~ *reason* to believe the information is false or falsified.

34 29 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, I(b) to  
 35 read as follows:

36 (b) The form and content of providers' written certifications, *including the*  
 37 *administrative process for tracking extensions pursuant to RSA 126-X:4, I.*

1           30 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
2 X:8, VII(a) to read as follows:

3                   (a) Records of the disposal of cannabis that is not distributed by the alternative  
4 treatment center to qualifying patients [~~who have designated the alternative treatment center to~~  
5 ~~cultivate for them~~].

6           31 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
7 X:8, XV(a)-(b) to read as follows:

8                   XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of  
9 the following quantities:

10                           (1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6  
11 ounces of usable cannabis per qualifying patient; and

12                           (2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying  
13 patient [~~who has designated the alternative treatment center to provide him or her with cannabis for~~  
14 ~~therapeutic use~~] **registered as a qualifying patient under this chapter.**

15                   (b) An alternative treatment center or alternative treatment center agent shall not  
16 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

17                           (1) A qualifying patient [~~who has designated the relevant alternative treatment~~  
18 ~~center~~]; or

19                                   (2) Such patient's designated caregiver; or

20                                   (3) Another alternative treatment center.

21           32 Repeal. The following are repealed:

22                   I. RSA 126-X:4, I(g), relative to patients designating an alternative treatment center.

23                   II. RSA 126-X:4, II(e), relative to street address of the alternative treatment center.

24                   III. RSA 126-X:4, IX(e), relative to failure of a qualifying patient or designated caregiver for  
25 providing changes to name, address or designated caregiver.

26                   IV. RSA 126-X:6, I(e), relative to departmental rules regarding certain fines.

27           33 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA;3, I(e)-(f)  
28 to read as follows:

29                   (e) Funds received from the assessment under RSA 404-G; [~~and~~]

30                   (f) **Revenue from the Medicaid enhancement tax to meet the requirements**  
31 **provided in RSA 167:64; and**

32                   (g) Funds recovered or returnable to the fund that were originally spent on the cost of  
33 coverage of the granite advantage health care program.

34           34 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

35           35 Communicable Disease; Mosquito Control Fund. Amend RSA 141-C:25, I to read as follows:

36                   I. There is hereby established a nonlapsing and continually appropriated mosquito control  
37 fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of

1 offsetting the cost of mosquito control activities including, but not limited to, the purchase and  
2 application of chemical pesticides. The purpose of the fund is to provide financial assistance, when  
3 needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement  
4 activities in response to a declared threat to the public health. ~~[Any balance remaining in the~~  
5 ~~mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general~~  
6 ~~fund.]~~

7 36 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
8 143:11, III to read as follows:

9 **III. There is hereby established in the state treasury the public health services**  
10 **special fund, which shall be kept separate and distinct from all other funds. The fund**  
11 **shall be nonlapsing and continually appropriated to the department of health and human**  
12 **services.** All fees collected under this subdivision shall be forwarded to the state treasurer~~[-The~~  
13 ~~state treasurer]~~ **who shall credit all [moneys received under this subdivision,] such moneys** and  
14 interest received on such money, to ~~[a special]~~ **the fund from which [he] the department of health**  
15 **and human services** shall pay all the expenses of the department incident to the administration of  
16 this subdivision. ~~[This fund shall not lapse.]~~

17 37 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
18 143:22-a to read as follows:

19 143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human  
20 services shall prescribe and collect fees for certificates for establishments which process or pack  
21 shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected  
22 under this subdivision shall be forwarded to the state treasurer to be deposited in the ~~[general fund]~~  
23 **public health services special fund established in RSA 143:11. The department of health**  
24 **and human services shall use such funds to pay expenses of the department incident to the**  
25 **administration of this subdivision.**

26 38 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

27 **VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000**  
28 **each fiscal year may be included in the state biennial operating budget as restricted revenue to**  
29 **support the activities required in this chapter. The state treasurer shall credit all moneys**  
30 **received under this paragraph, and interest received on such money, to the public health**  
31 **services special fund, established under RSA 143:11, from which the department shall pay**  
32 **expenses incident to the administration of this chapter.**

33 39 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as follows:

34 **I. If within 30 days after the date of a testate or intestate patient's death in any nursing**  
35 **home no petition for probate has been filed under any section of RSA 553 and the gross value of the**  
36 **personal property remaining at the nursing home belonging to the deceased, including any amount**  
37 **left in a patient account, is no more than [\$5,000] \$10,000, the nursing home administrator shall file**

1 in the probate court in the county where the nursing home is located an affidavit for the purpose of  
 2 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
 3 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The  
 4 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
 5 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
 6 administrator has the will or a copy of the will, the nursing home administrator shall file the same  
 7 in the probate court in the county where the nursing home is located. The probate court shall waive  
 8 all filing fees.

9 40 Applicability. Section 39 of this act shall apply to affidavits filed on or after the effective date  
 10 of this section.

11 41 Repeal. RSA 151-E:11, II, relative to an annual report on the utilization of non-nursing home  
 12 services, is repealed.

13 42 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory paragraph of  
 14 RSA 161-F:46 to read as follows:

15 Any person, including, but not limited to, physicians, other health care professionals, social  
 16 workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult  
 17 who is or who is suspected to be vulnerable, *at the time of the incident*, has been subjected to  
 18 abuse, neglect, self-neglect, or exploitation or is, *or was* living in hazardous conditions shall report  
 19 or cause a report to be made as follows:

20 43 Repeal. The following are repealed:

21 I. RSA 161-F:64, relative to an annual report on review of homemaker services.

22 II. RSA 161-I:4, VI, relative to reports regarding the home and community-based care  
 23 waiver for the elderly and chronically ill.

24 III. RSA 165:20-c, relative to liability for support and reimbursement from the state.

25 IV. RSA 165:35, relative to rulemaking for forms and claims for reimbursement from the  
 26 state.

27 V. RSA 167:3-j, III, relative to semi-annual reports on net savings realized for aid to the  
 28 permanently and totally disabled grants.

29 44 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as  
 30 follows:

31 165:2-a Expense of General Assistance. The financial responsibility for general assistance for  
 32 assisted persons shall be the responsibility of the town or city in which the person making  
 33 application resides, except as otherwise provided in RSA 165:1-c [~~and 165:20-e~~].

34 45 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA 167:4-a,  
 35 VI to read as follows:

36 VI. The department, in coordination with financial institutions doing business in the state,  
 37 may develop and operate a data match system, using automated data exchanges to the maximum

1 extent feasible, in which each financial institution is required to provide, when requested by the  
 2 department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5  
 3 years of information regarding the name, record address, social security number or other taxpayer  
 4 identification number, monthly account balance, and other identifying information for each applicant  
 5 or recipient who maintains an account at the financial institution, as identified by the department  
 6 by name and social security number or other taxpayer identification number. The system shall be  
 7 based on a cost-effective search algorithm and shall include means to assure compliance with the  
 8 provisions of this section. ~~[The department shall provide a status report regarding the~~  
 9 ~~implementation of the data match system to the oversight committee on health and human services,~~  
 10 ~~established in RSA 126-A:13, on or before November 1, 2010, and annually thereafter, until~~  
 11 ~~implementation has been fully completed. The report shall summarize the department's findings~~  
 12 ~~and recommendations to date, including savings generated by both incremental asset identification~~  
 13 ~~and the time and labor associated with the process, the feedback and reactions of applicants and~~  
 14 ~~recipients, any barriers to implementation, anticipated future actions, and the department's~~  
 15 ~~assessment of the relative success of the project.]~~

16 46 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend RSA  
 17 169-C by inserting after section 12-f the following new section:

18 169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,  
 19 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,  
 20 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or  
 21 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or  
 22 neglect.

23 47 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

24 II. Upon receipt by the department of a written request and verified proof of identity, an  
 25 individual shall be informed by the department whether that individual's name is listed in the  
 26 founded reports maintained in the central registry. It shall be unlawful for any employer other than  
 27 those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and those  
 28 specified in RSA 170-E ~~[and]~~, RSA 170-G:8-c, *and RSA 171-A* to require as a condition of  
 29 employment that the employee submit his or her name for review against the central registry of  
 30 founded reports of abuse and neglect. Any violation of this provision shall be punishable as a  
 31 violation.

32 48 Interstate Compact for the Placement of Children. RSA 170-A is repealed and reenacted to  
 33 read as follows:

34 CHAPTER 170-A  
 35 INTERSTATE COMPACT  
 36 FOR THE PLACEMENT OF CHILDREN

1 170-A:1 Interstate Compact for the Placement of Children. On the effective date of this chapter,  
2 based upon the enactment of the Interstate Compact for the Placement of Children into law by the  
3 thirty-fifth compacting state, the governor is authorized and directed to execute a compact on behalf  
4 of this state with any other state or states legally joining therein in the form substantially as follows:

5 ARTICLE I

6 Purpose

7 The purpose of this Interstate Compact for the Placement of Children is to:

8 I. Provide a process through which children subject to this compact are placed in safe and  
9 suitable homes in a timely manner.

10 II. Facilitate ongoing supervision of a placement, the delivery of services, and  
11 communication between the states.

12 III. Provide operating procedures that will ensure that children are placed in safe and  
13 suitable homes in a timely manner.

14 IV. Provide for the promulgation and enforcement of administrative rules implementing the  
15 provisions of this compact and regulating the covered activities of the member states.

16 V. Provide for uniform data collection and information sharing between member states  
17 under this compact.

18 VI. Promote coordination between this compact, the Interstate Compact for Juveniles, the  
19 Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement  
20 of and which provide services to children otherwise subject to this compact.

21 VII. Provide for a state's continuing legal jurisdiction and responsibility for placement and  
22 care of a child that it would have had if the placement were intrastate.

23 VIII. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for  
24 interstate cases involving Indian children as is or may be permitted by federal law.

25 ARTICLE II

26 Definitions

27 As used in this compact:

28 I. "Approved placement" means the public child-placing agency in the receiving state has  
29 determined that the placement is both safe and suitable for the child.

30 II. "Assessment" means an evaluation of a prospective placement by a public child-placing  
31 agency in the receiving state to determine if the placement meets the individualized needs of the  
32 child, including, but not limited to, the child's safety and stability, health and well-being, and  
33 mental, emotional, and physical development. An assessment is only applicable to a placement by a  
34 public child-placing agency.

35 III. "Child" means an individual who has not attained the age of 18.

36 IV. "Certification" means to attest, declare, or swear to before a judge or notary public.

1 V. "Default" means the failure of a member state to perform the obligations or  
2 responsibilities imposed upon it by this compact or the bylaws or rules of the Interstate Commission.

3 VI. "Home study" means an evaluation of a home environment conducted in accordance with  
4 the applicable requirements of the state in which the home is located and that documents the  
5 preparation and the suitability of the placement resource for placement of a child in accordance with  
6 the laws and requirements of the state in which the home is located.

7 VII. "Indian tribe" means any Indian tribe, band, nation, or other organized group or  
8 community of Indians recognized as eligible for services provided to Indians by the Secretary of the  
9 Interior because of their status as Indians, including any Alaskan native village as defined in section  
10 3(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. section 1602(c).

11 VIII. "Interstate Commission for the Placement of Children" means the commission that is  
12 created under Article VIII of this compact and which is generally referred to as the "Interstate  
13 Commission."

14 IX. "Jurisdiction" means the power and authority of a court to hear and decide matters.

15 X. "Legal risk placement" or "legal risk adoption" means a placement made preliminary to  
16 an adoption where the prospective adoptive parents acknowledge in writing that a child can be  
17 ordered returned to the sending state or the birth mother's state of residence, if different from the  
18 sending state, and a final decree of adoption shall not be entered in any jurisdiction until all  
19 required consents are obtained or are dispensed with in accordance with applicable law.

20 XI. "Member state" means a state that has enacted this compact.

21 XII. "Noncustodial parent" means a person who, at the time of the commencement of court  
22 proceedings in the sending state, does not have sole legal custody of the child or has joint legal  
23 custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

24 XIII. "Nonmember state" means a state which has not enacted this compact.

25 XIV. "Notice of residential placement" means information regarding a placement into a  
26 residential facility provided to the receiving state, including, but not limited to, the name, date, and  
27 place of birth of the child, the identity and address of the parent or legal guardian, evidence of  
28 authority to make the placement, and the name and address of the facility in which the child will be  
29 placed. Notice of residential placement shall also include information regarding a discharge and any  
30 unauthorized absence from the facility.

31 XV. "Placement" means the act by a public or private child-placing agency intended to  
32 arrange for the care or custody of a child in another state.

33 XVI. "Private child-placing agency" means any private corporation, agency, foundation,  
34 institution, or charitable organization, or any private person or attorney, that facilitates, causes, or  
35 is involved in the placement of a child from one state to another and that is not an instrumentality of  
36 the state or acting under color of state law.



1 XVII. "Provisional placement" means a determination made by the public child-placing  
2 agency in the receiving state that the proposed placement is safe and suitable, and, to the extent  
3 allowable, the receiving state has temporarily waived its standards or requirements otherwise  
4 applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of  
5 the receiving state requirements regarding training for prospective foster or adoptive parents shall  
6 not delay an otherwise safe and suitable placement.

7 XVIII. "Public child-placing agency" means any government child welfare agency or child  
8 protection agency or a private entity under contract with such an agency, regardless of whether the  
9 entity acts on behalf of a state, a county, a municipality, or another governmental unit, and which  
10 facilitates, causes, or is involved in the placement of a child from one state to another.

11 XIX. "Receiving state" means the state to which a child is sent, brought, or caused to be sent  
12 or brought.

13 XX. "Relative" means someone who is related to the child as a parent, stepparent, sibling by  
14 half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a nonrelative with  
15 such significant ties to the child that the nonrelative may be regarded as a relative as determined by  
16 the court in the sending state.

17 XXI. "Residential facility" means a facility providing a level of care that is sufficient to  
18 substitute for parental responsibility or foster care and that is beyond what is needed for assessment  
19 or treatment of an acute condition. For purposes of the compact, the term "residential facility" does  
20 not include institutions primarily educational in character, hospitals, or other medical facilities.

21 XXII. "Rule" means a written directive, mandate, standard, or principle issued by the  
22 Interstate Commission promulgated pursuant to Article XI of this compact that is of general  
23 applicability and that implements, interprets, or prescribes a policy or provision of the compact. A  
24 rule has the force and effect of an administrative rule in a member state and includes the  
25 amendment, repeal, or suspension of an existing rule.

26 XXIII. "Sending state" means the state from which the placement of a child is initiated.

27 XXIV. "Service member's permanent duty station" means the military installation where an  
28 active duty United States Armed Services member is currently assigned and is physically located  
29 under competent orders that do not specify the duty as temporary.

30 XXV. "Service member's state of legal residence" means the state in which the active duty  
31 United States Armed Services member is considered a resident for tax and voting purposes.

32 XXVI. "State" means a state of the United States, the District of Columbia, the  
33 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
34 Northern Mariana Islands, and any other territory of the United States.

35 XXVII. "State court" means a judicial body of a state that is vested by law with  
36 responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status  
37 offenses of individuals who have not attained the age of 18.

1 XXVIII. "Supervision" means monitoring provided by the receiving state once a child has  
2 been placed in a receiving state pursuant to this compact.

3 ARTICLE III

4 Applicability

5 I. Except as otherwise provided in paragraph II, this compact shall apply to:

6 (a) The interstate placement of a child subject to ongoing court jurisdiction in the  
7 sending state, due to allegations or findings that the child has been abused, neglected, or deprived as  
8 defined by the laws of the sending state; provided, however, that the placement of such a child into a  
9 residential facility shall only require notice of residential placement to the receiving state prior to  
10 placement.

11 (b) The interstate placement of a child adjudicated delinquent or unmanageable based  
12 on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

13 (1) The child is being placed in a residential facility in another member state and is  
14 not covered under another compact; or

15 (2) The child is being placed in another member state and the determination of  
16 safety and suitability of the placement and services required is not provided through another  
17 compact.

18 (c) The interstate placement of any child by a public child-placing agency or private  
19 child-placing agency as a preliminary step to a possible adoption.

20 II. The provisions of this compact shall not apply to:

21 (a) The interstate placement of a child in a custody proceeding in which a public child-  
22 placing agency is not a party; provided, however, that the placement is not intended to effectuate an  
23 adoption.

24 (b) The interstate placement of a child with a nonrelative in a receiving state by a parent  
25 with the legal authority to make such a placement; provided, however, that the placement is not  
26 intended to effectuate an adoption.

27 (c) The interstate placement of a child by one relative with the lawful authority to make  
28 such a placement directly with a relative in a receiving state.

29 (d) The placement of a child, not subject to paragraph I, into a residential facility by his  
30 or her parent.

31 (e) The placement of a child with a noncustodial parent, provided that:

32 (1) The noncustodial parent proves to the satisfaction of a court in the sending state  
33 a substantial relationship with the child;

34 (2) The court in the sending state makes a written finding that placement with the  
35 noncustodial parent is in the best interests of the child; and

36 (3) The court in the sending state dismisses its jurisdiction in interstate placements  
37 in which the public child-placing agency is a party to the proceeding.

1 (f) A child entering the United States from a foreign country for the purpose of adoption  
2 or leaving the United States to go to a foreign country for the purpose of adoption in that country.

3 (g) Cases in which a child who is a United States citizen living overseas with his or her  
4 family, at least one of whom is in the United States Armed Services and stationed overseas, is  
5 removed and placed in a state.

6 (h) The sending of a child by a public child-placing agency or a private child-placing  
7 agency for a visit as defined by the rules of the Interstate Commission.

8 III. For purposes of determining the applicability of this compact to the placement of a child  
9 with a family member in the United States Armed Services, the public child-placing agency or  
10 private child-placing agency may choose the state of the service member's permanent duty station or  
11 the service member's declared legal residence.

12 IV. Nothing in this compact shall be construed to prohibit the concurrent application of the  
13 provisions of this compact with other applicable interstate compacts, including the Interstate  
14 Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The  
15 Interstate Commission may, in cooperation with other interstate compact commissions having  
16 responsibility for the interstate movement, placement, or transfer of children, promulgate similar  
17 rules to ensure the coordination of services, timely placement of children, and reduction of  
18 unnecessary or duplicative administrative or procedural requirements.

19 ARTICLE IV

20 Jurisdiction

21 I. Except as provided in Article IV, paragraph VIII, and Article V, subparagraph II(b) and  
22 (c), concerning private and independent adoptions, and in interstate placements in which the public  
23 child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction  
24 over a child with respect to all matters of custody and disposition of the child which it would have  
25 had if the child had remained in the sending state. Such jurisdiction shall also include the power to  
26 order the return of the child to the sending state.

27 II. When an issue of child protection or custody is brought before a court in the receiving  
28 state, such court shall confer with the court of the sending state to determine the most appropriate  
29 forum for adjudication.

30 III. In cases that are before courts and subject to this compact, the taking of testimony for  
31 hearings before any judicial officer may occur in person or by telephone, audio-video conference, or  
32 such other means as approved by the rules of the Interstate Commission, and judicial officers may  
33 communicate with other judicial officers and persons involved in the interstate process as may be  
34 permitted by their code of judicial conduct and any rules promulgated by the Interstate Commission.

35 IV. In accordance with its own laws, the court in the sending state shall have authority to  
36 terminate its jurisdiction if:

1 (a) The child is reunified with the parent in the receiving state who is the subject of  
2 allegations or findings of abuse or neglect, only with the concurrence of the public child-placing  
3 agency in the receiving state;

4 (b) The child is adopted;

5 (c) The child reaches the age of majority under the laws of the sending state;

6 (d) The child achieves legal independence pursuant to the laws of the sending state;

7 (e) A guardianship is created by a court in the receiving state with the concurrence of  
8 the court in the sending state;

9 (f) An Indian tribe has petitioned for and received jurisdiction from the court in the  
10 sending state; or

11 (g) The public child-placing agency of the sending state requests termination and has  
12 obtained the concurrence of the public child-placing agency in the receiving state.

13 V. When a sending state court terminates its jurisdiction, the receiving state child-placing  
14 agency shall be notified.

15 VI. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court  
16 sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined  
17 by the laws of the receiving state committed by the child in the receiving state which would be a  
18 violation of its laws.

19 VII. Nothing in this article shall limit the receiving state's ability to take emergency  
20 jurisdiction for the protection of the child.

21 VIII. The substantive laws of the state in which an adoption will be finalized shall solely  
22 govern all issues relating to the adoption of the child, and the court in which the adoption proceeding  
23 is filed shall have subject matter jurisdiction regarding all substantive issues relating to the  
24 adoption, except:

25 (a) When the child is a ward of another court that established jurisdiction over the child  
26 prior to the placement;

27 (b) When the child is in the legal custody of a public agency in the sending state; or

28 (c) When a court in the sending state has otherwise appropriately assumed jurisdiction  
29 over the child prior to the submission of the request for approval of placement.

30 IX. A final decree of adoption shall not be entered in any jurisdiction until the placement is  
31 authorized as an "approved placement" by the public child-placing agency in the receiving state.

32 ARTICLE V

33 Placement Evaluation

34 I. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state,  
35 the public child-placing agency shall provide a written request for assessment to the receiving state.

36 II. For placements by a private child-placing agency, a child may be sent or brought, or  
37 caused to be sent or brought, into a receiving state upon receipt and immediate review of the

1 required content in a request for approval of a placement in both the sending and receiving state  
2 public child-placing agencies. The required content to accompany a request for approval shall  
3 include all of the following:

4 (a) A request for approval identifying the child, the birth parents, the prospective  
5 adoptive parents, and the supervising agency, signed by the person requesting approval.

6 (b) The appropriate consents or relinquishments signed by the birth parents in  
7 accordance with the laws of the sending state or, where permitted, the laws of the state where the  
8 adoption will be finalized.

9 (c) Certification by a licensed attorney or authorized agent of a private adoption agency  
10 that the consent or relinquishment is in compliance with the applicable laws of the sending state or,  
11 where permitted, the laws of the state where finalization of the adoption will occur.

12 (d) A home study.

13 (e) An acknowledgment of legal risk signed by the prospective adoptive parents.

14 III. The sending state and the receiving state may request additional information or  
15 documents prior to finalization of an approved placement, but they may not delay travel by the  
16 prospective adoptive parents with the child if the required content for approval has been submitted,  
17 received, and reviewed by the public child-placing agency in both the sending state and the receiving  
18 state.

19 IV. Approval from the public child-placing agency in the receiving state for a provisional or  
20 approved placement is required as provided for in the rules of the Interstate Commission.

21 V. The procedures for making the request for an assessment shall contain all information  
22 and be in such form as provided for in the rules of the Interstate Commission.

23 VI. Upon receipt of a request from the public child-placing agency of the sending state, the  
24 receiving state shall initiate an assessment of the proposed placement to determine its safety and  
25 suitability. If the proposed placement is a placement with a relative, the public child-placing agency  
26 of the sending state may request a determination for a provisional placement.

27 VII. The public child-placing agency in the receiving state may request from the public child-  
28 placing agency or the private child-placing agency in the sending state, and shall be entitled to  
29 receive, supporting or additional information necessary to complete the assessment or approve the  
30 placement.

31 VIII. The public child-placing agency in the receiving state shall approve a provisional  
32 placement and complete or arrange for the completion of the assessment within the timeframes  
33 established by the rules of the Interstate Commission.

34 IX. For a placement by a private child-placing agency, the sending state shall not impose  
35 any additional requirements to complete the home study that are not required by the receiving state,  
36 unless the adoption is finalized in the sending state.

1 X. The Interstate Commission may develop uniform standards for the assessment of the  
2 safety and suitability of interstate placements.

3 ARTICLE VI

4 Placement Authority

5 I. Except as otherwise provided in this compact, no child subject to this compact shall be  
6 placed in a receiving state until approval for such placement is obtained.

7 II. If the public child-placing agency in the receiving state does not approve the proposed  
8 placement, then the child shall not be placed. The receiving state shall provide written  
9 documentation of any such determination in accordance with the rules promulgated by the  
10 Interstate Commission. Such determination is not subject to judicial review in the sending state.

11 III. If the proposed placement is not approved, any interested party shall have standing to  
12 seek an administrative review of the receiving state's determination.

13 (a) The administrative review and any further judicial review associated with the  
14 determination shall be conducted in the receiving state pursuant to its applicable administrative  
15 procedures act.

16 (b) If a determination not to approve the placement of the child in the receiving state is  
17 overturned upon review, the placement shall be deemed approved; provided, however, that all  
18 administrative or judicial remedies have been exhausted or the time for such remedies has passed.

19 ARTICLE VII

20 Placing Agency Responsibility

21 I. For the interstate placement of a child made by a public child-placing agency or state  
22 court:

23 (a) The public child-placing agency in the sending state shall have financial  
24 responsibility for:

25 (1) The ongoing support and maintenance for the child during the period of the  
26 placement, unless otherwise provided for in the receiving state; and

27 (2) As determined by the public child-placing agency in the sending state, services  
28 for the child beyond the public services for which the child is eligible in the receiving state.

29 (b) The receiving state shall only have financial responsibility for:

30 (1) Any assessment conducted by the receiving state; and

31 (2) Supervision conducted by the receiving state at the level necessary to support the  
32 placement as agreed upon by the public child-placing agencies of the receiving and sending states.

33 (c) Nothing in this section shall prohibit public child-placing agencies in the sending  
34 state from entering into agreements with licensed agencies or persons in the receiving state to  
35 conduct assessments and provide supervision.

36 II. For the placement of a child by a private child-placing agency preliminary to a possible  
37 adoption, the private child-placing agency shall be:

1 (a) Legally responsible for the child during the period of placement as provided for in the  
2 law of the sending state until the finalization of the adoption.

3 (b) Financially responsible for the child absent a contractual agreement to the contrary.

4 III. The public child-placing agency in the receiving state shall provide timely assessments,  
5 as provided for in the rules of the Interstate Commission.

6 IV. The public child-placing agency in the receiving state shall provide, or arrange for the  
7 provision of, supervision and services for the child, including timely reports, during the period of the  
8 placement.

9 V. Nothing in this compact shall be construed to limit the authority of the public child-  
10 placing agency in the receiving state from contracting with a licensed agency or person in the  
11 receiving state for an assessment or the provision of supervision or services for the child or otherwise  
12 authorizing the provision of supervision or services by a licensed agency during the period of  
13 placement.

14 VI. Each member state shall provide for coordination among its branches of government  
15 concerning the state's participation in and compliance with the compact and Interstate Commission  
16 activities through the creation of an advisory council or use of an existing body or board.

17 VII. Each member state shall establish a central state compact office which shall be  
18 responsible for state compliance with the compact and the rules of the Interstate Commission.

19 VIII. The public child-placing agency in the sending state shall oversee compliance with the  
20 provisions of the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., for placements subject to  
21 the provisions of this compact, prior to placement.

22 IX. With the consent of the Interstate Commission, states may enter into limited  
23 agreements that facilitate the timely assessment and provision of services and supervision of  
24 placements under this compact.

25 **ARTICLE VIII**

26 **Interstate Commission for the Placement of Children**

27 The member states hereby establish, by way of this compact, a commission known as the "Interstate  
28 Commission for the Placement of Children." The activities of the Interstate Commission are the  
29 formation of public policy and are a discretionary state function. The Interstate Commission shall:

30 I. Be a joint commission of the member states and shall have the responsibilities, powers,  
31 and duties set forth herein and such additional powers as may be conferred upon it by subsequent  
32 concurrent action of the respective legislatures of the member states.

33 II. Consist of one commissioner from each member state who shall be appointed by the  
34 executive head of the state human services administration with ultimate responsibility for the child  
35 welfare program. The appointed commissioner shall have the legal authority to vote on policy-  
36 related matters governed by this compact binding the state.

1 (a) Each member state represented at a meeting of the Interstate Commission is entitled  
2 to one vote.

3 (b) A majority of the member states shall constitute a quorum for the transaction of  
4 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

5 (c) A representative shall not delegate a vote to another member state.

6 (d) A representative may delegate voting authority to another person from that state for  
7 a specified meeting.

8 III. Include, in addition to the commissioners of each member state, persons who are  
9 members of interested organizations as defined in the bylaws or rules of the Interstate Commission.  
10 Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate  
11 Commission.

12 IV. Establish an executive committee which shall have the authority to administer the day-  
13 to-day operations and administration of the Interstate Commission. The executive committee shall  
14 not have the power to engage in rulemaking.

15 ARTICLE IX

16 Powers and Duties of the Interstate Commission

17 The Interstate Commission shall have the following powers:

18 I. To promulgate rules and take all necessary actions to effect the goals, purposes, and  
19 obligations as enumerated in this compact.

20 II. To provide for dispute resolution among member states.

21 III. To issue, upon request of a member state, advisory opinions concerning the meaning or  
22 interpretation of the interstate compact, its bylaws, rules, or actions.

23 IV. To enforce compliance with this compact or the bylaws or rules of the Interstate  
24 Commission pursuant to Article XII.

25 V. Collect standardized data concerning the interstate placement of children subject to this  
26 compact as directed through its rules, which shall specify the data to be collected, the means of  
27 collection and data exchange, and reporting requirements.

28 VI. To establish and maintain offices as may be necessary for the transacting of its business.

29 VII. To purchase and maintain insurance and bonds.

30 VIII. To hire or contract for services of personnel or consultants as necessary to carry out its  
31 functions under the compact and establish personnel qualification policies and rates of  
32 compensation.

33 IX. To establish and appoint committees and officers, including, but not limited to, an  
34 executive committee as required by Article X.

35 X. To accept any and all donations and grants of money, equipment, supplies, materials, and  
36 services, and to receive, utilize, and dispose thereof.



1 XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
2 improve, or use any property, real, personal, or mixed.

3 XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
4 property, real, personal, or mixed.

5 XIII. To establish a budget and make expenditures.

6 XIV. To adopt a seal and bylaws governing the management and operation of the Interstate  
7 Commission.

8 XV. To report annually to the legislatures, the governors, the judiciary, and the state  
9 advisory councils of the member states concerning the activities of the Interstate Commission during  
10 the preceding year. Such reports shall also include any recommendations that may have been  
11 adopted by the Interstate Commission.

12 XVI. To coordinate and provide education, training, and public awareness regarding the  
13 interstate movement of children for officials involved in such activity.

14 XVII. To maintain books and records in accordance with the bylaws of the Interstate  
15 Commission.

16 XVIII. To perform such functions as may be necessary or appropriate to achieve the  
17 purposes of this compact.

18 ARTICLE X

19 Organization and Operation of the Interstate Commission

20 I. Organization.

21 (a) Within 12 months after the first Interstate Commission meeting, the Interstate  
22 Commission shall adopt rules to govern its conduct as may be necessary or appropriate to carry out  
23 the purposes of the compact.

24 (b) The Interstate Commission's rules shall establish conditions and procedures under  
25 which the Interstate Commission shall make its information and official records available to the  
26 public for inspection or copying.

27 II. Meetings.

28 (a) The Interstate Commission shall meet at least once each calendar year. The  
29 chairperson may call additional meetings and, upon the request of a simple majority of the member  
30 states, shall call additional meetings.

31 (b) Public notice shall be given by the Interstate Commission of all meetings, and all  
32 meetings shall be open to the public.

33 (c) The bylaws may provide for meetings of the Interstate Commission to be conducted  
34 by telecommunication or other electronic communication.

35 III. Officers and staff.

36 (a) The Interstate Commission may, through its executive committee, appoint or retain a  
37 staff director for such period, upon such terms and conditions, and for such compensation as the

1 Interstate Commission may deem appropriate. The staff director shall serve as secretary to the  
2 Interstate Commission but shall not have a vote. The staff director may hire and supervise such  
3 other staff as may be authorized by the Interstate Commission.

4 (b) The Interstate Commission shall elect, from among its members, a chairperson and a  
5 vice chairperson of the executive committee, and other necessary officers, each of whom shall have  
6 such authority and duties as may be specified in the bylaws.

7 IV. Qualified immunity, defense, and indemnification.

8 (a) The Interstate Commission's staff director and its employees shall be immune from  
9 suit and liability, either personally or in their official capacity, for a claim for damage to or loss of  
10 property or personal injury or other civil liability caused or arising out of or relating to an actual or  
11 alleged act, error, or omission that occurred or that such person had a reasonable basis for believing  
12 occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
13 provided, however, that such person shall not be protected from suit or liability for damage, loss,  
14 injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of  
15 such person.

16 (b)(1) The liability of the Interstate Commission's staff director and employees or  
17 Interstate Commission representatives, acting within the scope of such person's employment or  
18 duties, for acts, errors, or omissions occurring within such person's state may not exceed the limits of  
19 liability set forth under the Constitution and laws of that state for state officials, employees, and  
20 agents. The Interstate Commission is considered to be an instrumentality of the states for the  
21 purposes of any such action. Nothing in this subsection shall be construed to protect such person  
22 from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional  
23 or willful and wanton misconduct of such person.

24 (2) The Interstate Commission shall defend the staff director and its employees and,  
25 subject to the approval of the attorney general or other appropriate legal counsel of the member  
26 state, shall defend the commissioner of a member state in a civil action seeking to impose liability  
27 arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate  
28 Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for  
29 believing occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
30 provided, however, that the actual or alleged act, error, or omission did not result from intentional or  
31 willful and wanton misconduct on the part of such person.

32 (3) To the extent not covered by the state involved, a member state, or the Interstate  
33 Commission, the representatives or employees of the Interstate Commission shall be held harmless  
34 in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such  
35 persons arising out of an actual or alleged act, error, or omission that occurred within the scope of  
36 Interstate Commission employment, duties, or responsibilities, or that such persons had a  
37 reasonable basis for believing occurred within the scope of Interstate Commission employment,

1 duties, or responsibilities; provided, however, that the actual or alleged act, error, or omission did  
2 not result from intentional or willful and wanton misconduct on the part of such persons.

3 ARTICLE XI

4 Rulemaking Functions of the Interstate Commission

5 I. The Interstate Commission shall promulgate and publish rules in order to effectively and  
6 efficiently achieve the purposes of the compact.

7 II. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
8 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles  
9 of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1  
10 (2000), or such other administrative procedure acts as the Interstate Commission deems  
11 appropriate, consistent with due process requirements under the United States Constitution as now  
12 or hereafter interpreted by the United States Supreme Court. All rules and amendments shall  
13 become binding as of the date specified, as published with the final version of the rule as approved  
14 by the Interstate Commission.

15 III. When promulgating a rule, the Interstate Commission shall, at a minimum:

16 (a) Publish the proposed rule's entire text stating the reasons for that proposed rule;

17 (b) Allow and invite any and all persons to submit written data, facts, opinions, and  
18 arguments, which information shall be added to the record and made publicly available; and

19 (c) Promulgate a final rule and its effective date, if appropriate, based on input from  
20 state or local officials or interested parties.

21 IV. Rules promulgated by the Interstate Commission shall have the force and effect of  
22 administrative rules and shall be binding in the compacting states to the extent and in the manner  
23 provided for in this compact.

24 V. Not later than 60 days after a rule is promulgated, an interested person may file a  
25 petition in the United States District Court for the District of Columbia or in the federal district  
26 court where the Interstate Commission's principal office is located for judicial review of such rule. If  
27 the court finds that the Interstate Commission's action is not supported by substantial evidence in  
28 the rulemaking record, the court shall hold the rule unlawful and set it aside.

29 VI. If a majority of the legislatures of the member states rejects a rule, those states may by  
30 enactment of a statute or resolution in the same manner used to adopt the compact cause that such  
31 rule shall have no further force and effect in any member state.

32 VII. The existing rules governing the operation of the Interstate Compact on the Placement  
33 of Children superseded by this act shall be null and void no less than 12 months but no more than 24  
34 months after the first meeting of the Interstate Commission created hereunder, as determined by  
35 the members during the first meeting.

36 VIII. Within the first 12 months of operation, the Interstate Commission shall promulgate  
37 rules addressing the following:

- 1 (a) Transition rules.
- 2 (b) Forms and procedures.
- 3 (c) Timelines.
- 4 (d) Data collection and reporting.
- 5 (e) Rulemaking.
- 6 (f) Visitation.
- 7 (g) Progress reports and supervision.
- 8 (h) Sharing of information and confidentiality.
- 9 (i) Financing of the Interstate Commission.
- 10 (j) Mediation, arbitration, and dispute resolution.
- 11 (k) Education, training, and technical assistance.
- 12 (l) Enforcement.
- 13 (m) Coordination with other interstate compacts.

14 IX. Upon determination by a majority of the members of the Interstate Commission that an  
15 emergency exists:

16 (a) The Interstate Commission may promulgate an emergency rule only if it is required  
17 to:

18 (1) Protect the children covered by this compact from an imminent threat to their  
19 health, safety, and well-being;

20 (2) Prevent loss of federal or state funds; or

21 (3) Meet a deadline for the promulgation of an administrative rule required by  
22 federal law.

23 (b) An emergency rule shall become effective immediately upon adoption, provided that  
24 the usual rulemaking procedures provided hereunder shall be retroactively applied to the emergency  
25 rule as soon as reasonably possible, but no later than 90 days after the effective date of the  
26 emergency rule.

27 (c) An emergency rule shall be promulgated as provided for in the rules of the Interstate  
28 Commission.

29 ARTICLE XII

30 Oversight, Dispute Resolution, and Enforcement

31 I. Oversight.

32 (a) The Interstate Commission shall oversee the administration and operation of the  
33 compact.

34 (b) The executive, legislative, and judicial branches of state government in each member  
35 state shall enforce this compact and the rules of the Interstate Commission and shall take all actions  
36 necessary and appropriate to effectuate the compact's purposes and intent. The compact and its

1 rules shall be binding in the compacting states to the extent and in the manner provided for in this  
2 compact.

3 (c) All courts shall take judicial notice of the compact and the rules in any judicial or  
4 administrative proceeding in a member state pertaining to the subject matter of this compact.

5 (d) The Interstate Commission shall be entitled to receive service of process in any  
6 action in which the validity of a compact provision or rule is the issue for which a judicial  
7 determination has been sought and shall have standing to intervene in any proceedings. Failure to  
8 provide service of process to the Interstate Commission shall render any judgment, order, or other  
9 determination, however so captioned or classified, void as to this compact, its bylaws, or rules of the  
10 Interstate Commission.

11 II. Dispute resolution.

12 (a) The Interstate Commission shall attempt, upon the request of a member state, to  
13 resolve disputes which are subject to the compact and which may arise among member states and  
14 between member and nonmember states.

15 (b) The Interstate Commission shall promulgate a rule providing for both mediation and  
16 binding dispute resolution for disputes among compacting states. The costs of such mediation or  
17 dispute resolution shall be the responsibility of the parties to the dispute.

18 III. Enforcement. If the Interstate Commission determines that a member state has  
19 defaulted in the performance of its obligations or responsibilities under this compact, its bylaws, or  
20 rules of the Interstate Commission, the Interstate Commission may:

21 (a) Provide remedial training and specific technical assistance;

22 (b) Provide written notice to the defaulting state and other member states of the nature  
23 of the default and the means of curing the default. The Interstate Commission shall specify the  
24 conditions by which the defaulting state must cure its default;

25 (c) By majority vote of the members, initiate against a defaulting member state legal  
26 action in the United States District Court for the District of Columbia or, at the discretion of the  
27 Interstate Commission, in the federal district where the Interstate Commission has its principal  
28 office, to enforce compliance with the provisions of the compact, its bylaws, or rules of the Interstate  
29 Commission. The relief sought may include both injunctive relief and damages. In the event judicial  
30 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including  
31 reasonable attorney's fees; or

32 (d) Avail itself of any other remedies available under state law or the regulation of  
33 official or professional conduct.

34 ARTICLE XIII

35 Financing of the Commission

36 I. The Interstate Commission shall pay, or provide for the payment of, the reasonable  
37 expenses of its establishment, organization, and ongoing activities.



1 (c) The withdrawing state shall immediately notify the president of the Interstate  
2 Commission in writing upon the introduction of legislation repealing this compact in the  
3 withdrawing state. The Interstate Commission shall then notify the other member states of the  
4 withdrawing state's intent to withdraw.

5 (d) The withdrawing state is responsible for all assessments, obligations, and liabilities  
6 incurred through the effective date of withdrawal.

7 (e) Reinstatement following withdrawal of a member state shall occur upon the  
8 withdrawing state reenacting the compact or upon such later date as determined by the members of  
9 the Interstate Commission.

10 II. Dissolution of compact.

11 (a) This compact shall dissolve effective upon the date of the withdrawal or default of the  
12 member state which reduces the membership in the compact to one member state.

13 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be  
14 of no further force or effect, and the business and affairs of the Interstate Commission shall be  
15 concluded and surplus funds shall be distributed in accordance with the bylaws.

16 ARTICLE XVI

17 Severability and Construction

18 I. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or  
19 provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

20 II. The provisions of this compact shall be liberally construed to effectuate its purposes.

21 III. Nothing in this compact shall be construed to prohibit the concurrent applicability of  
22 other interstate compacts to which the states are members.

23 ARTICLE XVII

24 Binding Effect of Compact and Other Laws

25 I. Other laws. Nothing in this compact prevents the enforcement of any other law of a  
26 member state that is not inconsistent with this compact.

27 II. Binding effect of the compact.

28 (a) All lawful actions of the Interstate Commission are binding upon the member states.

29 (b) All agreements between the Interstate Commission and the member states are  
30 binding in accordance with their terms.

31 (c) In the event any provision of this compact exceeds the constitutional limits imposed  
32 on the legislature or executive branch of any member state, such provision shall be ineffective to the  
33 extent of the conflict with the constitutional provision in question in that member state.

34 ARTICLE XVIII

35 Indian Tribes

36 Notwithstanding any other provision in this compact, the Interstate Commission may promulgate  
37 guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the

1 compact as specified in Article I. The Interstate Commission shall make reasonable efforts to  
2 consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the  
3 various Indian tribes.

4 49 Adoption; Assessment. Amend RSA 170-B:18, IV to read as follows:

5 IV. The department or a licensed child-placing agency making the required assessment may  
6 request other departments or licensed child-placing agencies within or outside this state to make the  
7 assessment or designated portions thereof as may be appropriate. Where such written assessments  
8 are made, a written report shall be filed with the court; provided, however, said report shall not  
9 violate RSA 170-A, the interstate compact ~~[on]~~ **for** the placement of children.

10 50 Applicability Sections 48-49 of this act, relative to the 2009 edition of the Interstate Compact  
11 for the Placement of Children, shall take effect on the date that the commissioner of the department  
12 of health and human services certifies to the director of the office of legislative services and the  
13 secretary of state that 35 compacting states, including New Hampshire, have enacted the 2009  
14 edition of the Interstate Compact for the Placement of Children.

15 51 Child Day Care Licensing; Definitions RSA 170-E:2, IV(g) is repealed and reenacted to read  
16 as follows:

17 (g) "School-age program" means a child day care agency providing child day care before  
18 or after, or before and after, regular school hours, and all day any time school is not in session, for 6  
19 or more children enrolled in school, who are 4 years and 8 months of age or older, and which is not  
20 licensed under RSA 170-E:56. The number of children shall include all children present during the  
21 period of the program, including those children related to the caregiver.

22 52 New Section; Residential Care and Child-Placing Agency Licensing; Deemed Licensed.  
23 Amend RSA 170-E by inserting after section 31 the following new section:

24 170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by  
25 organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as  
26 amended, shall submit a completed license application or renewal application. Such child care  
27 institutions and child care agencies defined as group homes, specialized care, or homeless youth  
28 programs, shall be deemed licensed under this subdivision and shall be exempt from inspections  
29 carried out under RSA 170-E:31, IV. This section shall only apply to the activities or portions of the  
30 facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G),  
31 as amended.

32 53 Recreation Camp Licensing; Availability of Epinephrine Auto-Injector. Amend RSA 170-E:61  
33 to read as follows:

34 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse  
35 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child  
36 with severe allergies at least one epinephrine auto-injector, provided by the child or the child's  
37 parent or guardian, ~~[in the nurse's office or in a similarly accessible location]~~ **which shall be**



1 *readily accessible to the recreational camp staff caring for children requiring such*  
2 *medications.*

3 54 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA 170-  
4 E by inserting after section 63 the following new section:

5 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not  
6 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with  
7 asthma at least one metered dose inhaler or a dry powder inhaler, provided by the child or the child's  
8 parent or guardian, which shall be readily accessible to the recreational camp staff caring for  
9 children requiring such medications.

10 55 New Paragraph; Services for Children, Youth, and Families; Peer Support Program. Amend  
11 RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

12 VIII. The commissioner may establish a confidential peer support program for the purpose  
13 of providing critical incident stress management and crisis intervention services for staff exposed to  
14 critical incidents and trauma through the course of their employment.

15 (a) In this section:

16 (1) "Critical incident" means any incident that has a high emotional impact on the  
17 responders, or is beyond the realm of a person's usual experience that overwhelms his or her sense of  
18 vulnerability and/or lack of control over the situation.

19 (2) "Critical incident stress" means a normal reaction to an abnormal event that has  
20 the potential to interfere with normal functioning and that results from the response to a critical  
21 incident or long-term occupational exposure to a series of critical incident responses over a period of  
22 time that are believed to be causing debilitating stress that is affecting an emergency service  
23 provider and his or her work performance or family situation. This may include, but is not limited  
24 to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job,  
25 personality changes, or loss of ability to function.

26 (3) "Critical incident stress management" means a process of crisis intervention  
27 designed to assist employees in coping with the psychological trauma resulting from response to a  
28 critical incident.

29 (4) "Critical incident stress management and crisis intervention services" means  
30 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and  
31 referral provided by a critical incident stress management team member.

32 (5) "Critical incident stress management team" or "team" means the group of one or  
33 more trained volunteers, including members of peer support groups who offer critical incident stress  
34 management and crisis intervention services following a critical incident or long term or continued,  
35 debilitating stress being experienced by employees and affecting them or their family situation.

1 (6) "Critical incident stress management team member" or "team member" means an  
2 employee, including any specially trained to provide critical incident stress management and crisis  
3 intervention services as a member of an organized team.

4 (7) "Debriefing" means a closed, confidential discussion of a critical incident relating  
5 to the feelings and perceptions of those directly involved prior to, during, and after a stressful event.  
6 It is intended to provide support, education, and an outlet for associated views and feelings.  
7 Debriefings do not provide counseling or an operational critique of the incident.

8 (b)(1) Any information divulged to the team or a team member during the provision of  
9 critical incident stress management and crisis intervention services shall be kept confidential and  
10 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records  
11 kept by critical incident stress management team members are not subject to subpoena, discovery, or  
12 introduction into evidence in a criminal, civil, or administrative action. Except as provided in  
13 subparagraph (c), no person, whether critical incident stress management team member or team  
14 leader providing or receiving critical incident stress management and crisis intervention services,  
15 shall be required to testify or divulge any information obtained solely through such crisis  
16 intervention.

17 (2) In any civil action against any individual, or the department, including the state  
18 of New Hampshire, arising out of the conduct of a member of such team, this section is not intended  
19 and shall not be admissible to establish negligence in any instance where requirements herein are  
20 higher than the standard of care that would otherwise have been applicable in such action under  
21 state law.

22 (c) A communication shall not be deemed confidential pursuant to this section if:

23 (1) The communication indicates the existence of a danger to the individual who  
24 receives critical incident stress management and crisis intervention services or to any other person  
25 or persons;

26 (2) The communication indicates the existence of past child abuse or neglect of the  
27 individual, abuse of an adult as defined by law, or family violence as defined by law; or

28 (3) The communication indicates the existence of a danger to the individual who  
29 receives critical incident stress management and crisis intervention services or to any other person  
30 or persons.

31 56 New Paragraph; Services for Children, Youth, and Families; Procurement Model for Services.  
32 Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

33 I-a. The commissioner shall employ a procurement model for administering the provision of  
34 therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G  
35 and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases  
36 where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a  
37 contracted provider, the commissioner may approve and shall pay for placement with another

1 certified provider on a temporary basis if the commissioner determines that the placement is  
2 necessary to meet the juvenile's immediate treatment needs.

3 57 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials relating  
4 to missing children issues and matters, is repealed.

5 58 Services for the Developmentally Disabled; Funding for Wait List. Amend the introductory  
6 paragraph of RSA 171-A:1-a, I to read as follows:

7 I. The department of health and human services and area agencies shall provide services to  
8 eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-  
9 K in a timely manner. The department and area agencies shall provide *funding for* services in  
10 such a manner that:

11 59 Coverage Plan for Services to Individuals with Developmental Disabilities. The department  
12 of health and human services in collaboration with the department of education, the Disability  
13 Rights Center-New Hampshire, and the representatives of the 10 area agencies shall develop a plan  
14 by October 1, 2021 that provides coverage for services to individuals with developmental disabilities  
15 aged 18-21 enrolled in school and determined eligible for developmental services that are not the  
16 responsibility of the local education agency, another state agency, or another division of the  
17 department. Such a plan shall estimate the number of eligible individuals likely to need such  
18 services, the costs of providing such services, and reimbursement mechanisms for service providers.

19 60 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read as  
20 follows:

21 II. [~~Beginning with the fiscal year ending June 30, 2010, and thereafter,~~] The department of  
22 health and human services shall incorporate *in its appropriation requests* the cost of fully  
23 funding services to eligible persons, in accordance with the requirements of paragraph I, and as  
24 otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet  
25 such costs and requirements.

26 61 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

27 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence  
28 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic  
29 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The  
30 state treasurer shall deposit all fees received by the department under RSA 457:29, *457:32-b, and*  
31 *631:2-b, V* in the fund. All moneys deposited in the fund shall be continually appropriated for the  
32 purposes of the domestic violence grant program and shall not lapse.

33 62 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read as  
34 follows:

35 342:9 Termination of Granite Workforce Program.

36 I. The commissioner of the department of health and human services shall be responsible for  
37 determining, every 3 months commencing no later than December 31, 2018, whether available TANF

1 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available  
 2 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health  
 3 and human services and employment security shall, within 20 business days of such determination,  
 4 terminate the granite workforce program. The commissioners shall notify the governor, the speaker  
 5 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of  
 6 the general court, and granite workforce participants of the program's pending termination. *The*  
 7 *commissioners shall have the discretion to limit granite workforce program services based*  
 8 *on the availability of appropriated, available, or reserve funds.*

9 II. If at any time the New Hampshire granite advantage health care program, established  
 10 under RSA 126-AA, terminates, the commissioners of the departments of health and human services  
 11 and employment security shall terminate the granite workforce program. The date of the granite  
 12 workforce program's termination shall align with that of the New Hampshire granite advantage  
 13 health care program.

14 *III. If the work and community engagement waiver is held invalid, or is not*  
 15 *approved, or is withdrawn by the Centers for Medicare and Medicaid Services, the granite*  
 16 *workforce program shall be suspended until such time that the work and community*  
 17 *engagement waiver is approved or revalidated.*

18 63 Health Facility Licensure; Effective Dates Amended. Amend 2020, 39:72, V-VI to read as  
 19 follows:

20 V. Sections 55-57[, 64-67, and 69] **and 64** of this act shall take effect July 1, 2020.

21 VI. Sections 5[,] **and 60**[, and 68] of this act shall take effect July 1, 2021.

22 64 Milk Sanitation Code; Terms Defined. Amend RSA 184:79, XIII to read as follows:

23 XIII. The term "milk plant" means any place, premises, or establishment where milk or milk  
 24 products are collected, handled, processed, stored, pasteurized, bottled, packaged, or prepared for  
 25 distribution, except an establishment where milk or milk products are sold at retail only. *This term*  
 26 *shall include wash stations where milk tank trucks are cleaned and sanitized.*

27 65 Milk Sanitation Code; License Fees. Amend RSA 184:85, IV to read as follows:

28 IV. All fees collected under this section shall be forwarded to the state treasurer. The state  
 29 treasurer shall credit all moneys received under this section, and interest received on such money, to  
 30 [a] *the public health services* special fund *established in RSA 143:11*, from which [ae] *the*  
 31 *department* shall pay all the expenses of the department incident to the licensing and regulation of  
 32 milk plants, milk distributors and milk producer-distributors. [~~This fund shall not lapse.~~]

33 66 New Subdivision; Administration of Epinephrine. Amend RSA 329 by inserting after section  
 34 1-g the following new subdivision:

35 Administration of Epinephrine

36 329:1-h Administration of Epinephrine.

37 I. In this section:

1 (a) "Administer" means the direct application of an epinephrine auto-injector to the body  
2 of an individual.

3 (b) "Authorized entity" means any entity or organization in which allergens capable of  
4 causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized  
5 entity shall not include an elementary or secondary school or a postsecondary educational institution  
6 eligible to establish policies and guidelines for the emergency administration of epinephrine under  
7 RSA 200-N.

8 (c) "Epinephrine auto-injector" means a single-use device used for the automatic  
9 injection of a premeasured dose of epinephrine into the human body.

10 (d) "Health care practitioner" means a person who is lawfully entitled to prescribe,  
11 administer, dispense, or distribute controlled drugs.

12 (e) "Provide" means to furnish one or more epinephrine auto-injectors to an individual.

13 II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an  
14 authorized entity for use in accordance with this section, and pharmacists and health care  
15 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name  
16 of an authorized entity.

17 III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors  
18 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors  
19 shall be stored in a location readily accessible in an emergency and in accordance with the  
20 instructions for use, and any additional requirements that may be established by board of medicine.  
21 An authorized entity shall designate employees or agents who have completed the training required  
22 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of  
23 epinephrine auto-injectors acquired by the authorized entity.

24 IV. An employee or agent of an authorized entity, or other individual, who has completed the  
25 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this  
26 section to:

27 (a) Provide an epinephrine auto-injector to any individual who the employee agent or  
28 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or  
29 caregiver of such individual, for immediate administration, regardless of whether the individual has  
30 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

31 (b) Administer an epinephrine auto-injector to any individual who the employee, agent,  
32 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the  
33 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with  
34 an allergy.

35 V.(a) An employee, agent, or other individual described in paragraph IV shall complete an  
36 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis  
37 training program. Such training shall be conducted by a nationally-recognized organization

1 experienced in training unlicensed persons in emergency health care treatment or an entity or  
2 individual approved by the board of medicine. Training may be conducted online or in person and, at  
3 a minimum, shall cover:

4 (1) How to recognize signs and symptoms of severe allergic reactions, including  
5 anaphylaxis;

6 (2) Standards and procedures for the storage and administration of an epinephrine  
7 auto-injector; and

8 (3) Emergency follow-up procedures.

9 (b) The entity or individual that conducts the training shall issue a certificate, on a form  
10 developed or approved by the board of medicine to each person who successfully completes the  
11 anaphylaxis training program.

12 VI. No authorized entity that possesses and makes available epinephrine auto-injectors and  
13 its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses  
14 epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that  
15 dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts  
16 the training described in paragraph V, shall be liable for any injuries or related damages that result  
17 from any act or omission pursuant to this section, unless such injury or damage is the result of  
18 willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with  
19 this section shall not be considered to be the practice of medicine or any other profession that  
20 otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any  
21 other immunity or defense that may be available under state law. An entity located in this state  
22 shall not be liable for any injuries or related damages that result from the provision or  
23 administration of an epinephrine auto-injector outside of this state if the entity would not have been  
24 liable for such injuries or related damages had the provision or administration occurred within this  
25 state, or is not liable for such injuries or related damages under the law of the state in which such  
26 provision or administration occurred.

27 67 Guardians and Conservators; Termination of Guardianship. Amend RSA 464-A:40, V(a) to  
28 read as follows:

29 V.(a) If, within 30 days after the date of a testate or intestate ward's death, no petition for  
30 probate has been filed under any section of RSA 553 and the gross value of the personal property  
31 remaining in the possession of the guardian belonging to the deceased, including any amount left in  
32 designated accounts for the ward, is no more than [~~\$5,000~~] **\$10,000**, the guardian may file in the  
33 probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of  
34 disposing of such deceased ward's estate. Once approved by the court, the guardian shall be  
35 authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form  
36 of the affidavit, and the rules governing proceedings under this section, shall be provided by the  
37 probate court pursuant to RSA 547:33.

SB 162-FN - AS AMENDED BY THE SENATE

- Page 35 -

1           68 Custody and Escheat of Unclaimed or Abandoned Property; Filing of Claim. Amend RSA  
2 471-C:26, I(c)(2)-(3) to read as follows:

3                   (2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where  
4 the unclaimed property is valued at less than [~~\$5,000~~] **\$10,000** and does not include securities in  
5 share form, in accordance with the final distribution of assets as approved by the probate court.

6                   (3) Except as provided in subparagraphs (5)-(7), in the absence of an open estate or  
7 probate court decree of final distribution, and the unclaimed property is valued at less than [~~\$5,000~~]  
8 **\$10,000** and does not include securities in share form, by the surviving spouse of the deceased  
9 owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
10 RSA 561:1.

11           69 Applicability. Sections 67-68 of this act shall apply to affidavits or claims filed on or after the  
12 effective date of this section.

13           70 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
14 VII by inserting after subparagraph (g) the following new subparagraph:

15                   (h) The bureau chief for emergency preparedness and response with the department of  
16 health and human services, division of health public services who:

17                           (1) Has the authority and responsibility to engage in the prevention and control of  
18 public health incidents or emergencies;

19                           (2) As a job requirement is fully certified as an emergency preparedness official  
20 qualified to administer emergency planning, response and recovery activities in the event of natural  
21 disasters, public health crises or similar incidents; and

22                           (3) As a job requirement shall meet all physical, mental, educational, and other  
23 qualifications for continuing certification as an emergency preparedness official that may be  
24 established by the certifying authority.

25           71 Effective Date.

26                   I. Sections 48-49 of this act shall take effect as provided in section 50 of this act.

27                   II. Sections 3-4, 6, 10, 12-32, and 70 of this act shall take effect 60 days after its passage.

28                   III. Sections 39-40 and 67-69 of this act shall take effect July 1, 2021.

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

LBA  
21-0464  
2/8/21

**SB 162-FN- FISCAL NOTE  
AS INTRODUCED**

**AN ACT** relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

**AGENCIES CONTACTED:**

Judicial Branch, New Hampshire Retirement System, Treasury Department, and Department of Health and Human Services



**SB 162-FN FISCAL NOTE**  
**AS AMENDED BY THE SENATE (AMENDMENTS #2021-0778s and #2021-0850s)**

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

**METHODOLOGY:**

This bill amends several provisions relative to programs administered by the Department of Health and Human Services (DHHS) as summarized below. DHHS and other affected agencies anticipated no fiscal impact unless otherwise specified.

- Sections 1, 2, 7, 35-38, 61 and 65 all relate to a DHHS internal project to review dedicated funds administered by the agency and identify statutory gaps, aligning funds for specific programs and application of receipts to a specific corresponding treasury account in RSA 6:12, I(b). Funds that have been identified for this statutory “clean-up” exercise include: the fund for Domestic Violence Grant Program, the Public Health Services Special Fund, Radiological Health Programs, and the Mosquito Control Fund.
- Sections 3 aligns the working and legal title for the unclassified director of Medicaid enterprise development.
- Section 4 eliminates certain qualifiers for three unclassified associate commissioner to provide greater flexibility for the DHHS Commissioner to align these positions as needed to certain programmatic areas as the agency evolves to create greater efficiencies.
- Section 5 requires an emergency services plan. DHHS expects no fiscal impact.
- Sections 6, 10, and 70 authorize DHHS to recruit prospective candidates from Group II retirement, without the candidate losing Group II status, for the position of bureau chief for emergency preparedness and response with the DHHS Division of Public Health Services. The New Hampshire Retirement System states that since the extension of Group II status will affect only one position, the fiscal impact of this provision will likely be minimal.
- Section 8 amends the DHHS ombudsman’s authority to focus responsibilities to servicing clients and eliminating the reference to “employees” where support is provided through the employee assistance program and existing personnel process through human resources.
- Sections 9, 41, 43, 45, and 57 eliminate redundant, outdated, and unnecessary reporting

agency staff and personnel resources.

Section 11 repeals RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the housing security guarantee program and related treasury fund where DHHS funds housing support services through another funding mechanism.

Sections 12-32 makes numerous technical revisions to the statutes related to the DHHS Therapeutic Cannabis Program under RSA 126-X.

Section 33 amends RSA 126-AA:3, I, to authorize Medicaid enhancement tax (MET) funds be deposited into the Granite Advantage Health Care Program Trust Fund for certain purposes. Specifically, the funds will be used for the limited purpose of funding the Granite Advantage Health Care Program member portion of provider payments, in the form of directed payments, payable to critical access hospitals as outlined in RSA 167:64 (as amended by HB 1817, Chapter 162:32 Laws of 2018).

Sections 39, 40 and 67-68 relate to increasing the jurisdiction limits from \$5,000 to \$10,000 for probate administration of estates that have minimal assets. These sections are anticipated to reduce demands on DHHS estate recoveries unit staffing resources in an indeterminable amount.

Section 42 amends RSA 161-F:46 to authorize a report to the DHHS adult protective services central registry in circumstances where the vulnerable adult is no longer living. Current law has been interpreted to only allow reports in cases where the vulnerable adult is living at the time of the investigation and finding of abuse or neglect.

Sections 42 (paragraph III) and 44 relate to the repeal of RSA 165:20-c relative to the DHHS liability to municipalities for reimbursement of certain cash benefits in the event the agency fails to timely process an application for eligible benefits from the agency. The reimbursement is capped at an aggregate of \$100,000 annually for municipalities making such a claim. DHHS notes that since the law has been in effect that there have only been inquiries from certain municipalities on RSA 165:20-c, however, no claims have been filed with DHHS as of this date. Therefore, the fiscal impact of this section is indeterminable with the greatest exposure for recovery of \$100,000 against DHHS in any given year.

Section 46 establishes a new RSA 169-C:12-f I, providing that the court may order a parent, guardian, custodian, or other caregiver to produce a child for the purpose of an investigatory interview, including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or neglect. DHHS assumes that it will absorb any cost within existing staffing and administrative resources.

Section 47 is follow-up legislation from HB 1162 (2020) that expands the type of employers permitted to require that employees submit their names to the child abuse and neglect central registry as a condition of employment to include those residential settings providing developmental services under RSA 171-A.

Sections 48-50 enacts the 2009 edition of the Interstate Compact on Child Placement, contingent upon its enactment in 34 other states. The Judicial Branch anticipates that the fiscal impact will be minor if the Interstate Compact on Child Placement is implemented.

found at RSA 170-E:2, IV(g) to read as follows: "(g) "School-age program" means a child day care agency providing child day care before or after, or before and after, regular school hours, and all day any time school is not in session, for 6 or more children enrolled in school, who are 4 years and 11 months of age or older, and which is not licensed under RSA 170-E:56. The number of children shall include all children present during the period of the program, including those children related to the caregiver."

Section 52 provides that qualified residential treatment programs accredited under federal law shall be deemed licensed under RSA 170-E. This section required pursuant to Social Security Act, 42 U.S.C. section 672(k)(4)(G), as amended. DHHS anticipates the fiscal impact for this section is indeterminable.

Sections 53 and 54 provides that summer camps licensed by DHHS shall have asthma inhalers and epi-pens immediately accessible under RSA 170-E.

Section 55 authorizes the DHHS Commissioner to establish a confidential peer support program to provide stress management and crisis intervention services to staff exposed to critical incidents and trauma through the course of their employment. DHHS anticipates any cost for the proposed peer support program to be absorbed using existing resources.

Section 56 establishes criteria governing the use of contracted providers in the DHHS child welfare program.

Sections 58-60 require coverage plans for services to individuals with developmental disabilities. DHHS assumes no fiscal impact will result from this provision.

Section 62 relates to the Granite Workforce Program authorizing the commissioners from Employment Security and DHHS the discretion to limit Granite Workforce Program services based on the availability of appropriated, available, or reserve funds. It also provides if the work and community engagement waiver is held invalid, or is not approved by the Centers for Medicare and Medicaid Services, the granite workforce program be suspended until such time that the work and community engagement waiver is approved or revalidated.

Section 63 seeks to align the effective dates to July 1, 2020 regarding repeal of the old process and establishment of the new special health care licensing review and approval process under RSA 151:4-a.

Section 64 amends RSA 184:79, XIII to include as part of milk sanitation to the definition of "milk plant" shall include wash stations where milk tank trucks are cleaned and sanitized. DHHS assumes that it will absorb any cost within existing staffing and administrative resources.

Sections 65-66 transfer the responsibilities for certain training around the administration of epinephrine in non-academic or school settings from DHHS to the Office of Professional Licensure and Certification, Board of Medicine. DHHS anticipates that any fiscal impact resulting from these sections would be less than \$10,000.

**AGENCIES CONTACTED:**

Judicial Branch, State Treasury, Department of Health and Human Services, and New Hampshire Retirement System

SB 162-FN - AS AMENDED BY THE SENATE

03/18/2021 0778s

03/18/2021 0850s

04/01/2021 1054s

2021 SESSION

21-0464

04/10

SENATE BILL

**162-FN**

AN ACT

relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

SPONSORS:

Sen. Bradley, Dist 3

COMMITTEE:

Health and Human Services

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AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight.

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Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struckthrough~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 162-FN - AS AMENDED BY THE SENATE

03/18/2021 0778s  
03/18/2021 0850s  
04/01/2021 1054s

21-0464  
04/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,  
2 I(b)(12) to read as follows:

3               (12) Moneys received under RSA 457:29, **457:32-b**, and **631:2-b**, V which shall be  
4 credited to the special fund for domestic violence programs **established in RSA 173-B:15**.

5       2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to  
6 read as follows:

7               (15) Money received under RSA **125-F:22**, 143:11, **143:22-a**, **143-A:6**, and 184:85,  
8 which shall be credited to the public health services special fund **established in RSA 143:11, III**.

9       3 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
10 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

11               GG Department of health and human services director of [~~program planning and~~  
12 ~~integrity~~] **Medicaid enterprise development**

13       4 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
14 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

15               JJ Department of health and human services associate commissioner [~~of human~~  
16 ~~services and behavioral health~~]

17               JJ Department of health and human services associate commissioner [~~of~~  
18 ~~operations~~]

19               JJ Department of health and human services associate commissioner [~~for~~  
20 ~~population health~~]

21               [~~JJ Department of health and human services associate commissioner,~~  
22 ~~operations~~]

23               [~~JJ Department of health and human services associate commissioner, population~~  
24 ~~health~~]

25       5 Department of Health and Human Services; Emergency Services Plan. The department of  
26 health and human services in collaboration with all New Hampshire hospitals that operate  
27 emergency facilities shall draft a plan to be presented to the speaker of the house of representatives,  
28 the senate president and the governor's office by September 1, 2021 that details the necessary  
29 emergency services offered for medical treatment of both physical and behavioral health. Such a

1 plan shall include any recommendations for future legislation or required funding to ensure  
2 sufficient physical and behavioral health services.

3 6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
4 VIII by inserting after subparagraph (b) the following new subparagraph:

5 (c) The bureau chief for emergency preparedness and response with the department of  
6 health and human services, division of health public services who:

7 (1) Has the authority and responsibility to engage in the prevention and control of  
8 public health incidents or emergencies;

9 (2) As a job requirement is fully certified as an emergency preparedness official  
10 qualified to administer emergency planning, response and recovery activities in the event of natural  
11 disasters, public health crises or similar incidents; and

12 (3) As a job requirement shall meet all physical, mental, educational, and other  
13 qualifications for continuing certification as an emergency preparedness official that may be  
14 established by the certifying authority.

15 7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as follows:

16 IV. Upon request of the department of health and human services, the department of justice  
17 is authorized to institute civil action to collect a penalty imposed pursuant to this section. The  
18 attorney general shall have the exclusive power to compromise, mitigate, or remit such civil  
19 penalties as are referred to ~~him~~ **the attorney general** for collection. All civil penalties collected  
20 under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all  
21 moneys received under this section, and interest received on such money, to the public health  
22 services special fund, ~~which shall be nonlapsing~~, **established in RSA 143:11, from which the**  
23 **department of health and human services shall pay expenses incident to the**  
24 **administration of this chapter.**

25 8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-A:4,  
26 III to read as follows:

27 III. The department shall establish an office of the ombudsman to provide assistance to  
28 clients ~~and employees~~ of the department by investigating and resolving complaints regarding any  
29 matter within the jurisdiction of the department including services or assistance provided by the  
30 department or its contractors. The ombudsman's office may provide mediation or other means for  
31 informally resolving complaints. The records of the ombudsman's office shall be confidential and  
32 shall not be disclosed without the consent of the client ~~or employee~~ on whose behalf the complaint  
33 is made, except as may be necessary to assist the service provider ~~or the employee's supervisor~~ to  
34 resolve the complaint, or as required by law.

35 9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of payables  
36 for class 90 grant lines, is repealed.

1 10 New Section; Department of Health and Human Services; Status in Retirement System.  
2 Amend RSA 126-A by inserting after section 5-e the following new section:

3 126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any  
4 person who is or becomes the bureau chief for emergency preparedness with the department's  
5 division of health public services, shall be included in the definition of group II under RSA 100-A:1,  
6 VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h)  
7 or VIII(c), any person not already a group II member for at least 10 years during or prior to his or  
8 her appointment shall be eligible for or remain as a group I member for the duration of service as the  
9 bureau chief for emergency preparedness.

10 11 Repeal. The following are repealed:

11 I. RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the  
12 housing security guarantee program.

13 II. RSA 6:12, I(b)(255), relative to moneys deposited in the homeless housing and access  
14 revolving loan fund, established in RSA 126-A:63.

15 12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

16 126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from  
17 the possibility of addiction, disability, and death resulting from the use of tobacco products by  
18 ensuring that tobacco products will not be supplied to persons under the age of 21. ***This chapter***  
19 ***shall not apply to individuals who have been issued a registry identification card under***  
20 ***RSA 126-X:4 or alternative treatment centers registered under RSA 126-X:7 with respect to***  
21 ***the therapeutic use of cannabis.***

22 13 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6, I to  
23 read as follows:

24 I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any  
25 tobacco product, e-cigarette, device, or e-liquid [~~except individuals who have been issued a registry~~  
26 ~~identification card under RSA 126-X:4 may purchase, possess and use e-liquids containing cannabis~~  
27 ~~and applicable devices as allowed under RSA 126-X~~].

28 14 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read  
29 as follows:

30 (b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe  
31 drugs to humans in the state of the patient's residence and who possesses an active registration from  
32 the United States Drug Enforcement Administration to prescribe controlled substances. [~~Such~~  
33 ~~visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New~~  
34 ~~Hampshire patient.~~]

35 15 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read as  
36 follows:

1 XI. "Registry identification card" means a document indicating the date issued, *effective*  
2 *date*, and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual  
3 as a qualifying patient or a designated caregiver.

4 16 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVII to read as  
5 follows:

6 XVII. "Written certification" means documentation of a qualifying medical condition by a  
7 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
8 issuing registry identification cards, after having completed a full assessment of the patient's  
9 medical history and current medical condition made in the course of a provider-patient relationship.  
10 ~~[The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the~~  
11 ~~certifying provider's name, medical specialty, and signature shall be specified on the written~~  
12 ~~certification.]~~

13 17 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-  
14 X:2 by inserting after paragraph XVI the following new paragraph:

15 XVII. Authorized employees of the department shall not be subject to arrest by state or local  
16 law enforcement, prosecution, or penalty under state or municipal law, or search, when possessing,  
17 transporting, delivering, or transferring cannabis and cannabis infused products for the purposes of  
18 regulatory oversight related to this chapter.

19 18 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as  
20 follows:

21 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and  
22 educational materials to qualifying patients ~~[who have designated the alternative treatment center~~  
23 ~~to provide for them]~~, to designated caregivers on behalf of the qualifying patients ~~[who have~~  
24 ~~designated the alternative treatment center]~~, or to other alternative treatment centers.

25 19 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic  
26 Use of Cannabis. Amend RSA 126-X:3, VII-VIII to read as follows:

27 VII. The department may revoke the registry identification card of a qualifying patient or  
28 designated caregiver for violation of rules adopted by the department or for violation of any other  
29 provision of this chapter, *including for obtaining more than 2 ounces of cannabis in any 10-*  
30 *day period in violation of RSA 126-X:8, XIII(b)*, and the qualifying patient or designated  
31 caregiver shall be subject to any other penalties established in law for the violation.

32 VIII. A facility caregiver shall treat cannabis in a manner similar to *controlled*  
33 *prescription* medications with respect to its storage, security, and administration when assisting  
34 qualifying patients with the therapeutic use of cannabis.

35 20 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-  
36 X:4, I(a)-(b) to read as follows:



1 (a) Written certification [~~as defined in RSA 126-X:1~~] *which includes the date of*  
2 *issuance, the patient's qualifying medical condition, symptoms, or side effects, and the*  
3 *certifying provider's name, medical specialty, and signature. If a written certification has*  
4 *been previously issued for fewer than 3 years, a provider may extend the written*  
5 *certification, provided that the written certification shall not exceed 3 years.*

6 (b) An application or a renewal application accompanied by the application or renewal  
7 fee. *A renewal application and fee shall not be required if the applicant receives an*  
8 *extension to the written certification previously issued for fewer than 3 years.*

9 21 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
10 X:4, I(e) and the introductory paragraph of I(f) to read as follows:

11 (e) Name [~~address, and telephone number~~] of the applicant's provider.

12 (f) Name [~~address,~~] and date of birth of the applicant's designated caregiver, if any. A  
13 qualifying patient shall have only one designated caregiver, except as follows:

14 22 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
15 X:4, II(d) to read as follows:

16 (d) Name, residential and mailing address, and date of birth of each qualifying patient  
17 for whom the applicant will act as designated caregiver, except that if the qualifying patient is  
18 homeless, no residential address is required. [~~An applicant shall not act as a designated caregiver~~  
19 ~~for more than 5 qualifying patients.~~]

20 23 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend the  
21 introductory paragraph in RSA 126-X:4, IV and RSA 126-X:4, IV(a)-(b) to read as follows:

22 IV. The department shall create and issue a registry identification card to a person applying  
23 as a qualifying patient or designated caregiver within 5 days of approving an application or renewal.  
24 Each registry identification card shall expire one year after the [~~date of issuance~~] *effective date of*  
25 *the card*, unless the provider states in the written certification that the certification should expire  
26 at an earlier [~~specified date~~] *or later effective date, not to exceed 3 years*, then the registry  
27 identification card shall expire on that date. Registry identification cards shall contain all of the  
28 following:

29 (a) Name, mailing address, and date of birth of the qualifying patient or designated  
30 caregiver.

31 (b) The date of issuance, *effective date*, and expiration date of the registry  
32 identification card.

33 24 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
34 X:4, VII(a) to read as follows:

35 VII.(a) The department shall track the number of qualifying patients [~~who have designated~~  
36 ~~each alternative treatment center~~] and issue a weekly written statement to the alternative  
37 treatment center identifying the number of qualifying patients [~~who have designated that~~

1 ~~alternative treatment center]~~ along with the registry identification numbers of each qualifying  
 2 patient and each qualifying patient's designated caregiver.

3 25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 4 X:4, VIII to read as follows:

5 VIII. In addition to the weekly reports, the department shall also provide written notice to  
 6 an alternative treatment center which identifies the names and registration identification numbers  
 7 of a qualifying patient and his or her designated caregiver whenever ~~[any]~~ **either** of the following  
 8 events occur:

9 (a) A qualifying patient ~~[designates the alternative treatment center to serve his or her~~  
 10 ~~needs]~~ **is registered as a participating patient** under this chapter; or

11 (b) ~~[A qualifying patient revokes the designation of the alternative treatment center; or~~

12 (c) A qualifying patient ~~[who has designated the alternative treatment center]~~ loses his  
 13 or her status as a qualifying patient under this chapter.

14 26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 15 X:4, IX(a) to read as follows:

16 IX.(a) A qualifying patient shall notify the department before changing his or her designated  
 17 caregiver ~~[or alternative treatment center]~~.

18 27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 19 X:4, XI(a) to read as follows:

20 XI.(a) The department shall create and maintain a confidential registry of each individual  
 21 who has applied for and received a registry identification card as a qualifying patient or a designated  
 22 caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain  
 23 the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of  
 24 registry identification card issuance, **effective date of registry identification**, date of registry  
 25 identification card expiration, **and** random 10-digit identification number~~[-and registry~~  
 26 ~~identification number of the qualifying patient's designated alternative treatment center, if any]~~.

27 The confidential registry and the information contained in it shall be exempt from disclosure under  
 28 RSA 91-A.

29 28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 30 X:4, XI(b)(5) to read as follows:

31 (5) Counsel for the department may notify law enforcement officials about falsified  
 32 or fraudulent information submitted to the department where counsel has ~~[made a legal~~  
 33 ~~determination that there is probable cause]~~ **reason** to believe the information is false or falsified.

34 29 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, I(b) to  
 35 read as follows:

36 (b) The form and content of providers' written certifications, **including the**  
 37 **administrative process for tracking extensions pursuant to RSA 126-X:4, I.**

1 30 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
2 X:8, VII(a) to read as follows:

3 (a) Records of the disposal of cannabis that is not distributed by the alternative  
4 treatment center to qualifying patients [~~who have designated the alternative treatment center to~~  
5 ~~cultivate for them~~].

6 31 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
7 X:8, XV(a)-(b) to read as follows:

8 XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of  
9 the following quantities:

10 (1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6  
11 ounces of usable cannabis per qualifying patient; and

12 (2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying  
13 patient [~~who has designated the alternative treatment center to provide him or her with cannabis for~~  
14 ~~therapeutic use~~] **registered as a qualifying patient under this chapter.**

15 (b) An alternative treatment center or alternative treatment center agent shall not  
16 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

17 (1) A qualifying patient [~~who has designated the relevant alternative treatment~~  
18 ~~center~~]; or

19 (2) Such patient's designated caregiver; or

20 (3) Another alternative treatment center.

21 32 Repeal. The following are repealed:

22 I. RSA 126-X:4, I(g), relative to patients designating an alternative treatment center.

23 II. RSA 126-X:4, II(e), relative to street address of the alternative treatment center.

24 III. RSA 126-X:4, IX(e), relative to failure of a qualifying patient or designated caregiver for  
25 providing changes to name, address or designated caregiver.

26 IV. RSA 126-X:6, I(e), relative to departmental rules regarding certain fines.

27 33 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA:3, I(e)-(f)  
28 to read as follows:

29 (e) Funds received from the assessment under RSA 404-G; [~~and~~]

30 (f) **Revenue from the Medicaid enhancement tax to meet the requirements**  
31 **provided in RSA 167:64; and**

32 (g) Funds recovered or returnable to the fund that were originally spent on the cost of  
33 coverage of the granite advantage health care program.

34 34 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

35 35 Communicable Disease; Mosquito Control Fund. Amend RSA 141-C:25, I to read as follows:

36 I. There is hereby established a nonlapsing and continually appropriated mosquito control  
37 fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of

1 offsetting the cost of mosquito control activities including, but not limited to, the purchase and  
2 application of chemical pesticides. The purpose of the fund is to provide financial assistance, when  
3 needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement  
4 activities in response to a declared threat to the public health. ~~[Any balance remaining in the  
5 mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general  
6 fund.]~~

7 36 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
8 143:11, III to read as follows:

9 III. *There is hereby established in the state treasury the public health services*  
10 *special fund, which shall be kept separate and distinct from all other funds. The fund*  
11 *shall be nonlapsing and continually appropriated to the department of health and human*  
12 *services.* All fees collected under this subdivision shall be forwarded to the state treasurer~~[-The~~  
13 ~~state treasurer]~~ *who shall credit all [moneys received under this subdivision,] such moneys and*  
14 *interest received on such money, to [a special] the fund from which [he] the department of health*  
15 *and human services shall pay all the expenses of the department incident to the administration of*  
16 *this subdivision. [This fund shall not lapse.]*

17 37 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
18 143:22-a to read as follows:

19 143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human  
20 services shall prescribe and collect fees for certificates for establishments which process or pack  
21 shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected  
22 under this subdivision shall be forwarded to the state treasurer to be deposited in the ~~[general fund]~~  
23 *public health services special fund established in RSA 143:11. The department of health*  
24 *and human services shall use such funds to pay expenses of the department incident to the*  
25 *administration of this subdivision.*

26 38 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

27 VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000  
28 each fiscal year may be included in the state biennial operating budget as restricted revenue to  
29 support the activities required in this chapter. *The state treasurer shall credit all moneys*  
30 *received under this paragraph, and interest received on such money, to the public health*  
31 *services special fund, established under RSA 143:11, from which the department shall pay*  
32 *expenses incident to the administration of this chapter.*

33 39 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as follows:

34 I. If within 30 days after the date of a testate or intestate patient's death in any nursing  
35 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
36 personal property remaining at the nursing home belonging to the deceased, including any amount  
37 left in a patient account, is no more than ~~[\$5,000] \$10,000~~, the nursing home administrator shall file

1 in the probate court in the county where the nursing home is located an affidavit for the purpose of  
2 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
3 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The  
4 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
5 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
6 administrator has the will or a copy of the will, the nursing home administrator shall file the same  
7 in the probate court in the county where the nursing home is located. The probate court shall waive  
8 all filing fees.

9 40 Applicability. Section 39 of this act shall apply to affidavits filed on or after the effective date  
10 of this section.

11 41 Repeal. RSA 151-E:11, II, relative to an annual report on the utilization of non-nursing home  
12 services, is repealed.

13 42 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory paragraph of  
14 RSA 161-F:46 to read as follows:

15 Any person, including, but not limited to, physicians, other health care professionals, social  
16 workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult  
17 who is or who is suspected to be vulnerable, *at the time of the incident*, has been subjected to  
18 abuse, neglect, self-neglect, or exploitation or is, *or was* living in hazardous conditions shall report  
19 or cause a report to be made as follows:

20 43 Repeal. The following are repealed:

21 I. RSA 161-F:64, relative to an annual report on review of homemaker services.

22 II. RSA 161-I:4, VI, relative to reports regarding the home and community-based care  
23 waiver for the elderly and chronically ill.

24 III. RSA 165:20-c, relative to liability for support and reimbursement from the state.

25 IV. RSA 165:35, relative to rulemaking for forms and claims for reimbursement from the  
26 state.

27 V. RSA 167:3-j, III, relative to semi-annual reports on net savings realized for aid to the  
28 permanently and totally disabled grants.

29 44 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as  
30 follows:

31 165:2-a Expense of General Assistance. The financial responsibility for general assistance for  
32 assisted persons shall be the responsibility of the town or city in which the person making  
33 application resides, except as otherwise provided in RSA 165:1-c [~~and 165:20-e~~].

34 45 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA 167:4-a,  
35 VI to read as follows:

36 VI. The department, in coordination with financial institutions doing business in the state,  
37 may develop and operate a data match system, using automated data exchanges to the maximum

1 extent feasible, in which each financial institution is required to provide, when requested by the  
2 department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5  
3 years of information regarding the name, record address, social security number or other taxpayer  
4 identification number, monthly account balance, and other identifying information for each applicant  
5 or recipient who maintains an account at the financial institution, as identified by the department  
6 by name and social security number or other taxpayer identification number. The system shall be  
7 based on a cost-effective search algorithm and shall include means to assure compliance with the  
8 provisions of this section. ~~[The department shall provide a status report regarding the  
9 implementation of the data match system to the oversight committee on health and human services,  
10 established in RSA 126 A:13, on or before November 1, 2010, and annually thereafter, until  
11 implementation has been fully completed. The report shall summarize the department's findings  
12 and recommendations to date, including savings generated by both incremental asset identification  
13 and the time and labor associated with the process, the feedback and reactions of applicants and  
14 recipients, any barriers to implementation, anticipated future actions, and the department's  
15 assessment of the relative success of the project.]~~

16 46 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend RSA  
17 169-C by inserting after section 12-f the following new section:

18 169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,  
19 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,  
20 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or  
21 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or  
22 neglect.

23 47 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

24 II. Upon receipt by the department of a written request and verified proof of identity, an  
25 individual shall be informed by the department whether that individual's name is listed in the  
26 founded reports maintained in the central registry. It shall be unlawful for any employer other than  
27 those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and those  
28 specified in RSA 170-E ~~[and]~~, RSA 170-G:8-c, **and RSA 171-A** to require as a condition of  
29 employment that the employee submit his or her name for review against the central registry of  
30 founded reports of abuse and neglect. Any violation of this provision shall be punishable as a  
31 violation.

32 48 Interstate Compact for the Placement of Children. RSA 170-A is repealed and reenacted to  
33 read as follows:

34 CHAPTER 170-A

35 INTERSTATE COMPACT

36 FOR THE PLACEMENT OF CHILDREN

1 170-A:1 Interstate Compact for the Placement of Children. On the effective date of this chapter,  
2 based upon the enactment of the Interstate Compact for the Placement of Children into law by the  
3 thirty-fifth compacting state, the governor is authorized and directed to execute a compact on behalf  
4 of this state with any other state or states legally joining therein in the form substantially as follows:

5 ARTICLE I

6 Purpose

7 The purpose of this Interstate Compact for the Placement of Children is to:

8 I. Provide a process through which children subject to this compact are placed in safe and  
9 suitable homes in a timely manner.

10 II. Facilitate ongoing supervision of a placement, the delivery of services, and  
11 communication between the states.

12 III. Provide operating procedures that will ensure that children are placed in safe and  
13 suitable homes in a timely manner.

14 IV. Provide for the promulgation and enforcement of administrative rules implementing the  
15 provisions of this compact and regulating the covered activities of the member states.

16 V. Provide for uniform data collection and information sharing between member states  
17 under this compact.

18 VI. Promote coordination between this compact, the Interstate Compact for Juveniles, the  
19 Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement  
20 of and which provide services to children otherwise subject to this compact.

21 VII. Provide for a state's continuing legal jurisdiction and responsibility for placement and  
22 care of a child that it would have had if the placement were intrastate.

23 VIII. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for  
24 interstate cases involving Indian children as is or may be permitted by federal law.

25 ARTICLE II

26 Definitions

27 As used in this compact:

28 I. "Approved placement" means the public child-placing agency in the receiving state has  
29 determined that the placement is both safe and suitable for the child.

30 II. "Assessment" means an evaluation of a prospective placement by a public child-placing  
31 agency in the receiving state to determine if the placement meets the individualized needs of the  
32 child, including, but not limited to, the child's safety and stability, health and well-being, and  
33 mental, emotional, and physical development. An assessment is only applicable to a placement by a  
34 public child-placing agency.

35 III. "Child" means an individual who has not attained the age of 18.

36 IV. "Certification" means to attest, declare, or swear to before a judge or notary public.

1 V. "Default" means the failure of a member state to perform the obligations or  
2 responsibilities imposed upon it by this compact or the bylaws or rules of the Interstate Commission.

3 VI. "Home study" means an evaluation of a home environment conducted in accordance with  
4 the applicable requirements of the state in which the home is located and that documents the  
5 preparation and the suitability of the placement resource for placement of a child in accordance with  
6 the laws and requirements of the state in which the home is located.

7 VII. "Indian tribe" means any Indian tribe, band, nation, or other organized group or  
8 community of Indians recognized as eligible for services provided to Indians by the Secretary of the  
9 Interior because of their status as Indians, including any Alaskan native village as defined in section  
10 3(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. section 1602(c).

11 VIII. "Interstate Commission for the Placement of Children" means the commission that is  
12 created under Article VIII of this compact and which is generally referred to as the "Interstate  
13 Commission."

14 IX. "Jurisdiction" means the power and authority of a court to hear and decide matters.

15 X. "Legal risk placement" or "legal risk adoption" means a placement made preliminary to  
16 an adoption where the prospective adoptive parents acknowledge in writing that a child can be  
17 ordered returned to the sending state or the birth mother's state of residence, if different from the  
18 sending state, and a final decree of adoption shall not be entered in any jurisdiction until all  
19 required consents are obtained or are dispensed with in accordance with applicable law.

20 XI. "Member state" means a state that has enacted this compact.

21 XII. "Noncustodial parent" means a person who, at the time of the commencement of court  
22 proceedings in the sending state, does not have sole legal custody of the child or has joint legal  
23 custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

24 XIII. "Nonmember state" means a state which has not enacted this compact.

25 XIV. "Notice of residential placement" means information regarding a placement into a  
26 residential facility provided to the receiving state, including, but not limited to, the name, date, and  
27 place of birth of the child, the identity and address of the parent or legal guardian, evidence of  
28 authority to make the placement, and the name and address of the facility in which the child will be  
29 placed. Notice of residential placement shall also include information regarding a discharge and any  
30 unauthorized absence from the facility.

31 XV. "Placement" means the act by a public or private child-placing agency intended to  
32 arrange for the care or custody of a child in another state.

33 XVI. "Private child-placing agency" means any private corporation, agency, foundation,  
34 institution, or charitable organization, or any private person or attorney, that facilitates, causes, or  
35 is involved in the placement of a child from one state to another and that is not an instrumentality of  
36 the state or acting under color of state law.



1 XVII. "Provisional placement" means a determination made by the public child-placing  
2 agency in the receiving state that the proposed placement is safe and suitable, and, to the extent  
3 allowable, the receiving state has temporarily waived its standards or requirements otherwise  
4 applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of  
5 the receiving state requirements regarding training for prospective foster or adoptive parents shall  
6 not delay an otherwise safe and suitable placement.

7 XVIII. "Public child-placing agency" means any government child welfare agency or child  
8 protection agency or a private entity under contract with such an agency, regardless of whether the  
9 entity acts on behalf of a state, a county, a municipality, or another governmental unit, and which  
10 facilitates, causes, or is involved in the placement of a child from one state to another.

11 XIX. "Receiving state" means the state to which a child is sent, brought, or caused to be sent  
12 or brought.

13 XX. "Relative" means someone who is related to the child as a parent, stepparent, sibling by  
14 half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a nonrelative with  
15 such significant ties to the child that the nonrelative may be regarded as a relative as determined by  
16 the court in the sending state.

17 XXI. "Residential facility" means a facility providing a level of care that is sufficient to  
18 substitute for parental responsibility or foster care and that is beyond what is needed for assessment  
19 or treatment of an acute condition. For purposes of the compact, the term "residential facility" does  
20 not include institutions primarily educational in character, hospitals, or other medical facilities.

21 XXII. "Rule" means a written directive, mandate, standard, or principle issued by the  
22 Interstate Commission promulgated pursuant to Article XI of this compact that is of general  
23 applicability and that implements, interprets, or prescribes a policy or provision of the compact. A  
24 rule has the force and effect of an administrative rule in a member state and includes the  
25 amendment, repeal, or suspension of an existing rule.

26 XXIII. "Sending state" means the state from which the placement of a child is initiated.

27 XXIV. "Service member's permanent duty station" means the military installation where an  
28 active duty United States Armed Services member is currently assigned and is physically located  
29 under competent orders that do not specify the duty as temporary.

30 XXV. "Service member's state of legal residence" means the state in which the active duty  
31 United States Armed Services member is considered a resident for tax and voting purposes.

32 XXVI. "State" means a state of the United States, the District of Columbia, the  
33 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
34 Northern Mariana Islands, and any other territory of the United States.

35 XXVII. "State court" means a judicial body of a state that is vested by law with  
36 responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status  
37 offenses of individuals who have not attained the age of 18.

1 XXVIII. "Supervision" means monitoring provided by the receiving state once a child has  
2 been placed in a receiving state pursuant to this compact.

3 ARTICLE III

4 Applicability

5 I. Except as otherwise provided in paragraph II, this compact shall apply to:

6 (a) The interstate placement of a child subject to ongoing court jurisdiction in the  
7 sending state, due to allegations or findings that the child has been abused, neglected, or deprived as  
8 defined by the laws of the sending state; provided, however, that the placement of such a child into a  
9 residential facility shall only require notice of residential placement to the receiving state prior to  
10 placement.

11 (b) The interstate placement of a child adjudicated delinquent or unmanageable based  
12 on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

13 (1) The child is being placed in a residential facility in another member state and is  
14 not covered under another compact; or

15 (2) The child is being placed in another member state and the determination of  
16 safety and suitability of the placement and services required is not provided through another  
17 compact.

18 (c) The interstate placement of any child by a public child-placing agency or private  
19 child-placing agency as a preliminary step to a possible adoption.

20 II. The provisions of this compact shall not apply to:

21 (a) The interstate placement of a child in a custody proceeding in which a public child-  
22 placing agency is not a party; provided, however, that the placement is not intended to effectuate an  
23 adoption.

24 (b) The interstate placement of a child with a nonrelative in a receiving state by a parent  
25 with the legal authority to make such a placement; provided, however, that the placement is not  
26 intended to effectuate an adoption.

27 (c) The interstate placement of a child by one relative with the lawful authority to make  
28 such a placement directly with a relative in a receiving state.

29 (d) The placement of a child, not subject to paragraph I, into a residential facility by his  
30 or her parent.

31 (e) The placement of a child with a noncustodial parent, provided that:

32 (1) The noncustodial parent proves to the satisfaction of a court in the sending state  
33 a substantial relationship with the child;

34 (2) The court in the sending state makes a written finding that placement with the  
35 noncustodial parent is in the best interests of the child; and

36 (3) The court in the sending state dismisses its jurisdiction in interstate placements  
37 in which the public child-placing agency is a party to the proceeding.

1 (f) A child entering the United States from a foreign country for the purpose of adoption  
2 or leaving the United States to go to a foreign country for the purpose of adoption in that country.

3 (g) Cases in which a child who is a United States citizen living overseas with his or her  
4 family, at least one of whom is in the United States Armed Services and stationed overseas, is  
5 removed and placed in a state.

6 (h) The sending of a child by a public child-placing agency or a private child-placing  
7 agency for a visit as defined by the rules of the Interstate Commission.

8 III. For purposes of determining the applicability of this compact to the placement of a child  
9 with a family member in the United States Armed Services, the public child-placing agency or  
10 private child-placing agency may choose the state of the service member's permanent duty station or  
11 the service member's declared legal residence.

12 IV. Nothing in this compact shall be construed to prohibit the concurrent application of the  
13 provisions of this compact with other applicable interstate compacts, including the Interstate  
14 Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The  
15 Interstate Commission may, in cooperation with other interstate compact commissions having  
16 responsibility for the interstate movement, placement, or transfer of children, promulgate similar  
17 rules to ensure the coordination of services, timely placement of children, and reduction of  
18 unnecessary or duplicative administrative or procedural requirements.

19 ARTICLE IV

20 Jurisdiction

21 I. Except as provided in Article IV, paragraph VIII, and Article V, subparagraph II(b) and  
22 (c), concerning private and independent adoptions, and in interstate placements in which the public  
23 child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction  
24 over a child with respect to all matters of custody and disposition of the child which it would have  
25 had if the child had remained in the sending state. Such jurisdiction shall also include the power to  
26 order the return of the child to the sending state.

27 II. When an issue of child protection or custody is brought before a court in the receiving  
28 state, such court shall confer with the court of the sending state to determine the most appropriate  
29 forum for adjudication.

30 III. In cases that are before courts and subject to this compact, the taking of testimony for  
31 hearings before any judicial officer may occur in person or by telephone, audio-video conference, or  
32 such other means as approved by the rules of the Interstate Commission, and judicial officers may  
33 communicate with other judicial officers and persons involved in the interstate process as may be  
34 permitted by their code of judicial conduct and any rules promulgated by the Interstate Commission.

35 IV. In accordance with its own laws, the court in the sending state shall have authority to  
36 terminate its jurisdiction if:

1 (a) The child is reunified with the parent in the receiving state who is the subject of  
2 allegations or findings of abuse or neglect, only with the concurrence of the public child-placing  
3 agency in the receiving state;

4 (b) The child is adopted;

5 (c) The child reaches the age of majority under the laws of the sending state;

6 (d) The child achieves legal independence pursuant to the laws of the sending state;

7 (e) A guardianship is created by a court in the receiving state with the concurrence of  
8 the court in the sending state;

9 (f) An Indian tribe has petitioned for and received jurisdiction from the court in the  
10 sending state; or

11 (g) The public child-placing agency of the sending state requests termination and has  
12 obtained the concurrence of the public child-placing agency in the receiving state.

13 V. When a sending state court terminates its jurisdiction, the receiving state child-placing  
14 agency shall be notified.

15 VI. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court  
16 sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined  
17 by the laws of the receiving state committed by the child in the receiving state which would be a  
18 violation of its laws.

19 VII. Nothing in this article shall limit the receiving state's ability to take emergency  
20 jurisdiction for the protection of the child.

21 VIII. The substantive laws of the state in which an adoption will be finalized shall solely  
22 govern all issues relating to the adoption of the child, and the court in which the adoption proceeding  
23 is filed shall have subject matter jurisdiction regarding all substantive issues relating to the  
24 adoption, except:

25 (a) When the child is a ward of another court that established jurisdiction over the child  
26 prior to the placement;

27 (b) When the child is in the legal custody of a public agency in the sending state; or

28 (c) When a court in the sending state has otherwise appropriately assumed jurisdiction  
29 over the child prior to the submission of the request for approval of placement.

30 IX. A final decree of adoption shall not be entered in any jurisdiction until the placement is  
31 authorized as an "approved placement" by the public child-placing agency in the receiving state.

32 ARTICLE V

33 Placement Evaluation

34 I. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state,  
35 the public child-placing agency shall provide a written request for assessment to the receiving state.

36 II. For placements by a private child-placing agency, a child may be sent or brought, or  
37 caused to be sent or brought, into a receiving state upon receipt and immediate review of the

1 required content in a request for approval of a placement in both the sending and receiving state  
2 public child-placing agencies. The required content to accompany a request for approval shall  
3 include all of the following:

4 (a) A request for approval identifying the child, the birth parents, the prospective  
5 adoptive parents, and the supervising agency, signed by the person requesting approval.

6 (b) The appropriate consents or relinquishments signed by the birth parents in  
7 accordance with the laws of the sending state or, where permitted, the laws of the state where the  
8 adoption will be finalized.

9 (c) Certification by a licensed attorney or authorized agent of a private adoption agency  
10 that the consent or relinquishment is in compliance with the applicable laws of the sending state or,  
11 where permitted, the laws of the state where finalization of the adoption will occur.

12 (d) A home study.

13 (e) An acknowledgment of legal risk signed by the prospective adoptive parents.

14 III. The sending state and the receiving state may request additional information or  
15 documents prior to finalization of an approved placement, but they may not delay travel by the  
16 prospective adoptive parents with the child if the required content for approval has been submitted,  
17 received, and reviewed by the public child-placing agency in both the sending state and the receiving  
18 state.

19 IV. Approval from the public child-placing agency in the receiving state for a provisional or  
20 approved placement is required as provided for in the rules of the Interstate Commission.

21 V. The procedures for making the request for an assessment shall contain all information  
22 and be in such form as provided for in the rules of the Interstate Commission.

23 VI. Upon receipt of a request from the public child-placing agency of the sending state, the  
24 receiving state shall initiate an assessment of the proposed placement to determine its safety and  
25 suitability. If the proposed placement is a placement with a relative, the public child-placing agency  
26 of the sending state may request a determination for a provisional placement.

27 VII. The public child-placing agency in the receiving state may request from the public child-  
28 placing agency or the private child-placing agency in the sending state, and shall be entitled to  
29 receive, supporting or additional information necessary to complete the assessment or approve the  
30 placement.

31 VIII. The public child-placing agency in the receiving state shall approve a provisional  
32 placement and complete or arrange for the completion of the assessment within the timeframes  
33 established by the rules of the Interstate Commission.

34 IX. For a placement by a private child-placing agency, the sending state shall not impose  
35 any additional requirements to complete the home study that are not required by the receiving state,  
36 unless the adoption is finalized in the sending state.

1 X. The Interstate Commission may develop uniform standards for the assessment of the  
2 safety and suitability of interstate placements.

3 ARTICLE VI

4 Placement Authority

5 I. Except as otherwise provided in this compact, no child subject to this compact shall be  
6 placed in a receiving state until approval for such placement is obtained.

7 II. If the public child-placing agency in the receiving state does not approve the proposed  
8 placement, then the child shall not be placed. The receiving state shall provide written  
9 documentation of any such determination in accordance with the rules promulgated by the  
10 Interstate Commission. Such determination is not subject to judicial review in the sending state.

11 III. If the proposed placement is not approved, any interested party shall have standing to  
12 seek an administrative review of the receiving state's determination.

13 (a) The administrative review and any further judicial review associated with the  
14 determination shall be conducted in the receiving state pursuant to its applicable administrative  
15 procedures act.

16 (b) If a determination not to approve the placement of the child in the receiving state is  
17 overturned upon review, the placement shall be deemed approved; provided, however, that all  
18 administrative or judicial remedies have been exhausted or the time for such remedies has passed.

19 ARTICLE VII

20 Placing Agency Responsibility

21 I. For the interstate placement of a child made by a public child-placing agency or state  
22 court:

23 (a) The public child-placing agency in the sending state shall have financial  
24 responsibility for:

25 (1) The ongoing support and maintenance for the child during the period of the  
26 placement, unless otherwise provided for in the receiving state; and

27 (2) As determined by the public child-placing agency in the sending state, services  
28 for the child beyond the public services for which the child is eligible in the receiving state.

29 (b) The receiving state shall only have financial responsibility for:

30 (1) Any assessment conducted by the receiving state; and

31 (2) Supervision conducted by the receiving state at the level necessary to support the  
32 placement as agreed upon by the public child-placing agencies of the receiving and sending states.

33 (c) Nothing in this section shall prohibit public child-placing agencies in the sending  
34 state from entering into agreements with licensed agencies or persons in the receiving state to  
35 conduct assessments and provide supervision.

36 II. For the placement of a child by a private child-placing agency preliminary to a possible  
37 adoption, the private child-placing agency shall be:

1 (a) Legally responsible for the child during the period of placement as provided for in the  
2 law of the sending state until the finalization of the adoption.

3 (b) Financially responsible for the child absent a contractual agreement to the contrary.

4 III. The public child-placing agency in the receiving state shall provide timely assessments,  
5 as provided for in the rules of the Interstate Commission.

6 IV. The public child-placing agency in the receiving state shall provide, or arrange for the  
7 provision of, supervision and services for the child, including timely reports, during the period of the  
8 placement.

9 V. Nothing in this compact shall be construed to limit the authority of the public child-  
10 placing agency in the receiving state from contracting with a licensed agency or person in the  
11 receiving state for an assessment or the provision of supervision or services for the child or otherwise  
12 authorizing the provision of supervision or services by a licensed agency during the period of  
13 placement.

14 VI. Each member state shall provide for coordination among its branches of government  
15 concerning the state's participation in and compliance with the compact and Interstate Commission  
16 activities through the creation of an advisory council or use of an existing body or board.

17 VII. Each member state shall establish a central state compact office which shall be  
18 responsible for state compliance with the compact and the rules of the Interstate Commission.

19 VIII. The public child-placing agency in the sending state shall oversee compliance with the  
20 provisions of the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., for placements subject to  
21 the provisions of this compact, prior to placement.

22 IX. With the consent of the Interstate Commission, states may enter into limited  
23 agreements that facilitate the timely assessment and provision of services and supervision of  
24 placements under this compact.

25 ARTICLE VIII

26 Interstate Commission for the Placement of Children

27 The member states hereby establish, by way of this compact, a commission known as the "Interstate  
28 Commission for the Placement of Children." The activities of the Interstate Commission are the  
29 formation of public policy and are a discretionary state function. The Interstate Commission shall:

30 I. Be a joint commission of the member states and shall have the responsibilities, powers,  
31 and duties set forth herein and such additional powers as may be conferred upon it by subsequent  
32 concurrent action of the respective legislatures of the member states.

33 II. Consist of one commissioner from each member state who shall be appointed by the  
34 executive head of the state human services administration with ultimate responsibility for the child  
35 welfare program. The appointed commissioner shall have the legal authority to vote on policy-  
36 related matters governed by this compact binding the state.

1 (a) Each member state represented at a meeting of the Interstate Commission is entitled  
2 to one vote.

3 (b) A majority of the member states shall constitute a quorum for the transaction of  
4 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

5 (c) A representative shall not delegate a vote to another member state.

6 (d) A representative may delegate voting authority to another person from that state for  
7 a specified meeting.

8 III. Include, in addition to the commissioners of each member state, persons who are  
9 members of interested organizations as defined in the bylaws or rules of the Interstate Commission.  
10 Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate  
11 Commission.

12 IV. Establish an executive committee which shall have the authority to administer the day-  
13 to-day operations and administration of the Interstate Commission. The executive committee shall  
14 not have the power to engage in rulemaking.

15 ARTICLE IX

16 Powers and Duties of the Interstate Commission

17 The Interstate Commission shall have the following powers:

18 I. To promulgate rules and take all necessary actions to effect the goals, purposes, and  
19 obligations as enumerated in this compact.

20 II. To provide for dispute resolution among member states.

21 III. To issue, upon request of a member state, advisory opinions concerning the meaning or  
22 interpretation of the interstate compact, its bylaws, rules, or actions.

23 IV. To enforce compliance with this compact or the bylaws or rules of the Interstate  
24 Commission pursuant to Article XII.

25 V. Collect standardized data concerning the interstate placement of children subject to this  
26 compact as directed through its rules, which shall specify the data to be collected, the means of  
27 collection and data exchange, and reporting requirements.

28 VI. To establish and maintain offices as may be necessary for the transacting of its business.

29 VII. To purchase and maintain insurance and bonds.

30 VIII. To hire or contract for services of personnel or consultants as necessary to carry out its  
31 functions under the compact and establish personnel qualification policies and rates of  
32 compensation.

33 IX. To establish and appoint committees and officers, including, but not limited to, an  
34 executive committee as required by Article X.

35 X. To accept any and all donations and grants of money, equipment, supplies, materials, and  
36 services, and to receive, utilize, and dispose thereof.



1 XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
2 improve, or use any property, real, personal, or mixed.

3 XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
4 property, real, personal, or mixed.

5 XIII. To establish a budget and make expenditures.

6 XIV. To adopt a seal and bylaws governing the management and operation of the Interstate  
7 Commission.

8 XV. To report annually to the legislatures, the governors, the judiciary, and the state  
9 advisory councils of the member states concerning the activities of the Interstate Commission during  
10 the preceding year. Such reports shall also include any recommendations that may have been  
11 adopted by the Interstate Commission.

12 XVI. To coordinate and provide education, training, and public awareness regarding the  
13 interstate movement of children for officials involved in such activity.

14 XVII. To maintain books and records in accordance with the bylaws of the Interstate  
15 Commission.

16 XVIII. To perform such functions as may be necessary or appropriate to achieve the  
17 purposes of this compact.

18 ARTICLE X

19 Organization and Operation of the Interstate Commission

20 I. Organization.

21 (a) Within 12 months after the first Interstate Commission meeting, the Interstate  
22 Commission shall adopt rules to govern its conduct as may be necessary or appropriate to carry out  
23 the purposes of the compact.

24 (b) The Interstate Commission's rules shall establish conditions and procedures under  
25 which the Interstate Commission shall make its information and official records available to the  
26 public for inspection or copying.

27 II. Meetings.

28 (a) The Interstate Commission shall meet at least once each calendar year. The  
29 chairperson may call additional meetings and, upon the request of a simple majority of the member  
30 states, shall call additional meetings.

31 (b) Public notice shall be given by the Interstate Commission of all meetings, and all  
32 meetings shall be open to the public.

33 (c) The bylaws may provide for meetings of the Interstate Commission to be conducted  
34 by telecommunication or other electronic communication.

35 III. Officers and staff.

36 (a) The Interstate Commission may, through its executive committee, appoint or retain a  
37 staff director for such period, upon such terms and conditions, and for such compensation as the

1 Interstate Commission may deem appropriate. The staff director shall serve as secretary to the  
2 Interstate Commission but shall not have a vote. The staff director may hire and supervise such  
3 other staff as may be authorized by the Interstate Commission.

4 (b) The Interstate Commission shall elect, from among its members, a chairperson and a  
5 vice chairperson of the executive committee, and other necessary officers, each of whom shall have  
6 such authority and duties as may be specified in the bylaws.

7 IV. Qualified immunity, defense, and indemnification.

8 (a) The Interstate Commission's staff director and its employees shall be immune from  
9 suit and liability, either personally or in their official capacity, for a claim for damage to or loss of  
10 property or personal injury or other civil liability caused or arising out of or relating to an actual or  
11 alleged act, error, or omission that occurred or that such person had a reasonable basis for believing  
12 occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
13 provided, however, that such person shall not be protected from suit or liability for damage, loss,  
14 injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of  
15 such person.

16 (b)(1) The liability of the Interstate Commission's staff director and employees or  
17 Interstate Commission representatives, acting within the scope of such person's employment or  
18 duties, for acts, errors, or omissions occurring within such person's state may not exceed the limits of  
19 liability set forth under the Constitution and laws of that state for state officials, employees, and  
20 agents. The Interstate Commission is considered to be an instrumentality of the states for the  
21 purposes of any such action. Nothing in this subsection shall be construed to protect such person  
22 from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional  
23 or willful and wanton misconduct of such person.

24 (2) The Interstate Commission shall defend the staff director and its employees and,  
25 subject to the approval of the attorney general or other appropriate legal counsel of the member  
26 state, shall defend the commissioner of a member state in a civil action seeking to impose liability  
27 arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate  
28 Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for  
29 believing occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
30 provided, however, that the actual or alleged act, error, or omission did not result from intentional or  
31 willful and wanton misconduct on the part of such person.

32 (3) To the extent not covered by the state involved, a member state, or the Interstate  
33 Commission, the representatives or employees of the Interstate Commission shall be held harmless  
34 in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such  
35 persons arising out of an actual or alleged act, error, or omission that occurred within the scope of  
36 Interstate Commission employment, duties, or responsibilities, or that such persons had a  
37 reasonable basis for believing occurred within the scope of Interstate Commission employment,

1 duties, or responsibilities; provided, however, that the actual or alleged act, error, or omission did  
2 not result from intentional or willful and wanton misconduct on the part of such persons.

3 ARTICLE XI

4 Rulemaking Functions of the Interstate Commission

5 I. The Interstate Commission shall promulgate and publish rules in order to effectively and  
6 efficiently achieve the purposes of the compact.

7 II. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
8 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles  
9 of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1  
10 (2000), or such other administrative procedure acts as the Interstate Commission deems  
11 appropriate, consistent with due process requirements under the United States Constitution as now  
12 or hereafter interpreted by the United States Supreme Court. All rules and amendments shall  
13 become binding as of the date specified, as published with the final version of the rule as approved  
14 by the Interstate Commission.

15 III. When promulgating a rule, the Interstate Commission shall, at a minimum:

16 (a) Publish the proposed rule's entire text stating the reasons for that proposed rule;

17 (b) Allow and invite any and all persons to submit written data, facts, opinions, and  
18 arguments, which information shall be added to the record and made publicly available; and

19 (c) Promulgate a final rule and its effective date, if appropriate, based on input from  
20 state or local officials or interested parties.

21 IV. Rules promulgated by the Interstate Commission shall have the force and effect of  
22 administrative rules and shall be binding in the compacting states to the extent and in the manner  
23 provided for in this compact.

24 V. Not later than 60 days after a rule is promulgated, an interested person may file a  
25 petition in the United States District Court for the District of Columbia or in the federal district  
26 court where the Interstate Commission's principal office is located for judicial review of such rule. If  
27 the court finds that the Interstate Commission's action is not supported by substantial evidence in  
28 the rulemaking record, the court shall hold the rule unlawful and set it aside.

29 VI. If a majority of the legislatures of the member states rejects a rule, those states may by  
30 enactment of a statute or resolution in the same manner used to adopt the compact cause that such  
31 rule shall have no further force and effect in any member state.

32 VII. The existing rules governing the operation of the Interstate Compact on the Placement  
33 of Children superseded by this act shall be null and void no less than 12 months but no more than 24  
34 months after the first meeting of the Interstate Commission created hereunder, as determined by  
35 the members during the first meeting.

36 VIII. Within the first 12 months of operation, the Interstate Commission shall promulgate  
37 rules addressing the following:

- 1 (a) Transition rules.
- 2 (b) Forms and procedures.
- 3 (c) Timelines.
- 4 (d) Data collection and reporting.
- 5 (e) Rulemaking.
- 6 (f) Visitation.
- 7 (g) Progress reports and supervision.
- 8 (h) Sharing of information and confidentiality.
- 9 (i) Financing of the Interstate Commission.
- 10 (j) Mediation, arbitration, and dispute resolution.
- 11 (k) Education, training, and technical assistance.
- 12 (l) Enforcement.
- 13 (m) Coordination with other interstate compacts.

14 IX. Upon determination by a majority of the members of the Interstate Commission that an  
15 emergency exists:

16 (a) The Interstate Commission may promulgate an emergency rule only if it is required  
17 to:

- 18 (1) Protect the children covered by this compact from an imminent threat to their  
19 health, safety, and well-being;
- 20 (2) Prevent loss of federal or state funds; or
- 21 (3) Meet a deadline for the promulgation of an administrative rule required by  
22 federal law.

23 (b) An emergency rule shall become effective immediately upon adoption, provided that  
24 the usual rulemaking procedures provided hereunder shall be retroactively applied to the emergency  
25 rule as soon as reasonably possible, but no later than 90 days after the effective date of the  
26 emergency rule.

27 (c) An emergency rule shall be promulgated as provided for in the rules of the Interstate  
28 Commission.

## 29 ARTICLE XII

### 30 Oversight, Dispute Resolution, and Enforcement

31 I. Oversight.

32 (a) The Interstate Commission shall oversee the administration and operation of the  
33 compact.

34 (b) The executive, legislative, and judicial branches of state government in each member  
35 state shall enforce this compact and the rules of the Interstate Commission and shall take all actions  
36 necessary and appropriate to effectuate the compact's purposes and intent. The compact and its

1 rules shall be binding in the compacting states to the extent and in the manner provided for in this  
2 compact.

3 (c) All courts shall take judicial notice of the compact and the rules in any judicial or  
4 administrative proceeding in a member state pertaining to the subject matter of this compact.

5 (d) The Interstate Commission shall be entitled to receive service of process in any  
6 action in which the validity of a compact provision or rule is the issue for which a judicial  
7 determination has been sought and shall have standing to intervene in any proceedings. Failure to  
8 provide service of process to the Interstate Commission shall render any judgment, order, or other  
9 determination, however so captioned or classified, void as to this compact, its bylaws, or rules of the  
10 Interstate Commission.

11 II. Dispute resolution.

12 (a) The Interstate Commission shall attempt, upon the request of a member state, to  
13 resolve disputes which are subject to the compact and which may arise among member states and  
14 between member and nonmember states.

15 (b) The Interstate Commission shall promulgate a rule providing for both mediation and  
16 binding dispute resolution for disputes among compacting states. The costs of such mediation or  
17 dispute resolution shall be the responsibility of the parties to the dispute.

18 III. Enforcement. If the Interstate Commission determines that a member state has  
19 defaulted in the performance of its obligations or responsibilities under this compact, its bylaws, or  
20 rules of the Interstate Commission, the Interstate Commission may:

21 (a) Provide remedial training and specific technical assistance;

22 (b) Provide written notice to the defaulting state and other member states of the nature  
23 of the default and the means of curing the default. The Interstate Commission shall specify the  
24 conditions by which the defaulting state must cure its default;

25 (c) By majority vote of the members, initiate against a defaulting member state legal  
26 action in the United States District Court for the District of Columbia or, at the discretion of the  
27 Interstate Commission, in the federal district where the Interstate Commission has its principal  
28 office, to enforce compliance with the provisions of the compact, its bylaws, or rules of the Interstate  
29 Commission. The relief sought may include both injunctive relief and damages. In the event judicial  
30 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including  
31 reasonable attorney's fees; or

32 (d) Avail itself of any other remedies available under state law or the regulation of  
33 official or professional conduct.

34 ARTICLE XIII

35 Financing of the Commission

36 I. The Interstate Commission shall pay, or provide for the payment of, the reasonable  
37 expenses of its establishment, organization, and ongoing activities.



1 (c) The withdrawing state shall immediately notify the president of the Interstate  
2 Commission in writing upon the introduction of legislation repealing this compact in the  
3 withdrawing state. The Interstate Commission shall then notify the other member states of the  
4 withdrawing state's intent to withdraw.

5 (d) The withdrawing state is responsible for all assessments, obligations, and liabilities  
6 incurred through the effective date of withdrawal.

7 (e) Reinstatement following withdrawal of a member state shall occur upon the  
8 withdrawing state reenacting the compact or upon such later date as determined by the members of  
9 the Interstate Commission.

10 II. Dissolution of compact.

11 (a) This compact shall dissolve effective upon the date of the withdrawal or default of the  
12 member state which reduces the membership in the compact to one member state.

13 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be  
14 of no further force or effect, and the business and affairs of the Interstate Commission shall be  
15 concluded and surplus funds shall be distributed in accordance with the bylaws.

16 ARTICLE XVI

17 Severability and Construction

18 I. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or  
19 provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

20 II. The provisions of this compact shall be liberally construed to effectuate its purposes.

21 III. Nothing in this compact shall be construed to prohibit the concurrent applicability of  
22 other interstate compacts to which the states are members.

23 ARTICLE XVII

24 Binding Effect of Compact and Other Laws

25 I. Other laws. Nothing in this compact prevents the enforcement of any other law of a  
26 member state that is not inconsistent with this compact.

27 II. Binding effect of the compact.

28 (a) All lawful actions of the Interstate Commission are binding upon the member states.

29 (b) All agreements between the Interstate Commission and the member states are  
30 binding in accordance with their terms.

31 (c) In the event any provision of this compact exceeds the constitutional limits imposed  
32 on the legislature or executive branch of any member state, such provision shall be ineffective to the  
33 extent of the conflict with the constitutional provision in question in that member state.

34 ARTICLE XVIII

35 Indian Tribes

36 Notwithstanding any other provision in this compact, the Interstate Commission may promulgate  
37 guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the

1 compact as specified in Article I. The Interstate Commission shall make reasonable efforts to  
2 consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the  
3 various Indian tribes.

4 49 Adoption; Assessment. Amend RSA 170-B:18, IV to read as follows:

5 IV. The department or a licensed child-placing agency making the required assessment may  
6 request other departments or licensed child-placing agencies within or outside this state to make the  
7 assessment or designated portions thereof as may be appropriate. Where such written assessments  
8 are made, a written report shall be filed with the court; provided, however, said report shall not  
9 violate RSA 170-A, the interstate compact ~~[on]~~ *for* the placement of children.

10 50 Applicability Sections 48-49 of this act, relative to the 2009 edition of the Interstate Compact  
11 for the Placement of Children, shall take effect on the date that the commissioner of the department  
12 of health and human services certifies to the director of the office of legislative services and the  
13 secretary of state that 35 compacting states, including New Hampshire, have enacted the 2009  
14 edition of the Interstate Compact for the Placement of Children.

15 51 Child Day Care Licensing; Definitions RSA 170-E:2, IV(g) is repealed and reenacted to read  
16 as follows:

17 (g) "School-age program" means a child day care agency providing child day care before  
18 or after, or before and after, regular school hours, and all day any time school is not in session, for 6  
19 or more children enrolled in school, who are 4 years and 8 months of age or older, and which is not  
20 licensed under RSA 170-E:56. The number of children shall include all children present during the  
21 period of the program, including those children related to the caregiver.

22 52 New Section; Residential Care and Child-Placing Agency Licensing; Deemed Licensed.  
23 Amend RSA 170-E by inserting after section 31 the following new section:

24 170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by  
25 organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as  
26 amended, shall submit a completed license application or renewal application. Such child care  
27 institutions and child care agencies defined as group homes, specialized care, or homeless youth  
28 programs, shall be deemed licensed under this subdivision and shall be exempt from inspections  
29 carried out under RSA 170-E:31, IV. This section shall only apply to the activities or portions of the  
30 facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G),  
31 as amended.

32 53 Recreation Camp Licensing; Availability of Epinephrine Auto-Injector. Amend RSA 170-E:61  
33 to read as follows:

34 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse  
35 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child  
36 with severe allergies at least one epinephrine auto-injector, provided by the child or the child's  
37 parent or guardian, ~~[in the nurse's office or in a similarly accessible location]~~ *which shall be*



1 *readily accessible to the recreational camp staff caring for children requiring such*  
2 *medications.*

3 54 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA 170-  
4 E by inserting after section 63 the following new section:

5 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not  
6 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with  
7 asthma at least one metered dose inhaler or a dry powder inhaler, provided by the child or the child's  
8 parent or guardian, which shall be readily accessible to the recreational camp staff caring for  
9 children requiring such medications.

10 55 New Paragraph; Services for Children, Youth, and Families; Peer Support Program. Amend  
11 RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

12 VIII. The commissioner may establish a confidential peer support program for the purpose  
13 of providing critical incident stress management and crisis intervention services for staff exposed to  
14 critical incidents and trauma through the course of their employment.

15 (a) In this section:

16 (1) "Critical incident" means any incident that has a high emotional impact on the  
17 responders, or is beyond the realm of a person's usual experience that overwhelms his or her sense of  
18 vulnerability and/or lack of control over the situation.

19 (2) "Critical incident stress" means a normal reaction to an abnormal event that has  
20 the potential to interfere with normal functioning and that results from the response to a critical  
21 incident or long-term occupational exposure to a series of critical incident responses over a period of  
22 time that are believed to be causing debilitating stress that is affecting an emergency service  
23 provider and his or her work performance or family situation. This may include, but is not limited  
24 to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job,  
25 personality changes, or loss of ability to function.

26 (3) "Critical incident stress management" means a process of crisis intervention  
27 designed to assist employees in coping with the psychological trauma resulting from response to a  
28 critical incident.

29 (4) "Critical incident stress management and crisis intervention services" means  
30 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and  
31 referral provided by a critical incident stress management team member.

32 (5) "Critical incident stress management team" or "team" means the group of one or  
33 more trained volunteers, including members of peer support groups who offer critical incident stress  
34 management and crisis intervention services following a critical incident or long term or continued,  
35 debilitating stress being experienced by employees and affecting them or their family situation.

1 (6) "Critical incident stress management team member" or "team member" means an  
2 employee, including any specially trained to provide critical incident stress management and crisis  
3 intervention services as a member of an organized team.

4 (7) "Debriefing" means a closed, confidential discussion of a critical incident relating  
5 to the feelings and perceptions of those directly involved prior to, during, and after a stressful event.  
6 It is intended to provide support, education, and an outlet for associated views and feelings.  
7 Debriefings do not provide counseling or an operational critique of the incident.

8 (b)(1) Any information divulged to the team or a team member during the provision of  
9 critical incident stress management and crisis intervention services shall be kept confidential and  
10 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records  
11 kept by critical incident stress management team members are not subject to subpoena, discovery, or  
12 introduction into evidence in a criminal, civil, or administrative action. Except as provided in  
13 subparagraph (c), no person, whether critical incident stress management team member or team  
14 leader providing or receiving critical incident stress management and crisis intervention services,  
15 shall be required to testify or divulge any information obtained solely through such crisis  
16 intervention.

17 (2) In any civil action against any individual, or the department, including the state  
18 of New Hampshire, arising out of the conduct of a member of such team, this section is not intended  
19 and shall not be admissible to establish negligence in any instance where requirements herein are  
20 higher than the standard of care that would otherwise have been applicable in such action under  
21 state law.

22 (c) A communication shall not be deemed confidential pursuant to this section if:

23 (1) The communication indicates the existence of a danger to the individual who  
24 receives critical incident stress management and crisis intervention services or to any other person  
25 or persons;

26 (2) The communication indicates the existence of past child abuse or neglect of the  
27 individual, abuse of an adult as defined by law, or family violence as defined by law; or

28 (3) The communication indicates the existence of a danger to the individual who  
29 receives critical incident stress management and crisis intervention services or to any other person  
30 or persons.

31 56 New Paragraph; Services for Children, Youth, and Families; Procurement Model for Services.  
32 Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

33 I-a. The commissioner shall employ a procurement model for administering the provision of  
34 therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G  
35 and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases  
36 where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a  
37 contracted provider, the commissioner may approve and shall pay for placement with another

1 certified provider on a temporary basis if the commissioner determines that the placement is  
2 necessary to meet the juvenile's immediate treatment needs.

3 57 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials relating  
4 to missing children issues and matters, is repealed.

5 58 Services for the Developmentally Disabled; Funding for Wait List. Amend the introductory  
6 paragraph of RSA 171-A:1-a, I to read as follows:

7 I. The department of health and human services and area agencies shall provide services to  
8 eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-  
9 K in a timely manner. The department and area agencies shall provide *funding for* services in  
10 such a manner that:

11 59 Coverage Plan for Services to Individuals with Developmental Disabilities. The department  
12 of health and human services in collaboration with the department of education, the Disability  
13 Rights Center-New Hampshire, and the representatives of the 10 area agencies shall develop a plan  
14 by October 1, 2021 that provides coverage for services to individuals with developmental disabilities  
15 aged 18-21 enrolled in school and determined eligible for developmental services that are not the  
16 responsibility of the local education agency, another state agency, or another division of the  
17 department. Such a plan shall estimate the number of eligible individuals likely to need such  
18 services, the costs of providing such services, and reimbursement mechanisms for service providers.

19 60 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read as  
20 follows:

21 II. [~~Beginning with the fiscal year ending June 30, 2010, and thereafter,~~] The department of  
22 health and human services shall incorporate *in its appropriation requests* the cost of fully  
23 funding services to eligible persons, in accordance with the requirements of paragraph I, and as  
24 otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet  
25 such costs and requirements.

26 61 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

27 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence  
28 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic  
29 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The  
30 state treasurer shall deposit all fees received by the department under RSA 457:29, *457:32-b, and*  
31 *631:2-b, V* in the fund. All moneys deposited in the fund shall be continually appropriated for the  
32 purposes of the domestic violence grant program and shall not lapse.

33 62 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read as  
34 follows:

35 342:9 Termination of Granite Workforce Program.

36 I. The commissioner of the department of health and human services shall be responsible for  
37 determining, every 3 months commencing no later than December 31, 2018, whether available TANF

1 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available  
 2 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health  
 3 and human services and employment security shall, within 20 business days of such determination,  
 4 terminate the granite workforce program. The commissioners shall notify the governor, the speaker  
 5 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of  
 6 the general court, and granite workforce participants of the program's pending termination. *The*  
 7 *commissioners shall have the discretion to limit granite workforce program services based*  
 8 *on the availability of appropriated, available, or reserve funds.*

9 II. If at any time the New Hampshire granite advantage health care program, established  
 10 under RSA 126-AA, terminates, the commissioners of the departments of health and human services  
 11 and employment security shall terminate the granite workforce program. The date of the granite  
 12 workforce program's termination shall align with that of the New Hampshire granite advantage  
 13 health care program.

14 III. *If the work and community engagement waiver is held invalid, or is not*  
 15 *approved, or is withdrawn by the Centers for Medicare and Medicaid Services, the granite*  
 16 *workforce program shall be suspended until such time that the work and community*  
 17 *engagement waiver is approved or revalidated.*

18 63 Health Facility Licensure; Effective Dates Amended. Amend 2020, 39:72, V-VI to read as  
 19 follows:

20 V. Sections 55-57~~[-64-67, and 69]~~ *and 64* of this act shall take effect July 1, 2020.

21 VI. Sections 5~~[7]~~ *and 60*~~[-and 68]~~ of this act shall take effect July 1, 2021.

22 64 Milk Sanitation Code; Terms Defined. Amend RSA 184:79, XIII to read as follows:

23 XIII. The term "milk plant" means any place, premises, or establishment where milk or milk  
 24 products are collected, handled, processed, stored, pasteurized, bottled, packaged, or prepared for  
 25 distribution, except an establishment where milk or milk products are sold at retail only. *This term*  
 26 *shall include wash stations where milk tank trucks are cleaned and sanitized.*

27 65 Milk Sanitation Code; License Fees. Amend RSA 184:85, IV to read as follows:

28 IV. All fees collected under this section shall be forwarded to the state treasurer. The state  
 29 treasurer shall credit all moneys received under this section, and interest received on such money, to  
 30 ~~[a]~~ *the public health services special fund established in RSA 143:11*, from which ~~[he]~~ *the*  
 31 *department* shall pay all the expenses of the department incident to the licensing and regulation of  
 32 milk plants, milk distributors and milk producer-distributors. ~~[This fund shall not lapse.]~~

33 66 New Subdivision; Administration of Epinephrine. Amend RSA 329 by inserting after section  
 34 1-g the following new subdivision:

35 Administration of Epinephrine

36 329:1-h Administration of Epinephrine.

37 I. In this section:

1 (a) "Administer" means the direct application of an epinephrine auto-injector to the body  
2 of an individual.

3 (b) "Authorized entity" means any entity or organization in which allergens capable of  
4 causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized  
5 entity shall not include an elementary or secondary school or a postsecondary educational institution  
6 eligible to establish policies and guidelines for the emergency administration of epinephrine under  
7 RSA 200-N.

8 (c) "Epinephrine auto-injector" means a single-use device used for the automatic  
9 injection of a premeasured dose of epinephrine into the human body.

10 (d) "Health care practitioner" means a person who is lawfully entitled to prescribe,  
11 administer, dispense, or distribute controlled drugs.

12 (e) "Provide" means to furnish one or more epinephrine auto-injectors to an individual.

13 II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an  
14 authorized entity for use in accordance with this section, and pharmacists and health care  
15 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name  
16 of an authorized entity.

17 III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors  
18 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors  
19 shall be stored in a location readily accessible in an emergency and in accordance with the  
20 instructions for use, and any additional requirements that may be established by board of medicine.  
21 An authorized entity shall designate employees or agents who have completed the training required  
22 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of  
23 epinephrine auto-injectors acquired by the authorized entity.

24 IV. An employee or agent of an authorized entity, or other individual, who has completed the  
25 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this  
26 section to:

27 (a) Provide an epinephrine auto-injector to any individual who the employee agent or  
28 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or  
29 caregiver of such individual, for immediate administration, regardless of whether the individual has  
30 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

31 (b) Administer an epinephrine auto-injector to any individual who the employee, agent,  
32 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the  
33 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with  
34 an allergy.

35 V.(a) An employee, agent, or other individual described in paragraph IV shall complete an  
36 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis  
37 training program. Such training shall be conducted by a nationally-recognized organization

1 experienced in training unlicensed persons in emergency health care treatment or an entity or  
2 individual approved by the board of medicine. Training may be conducted online or in person and, at  
3 a minimum, shall cover:

4 (1) How to recognize signs and symptoms of severe allergic reactions, including  
5 anaphylaxis;

6 (2) Standards and procedures for the storage and administration of an epinephrine  
7 auto-injector; and

8 (3) Emergency follow-up procedures.

9 (b) The entity or individual that conducts the training shall issue a certificate, on a form  
10 developed or approved by the board of medicine to each person who successfully completes the  
11 anaphylaxis training program.

12 VI. No authorized entity that possesses and makes available epinephrine auto-injectors and  
13 its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses  
14 epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that  
15 dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts  
16 the training described in paragraph V, shall be liable for any injuries or related damages that result  
17 from any act or omission pursuant to this section, unless such injury or damage is the result of  
18 willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with  
19 this section shall not be considered to be the practice of medicine or any other profession that  
20 otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any  
21 other immunity or defense that may be available under state law. An entity located in this state  
22 shall not be liable for any injuries or related damages that result from the provision or  
23 administration of an epinephrine auto-injector outside of this state if the entity would not have been  
24 liable for such injuries or related damages had the provision or administration occurred within this  
25 state, or is not liable for such injuries or related damages under the law of the state in which such  
26 provision or administration occurred.

27 67 Guardians and Conservators; Termination of Guardianship. Amend RSA 464-A:40, V(a) to  
28 read as follows:

29 V.(a) If, within 30 days after the date of a testate or intestate ward's death, no petition for  
30 probate has been filed under any section of RSA 553 and the gross value of the personal property  
31 remaining in the possession of the guardian belonging to the deceased, including any amount left in  
32 designated accounts for the ward, is no more than [~~\$5,000~~] **\$10,000**, the guardian may file in the  
33 probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of  
34 disposing of such deceased ward's estate. Once approved by the court, the guardian shall be  
35 authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form  
36 of the affidavit, and the rules governing proceedings under this section, shall be provided by the  
37 probate court pursuant to RSA 547:33.

1       68 Custody and Escheat of Unclaimed or Abandoned Property; Filing of Claim. Amend RSA  
2 471-C:26, I(c)(2)-(3) to read as follows:

3               (2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where  
4 the unclaimed property is valued at less than [~~\$5,000~~] **\$10,000** and does not include securities in  
5 share form, in accordance with the final distribution of assets as approved by the probate court.

6               (3) Except as provided in subparagraphs (5)-(7), in the absence of an open estate or  
7 probate court decree of final distribution, and the unclaimed property is valued at less than [~~\$5,000~~]  
8 **\$10,000** and does not include securities in share form, by the surviving spouse of the deceased  
9 owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
10 RSA 561:1.

11       69 Applicability. Sections 67-68 of this act shall apply to affidavits or claims filed on or after the  
12 effective date of this section.

13       70 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
14 VII by inserting after subparagraph (g) the following new subparagraph:

15               (h) The bureau chief for emergency preparedness and response with the department of  
16 health and human services, division of health public services who:

17                       (1) Has the authority and responsibility to engage in the prevention and control of  
18 public health incidents or emergencies;

19                       (2) As a job requirement is fully certified as an emergency preparedness official  
20 qualified to administer emergency planning, response and recovery activities in the event of natural  
21 disasters, public health crises or similar incidents; and

22                       (3) As a job requirement shall meet all physical, mental, educational, and other  
23 qualifications for continuing certification as an emergency preparedness official that may be  
24 established by the certifying authority.

25       71 Department of Health and Human Services; Plan for Legislation. The department of health  
26 and human services shall consult with representatives of case management agencies and providers  
27 to discuss potential licensure of case managers and present a plan for draft legislation to the speaker  
28 of the house of representatives and the senate president by November 1, 2021.

29       72 Effective Date.

30               I. Sections 48-49 of this act shall take effect as provided in section 50 of this act.

31               II. Sections 3-4, 6, 10, 12-32, and 70 of this act shall take effect 60 days after its passage.

32               III. Sections 39-40 and 67-69 of this act shall take effect July 1, 2021.

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

**SB 162-FN- FISCAL NOTE**

AS AMENDED BY THE SENATE (AMENDMENTS #2021-0778s and #2021-0850s)

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

**METHODOLOGY:**

This bill amends several provisions relative to programs administered by the Department of Health and Human Services (DHHS) as summarized below. DHHS and other affected agencies anticipated no fiscal impact unless otherwise specified.

- Sections 1, 2, 7, 35-38, 61 and 65 all relate to a DHHS internal project to review dedicated funds administered by the agency and identify statutory gaps, aligning funds for specific programs and application of receipts to a specific corresponding treasury account in RSA 6:12, I(b). Funds that have been identified for this statutory “clean-up” exercise include: the fund for Domestic Violence Grant Program, the Public Health Services Special Fund, Radiological Health Programs, and the Mosquito Control Fund.
- Sections 3 aligns the working and legal title for the unclassified director of Medicaid enterprise development.
- Section 4 eliminates certain qualifiers for three unclassified associate commissioner to provide greater flexibility for the DHHS Commissioner to align these positions as needed to certain programmatic areas as the agency evolves to create greater efficiencies.
- Section 5 requires an emergency services plan. DHHS expects no fiscal impact.



- Sections 6, 10, and 70 authorize DHHS to recruit prospective candidates from Group II retirement, without the candidate losing Group II status, for the position of bureau chief for emergency preparedness and response with the DHHS Division of Public Health Services. The New Hampshire Retirement System states that since the extension of Group II status will affect only one position, the fiscal impact of this provision will likely be minimal.
- Section 8 amends the DHHS ombudsman's authority to focus responsibilities to servicing clients and eliminating the reference to "employees" where support is provided through the employee assistance program and existing personnel process through human resources.
- Sections 9, 41, 43, 45, and 57 eliminate redundant, outdated, and unnecessary reporting requirements, and DHHS consequently anticipates an indeterminable decrease in demand on agency staff and personnel resources.
- Section 11 repeals RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the housing security guarantee program and related treasury fund where DHHS funds housing support services through another funding mechanism.
- Sections 12-32 makes numerous technical revisions to the statutes related to the DHHS Therapeutic Cannabis Program under RSA 126-X.
- Section 33 amends RSA 126-AA:3, I, to authorize Medicaid enhancement tax (MET) funds be deposited into the Granite Advantage Health Care Program Trust Fund for certain purposes. Specifically, the funds will be used for the limited purpose of funding the Granite Advantage Health Care Program member portion of provider payments, in the form of directed payments, payable to critical access hospitals as outlined in RSA 167:64 (as amended by HB 1817, Chapter 162:32 Laws of 2018).
- Sections 39, 40 and 67-68 relate to increasing the jurisdiction limits from \$5,000 to \$10,000 for probate administration of estates that have minimal assets. These sections are anticipated to reduce demands on DHHS estate recoveries unit staffing resources in an indeterminable amount.
- Section 42 amends RSA 161-F:46 to authorize a report to the DHHS adult protective services central registry in circumstances where the vulnerable adult is no longer

living. Current law has been interpreted to only allow reports in cases where the vulnerable adult is living at the time of the investigation and finding of abuse or neglect.

- Sections 42 (paragraph III) and 44 relate to the repeal of RSA 165:20-c relative to the DHHS liability to municipalities for reimbursement of certain cash benefits in the event the agency fails to timely process an application for eligible benefits from the agency. The reimbursement is capped at an aggregate of \$100,000 annually for municipalities making such a claim. DHHS notes that since the law has been in effect that there have only been inquiries from certain municipalities on RSA 165:20-c, however, no claims have been filed with DHHS as of this date. Therefore, the fiscal impact of this section is indeterminable with the greatest exposure for recovery of \$100,000 against DHHS in any given year.
- Section 46 establishes a new RSA 169-C:12-f I, providing that the court may order a parent, guardian, custodian, or other caregiver to produce a child for the purpose of an investigatory interview, including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or neglect. DHHS assumes that it will absorb any cost within existing staffing and administrative resources.
- Section 47 is follow-up legislation from HB 1162 (2020) that expands the type of employers permitted to require that employees submit their names to the child abuse and neglect central registry as a condition of employment to include those residential settings providing developmental services under RSA 171-A.
- Sections 48-50 enacts the 2009 edition of the Interstate Compact on Child Placement, contingent upon its enactment in 34 other states. The Judicial Branch anticipates that the fiscal impact will be minor if the Interstate Compact on Child Placement is implemented.
- Section 51 repeals and reenacts the definition of "school-age program" under child care licensing found at RSA 170-E:2, IV(g) to read as follows: "(g) "School-age program" means a child day care agency providing child day care before or after, or before and after, regular school hours, and all day any time school is not in session, for 6 or more children enrolled in school, who are 4 years and 11 months of age or older, and which is not licensed under RSA 170-E:56. The number of children shall

include all children present during the period of the program, including those children related to the caregiver.”

- Section 52 provides that qualified residential treatment programs accredited under federal law shall be deemed licensed under RSA 170-E. This section required pursuant to Social Security Act, 42 U.S.C. section 672(k)(4)(G), as amended. DHHS anticipates the fiscal impact for this section is indeterminable.
- Sections 53 and 54 provides that summer camps licensed by DHHS shall have asthma inhalers and epi-pens immediately accessible under RSA 170-E.
- Section 55 authorizes the DHHS Commissioner to establish a confidential peer support program to provide stress management and crisis intervention services to staff exposed to critical incidents and trauma through the course of their employment. DHHS anticipates any cost for the proposed peer support program to be absorbed using existing resources.
- Section 56 establishes criteria governing the use of contracted providers in the DHHS child welfare program.
- Sections 58-60 require coverage plans for services to individuals with developmental disabilities. DHHS assumes no fiscal impact will result from this provision.
- Section 62 relates to the Granite Workforce Program authorizing the commissioners from Employment Security and DHHS the discretion to limit Granite Workforce Program services based on the availability of appropriated, available, or reserve funds. It also provides if the work and community engagement waiver is held invalid, or is not approved by the Centers for Medicare and Medicaid Services, the granite workforce program be suspended until such time that the work and community engagement waiver is approved or revalidated.
- Section 63 seeks to align the effective dates to July 1, 2020 regarding repeal of the old process and establishment of the new special health care licensing review and approval process under RSA 151:4-a.
- Section 64 amends RSA 184:79, XIII to include as part of milk sanitation to the definition of “milk plant” shall include wash stations where milk tank trucks are

cleaned and sanitized. DHHS assumes that it will absorb any cost within existing staffing and administrative resources.

- Sections 65-66 transfer the responsibilities for certain training around the administration of epinephrine in non-academic or school settings from DHHS to the Office of Professional Licensure and Certification, Board of Medicine. DHHS anticipates that any fiscal impact resulting from these sections would be less than \$10,000.

**AGENCIES CONTACTED:**

Judicial Branch, State Treasury, Department of Health and Human Services, and New Hampshire Retirement System

SB 162-FN - AS AMENDED BY THE HOUSE

03/18/2021 0778s  
03/18/2021 0850s  
04/01/2021 1054s  
3Jun2021... 1402h  
3Jun2021... 1763h

2021 SESSION

21-0464  
04/10

SENATE BILL **162-FN**

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Health and Human Services

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AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight and establishes assessment procedures for a child placed in a qualified residential treatment program.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 162-FN - AS AMENDED BY THE HOUSE

03/18/2021 0778s  
03/18/2021 0850s  
04/01/2021 1054s  
3Jun2021... 1402h  
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21-0464  
04/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,  
2 I(b)(12) to read as follows:

3               (12) Moneys received under RSA 457:29, **457:32-b**, and **631:2-b**, V which shall be  
4 credited to the special fund for domestic violence programs **established in RSA 173-B:15**.

5       2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to  
6 read as follows:

7               (15) Money received under RSA **125-F:22**, 143:11, **143:22-a**, **143-A:6**, and 184:85,  
8 which shall be credited to the public health services special fund **established in RSA 143:11, III**.

9       3 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
10 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

11               GG Department of health and human services director of [~~program planning and~~  
12 ~~integrity~~] **Medicaid enterprise development**

13       4 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
14 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

15               JJ Department of health and human services associate commissioner [~~of human~~  
16 ~~services and behavioral health~~]

17               JJ Department of health and human services associate commissioner [~~of~~  
18 ~~operations~~]

19               JJ Department of health and human services associate commissioner [~~for~~  
20 ~~population health~~]

21               [~~JJ Department of health and human services associate commissioner,~~  
22 ~~operations~~]

23               [~~JJ Department of health and human services associate commissioner, population~~  
24 ~~health~~]

25       5 Department of Health and Human Services; Emergency Services Plan. The department of  
26 health and human services in collaboration with all New Hampshire hospitals that operate  
27 emergency facilities shall draft a plan to be presented to the speaker of the house of representatives,

1 the senate president and the governor's office by September 1, 2021 that details the necessary  
2 emergency services offered for medical treatment of both physical and behavioral health. Such a  
3 plan shall include any recommendations for future legislation or required funding to ensure  
4 sufficient physical and behavioral health services.

5 6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
6 VIII by inserting after subparagraph (b) the following new subparagraph:

7 (c) The bureau chief for emergency preparedness and response with the department of  
8 health and human services, division of health public services who:

9 (1) Has the authority and responsibility to engage in the prevention and control of  
10 public health incidents or emergencies;

11 (2) As a job requirement is fully certified as an emergency preparedness official  
12 qualified to administer emergency planning, response and recovery activities in the event of natural  
13 disasters, public health crises or similar incidents; and

14 (3) As a job requirement shall meet all physical, mental, educational, and other  
15 qualifications for continuing certification as an emergency preparedness official that may be  
16 established by the certifying authority.

17 7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as follows:

18 IV. Upon request of the department of health and human services, the department of justice  
19 is authorized to institute civil action to collect a penalty imposed pursuant to this section. The  
20 attorney general shall have the exclusive power to compromise, mitigate, or remit such civil  
21 penalties as are referred to ~~[him]~~ **the attorney general** for collection. All civil penalties collected  
22 under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all  
23 moneys received under this section, and interest received on such money, to the public health  
24 services special fund, ~~[which shall be nonlapsing]~~, **established in RSA 143:11, from which the**  
25 **department of health and human services shall pay expenses incident to the**  
26 **administration of this chapter.**

27 8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-A:4,  
28 III to read as follows:

29 III. The department shall establish an office of the ombudsman to provide assistance to  
30 clients ~~[and employees]~~ of the department by investigating and resolving complaints regarding any  
31 matter within the jurisdiction of the department including services or assistance provided by the  
32 department or its contractors. The ombudsman's office may provide mediation or other means for  
33 informally resolving complaints. The records of the ombudsman's office shall be confidential and  
34 shall not be disclosed without the consent of the client ~~[or employee]~~ on whose behalf the complaint  
35 is made, except as may be necessary to assist the service provider ~~[or the employee's supervisor]~~ to  
36 resolve the complaint, or as required by law.

1 9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of payables  
2 for class 90 grant lines, is repealed.

3 10 New Section; Department of Health and Human Services; Status in Retirement System.  
4 Amend RSA 126-A by inserting after section 5-e the following new section:

5 126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any  
6 person who is or becomes the bureau chief for emergency preparedness with the department's  
7 division of health public services, shall be included in the definition of group II under RSA 100-A:1,  
8 VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h)  
9 or VIII(c), any person not already a group II member for at least 10 years during or prior to his or  
10 her appointment shall be eligible for or remain as a group I member for the duration of service as the  
11 bureau chief for emergency preparedness.

12 11 Repeal. The following are repealed:

13 I. RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the  
14 housing security guarantee program.

15 II. RSA 6:12, I(b)(255), relative to moneys deposited in the homeless housing and access  
16 revolving loan fund, established in RSA 126-A:63.

17 12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

18 126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from  
19 the possibility of addiction, disability, and death resulting from the use of tobacco products by  
20 ensuring that tobacco products will not be supplied to persons under the age of 21. *This chapter*  
21 *shall not apply to alternative treatment centers registered under RSA 126-X:7 or to*  
22 *individuals who have been issued a registry identification card under RSA 126-X:4 only*  
23 *with respect to the therapeutic use of cannabis; this chapter shall still apply to alternative*  
24 *treatment centers and these individuals with respect to tobacco products.*

25 13 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6, I to  
26 read as follows:

27 I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any  
28 tobacco product, e-cigarette, device, or e-liquid [~~except individuals who have been issued a registry~~  
29 ~~identification card under RSA 126-X:4 may purchase, possess and use e-liquids containing cannabis~~  
30 ~~and applicable devices as allowed under RSA 126-X~~].

31 14 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read  
32 as follows:

33 (b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe  
34 drugs to humans in the state of the patient's residence and who possesses an active registration from  
35 the United States Drug Enforcement Administration to prescribe controlled substances. [~~Such~~  
36 ~~visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New~~  
37 ~~Hampshire patient.~~]



SB 162-FN - AS AMENDED BY THE HOUSE

- Page 4 -

1 15 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read as  
2 follows:

3 XI. "Registry identification card" means a document indicating the date issued, *effective*  
4 *date*, and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual  
5 as a qualifying patient or a designated caregiver.

6 16 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVII to read as  
7 follows:

8 XVII. "Written certification" means documentation of a qualifying medical condition by a  
9 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
10 issuing registry identification cards, after having completed a full assessment of the patient's  
11 medical history and current medical condition made in the course of a provider-patient relationship.  
12 ~~[The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the~~  
13 ~~certifying provider's name, medical specialty, and signature shall be specified on the written~~  
14 ~~certification.]~~

15 17 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-  
16 X:2 by inserting after paragraph XVI the following new paragraph:

17 XVII. Authorized employees of the department shall not be subject to arrest by state or local  
18 law enforcement, prosecution, or penalty under state or municipal law, or search, when possessing,  
19 transporting, delivering, or transferring cannabis and cannabis infused products for the purposes of  
20 regulatory oversight related to this chapter.

21 18 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as  
22 follows:

23 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and  
24 educational materials to qualifying patients ~~[who have designated the alternative treatment center~~  
25 ~~to provide for them]~~, to designated caregivers on behalf of the qualifying patients ~~[who have~~  
26 ~~designated the alternative treatment center]~~, or to other alternative treatment centers.

27 19 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic  
28 Use of Cannabis. Amend RSA 126-X:3, VII-VIII to read as follows:

29 VII. The department may revoke the registry identification card of a qualifying patient or  
30 designated caregiver for violation of rules adopted by the department or for violation of any other  
31 provision of this chapter, *including for obtaining more than 2 ounces of cannabis in any 10-*  
32 *day period in violation of RSA 126-X:8, XIII(b)*, and the qualifying patient or designated  
33 caregiver shall be subject to any other penalties established in law for the violation.

34 VIII. A facility caregiver shall treat cannabis in a manner similar to *controlled*  
35 *prescription* medications with respect to its storage, security, and administration when assisting  
36 qualifying patients with the therapeutic use of cannabis.

1       20 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-  
2 X:4, I(a)-(b) to read as follows:

3           (a) Written certification [~~as defined in RSA 126-X:4~~] *which includes the date of*  
4 *issuance, the patient's qualifying medical condition, symptoms, or side effects, and the*  
5 *certifying provider's name, medical specialty, and signature. If a written certification has*  
6 *been previously issued for fewer than 3 years, a provider may extend the written*  
7 *certification, provided that the written certification shall not exceed 3 years.*

8           (b) An application or a renewal application accompanied by the application or renewal  
9 fee. *A renewal application and fee shall not be required if the applicant receives an*  
10 *extension to the written certification previously issued for fewer than 3 years.*

11       21 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
12 X:4, I(e) and the introductory paragraph of I(f) to read as follows:

13           (e) Name [~~address, and telephone number~~] of the applicant's provider.

14           (f) Name [~~address,~~] and date of birth of the applicant's designated caregiver, if any. A  
15 qualifying patient shall have only one designated caregiver, except as follows:

16       22 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
17 X:4, II(d) to read as follows:

18           (d) Name, residential and mailing address, and date of birth of each qualifying patient  
19 for whom the applicant will act as designated caregiver, except that if the qualifying patient is  
20 homeless, no residential address is required. [~~An applicant shall not act as a designated caregiver~~  
21 ~~for more than 5 qualifying patients.~~]

22       23 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend the  
23 introductory paragraph in RSA 126-X:4, IV and RSA 126-X:4, IV(a)-(b) to read as follows:

24           IV. The department shall create and issue a registry identification card to a person applying  
25 as a qualifying patient or designated caregiver within 5 days of approving an application or renewal.  
26 Each registry identification card shall expire one year after the [~~date of issuance~~] *effective date of*  
27 *the card*, unless the provider states in the written certification that the certification should expire  
28 at an earlier [~~specified date~~] *or later effective date, not to exceed 3 years*, then the registry  
29 identification card shall expire on that date. Registry identification cards shall contain all of the  
30 following:

31           (a) Name, mailing address, and date of birth of the qualifying patient or designated  
32 caregiver.

33           (b) The date of issuance, *effective date*, and expiration date of the registry  
34 identification card.

35       24 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
36 X:4, VII(a) to read as follows:

1 VII.(a) The department shall track the number of qualifying patients [~~who have designated~~  
2 ~~each alternative treatment center~~] and issue a weekly written statement to the alternative  
3 treatment center identifying the number of qualifying patients [~~who have designated that~~  
4 ~~alternative treatment center~~] along with the registry identification numbers of each qualifying  
5 patient and each qualifying patient's designated caregiver.

6 25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
7 X:4, VIII to read as follows:

8 VIII. In addition to the weekly reports, the department shall also provide written notice to  
9 an alternative treatment center which identifies the names and registration identification numbers  
10 of a qualifying patient and his or her designated caregiver whenever [~~any~~] *either* of the following  
11 events occur:

12 (a) A qualifying patient [~~designates the alternative treatment center to serve his or her~~  
13 ~~needs~~] *is registered as a participating patient* under this chapter; or

14 (b) [~~A qualifying patient revokes the designation of the alternative treatment center; or~~

15 (c) A qualifying patient [~~who has designated the alternative treatment center~~] loses his  
16 or her status as a qualifying patient under this chapter.

17 26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
18 X:4, IX(a) to read as follows:

19 IX.(a) A qualifying patient shall notify the department before changing his or her designated  
20 caregiver [~~or alternative treatment center~~].

21 27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
22 X:4, XI(a) to read as follows:

23 XI.(a) The department shall create and maintain a confidential registry of each individual  
24 who has applied for and received a registry identification card as a qualifying patient or a designated  
25 caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain  
26 the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of  
27 registry identification card issuance, *effective date of registry identification*, date of registry  
28 identification card expiration, *and* random 10-digit identification number[~~—and—registry~~  
29 ~~identification number of the qualifying patient's designated alternative treatment center, if any~~].  
30 The confidential registry and the information contained in it shall be exempt from disclosure under  
31 RSA 91-A.

32 28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
33 X:4, XI(b)(5) to read as follows:

34 (5) Counsel for the department may notify law enforcement officials about falsified  
35 or fraudulent information submitted to the department where counsel has [~~made a legal~~  
36 ~~determination that there is probable cause~~] *reason* to believe the information is false or falsified.

1 29 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, I(b) to  
2 read as follows:

3 (b) The form and content of providers' written certifications, *including the*  
4 *administrative process for tracking extensions pursuant to RSA 126-X:4, I.*

5 30 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
6 X:8, VII(a) to read as follows:

7 (a) Records of the disposal of cannabis that is not distributed by the alternative  
8 treatment center to qualifying patients [~~who have designated the alternative treatment center to~~  
9 ~~cultivate for them~~].

10 31 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
11 X:8, XV(a)-(b) to read as follows:

12 XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of  
13 the following quantities:

14 (1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6  
15 ounces of usable cannabis per qualifying patient; and

16 (2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying  
17 patient [~~who has designated the alternative treatment center to provide him or her with cannabis for~~  
18 ~~therapeutic use~~] *registered as a qualifying patient under this chapter.*

19 (b) An alternative treatment center or alternative treatment center agent shall not  
20 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

21 (1) A qualifying patient [~~who has designated the relevant alternative treatment~~  
22 ~~center~~]; or

23 (2) Such patient's designated caregiver; or

24 (3) Another alternative treatment center.

25 32 Repeal. The following are repealed:

26 I. RSA 126-X:4, I(g), relative to patients designating an alternative treatment center.

27 II. RSA 126-X:4, II(e), relative to street address of the alternative treatment center.

28 III. RSA 126-X:4, IX(e), relative to failure of a qualifying patient or designated caregiver for  
29 providing changes to name, address or designated caregiver.

30 IV. RSA 126-X:6, I(e), relative to departmental rules regarding certain fines.

31 33 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA:3, I(e)-(f)  
32 to read as follows:

33 (e) Funds received from the assessment under RSA 404-G; [~~and~~]

34 (f) *Revenue from the Medicaid enhancement tax to meet the requirements*  
35 *provided in RSA 167:64; and*

36 (g) Funds recovered or returnable to the fund that were originally spent on the cost of  
37 coverage of the granite advantage health care program.

1 34 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

2 35 Communicable Disease; Mosquito Control Fund. Amend RSA 141-C:25, I to read as follows:

3 I. There is hereby established a nonlapsing and continually appropriated mosquito control  
4 fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of  
5 offsetting the cost of mosquito control activities including, but not limited to, the purchase and  
6 application of chemical pesticides. The purpose of the fund is to provide financial assistance, when  
7 needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement  
8 activities in response to a declared threat to the public health. [~~Any balance remaining in the~~  
9 ~~mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general~~  
10 ~~fund.~~]

11 36 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
12 143:11, III to read as follows:

13 III. *There is hereby established in the state treasury the public health services*  
14 *special fund, which shall be kept separate and distinct from all other funds. The fund*  
15 *shall be nonlapsing and continually appropriated to the department of health and human*  
16 *services. All fees collected under this subdivision shall be forwarded to the state treasurer* [~~The~~  
17 ~~state treasurer]~~ *who shall credit all* [~~moneys received under this subdivision,~~] *such moneys and*  
18 *interest received on such money, to* [~~a special]~~ *the fund from which* [~~he]~~ *the department of health*  
19 *and human services shall pay all the expenses of the department incident to the administration of*  
20 *this subdivision.* [~~This fund shall not lapse.~~]

21 37 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
22 143:22-a to read as follows:

23 143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human  
24 services shall prescribe and collect fees for certificates for establishments which process or pack  
25 shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected  
26 under this subdivision shall be forwarded to the state treasurer to be deposited in the [~~general fund~~]  
27 *public health services special fund established in RSA 143:11. The department of health*  
28 *and human services shall use such funds to pay expenses of the department incident to the*  
29 *administration of this subdivision.*

30 38 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

31 VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000  
32 each fiscal year may be included in the state biennial operating budget as restricted revenue to  
33 support the activities required in this chapter. *The state treasurer shall credit all moneys*  
34 *received under this paragraph, and interest received on such money, to the public health*  
35 *services special fund, established under RSA 143:11, from which the department shall pay*  
36 *expenses incident to the administration of this chapter.*

37 39 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as follows:

1 I. If within 30 days after the date of a testate or intestate patient's death in any nursing  
2 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
3 personal property remaining at the nursing home belonging to the deceased, including any amount  
4 left in a patient account, is no more than ~~[\$5,000]~~ **\$10,000**, the nursing home administrator shall file  
5 in the probate court in the county where the nursing home is located an affidavit for the purpose of  
6 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
7 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The  
8 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
9 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
10 administrator has the will or a copy of the will, the nursing home administrator shall file the same  
11 in the probate court in the county where the nursing home is located. The probate court shall waive  
12 all filing fees.

13 40 Applicability. Section 39 of this act shall apply to affidavits filed on or after the effective date  
14 of this section.

15 41 Repeal. RSA 151-E:11, II, relative to an annual report on the utilization of non-nursing home  
16 services, is repealed.

17 42 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory paragraph of  
18 RSA 161-F:46 to read as follows:

19 Any person, including, but not limited to, physicians, other health care professionals, social  
20 workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult  
21 who is or who is suspected to be vulnerable, **at the time of the incident**, has been subjected to  
22 abuse, neglect, self-neglect, or exploitation or is, **or was** living in hazardous conditions shall report  
23 or cause a report to be made as follows:

24 43 Repeal. The following are repealed:

25 I. RSA 161-F:64, relative to an annual report on review of homemaker services.

26 II. RSA 161-I:4, VI, relative to reports regarding the home and community-based care  
27 waiver for the elderly and chronically ill.

28 III. RSA 165:20-c, relative to liability for support and reimbursement from the state.

29 IV. RSA 165:35, relative to rulemaking for forms and claims for reimbursement from the  
30 state.

31 V. RSA 167:3-j, III, relative to semi-annual reports on net savings realized for aid to the  
32 permanently and totally disabled grants.

33 44 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as  
34 follows:

35 165:2-a Expense of General Assistance. The financial responsibility for general assistance for  
36 assisted persons shall be the responsibility of the town or city in which the person making  
37 application resides, except as otherwise provided in RSA 165:1-c ~~[and 165:20-e]~~.

1       45 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA 167:4-a,  
2 VI to read as follows:

3           VI. The department, in coordination with financial institutions doing business in the state,  
4 may develop and operate a data match system, using automated data exchanges to the maximum  
5 extent feasible, in which each financial institution is required to provide, when requested by the  
6 department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5  
7 years of information regarding the name, record address, social security number or other taxpayer  
8 identification number, monthly account balance, and other identifying information for each applicant  
9 or recipient who maintains an account at the financial institution, as identified by the department  
10 by name and social security number or other taxpayer identification number. The system shall be  
11 based on a cost-effective search algorithm and shall include means to assure compliance with the  
12 provisions of this section. ~~[The department shall provide a status report regarding the~~  
13 ~~implementation of the data match system to the oversight committee on health and human services,~~  
14 ~~established in RSA 126 A:13, on or before November 1, 2010, and annually thereafter, until~~  
15 ~~implementation has been fully completed. The report shall summarize the department's findings~~  
16 ~~and recommendations to date, including savings generated by both incremental asset identification~~  
17 ~~and the time and labor associated with the process, the feedback and reactions of applicants and~~  
18 ~~recipients, any barriers to implementation, anticipated future actions, and the department's~~  
19 ~~assessment of the relative success of the project.]~~

20       46 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend RSA  
21 169-C by inserting after section 12-f the following new section:

22       169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,  
23 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,  
24 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or  
25 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or  
26 neglect.

27       47 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

28           II. Upon receipt by the department of a written request and verified proof of identity, an  
29 individual shall be informed by the department whether that individual's name is listed in the  
30 founded reports maintained in the central registry. It shall be unlawful for any employer other than  
31 those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and those  
32 specified in RSA 170-E ~~[and]~~, RSA 170-G:8-c, *and RSA 171-A* to require as a condition of  
33 employment that the employee submit his or her name for review against the central registry of  
34 founded reports of abuse and neglect. Any violation of this provision shall be punishable as a  
35 violation.

36       48 Child Day Care Licensing; Definitions RSA 170-E:2, IV(g) is repealed and reenacted to read  
37 as follows:

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1 (g) "School-age program" means a child day care agency providing child day care before  
2 or after, or before and after, regular school hours, and all day any time school is not in session, for 6  
3 or more children enrolled in school, who are 4 years and 8 months of age or older, and which is not  
4 licensed under RSA 170-E:56. The number of children shall include all children present during the  
5 period of the program, including those children related to the caregiver.

6 49 New Section; Residential Care and Child-Placing Agency Licensing; Deemed Licensed.  
7 Amend RSA 170-E by inserting after section 31 the following new section:

8 170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by  
9 organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as  
10 amended, shall submit a completed license application or renewal application. Such child care  
11 institutions and child care agencies defined as group homes, specialized care, or homeless youth  
12 programs, shall be deemed licensed under this subdivision and shall be exempt from inspections  
13 carried out under RSA 170-E:31, IV. This section shall only apply to the activities or portions of the  
14 facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G),  
15 as amended.

16 50 Recreation Camp Licensing; Availability of Epinephrine Auto-Injector. Amend RSA 170-E:61  
17 to read as follows:

18 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse  
19 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child  
20 with severe allergies at least one epinephrine auto-injector, provided by the child or the child's  
21 parent or guardian, [~~in the nurse's office or in a similarly accessible location~~] *which shall be*  
22 *readily accessible to the recreational camp staff caring for children requiring such*  
23 *medications.*

24 51 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA 170-  
25 E by inserting after section 63 the following new section:

26 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not  
27 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with  
28 asthma at least one metered dose inhaler or a dry powder inhaler, provided by the child or the child's  
29 parent or guardian, which shall be readily accessible to the recreational camp staff caring for  
30 children requiring such medications.

31 52 New Paragraph; Services for Children, Youth, and Families; Peer Support Program. Amend  
32 RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

33 VIII. The commissioner may establish a confidential peer support program for the purpose  
34 of providing critical incident stress management and crisis intervention services for staff exposed to  
35 critical incidents and trauma through the course of their employment.

36 (a) In this section:



1 (1) "Critical incident" means any incident that has a high emotional impact on the  
2 responders, or is beyond the realm of a person's usual experience that overwhelms his or her sense of  
3 vulnerability and/or lack of control over the situation.

4 (2) "Critical incident stress" means a normal reaction to an abnormal event that has  
5 the potential to interfere with normal functioning and that results from the response to a critical  
6 incident or long-term occupational exposure to a series of critical incident responses over a period of  
7 time that are believed to be causing debilitating stress that is affecting an emergency service  
8 provider and his or her work performance or family situation. This may include, but is not limited  
9 to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job,  
10 personality changes, or loss of ability to function.

11 (3) "Critical incident stress management" means a process of crisis intervention  
12 designed to assist employees in coping with the psychological trauma resulting from response to a  
13 critical incident.

14 (4) "Critical incident stress management and crisis intervention services" means  
15 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and  
16 referral provided by a critical incident stress management team member.

17 (5) "Critical incident stress management team" or "team" means the group of one or  
18 more trained volunteers, including members of peer support groups who offer critical incident stress  
19 management and crisis intervention services following a critical incident or long term or continued,  
20 debilitating stress being experienced by employees and affecting them or their family situation.

21 (6) "Critical incident stress management team member" or "team member" means an  
22 employee, including any specially trained to provide critical incident stress management and crisis  
23 intervention services as a member of an organized team.

24 (7) "Debriefing" means a closed, confidential discussion of a critical incident relating  
25 to the feelings and perceptions of those directly involved prior to, during, and after a stressful event.  
26 It is intended to provide support, education, and an outlet for associated views and feelings.  
27 Debriefings do not provide counseling or an operational critique of the incident.

28 (b)(1) Any information divulged to the team or a team member during the provision of  
29 critical incident stress management and crisis intervention services shall be kept confidential and  
30 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records  
31 kept by critical incident stress management team members are not subject to subpoena, discovery, or  
32 introduction into evidence in a criminal, civil, or administrative action. Except as provided in  
33 subparagraph (c), no person, whether critical incident stress management team member or team  
34 leader providing or receiving critical incident stress management and crisis intervention services,  
35 shall be required to testify or divulge any information obtained solely through such crisis  
36 intervention.

1 (2) In any civil action against any individual, or the department, including the state  
2 of New Hampshire, arising out of the conduct of a member of such team, this section is not intended  
3 and shall not be admissible to establish negligence in any instance where requirements herein are  
4 higher than the standard of care that would otherwise have been applicable in such action under  
5 state law.

6 (c) A communication shall not be deemed confidential pursuant to this section if:

7 (1) The communication indicates the existence of a danger to the individual who  
8 receives critical incident stress management and crisis intervention services or to any other person  
9 or persons;

10 (2) The communication indicates the existence of past child abuse or neglect of the  
11 individual, abuse of an adult as defined by law, or family violence as defined by law; or

12 (3) The communication indicates the existence of a danger to the individual who  
13 receives critical incident stress management and crisis intervention services or to any other person  
14 or persons.

15 53 New Paragraph; Services for Children, Youth, and Families; Procurement Model for Services.  
16 Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

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

24 54 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials relating  
25 to missing children issues and matters, is repealed.

26 55 Services for the Developmentally Disabled; Funding for Wait List. Amend the introductory  
27 paragraph of RSA 171-A:1-a, I to read as follows:

28 I. The department of health and human services and area agencies shall provide services to  
29 eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-  
30 K in a timely manner. The department and area agencies shall provide *funding for* services in  
31 such a manner that:

32 56 Coverage Plan for Services to Individuals with Developmental Disabilities. The department  
33 of health and human services in collaboration with the department of education, the Disability  
34 Rights Center-New Hampshire, and the representatives of the 10 area agencies shall develop a plan  
35 by October 1, 2021 that provides coverage for services to individuals with developmental disabilities  
36 aged 18-21 enrolled in school and determined eligible for developmental services that are not the  
37 responsibility of the local education agency, another state agency, or another division of the

1 department. Such a plan shall estimate the number of eligible individuals likely to need such  
2 services, the costs of providing such services, and reimbursement mechanisms for service providers.

3 57 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read as  
4 follows:

5 II. [~~Beginning with the fiscal year ending June 30, 2010, and thereafter,~~] The department of  
6 health and human services shall incorporate *in its appropriation requests* the cost of fully  
7 funding services to eligible persons, in accordance with the requirements of paragraph I, and as  
8 otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet  
9 such costs and requirements.

10 58 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

11 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence  
12 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic  
13 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The  
14 state treasurer shall deposit all fees received by the department under RSA 457:29, *457:32-b, and*  
15 *631:2-b, V* in the fund. All moneys deposited in the fund shall be continually appropriated for the  
16 purposes of the domestic violence grant program and shall not lapse.

17 59 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read as  
18 follows:

19 342:9 Termination of Granite Workforce Program.

20 I. The commissioner of the department of health and human services shall be responsible for  
21 determining, every 3 months commencing no later than December 31, 2018, whether available TANF  
22 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available  
23 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health  
24 and human services and employment security shall, within 20 business days of such determination,  
25 terminate the granite workforce program. The commissioners shall notify the governor, the speaker  
26 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of  
27 the general court, and granite workforce participants of the program's pending termination. *The*  
28 *commissioners shall have the discretion to limit granite workforce program services based*  
29 *on the availability of appropriated, available, or reserve funds.*

30 II. If at any time the New Hampshire granite advantage health care program, established  
31 under RSA 126-AA, terminates, the commissioners of the departments of health and human services  
32 and employment security shall terminate the granite workforce program. The date of the granite  
33 workforce program's termination shall align with that of the New Hampshire granite advantage  
34 health care program.

35 III. *If the work and community engagement waiver is held invalid, or is not*  
36 *approved, or is withdrawn by the Centers for Medicare and Medicaid Services, the granite*

1 *workforce program shall be suspended until such time that the work and community*  
2 *engagement waiver is approved or revalidated.*

3 60 Health Facility Licensure; Effective Dates Amended. Amend 2020, 39:72, V-VI to read as  
4 follows:

5 V. Sections 55-57~~[, 64-67, and 69]~~ **and 64** of this act shall take effect July 1, 2020.

6 VI. Sections 5~~[, 60, and 68]~~ **and 60** of this act shall take effect July 1, 2021.

7 61 Milk Sanitation Code; Terms Defined. Amend RSA 184:79, XIII to read as follows:

8 XIII. The term "milk plant" means any place, premises, or establishment where milk or milk  
9 products are collected, handled, processed, stored, pasteurized, bottled, packaged, or prepared for  
10 distribution, except an establishment where milk or milk products are sold at retail only. ***This term***  
11 ***shall include wash stations where milk tank trucks are cleaned and sanitized.***

12 62 Milk Sanitation Code; License Fees. Amend RSA 184:85, IV to read as follows:

13 IV. All fees collected under this section shall be forwarded to the state treasurer. The state  
14 treasurer shall credit all moneys received under this section, and interest received on such money, to  
15 ~~[a]~~ ***the public health services*** special fund ***established in RSA 143:11***, from which ~~[he]~~ ***the***  
16 ***department*** shall pay all the expenses of the department incident to the licensing and regulation of  
17 milk plants, milk distributors and milk producer-distributors. ~~[This fund shall not lapse.]~~

18 63 New Subdivision; Administration of Epinephrine. Amend RSA 329 by inserting after section  
19 1-g the following new subdivision:

20 Administration of Epinephrine

21 329:1-h Administration of Epinephrine.

22 I. In this section:

23 (a) "Administer" means the direct application of an epinephrine auto-injector to the body  
24 of an individual.

25 (b) "Authorized entity" means any entity or organization in which allergens capable of  
26 causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized  
27 entity shall not include an elementary or secondary school or a postsecondary educational institution  
28 eligible to establish policies and guidelines for the emergency administration of epinephrine under  
29 RSA 200-N.

30 (c) "Epinephrine auto-injector" means a single-use device used for the automatic  
31 injection of a premeasured dose of epinephrine into the human body.

32 (d) "Health care practitioner" means a person who is lawfully entitled to prescribe,  
33 administer, dispense, or distribute controlled drugs.

34 (e) "Provide" means to furnish one or more epinephrine auto-injectors to an individual.

35 II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an  
36 authorized entity for use in accordance with this section, and pharmacists and health care

1 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name  
2 of an authorized entity.

3 III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors  
4 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors  
5 shall be stored in a location readily accessible in an emergency and in accordance with the  
6 instructions for use, and any additional requirements that may be established by board of medicine.  
7 An authorized entity shall designate employees or agents who have completed the training required  
8 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of  
9 epinephrine auto-injectors acquired by the authorized entity.

10 IV. An employee or agent of an authorized entity, or other individual, who has completed the  
11 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this  
12 section to:

13 (a) Provide an epinephrine auto-injector to any individual who the employee agent or  
14 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or  
15 caregiver of such individual, for immediate administration, regardless of whether the individual has  
16 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

17 (b) Administer an epinephrine auto-injector to any individual who the employee, agent,  
18 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the  
19 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with  
20 an allergy.

21 V.(a) An employee, agent, or other individual described in paragraph IV shall complete an  
22 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis  
23 training program. Such training shall be conducted by a nationally-recognized organization  
24 experienced in training unlicensed persons in emergency health care treatment or an entity or  
25 individual approved by the board of medicine. Training may be conducted online or in person and, at  
26 a minimum, shall cover:

27 (1) How to recognize signs and symptoms of severe allergic reactions, including  
28 anaphylaxis;

29 (2) Standards and procedures for the storage and administration of an epinephrine  
30 auto-injector; and

31 (3) Emergency follow-up procedures.

32 (b) The entity or individual that conducts the training shall issue a certificate, on a form  
33 developed or approved by the board of medicine to each person who successfully completes the  
34 anaphylaxis training program.

35 VI. No authorized entity that possesses and makes available epinephrine auto-injectors and  
36 its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses  
37 epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that

1 dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts  
2 the training described in paragraph V, shall be liable for any injuries or related damages that result  
3 from any act or omission pursuant to this section, unless such injury or damage is the result of  
4 willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with  
5 this section shall not be considered to be the practice of medicine or any other profession that  
6 otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any  
7 other immunity or defense that may be available under state law. An entity located in this state  
8 shall not be liable for any injuries or related damages that result from the provision or  
9 administration of an epinephrine auto-injector outside of this state if the entity would not have been  
10 liable for such injuries or related damages had the provision or administration occurred within this  
11 state, or is not liable for such injuries or related damages under the law of the state in which such  
12 provision or administration occurred.

13 64 Guardians and Conservators; Termination of Guardianship. Amend RSA 464-A:40, V(a) to  
14 read as follows:

15 V.(a) If, within 30 days after the date of a testate or intestate ward's death, no petition for  
16 probate has been filed under any section of RSA 553 and the gross value of the personal property  
17 remaining in the possession of the guardian belonging to the deceased, including any amount left in  
18 designated accounts for the ward, is no more than [~~\$5,000~~] **\$10,000**, the guardian may file in the  
19 probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of  
20 disposing of such deceased ward's estate. Once approved by the court, the guardian shall be  
21 authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form  
22 of the affidavit, and the rules governing proceedings under this section, shall be provided by the  
23 probate court pursuant to RSA 547:33.

24 65 Custody and Escheat of Unclaimed or Abandoned Property; Filing of Claim. Amend RSA  
25 471-C:26, I(c)(2)-(3) to read as follows:

26 (2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where  
27 the unclaimed property is valued at less than [~~\$5,000~~] **\$10,000** and does not include securities in  
28 share form, in accordance with the final distribution of assets as approved by the probate court.

29 (3) Except as provided in subparagraphs (5)-(7), in the absence of an open estate or  
30 probate court decree of final distribution, and the unclaimed property is valued at less than [~~\$5,000~~]  
31 **\$10,000** and does not include securities in share form, by the surviving spouse of the deceased  
32 owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
33 RSA 561:1.

34 66 Applicability. Sections 64-65 of this act shall apply to affidavits or claims filed on or after the  
35 effective date of this section.

36 67 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
37 VII by inserting after subparagraph (g) the following new subparagraph:

1 (h) The bureau chief for emergency preparedness and response with the department of  
2 health and human services, division of health public services who:

3 (1) Has the authority and responsibility to engage in the prevention and control of  
4 public health incidents or emergencies;

5 (2) As a job requirement is fully certified as an emergency preparedness official  
6 qualified to administer emergency planning, response and recovery activities in the event of natural  
7 disasters, public health crises or similar incidents; and

8 (3) As a job requirement shall meet all physical, mental, educational, and other  
9 qualifications for continuing certification as an emergency preparedness official that may be  
10 established by the certifying authority.

11 68 Department of Health and Human Services; Plan for Legislation. The department of health  
12 and human services shall consult with representatives of case management agencies and providers  
13 to discuss potential licensure of case managers and present a plan for draft legislation to the speaker  
14 of the house of representatives and the senate president by November 1, 2021.

15 69 New Section; Delinquent Children; Placement in a Qualified Residential Treatment Program.  
16 Amend RSA 169-B by inserting after section 19-c the following new section:

17 169-B:19-d Placement in a Qualified Residential Treatment Program. For any child placed in a  
18 qualified residential treatment program, as defined in the federal Family First Prevention Services  
19 Act of 2017, the court shall:

20 I. Order an assessment to be completed within 30 days of placement by a qualified  
21 individual as defined by the federal Family First Prevention Services Act of 2017; and

22 II. Review the assessment and issue an order approving the placement or changing the  
23 placement within 60 days of placement.

24 70 New Section; Child Protection Act; Placement in a Qualified Residential Treatment Program.  
25 Amend RSA 169-C by inserting after section 19-e the following new section:

26 169-C:19-f Placement in a Qualified Residential Treatment Program. For any child placed in a  
27 qualified residential treatment program, as defined in the federal Family First Prevention Services  
28 Act of 2017, the court shall:

29 I. Order an assessment to be completed within 30 days of placement by a qualified  
30 individual as defined by the federal Family First Prevention Services Act of 2017; and

31 II. Review the assessment and issue an order approving the placement or changing the  
32 placement within 60 days of placement.

33 71 New Section; Children in Need of Services; Placement in a Qualified Residential Treatment  
34 Program. Amend RSA 169-D by inserting after section 9-c the following new section:

35 169-D:9-d Placement in a Qualified Residential Treatment Program. For any child placed in a  
36 qualified residential treatment program, as defined in the federal Family First Prevention Services  
37 Act of 2017, the court shall:

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1 I. Order an assessment to be completed within 30 days of placement by a qualified  
2 individual as defined by the federal Family First Prevention Services Act of 2017; and

3 II. Review the assessment and issue an order approving the placement or changing the  
4 placement within 60 days of placement.

5 72 Effective Date.

6 I. Sections 3-4, 6, 10, 12-32, and 67 of this act shall take effect 60 days after its passage.

7 II. Sections 39-40 and 64-66 of this act shall take effect July 1, 2021.

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



**SB 162-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENTS #2021-0778s and #2021-0850s)

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

**METHODOLOGY:**

This bill amends several provisions relative to programs administered by the Department of Health and Human Services (DHHS) as summarized below. DHHS and other affected agencies anticipated no fiscal impact unless otherwise specified.

- Sections 1, 2, 7, 35-38, 61 and 65 all relate to a DHHS internal project to review dedicated funds administered by the agency and identify statutory gaps, aligning funds for specific programs and application of receipts to a specific corresponding treasury account in RSA 6:12, I(b). Funds that have been identified for this statutory “clean-up” exercise include: the fund for Domestic Violence Grant Program, the Public Health Services Special Fund, Radiological Health Programs, and the Mosquito Control Fund.
- Sections 3 aligns the working and legal title for the unclassified director of Medicaid enterprise development.
- Section 4 eliminates certain qualifiers for three unclassified associate commissioner to provide greater flexibility for the DHHS Commissioner to align these positions as needed to certain programmatic areas as the agency evolves to create greater efficiencies.
- Section 5 requires an emergency services plan. DHHS expects no fiscal impact.

- Sections 6, 10, and 70 authorize DHHS to recruit prospective candidates from Group II retirement, without the candidate losing Group II status, for the position of bureau chief for emergency preparedness and response with the DHHS Division of Public Health Services. The New Hampshire Retirement System states that since the extension of Group II status will affect only one position, the fiscal impact of this provision will likely be minimal.
- Section 8 amends the DHHS ombudsman's authority to focus responsibilities to servicing clients and eliminating the reference to "employees" where support is provided through the employee assistance program and existing personnel process through human resources.
- Sections 9, 41, 43, 45, and 57 eliminate redundant, outdated, and unnecessary reporting requirements, and DHHS consequently anticipates an indeterminable decrease in demand on agency staff and personnel resources.
- Section 11 repeals RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the housing security guarantee program and related treasury fund where DHHS funds housing support services through another funding mechanism.
- Sections 12-32 makes numerous technical revisions to the statutes related to the DHHS Therapeutic Cannabis Program under RSA 126-X.
- Section 33 amends RSA 126-AA:3, I, to authorize Medicaid enhancement tax (MET) funds be deposited into the Granite Advantage Health Care Program Trust Fund for certain purposes. Specifically, the funds will be used for the limited purpose of funding the Granite Advantage Health Care Program member portion of provider payments, in the form of directed payments, payable to critical access hospitals as outlined in RSA 167:64 (as amended by HB 1817, Chapter 162:32 Laws of 2018).
- Sections 39, 40 and 67-68 relate to increasing the jurisdiction limits from \$5,000 to \$10,000 for probate administration of estates that have minimal assets. These sections are anticipated to reduce demands on DHHS estate recoveries unit staffing resources in an indeterminable amount.
- Section 42 amends RSA 161-F:46 to authorize a report to the DHHS adult protective services central registry in circumstances where the vulnerable adult is no longer

living. Current law has been interpreted to only allow reports in cases where the vulnerable adult is living at the time of the investigation and finding of abuse or neglect.

- Sections 42 (paragraph III) and 44 relate to the repeal of RSA 165:20-c relative to the DHHS liability to municipalities for reimbursement of certain cash benefits in the event the agency fails to timely process an application for eligible benefits from the agency. The reimbursement is capped at an aggregate of \$100,000 annually for municipalities making such a claim. DHHS notes that since the law has been in effect that there have only been inquiries from certain municipalities on RSA 165:20-c, however, no claims have been filed with DHHS as of this date. Therefore, the fiscal impact of this section is indeterminable with the greatest exposure for recovery of \$100,000 against DHHS in any given year.
- Section 46 establishes a new RSA 169-C:12-f I, providing that the court may order a parent, guardian, custodian, or other caregiver to produce a child for the purpose of an investigatory interview, including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or neglect. DHHS assumes that it will absorb any cost within existing staffing and administrative resources.
- Section 47 is follow-up legislation from HB 1162 (2020) that expands the type of employers permitted to require that employees submit their names to the child abuse and neglect central registry as a condition of employment to include those residential settings providing developmental services under RSA 171-A.
- Sections 48-50 enacts the 2009 edition of the Interstate Compact on Child Placement, contingent upon its enactment in 34 other states. The Judicial Branch anticipates that the fiscal impact will be minor if the Interstate Compact on Child Placement is implemented.
- Section 51 repeals and reenacts the definition of "school-age program" under child care licensing found at RSA 170-E:2, IV(g) to read as follows: "(g) "School-age program" means a child day care agency providing child day care before or after, or before and after, regular school hours, and all day any time school is not in session, for 6 or more children enrolled in school, who are 4 years and 11 months of age or older, and which is not licensed under RSA 170-E:56. The number of children shall

include all children present during the period of the program, including those children related to the caregiver.”

- Section 52 provides that qualified residential treatment programs accredited under federal law shall be deemed licensed under RSA 170-E. This section required pursuant to Social Security Act, 42 U.S.C. section 672(k)(4)(G), as amended. DHHS anticipates the fiscal impact for this section is indeterminable.
- Sections 53 and 54 provides that summer camps licensed by DHHS shall have asthma inhalers and epi-pens immediately accessible under RSA 170-E.
- Section 55 authorizes the DHHS Commissioner to establish a confidential peer support program to provide stress management and crisis intervention services to staff exposed to critical incidents and trauma through the course of their employment. DHHS anticipates any cost for the proposed peer support program to be absorbed using existing resources.
- Section 56 establishes criteria governing the use of contracted providers in the DHHS child welfare program.
- Sections 58-60 require coverage plans for services to individuals with developmental disabilities. DHHS assumes no fiscal impact will result from this provision.
- Section 62 relates to the Granite Workforce Program authorizing the commissioners from Employment Security and DHHS the discretion to limit Granite Workforce Program services based on the availability of appropriated, available, or reserve funds. It also provides if the work and community engagement waiver is held invalid, or is not approved by the Centers for Medicare and Medicaid Services, the granite' workforce program be suspended until such time that the work and community engagement waiver is approved or revalidated.
- Section 63 seeks to align the effective dates to July 1, 2020 regarding repeal of the old process and establishment of the new special health care licensing review and approval process under RSA 151:4-a.
- Section 64 amends RSA 184:79, XIII to include as part of milk sanitation to the definition of “milk plant” shall include wash stations where milk tank trucks are

cleaned and sanitized. DHHS assumes that it will absorb any cost within existing staffing and administrative resources.

- Sections 65-66 transfer the responsibilities for certain training around the administration of epinephrine in non-academic or school settings from DHHS to the Office of Professional Licensure and Certification, Board of Medicine. DHHS anticipates that any fiscal impact resulting from these sections would be less than \$10,000.

**AGENCIES CONTACTED:**

Judicial Branch, State Treasury, Department of Health and Human Services, and New Hampshire Retirement System

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03/18/2021 0778s  
03/18/2021 0850s  
04/01/2021 1054s  
3Jun2021... 1402h  
3Jun2021... 1763h

2021 SESSION

21-0464  
04/10

SENATE BILL

***162-FN***

AN ACT

relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

SPONSORS:

Sen. Bradley, Dist 3

COMMITTEE:

Health and Human Services

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AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight and establishes assessment procedures for a child placed in a qualified residential treatment program.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 122  
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03/18/2021 0778s  
03/18/2021 0850s  
04/01/2021 1054s  
3Jun2021... 1402h  
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21-0464  
04/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 122:1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,  
2 I(b)(12) to read as follows:

3 (12) Moneys received under RSA 457:29, **457:32-b, and 631:2-b, V** which shall be  
4 credited to the special fund for domestic violence programs **established in RSA 173-B:15**.

5 122:2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to  
6 read as follows:

7 (15) Money received under RSA **125-F:22**, 143:11, **143:22-a, 143-A:6**, and 184:85,  
8 which shall be credited to the public health services special fund **established in RSA 143:11, III**.

9 122:3 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
10 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

11 GG Department of health and human services director of [~~program planning and~~  
12 ~~integrity~~] **Medicaid enterprise development**

13 122:4 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
14 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

15 JJ Department of health and human services associate commissioner [~~of human~~  
16 ~~services and behavioral health~~]

17 JJ Department of health and human services associate commissioner [~~of~~  
18 ~~operations~~]

19 JJ Department of health and human services associate commissioner [~~for~~  
20 ~~population health~~]

21 [~~JJ Department of health and human services associate commissioner,~~  
22 ~~operations~~]

23 [~~JJ Department of health and human services associate commissioner, population~~  
24 ~~health~~]

25 122:5 Department of Health and Human Services; Emergency Services Plan. The department of  
26 health and human services in collaboration with all New Hampshire hospitals that operate  
27 emergency facilities shall draft a plan to be presented to the speaker of the house of representatives,

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1 the senate president and the governor's office by September 1, 2021 that details the necessary  
2 emergency services offered for medical treatment of both physical and behavioral health. Such a  
3 plan shall include any recommendations for future legislation or required funding to ensure  
4 sufficient physical and behavioral health services.

5 122:6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-  
6 A:1, VIII by inserting after subparagraph (b) the following new subparagraph:

7 (c) The bureau chief for emergency preparedness and response with the department of  
8 health and human services, division of health public services who:

9 (1) Has the authority and responsibility to engage in the prevention and control of  
10 public health incidents or emergencies;

11 (2) As a job requirement is fully certified as an emergency preparedness official  
12 qualified to administer emergency planning, response and recovery activities in the event of natural  
13 disasters, public health crises or similar incidents; and

14 (3) As a job requirement shall meet all physical, mental, educational, and other  
15 qualifications for continuing certification as an emergency preparedness official that may be  
16 established by the certifying authority.

17 122:7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as  
18 follows:

19 IV. Upon request of the department of health and human services, the department of justice  
20 is authorized to institute civil action to collect a penalty imposed pursuant to this section. The  
21 attorney general shall have the exclusive power to compromise, mitigate, or remit such civil  
22 penalties as are referred to ~~[him]~~ **the attorney general** for collection. All civil penalties collected  
23 under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all  
24 moneys received under this section, and interest received on such money, to the public health  
25 services special fund, ~~[which shall be non-lapsing]~~, **established in RSA 143:11, from which the**  
26 **department of health and human services shall pay expenses incident to the**  
27 **administration of this chapter.**

28 122:8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-  
29 A:4, III to read as follows:

30 III. The department shall establish an office of the ombudsman to provide assistance to  
31 clients ~~[and employees]~~ of the department by investigating and resolving complaints regarding any  
32 matter within the jurisdiction of the department including services or assistance provided by the  
33 department or its contractors. The ombudsman's office may provide mediation or other means for  
34 informally resolving complaints. The records of the ombudsman's office shall be confidential and  
35 shall not be disclosed without the consent of the client ~~[or employee]~~ on whose behalf the complaint  
36 is made, except as may be necessary to assist the service provider ~~[or the employee's supervisor]~~ to  
37 resolve the complaint, or as required by law.



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1 122:9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of  
2 payables for class 90 grant lines, is repealed.

3 122:10 New Section; Department of Health and Human Services; Status in Retirement System.  
4 Amend RSA 126-A by inserting after section 5-e the following new section:

5 126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any  
6 person who is or becomes the bureau chief for emergency preparedness with the department's  
7 division of health public services, shall be included in the definition of group II under RSA 100-A:1,  
8 VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h)  
9 or VIII(c), any person not already a group II member for at least 10 years during or prior to his or  
10 her appointment shall be eligible for or remain as a group I member for the duration of service as the  
11 bureau chief for emergency preparedness.

12 122:11 Repeal. The following are repealed:

13 I. RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the  
14 housing security guarantee program.

15 II. RSA 6:12, I(b)(255), relative to moneys deposited in the homeless housing and access  
16 revolving loan fund, established in RSA 126-A:63.

17 122:12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

18 126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from  
19 the possibility of addiction, disability, and death resulting from the use of tobacco products by  
20 ensuring that tobacco products will not be supplied to persons under the age of 21. ***This chapter***  
21 ***shall not apply to alternative treatment centers registered under RSA 126-X:7 or to***  
22 ***individuals who have been issued a registry identification card under RSA 126-X:4 only***  
23 ***with respect to the therapeutic use of cannabis; this chapter shall still apply to alternative***  
24 ***treatment centers and these individuals with respect to tobacco products.***

25 122:13 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6,  
26 I to read as follows:

27 I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any  
28 tobacco product, e-cigarette, device, or e-liquid [~~except individuals who have been issued a registry~~  
29 ~~identification card under RSA 126-X:4 may purchase, possess and use e-liquids containing cannabis~~  
30 ~~and applicable devices as allowed under RSA 126-X~~].

31 122:14 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to  
32 read as follows:

33 (b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe  
34 drugs to humans in the state of the patient's residence and who possesses an active registration from  
35 the United States Drug Enforcement Administration to prescribe controlled substances. [~~Such~~  
36 ~~visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New~~  
37 ~~Hampshire patient.~~]

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1       122:15 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read  
2 as follows:

3           XI. "Registry identification card" means a document indicating the date issued, *effective*  
4 *date*, and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual  
5 as a qualifying patient or a designated caregiver.

6       122:16 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVII to  
7 read as follows:

8           XVII. "Written certification" means documentation of a qualifying medical condition by a  
9 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
10 issuing registry identification cards, after having completed a full assessment of the patient's  
11 medical history and current medical condition made in the course of a provider-patient relationship.  
12 [~~The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the~~  
13 ~~certifying provider's name, medical specialty, and signature shall be specified on the written~~  
14 ~~certification.~~]

15       122:17 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA  
16 126-X:2 by inserting after paragraph XVI the following new paragraph:

17           XVII. Authorized employees of the department shall not be subject to arrest by state or local  
18 law enforcement, prosecution, or penalty under state or municipal law, or search, when possessing,  
19 transporting, delivering, or transferring cannabis and cannabis infused products for the purposes of  
20 regulatory oversight related to this chapter.

21       122:18 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to  
22 read as follows:

23           (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and  
24 educational materials to qualifying patients [~~who have designated the alternative treatment center~~  
25 ~~to provide for them~~], to designated caregivers on behalf of the qualifying patients [~~who have~~  
26 ~~designated the alternative treatment center~~], or to other alternative treatment centers.

27       122:19 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the  
28 Therapeutic Use of Cannabis. Amend RSA 126-X:3, VII-VIII to read as follows:

29           VII. The department may revoke the registry identification card of a qualifying patient or  
30 designated caregiver for violation of rules adopted by the department or for violation of any other  
31 provision of this chapter, *including for obtaining more than 2 ounces of cannabis in any 10-*  
32 *day period in violation of RSA 126-X:8, XIII(b)*, and the qualifying patient or designated  
33 caregiver shall be subject to any other penalties established in law for the violation.

34           VIII. A facility caregiver shall treat cannabis in a manner similar to *controlled*  
35 *prescription* medications with respect to its storage, security, and administration when assisting  
36 qualifying patients with the therapeutic use of cannabis.

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1 122:20 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA  
2 126-X:4, I(a)-(b) to read as follows:

3 (a) Written certification [~~as defined in RSA 126-X:1~~] *which includes the date of*  
4 *issuance, the patient's qualifying medical condition, symptoms, or side effects, and the*  
5 *certifying provider's name, medical specialty, and signature. If a written certification has*  
6 *been previously issued for fewer than 3 years, a provider may extend the written*  
7 *certification, provided that the written certification shall not exceed 3 years.*

8 (b) An application or a renewal application accompanied by the application or renewal  
9 fee. *A renewal application and fee shall not be required if the applicant receives an*  
10 *extension to the written certification previously issued for fewer than 3 years.*

11 122:21 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
12 126-X:4, I(e) and the introductory paragraph of I(f) to read as follows:

13 (e) Name[~~address, and telephone number~~] of the applicant's provider.

14 (f) Name[~~address,~~] and date of birth of the applicant's designated caregiver, if any. A  
15 qualifying patient shall have only one designated caregiver, except as follows:

16 122:22 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
17 126-X:4, II(d) to read as follows:

18 (d) Name, residential and mailing address, and date of birth of each qualifying patient  
19 for whom the applicant will act as designated caregiver, except that if the qualifying patient is  
20 homeless, no residential address is required. [~~An applicant shall not act as a designated caregiver~~  
21 ~~for more than 5 qualifying patients.~~]

22 122:23 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend the  
23 introductory paragraph in RSA 126-X:4, IV and RSA 126-X:4, IV(a)-(b) to read as follows:

24 IV. The department shall create and issue a registry identification card to a person applying  
25 as a qualifying patient or designated caregiver within 5 days of approving an application or renewal.  
26 Each registry identification card shall expire one year after the [~~date of issuance~~] *effective date of*  
27 *the card*, unless the provider states in the written certification that the certification should expire  
28 at an earlier [~~specified date~~] *or later effective date, not to exceed 3 years*, then the registry  
29 identification card shall expire on that date. Registry identification cards shall contain all of the  
30 following:

31 (a) Name, mailing address, and date of birth of the qualifying patient or designated  
32 caregiver.

33 (b) The date of issuance, *effective date*, and expiration date of the registry  
34 identification card.

35 122:24 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
36 126-X:4, VII(a) to read as follows:

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1 VII.(a) The department shall track the number of qualifying patients [~~who have designated~~  
2 ~~each alternative treatment center~~] and issue a weekly written statement to the alternative  
3 treatment center identifying the number of qualifying patients [~~who have designated that~~  
4 ~~alternative treatment center~~] along with the registry identification numbers of each qualifying  
5 patient and each qualifying patient's designated caregiver.

6 122:25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
7 126-X:4, VIII to read as follows:

8 VIII. In addition to the weekly reports, the department shall also provide written notice to  
9 an alternative treatment center which identifies the names and registration identification numbers  
10 of a qualifying patient and his or her designated caregiver whenever [~~any~~] *either* of the following  
11 events occur:

12 (a) A qualifying patient [~~designates the alternative treatment center to serve his or her~~  
13 ~~needs~~] *is registered as a participating patient* under this chapter; or

14 (b) [~~A qualifying patient revokes the designation of the alternative treatment center; or~~

15 (c)] A qualifying patient [~~who has designated the alternative treatment center~~] loses his  
16 or her status as a qualifying patient under this chapter.

17 122:26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
18 126-X:4, IX(a) to read as follows:

19 IX.(a) A qualifying patient shall notify the department before changing his or her designated  
20 caregiver [~~or alternative treatment center~~].

21 122:27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
22 126-X:4, XI(a) to read as follows:

23 XI.(a) The department shall create and maintain a confidential registry of each individual  
24 who has applied for and received a registry identification card as a qualifying patient or a designated  
25 caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain  
26 the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of  
27 registry identification card issuance, *effective date of registry identification*, date of registry  
28 identification card expiration, *and* random 10-digit identification number[~~and registry~~  
29 ~~identification number of the qualifying patient's designated alternative treatment center, if any~~].  
30 The confidential registry and the information contained in it shall be exempt from disclosure under  
31 RSA 91-A.

32 122:28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
33 126-X:4, XI(b)(5) to read as follows:

34 (5) Counsel for the department may notify law enforcement officials about falsified  
35 or fraudulent information submitted to the department where counsel has [~~made a legal~~  
36 ~~determination that there is probable cause~~] *reason* to believe the information is false or falsified.

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1       122:29 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6,  
2 I(b) to read as follows:

3           (b) The form and content of providers' written certifications, *including the*  
4 *administrative process for tracking extensions pursuant to RSA 126-X:4, I.*

5       122:30 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA  
6 126-X:8, VII(a) to read as follows:

7           (a) Records of the disposal of cannabis that is not distributed by the alternative  
8 treatment center to qualifying patients [~~who have designated the alternative treatment center to~~  
9 ~~cultivate for them~~].

10       122:31 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA  
11 126-X:8, XV(a)-(b) to read as follows:

12           XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of  
13 the following quantities:

14                   (1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6  
15 ounces of usable cannabis per qualifying patient; and

16                   (2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying  
17 patient [~~who has designated the alternative treatment center to provide him or her with cannabis for~~  
18 ~~therapeutic use~~] *registered as a qualifying patient under this chapter.*

19           (b) An alternative treatment center or alternative treatment center agent shall not  
20 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

21                   (1) A qualifying patient [~~who has designated the relevant alternative treatment~~  
22 ~~center~~]; or

23                   (2) Such patient's designated caregiver; or

24                   (3) Another alternative treatment center.

25       122:32 Repeal. The following are repealed:

26           I. RSA 126-X:4, I(g), relative to patients designating an alternative treatment center.

27           II. RSA 126-X:4, II(e), relative to street address of the alternative treatment center.

28           III. RSA 126-X:4, IX(e), relative to failure of a qualifying patient or designated caregiver for  
29 providing changes to name, address or designated caregiver.

30           IV. RSA 126-X:6, I(e), relative to departmental rules regarding certain fines.

31       122:33 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA;3,  
32 I(e)-(f) to read as follows:

33           (e) Funds received from the assessment under RSA 404-G; [~~and~~]

34           (f) *Revenue from the Medicaid enhancement tax to meet the requirements*  
35 *provided in RSA 167:64; and*

36           (g) Funds recovered or returnable to the fund that were originally spent on the cost of  
37 coverage of the granite advantage health care program.

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1       122:34 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

2       122:35 Communicable Disease; Mosquito Control Fund. Amend RSA 141-C:25, I to read as  
3 follows:

4           I. There is hereby established a nonlapsing and continually appropriated mosquito control  
5 fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of  
6 offsetting the cost of mosquito control activities including, but not limited to, the purchase and  
7 application of chemical pesticides. The purpose of the fund is to provide financial assistance, when  
8 needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement  
9 activities in response to a declared threat to the public health. ~~[Any balance remaining in the~~  
10 ~~mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general~~  
11 ~~fund.]~~

12       122:36 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
13 143:11, III to read as follows:

14           III. *There is hereby established in the state treasury the public health services*  
15 *special fund, which shall be kept separate and distinct from all other funds. The fund*  
16 *shall be nonlapsing and continually appropriated to the department of health and human*  
17 *services.* All fees collected under this subdivision shall be forwarded to the state treasurer~~[-The~~  
18 ~~state treasurer]~~ *who shall credit all [moneys received under this subdivision,] such moneys and*  
19 *interest received on such money, to [a special] the fund from which [he] the department of health*  
20 *and human services shall pay all the expenses of the department incident to the administration of*  
21 *this subdivision. [This fund shall not lapse.]*

22       122:37 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
23 143:22-a to read as follows:

24       143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human  
25 services shall prescribe and collect fees for certificates for establishments which process or pack  
26 shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected  
27 under this subdivision shall be forwarded to the state treasurer to be deposited in the ~~[general fund]~~  
28 *public health services special fund established in RSA 143:11. The department of health*  
29 *and human services shall use such funds to pay expenses of the department incident to the*  
30 *administration of this subdivision.*

31       122:38 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

32           VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000  
33 each fiscal year may be included in the state biennial operating budget as restricted revenue to  
34 support the activities required in this chapter. *The state treasurer shall credit all moneys*  
35 *received under this paragraph, and interest received on such money, to the public health*  
36 *services special fund, established under RSA 143:11, from which the department shall pay*  
37 *expenses incident to the administration of this chapter.*

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1 122:39 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as  
2 follows:

3 I. If within 30 days after the date of a testate or intestate patient's death in any nursing  
4 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
5 personal property remaining at the nursing home belonging to the deceased, including any amount  
6 left in a patient account, is no more than [~~\$5,000~~] **\$10,000**, the nursing home administrator shall file  
7 in the probate court in the county where the nursing home is located an affidavit for the purpose of  
8 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
9 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The  
10 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
11 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
12 administrator has the will or a copy of the will, the nursing home administrator shall file the same  
13 in the probate court in the county where the nursing home is located. The probate court shall waive  
14 all filing fees.

15 122:40 Applicability. Section 39 of this act shall apply to affidavits filed on or after the effective  
16 date of this section.

17 122:41 Repeal. RSA 151-E:11, II, relative to an annual report on the utilization of non-nursing  
18 home services, is repealed.

19 122:42 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory  
20 paragraph of RSA 161-F:46 to read as follows:

21 Any person, including, but not limited to, physicians, other health care professionals, social  
22 workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult  
23 who is or who is suspected to be vulnerable, **at the time of the incident**, has been subjected to  
24 abuse, neglect, self-neglect, or exploitation or is, **or was** living in hazardous conditions shall report  
25 or cause a report to be made as follows:

26 122:43 Repeal. The following are repealed:

27 I. RSA 161-F:64, relative to an annual report on review of homemaker services.

28 II. RSA 161-I:4, VI, relative to reports regarding the home and community-based care  
29 waiver for the elderly and chronically ill.

30 III. RSA 165:20-c, relative to liability for support and reimbursement from the state.

31 IV. RSA 165:35, relative to rulemaking for forms and claims for reimbursement from the  
32 state.

33 V. RSA 167:3-j, III, relative to semi-annual reports on net savings realized for aid to the  
34 permanently and totally disabled grants.

35 122:44 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as  
36 follows:

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1       165:2-a Expense of General Assistance. The financial responsibility for general assistance for  
2 assisted persons shall be the responsibility of the town or city in which the person making  
3 application resides, except as otherwise provided in RSA 165:1-c [~~and 165:20-e~~].

4       122:45 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA  
5 167:4-a, VI to read as follows:

6           VI. The department, in coordination with financial institutions doing business in the state,  
7 may develop and operate a data match system, using automated data exchanges to the maximum  
8 extent feasible, in which each financial institution is required to provide, when requested by the  
9 department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5  
10 years of information regarding the name, record address, social security number or other taxpayer  
11 identification number, monthly account balance, and other identifying information for each applicant  
12 or recipient who maintains an account at the financial institution, as identified by the department  
13 by name and social security number or other taxpayer identification number. The system shall be  
14 based on a cost-effective search algorithm and shall include means to assure compliance with the  
15 provisions of this section. [~~The department shall provide a status report regarding the  
16 implementation of the data match system to the oversight committee on health and human services,  
17 established in RSA 126 A:13, on or before November 1, 2010, and annually thereafter, until  
18 implementation has been fully completed. The report shall summarize the department's findings  
19 and recommendations to date, including savings generated by both incremental asset identification  
20 and the time and labor associated with the process, the feedback and reactions of applicants and  
21 recipients, any barriers to implementation, anticipated future actions, and the department's  
22 assessment of the relative success of the project.~~]

23       122:46 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend  
24 RSA 169-C by inserting after section 12-f the following new section:

25       169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,  
26 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,  
27 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or  
28 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or  
29 neglect.

30       122:47 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

31           II. Upon receipt by the department of a written request and verified proof of identity, an  
32 individual shall be informed by the department whether that individual's name is listed in the  
33 founded reports maintained in the central registry. It shall be unlawful for any employer other than  
34 those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and those  
35 specified in RSA 170-E [~~and~~], RSA 170-G:8-c, *and RSA 171-A* to require as a condition of  
36 employment that the employee submit his or her name for review against the central registry of



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1 founded reports of abuse and neglect. Any violation of this provision shall be punishable as a  
2 violation.

3 122:48 Child Day Care Licensing; Definitions. RSA 170-E:2, IV(g) is repealed and reenacted to  
4 read as follows:

5 (g) "School-age program" means a child day care agency providing child day care before  
6 or after, or before and after, regular school hours, and all day any time school is not in session, for 6  
7 or more children enrolled in school, who are 4 years and 8 months of age or older, and which is not  
8 licensed under RSA 170-E:56. The number of children shall include all children present during the  
9 period of the program, including those children related to the caregiver.

10 122:49 New Section; Residential Care and Child-Placing Agency Licensing; Deemed Licensed.  
11 Amend RSA 170-E by inserting after section 31 the following new section:

12 170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by  
13 organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as  
14 amended, shall submit a completed license application or renewal application. Such child care  
15 institutions and child care agencies defined as group homes, specialized care, or homeless youth  
16 programs, shall be deemed licensed under this subdivision and shall be exempt from inspections  
17 carried out under RSA 170-E:31, IV. This section shall only apply to the activities or portions of the  
18 facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G),  
19 as amended.

20 122:50 Recreation Camp Licensing; Availability of Epinephrine Auto-Injector. Amend RSA 170-  
21 E:61 to read as follows:

22 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse  
23 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child  
24 with severe allergies at least one epinephrine auto-injector, provided by the child or the child's  
25 parent or guardian, [~~in the nurse's office or in a similarly accessible location~~] ***which shall be***  
26 ***readily accessible to the recreational camp staff caring for children requiring such***  
27 ***medications.***

28 122:51 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA  
29 170-E by inserting after section 63 the following new section:

30 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not  
31 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with  
32 asthma at least one metered-dose inhaler or a dry powder inhaler, provided by the child or the child's  
33 parent or guardian, which shall be readily accessible to the recreational camp staff caring for  
34 children requiring such medications.

35 122:52 New Paragraph; Services for Children, Youth, and Families; Peer Support Program.  
36 Amend RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

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1 VIII. The commissioner may establish a confidential peer support program for the purpose  
2 of providing critical incident stress management and crisis intervention services for staff exposed to  
3 critical incidents and trauma through the course of their employment.

4 (a) In this section:

5 (1) "Critical incident" means any incident that has a high emotional impact on the  
6 responders, or is beyond the realm of a person's usual experience that overwhelms his or her sense of  
7 vulnerability and/or lack of control over the situation.

8 (2) "Critical incident stress" means a normal reaction to an abnormal event that has  
9 the potential to interfere with normal functioning and that results from the response to a critical  
10 incident or long-term occupational exposure to a series of critical incident responses over a period of  
11 time that are believed to be causing debilitating stress that is affecting an emergency service  
12 provider and his or her work performance or family situation. This may include, but is not limited  
13 to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job,  
14 personality changes, or loss of ability to function.

15 (3) "Critical incident stress management" means a process of crisis intervention  
16 designed to assist employees in coping with the psychological trauma resulting from response to a  
17 critical incident.

18 (4) "Critical incident stress management and crisis intervention services" means  
19 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and  
20 referral provided by a critical incident stress management team member.

21 (5) "Critical incident stress management team" or "team" means the group of one or  
22 more trained volunteers, including members of peer support groups who offer critical incident stress  
23 management and crisis intervention services following a critical incident or long term or continued,  
24 debilitating stress being experienced by employees and affecting them or their family situation.

25 (6) "Critical incident stress management team member" or "team member" means an  
26 employee, including any specially trained to provide critical incident stress management and crisis  
27 intervention services as a member of an organized team.

28 (7) "Debriefing" means a closed, confidential discussion of a critical incident relating  
29 to the feelings and perceptions of those directly involved prior to, during, and after a stressful event.  
30 It is intended to provide support, education, and an outlet for associated views and feelings.  
31 Debriefings do not provide counseling or an operational critique of the incident.

32 (b)(1) Any information divulged to the team or a team member during the provision of  
33 critical incident stress management and crisis intervention services shall be kept confidential and  
34 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records  
35 kept by critical incident stress management team members are not subject to subpoena, discovery, or  
36 introduction into evidence in a criminal, civil, or administrative action. Except as provided in  
37 subparagraph (c), no person, whether critical incident stress management team member or team

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1 leader providing or receiving critical incident stress management and crisis intervention services,  
2 shall be required to testify or divulge any information obtained solely through such crisis  
3 intervention.

4 (2) In any civil action against any individual, or the department, including the state  
5 of New Hampshire, arising out of the conduct of a member of such team, this section is not intended  
6 and shall not be admissible to establish negligence in any instance where requirements herein are  
7 higher than the standard of care that would otherwise have been applicable in such action under  
8 state law.

9 (c) A communication shall not be deemed confidential pursuant to this section if:

10 (1) The communication indicates the existence of a danger to the individual who  
11 receives critical incident stress management and crisis intervention services or to any other person  
12 or persons;

13 (2) The communication indicates the existence of past child abuse or neglect of the  
14 individual, abuse of an adult as defined by law, or family violence as defined by law; or

15 (3) The communication indicates the existence of a danger to the individual who  
16 receives critical incident stress management and crisis intervention services or to any other person  
17 or persons.

18 122:53 New Paragraph; Services for Children, Youth, and Families; Procurement Model for  
19 Services. Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

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

27 122:54 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials  
28 relating to missing children issues and matters, is repealed.

29 122:55 Services for the Developmentally Disabled; Funding for Wait List. Amend the  
30 introductory paragraph of RSA 171-A:1-a, I to read as follows:

31 I. The department of health and human services and area agencies shall provide services to  
32 eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-  
33 K in a timely manner. The department and area agencies shall provide *funding for* services in  
34 such a manner that:

35 122:56 Coverage Plan for Services to Individuals with Developmental Disabilities. The  
36 department of health and human services in collaboration with the department of education, the  
37 Disability Rights Center-New Hampshire, and the representatives of the 10 area agencies shall

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1 develop a plan by October 1, 2021 that provides coverage for services to individuals with  
2 developmental disabilities aged 18-21 enrolled in school and determined eligible for developmental  
3 services that are not the responsibility of the local education agency, another state agency, or  
4 another division of the department. Such a plan shall estimate the number of eligible individuals  
5 likely to need such services, the costs of providing such services, and reimbursement mechanisms for  
6 service providers.

7 122:57 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read  
8 as follows:

9 II. [~~Beginning with the fiscal year ending June 30, 2010, and thereafter,~~] The department of  
10 health and human services shall incorporate *in its appropriation requests* the cost of fully  
11 funding services to eligible persons, in accordance with the requirements of paragraph I, and as  
12 otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet  
13 such costs and requirements.

14 122:58 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

15 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence  
16 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic  
17 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The  
18 state treasurer shall deposit all fees received by the department under RSA 457:29, *457:32-b, and*  
19 *631:2-b, V* in the fund. All moneys deposited in the fund shall be continually appropriated for the  
20 purposes of the domestic violence grant program and shall not lapse.

21 122:59 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read  
22 as follows:

23 342:9 Termination of Granite Workforce Program.

24 I. The commissioner of the department of health and human services shall be responsible for  
25 determining, every 3 months commencing no later than December 31, 2018, whether available TANF  
26 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available  
27 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health  
28 and human services and employment security shall, within 20 business days of such determination,  
29 terminate the granite workforce program. The commissioners shall notify the governor, the speaker  
30 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of  
31 the general court, and granite workforce participants of the program's pending termination. *The*  
32 *commissioners shall have the discretion to limit granite workforce program services based*  
33 *on the availability of appropriated, available, or reserve funds.*

34 II. If at any time the New Hampshire granite advantage health care program, established  
35 under RSA 126-AA, terminates, the commissioners of the departments of health and human services  
36 and employment security shall terminate the granite workforce program. The date of the granite

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1 workforce program's termination shall align with that of the New Hampshire granite advantage  
2 health care program.

3 **III. If the work and community engagement waiver is held invalid, or is not**  
4 **approved, or is withdrawn by the Centers for Medicare and Medicaid Services, the granite**  
5 **workforce program shall be suspended until such time that the work and community**  
6 **engagement waiver is approved or revalidated.**

7 122:60 Health Facility Licensure; Effective Dates Amended. Amend 2020, 39:72, V-VI to read as  
8 follows:

9 V. Sections 55-57~~[-64-67, and 69]~~ **and 64** of this act shall take effect July 1, 2020.

10 VI. Sections 5~~[-67]~~ **and 60**~~[-and 68]~~ of this act shall take effect July 1, 2021.

11 122:61. Milk Sanitation Code; Terms Defined. Amend RSA 184:79, XIII to read as follows:

12 XIII. The term "milk plant" means any place, premises, or establishment where milk or milk  
13 products are collected, handled, processed, stored, pasteurized, bottled, packaged, or prepared for  
14 distribution, except an establishment where milk or milk products are sold at retail only. **This term**  
15 **shall include wash stations where milk tank trucks are cleaned and sanitized.**

16 122:62 Milk Sanitation Code; License Fees. Amend RSA 184:85, IV to read as follows:

17 IV. All fees collected under this section shall be forwarded to the state treasurer. The state  
18 treasurer shall credit all moneys received under this section, and interest received on such money, to  
19 ~~[a]~~ **the public health services** special fund **established in RSA 143:11**, from which ~~[he]~~ **the**  
20 **department** shall pay all the expenses of the department incident to the licensing and regulation of  
21 milk plants, milk distributors and milk producer-distributors. ~~[This fund shall not lapse.]~~

22 122:63 New Subdivision; Administration of Epinephrine. Amend RSA 329 by inserting after  
23 section 1-g the following new subdivision:

Administration of Epinephrine

25 329:1-h Administration of Epinephrine.

26 I. In this section:

27 (a) "Administer" means the direct application of an epinephrine auto-injector to the body  
28 of an individual.

29 (b) "Authorized entity" means any entity or organization in which allergens capable of  
30 causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized  
31 entity shall not include an elementary or secondary school or a postsecondary educational institution  
32 eligible to establish policies and guidelines for the emergency administration of epinephrine under  
33 RSA 200-N.

34 (c) "Epinephrine auto-injector" means a single-use device used for the automatic  
35 injection of a premeasured dose of epinephrine into the human body.

36 (d) "Health care practitioner" means a person who is lawfully entitled to prescribe,  
37 administer, dispense, or distribute controlled drugs.

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1 (e) "Provide" means to furnish one or more epinephrine auto-injectors to an individual.

2 II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an  
3 authorized entity for use in accordance with this section, and pharmacists and health care  
4 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name  
5 of an authorized entity.

6 III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors  
7 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors  
8 shall be stored in a location readily accessible in an emergency and in accordance with the  
9 instructions for use, and any additional requirements that may be established by board of medicine.  
10 An authorized entity shall designate employees or agents who have completed the training required  
11 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of  
12 epinephrine auto-injectors acquired by the authorized entity.

13 IV. An employee or agent of an authorized entity, or other individual, who has completed the  
14 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this  
15 section to:

16 (a) Provide an epinephrine auto-injector to any individual who the employee agent or  
17 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or  
18 caregiver of such individual, for immediate administration, regardless of whether the individual has  
19 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

20 (b) Administer an epinephrine auto-injector to any individual who the employee, agent,  
21 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the  
22 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with  
23 an allergy.

24 V.(a) An employee, agent, or other individual described in paragraph IV shall complete an  
25 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis  
26 training program. Such training shall be conducted by a nationally-recognized organization  
27 experienced in training unlicensed persons in emergency health care treatment or an entity or  
28 individual approved by the board of medicine. Training may be conducted online or in person and, at  
29 a minimum, shall cover:

30 (1) How to recognize signs and symptoms of severe allergic reactions, including  
31 anaphylaxis;

32 (2) Standards and procedures for the storage and administration of an epinephrine  
33 auto-injector; and

34 (3) Emergency follow-up procedures.

35 (b) The entity or individual that conducts the training shall issue a certificate, on a form  
36 developed or approved by the board of medicine to each person who successfully completes the  
37 anaphylaxis training program.

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1 VI. No authorized entity that possesses and makes available epinephrine auto-injectors and  
2 its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses  
3 epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that  
4 dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts  
5 the training described in paragraph V, shall be liable for any injuries or related damages that result  
6 from any act or omission pursuant to this section, unless such injury or damage is the result of  
7 willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with  
8 this section shall not be considered to be the practice of medicine or any other profession that  
9 otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any  
10 other immunity or defense that may be available under state law. An entity located in this state  
11 shall not be liable for any injuries or related damages that result from the provision or  
12 administration of an epinephrine auto-injector outside of this state if the entity would not have been  
13 liable for such injuries or related damages had the provision or administration occurred within this  
14 state, or is not liable for such injuries or related damages under the law of the state in which such  
15 provision or administration occurred.

16 122:64 Guardians and Conservators; Termination of Guardianship. Amend RSA 464-A:40, V(a)  
17 to read as follows:

18 V.(a) If, within 30 days after the date of a testate or intestate ward's death, no petition for  
19 probate has been filed under any section of RSA 553 and the gross value of the personal property  
20 remaining in the possession of the guardian belonging to the deceased, including any amount left in  
21 designated accounts for the ward, is no more than [~~\$5,000~~] **\$10,000**, the guardian may file in the  
22 probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of  
23 disposing of such deceased ward's estate. Once approved by the court, the guardian shall be  
24 authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form  
25 of the affidavit, and the rules governing proceedings under this section, shall be provided by the  
26 probate court pursuant to RSA 547:33.

27 122:65 Custody and Escheat of Unclaimed or Abandoned Property; Filing of Claim. Amend RSA  
28 471-C:26, I(c)(2)-(3) to read as follows:

29 (2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where  
30 the unclaimed property is valued at less than [~~\$5,000~~] **\$10,000** and does not include securities in  
31 share form, in accordance with the final distribution of assets as approved by the probate court.

32 (3) Except as provided in subparagraphs (5)-(7), in the absence of an open estate or  
33 probate court decree of final distribution, and the unclaimed property is valued at less than [~~\$5,000~~]  
34 **\$10,000** and does not include securities in share form, by the surviving spouse of the deceased  
35 owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
36 RSA 561:1.

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1       122:66 Applicability. Sections 64-65 of this act shall apply to affidavits or claims filed on or  
2 after the effective date of this section.

3       122:67 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-  
4 A:1, VII by inserting after subparagraph (g) the following new subparagraph:

5               (h) The bureau chief for emergency preparedness and response with the department of  
6 health and human services, division of health public services who:

7                       (1) Has the authority and responsibility to engage in the prevention and control of  
8 public health incidents or emergencies;

9                       (2) As a job requirement is fully certified as an emergency preparedness official  
10 qualified to administer emergency planning, response and recovery activities in the event of natural  
11 disasters, public health crises or similar incidents; and

12                      (3) As a job requirement shall meet all physical, mental, educational, and other  
13 qualifications for continuing certification as an emergency preparedness official that may be  
14 established by the certifying authority.

15       122:68 Department of Health and Human Services; Plan for Legislation. The department of  
16 health and human services shall consult with representatives of case management agencies and  
17 providers to discuss potential licensure of case managers and present a plan for draft legislation to  
18 the speaker of the house of representatives and the senate president by November 1, 2021.

19       122:69 New Section; Delinquent Children; Placement in a Qualified Residential Treatment  
20 Program. Amend RSA 169-B by inserting after section 19-c the following new section:

21       169-B:19-d Placement in a Qualified Residential Treatment Program. For any child placed in a  
22 qualified residential treatment program, as defined in the federal Family First Prevention Services  
23 Act of 2017, the court shall:

24               I. Order an assessment to be completed within 30 days of placement by a qualified  
25 individual as defined by the federal Family First Prevention Services Act of 2017; and

26               II. Review the assessment and issue an order approving the placement or changing the  
27 placement within 60 days of placement.

28       122:70 New Section; Child Protection Act; Placement in a Qualified Residential Treatment  
29 Program. Amend RSA 169-C by inserting after section 19-e the following new section:

30       169-C:19-f Placement in a Qualified Residential Treatment Program. For any child placed in a  
31 qualified residential treatment program, as defined in the federal Family First Prevention Services  
32 Act of 2017, the court shall:

33               I. Order an assessment to be completed within 30 days of placement by a qualified  
34 individual as defined by the federal Family First Prevention Services Act of 2017; and

35               II. Review the assessment and issue an order approving the placement or changing the  
36 placement within 60 days of placement.



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1       122:71 New Section; Children in Need of Services; Placement in a Qualified Residential  
2 Treatment Program. Amend RSA 169-D by inserting after section 9-c the following new section:

3       169-D:9-d Placement in a Qualified Residential Treatment Program. For any child placed in a  
4 qualified residential treatment program, as defined in the federal Family First Prevention Services  
5 Act of 2017, the court shall:

6           I. Order an assessment to be completed within 30 days of placement by a qualified  
7 individual as defined by the federal Family First Prevention Services Act of 2017; and

8           II. Review the assessment and issue an order approving the placement or changing the  
9 placement within 60 days of placement.

10       122:72 Effective Date.

11           I. Sections 3-4, 6, 10, 12-32, and 67 of this act shall take effect 60 days after its passage.

12           II. Sections 39-40 and 64-66 of this act shall take effect July 1, 2021.

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

Approved: July 09, 2021

Effective Date:

I. Sections 3-4, 6, 10, 12-32 and 67 shall take effect Sept. 7, 2021.

II. Sections 39-40 and 64-66 shall take effect July 1, 2021.

III. Remainder shall take effect July 9, 2021

# Amendments

Amendment to SB 162-FN

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

2

3 1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,  
4 I(b)(12) to read as follows:

5 (12) Moneys received under RSA 457:29, ~~457:32-b, and 631:2-b, V~~ which shall be  
6 credited to the special fund for domestic violence programs *established in RSA 173-B:15*.

7 2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to  
8 read as follows:

9 (15) Money received under RSA ~~125-F:22, 143:11, 143:22-a, 143-A:6, and 184:85,~~  
10 which shall be credited to the public health services special fund *established in RSA 143:11, III*.

11 3 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
12 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

13 GG Department of health and human services director of [~~program planning and~~  
14 ~~integrity~~] *Medicaid enterprise development*

15 4 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
16 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

17 JJ Department of health and human services associate commissioner [~~of human~~  
18 ~~services and behavioral health~~]

19 JJ Department of health and human services associate commissioner [~~of~~  
20 ~~operations~~]

21 JJ Department of health and human services associate commissioner [~~for~~  
22 ~~population health~~]

23 [~~JJ Department of health and human services associate commissioner,~~  
24 ~~operations~~]

25 JJ ~~Department of health and human services associate commissioner, population~~  
26 ~~health~~]

27 5 Department of Health and Human Services; Emergency Services Plan. The department of  
28 health and human services in collaboration with all New Hampshire hospitals that operate  
29 emergency facilities shall draft a plan to be presented to the speaker of the house of representatives,  
30 the senate president and the governor's office by September 1, 2021 that details the necessary  
31 emergency services offered for medical treatment of both physical and behavioral health. Such a

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1 plan shall include any recommendations for future legislation or required funding to ensure  
2 sufficient physical and behavioral health services.

3 6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
4 VIII by inserting after subparagraph (b) the following new subparagraph:

5 (c) The bureau chief for emergency preparedness and response with the department of  
6 health and human services, division of health public services who:

7 (1) Has the authority and responsibility to engage in the prevention and control of  
8 public health incidents or emergencies;

9 (2) As a job requirement is fully certified as an emergency preparedness official  
10 qualified to administer emergency planning, response and recovery activities in the event of natural  
11 disasters, public health crises or similar incidents; and

12 (3) As a job requirement shall meet all physical, mental, educational, and other  
13 qualifications for continuing certification as an emergency preparedness official that may be  
14 established by the certifying authority.

15 7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as follows:

16 IV. Upon request of the department of health and human services, the department of justice  
17 is authorized to institute civil action to collect a penalty imposed pursuant to this section. The  
18 attorney general shall have the exclusive power to compromise, mitigate, or remit such civil  
19 penalties as are referred to ~~him~~ *the attorney general* for collection. All civil penalties collected  
20 under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all  
21 moneys received under this section, and interest received on such money, to the public health  
22 services special fund, ~~which shall be nonlapsing~~, *established in RSA 143:11, from which the*  
23 *department of health and human services shall pay expenses incident to the*  
24 *administration of this chapter.*

25 8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-A:4,  
26 III to read as follows:

27 III. The department shall establish an office of the ombudsman to provide assistance to  
28 clients ~~and employees~~ of the department by investigating and resolving complaints regarding any  
29 matter within the jurisdiction of the department including services or assistance provided by the  
30 department or its contractors. The ombudsman's office may provide mediation or other means for  
31 informally resolving complaints. The records of the ombudsman's office shall be confidential and  
32 shall not be disclosed without the consent of the client ~~or employee~~ on whose behalf the complaint  
33 is made, except as may be necessary to assist the service provider ~~or the employee's supervisor~~ to  
34 resolve the complaint, or as required by law.

35 9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of payables  
36 for class 90 grant lines, is repealed.

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1 10 New Section; Department of Health and Human Services; Status in Retirement System.  
2 Amend RSA 126-A by inserting after section 5-e the following new section:

3 126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any  
4 person who is or becomes the bureau chief for emergency preparedness with the department's  
5 division of health public services, shall be included in the definition of group II under RSA 100-A:1,  
6 VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h)  
7 or VIII(c), any person not already a group II member for at least 10 years during or prior to his or  
8 her appointment shall be eligible for or remain as a group I member for the duration of service as the  
9 bureau chief for emergency preparedness.

10 11 Repeal. The following are repealed:

11 I. RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the  
12 housing security guarantee program.

13 II. RSA 6:12, I(b)(255), relative to moneys deposited in the homeless housing and access  
14 revolving loan fund, established in RSA 126-A:63.

15 12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

16 126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from  
17 the possibility of addiction, disability, and death resulting from the use of tobacco products by  
18 ensuring that tobacco products will not be supplied to persons under the age of 21. ***This chapter***  
19 ***shall not apply to individuals who have been issued a registry identification card under***  
20 ***RSA 126-X:4 or alternative treatment centers registered under RSA 126-X:7 with respect to***  
21 ***the therapeutic use of cannabis.***

22 13 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6, I to  
23 read as follows:

24 I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any  
25 tobacco product, e-cigarette, device, or e-liquid [~~except individuals who have been issued a registry~~  
26 ~~identification card under RSA 126 X:4 may purchase, possess and use e liquids containing cannabis~~  
27 ~~and applicable devices as allowed under RSA 126 X].~~

28 14 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read  
29 as follows:

30 (b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe  
31 drugs to humans in the state of the patient's residence and who possesses an active registration from  
32 the United States Drug Enforcement Administration to prescribe controlled substances. [~~Such~~  
33 ~~visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New~~  
34 ~~Hampshire patient.]~~

35 15 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read as  
36 follows:

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1 XI. "Registry identification card" means a document indicating the date issued, *effective*  
2 *date*, and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual  
3 as a qualifying patient or a designated caregiver.

4 16 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVII to read as  
5 follows:

6 XVII. "Written certification" means documentation of a qualifying medical condition by a  
7 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
8 issuing registry identification cards, after having completed a full assessment of the patient's  
9 medical history and current medical condition made in the course of a provider-patient relationship.  
10 ~~[The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the~~  
11 ~~certifying provider's name, medical specialty, and signature shall be specified on the written~~  
12 ~~certification.]~~

13 17 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-  
14 X:2 by inserting after paragraph XVI the following new paragraph.

15 XVII. Authorized employees of the department shall not be subject to arrest by state or local  
16 law enforcement, prosecution, or penalty under state or municipal law, or search, when possessing,  
17 transporting, delivering, or transferring cannabis and cannabis infused products for the purposes of  
18 regulatory oversight related to this chapter.

19 18 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as  
20 follows:

21 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and  
22 educational materials to qualifying patients ~~[who have designated the alternative treatment center~~  
23 ~~to provide for them]~~, to designated caregivers on behalf of the qualifying patients ~~[who have~~  
24 ~~designated the alternative treatment center]~~, or to other alternative treatment centers.

25 19 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic  
26 Use of Cannabis. Amend RSA 126-X:3, VII-VIII to read as follows:

27 VII. The department may revoke the registry identification card of a qualifying patient or  
28 designated caregiver for violation of rules adopted by the department or for violation of any other  
29 provision of this chapter, *including for obtaining more than 2 ounces of cannabis in any 10-*  
30 *day period in violation of RSA 126-X:8, XIII(b)*, and the qualifying patient or designated  
31 caregiver shall be subject to any other penalties established in law for the violation.

32 VIII. A facility caregiver shall treat cannabis in a manner similar to *controlled*  
33 *prescription* medications with respect to its storage, security, and administration when assisting  
34 qualifying patients with the therapeutic use of cannabis.

35 20 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-  
36 X:4, I(a)-(b) to read as follows:

1 (a) Written certification [~~as defined in RSA 126-X:1~~] *which includes the date of*  
2 *issuance, the patient's qualifying medical condition, symptoms, or side effects, and the*  
3 *certifying provider's name, medical specialty, and signature. If a written certification has*  
4 *been previously issued for fewer than 3 years, a provider may extend the written*  
5 *certification, provided that the written certification shall not exceed 3 years.*

6 (b) An application or a renewal application accompanied by the application or renewal  
7 fee. *A renewal application and fee shall not be required if the applicant receives an*  
8 *extension to the written certification previously issued for fewer than 3 years.*

9 21 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
10 X:4, I(e) and the introductory paragraph of I(f) to read as follows:

11 (e) Name [~~-, address, and telephone number~~] of the applicant's provider.

12 (f) Name [~~-, address,~~] and date of birth of the applicant's designated caregiver, if any. A  
13 qualifying patient shall have only one designated caregiver, ~~except as follows:~~

14 22 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
15 X:4, II(d) to read as follows:

16 (d) Name, residential and mailing address, and date of birth of each qualifying patient  
17 for whom the applicant will act as designated caregiver, ~~except that if the qualifying patient is~~  
18 ~~homeless, no residential address is required. [An applicant shall not act as a designated caregiver~~  
19 ~~for more than 5 qualifying patients.]~~

20 23 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend the  
21 introductory paragraph in RSA 126-X:4, IV and RSA 126-X:4, IV(a)-(b) to read as follows:

22 IV. The department shall create and issue a registry identification card to a person applying  
23 as a qualifying patient or designated caregiver within 5 days of approving an application or renewal.  
24 Each registry identification card shall expire one year after the [~~date of issuance~~] *effective date of*  
25 *the card*, unless the provider states in the written certification that the certification should expire  
26 at an earlier [~~specified date~~] *or later effective date, not to exceed 3 years*, then the registry  
27 identification card shall expire on that date. Registry identification cards shall contain all of the  
28 following:

29 (a) Name, mailing address, and date of birth of the qualifying patient or designated  
30 caregiver.

31 (b) The date of issuance, *effective date*, and expiration date of the registry  
32 identification card.

33 24 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
34 X:4, VII(a) to read as follows:

35 VII.(a) The department shall track the number of qualifying patients [~~who have designated~~  
36 ~~each alternative treatment center~~] and issue a weekly written statement to the alternative  
37 treatment center identifying the number of qualifying patients [~~who have designated that~~

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1 ~~alternative treatment center~~] along with the registry identification numbers of each qualifying  
2 patient and each qualifying patient's designated caregiver.

3 25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
4 X:4, VIII to read as follows:

5 VIII. In addition to the weekly reports, the department shall also provide written notice to  
6 an alternative treatment center which identifies the names and registration identification numbers  
7 of a qualifying patient and his or her designated caregiver whenever ~~[any]~~ *either* of the following  
8 events occur:

9 (a) A qualifying patient ~~[designates the alternative treatment center to serve his or her~~  
10 ~~needs]~~ *is registered as a participating patient* under this chapter; or

11 (b) ~~[A qualifying patient revokes the designation of the alternative treatment center; or~~

12 (c) A qualifying patient ~~[who has designated the alternative treatment center]~~ loses his  
13 or her status as a qualifying patient under this chapter.

14 26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
15 X:4, IX(a) to read as follows:

16 IX.(a) A qualifying patient shall notify the department before changing his or her designated  
17 caregiver ~~[or alternative treatment center]~~.

18 27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
19 X:4, XI(a) to read as follows:

20 XI.(a) The department shall create and maintain a confidential registry of each individual  
21 who has applied for and received a registry identification card as a qualifying patient or a designated  
22 caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain  
23 the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of  
24 registry identification card issuance, *effective date of registry identification*, date of registry  
25 identification card expiration, *and* random 10-digit identification number~~[, and registry~~  
26 ~~identification number of the qualifying patient's designated alternative treatment center, if any]~~.  
27 The confidential registry and the information contained in it shall be exempt from disclosure under  
28 RSA 91-A.

29 28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
30 X:4, XI(b)(5) to read as follows:

31 (5) Counsel for the department may notify law enforcement officials about falsified  
32 or fraudulent information submitted to the department where counsel has ~~[made a legal~~  
33 ~~determination that there is probable cause]~~ *reason* to believe the information is false or falsified.

34 29 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, I(b) to  
35 read as follows:

36 (b) The form and content of providers' written certifications, *including the*  
37 *administrative process for tracking extensions pursuant to RSA 126-X:4, I.*



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1 30 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
2 X:8, VII(a) to read as follows:

3 (a) Records of the disposal of cannabis that is not distributed by the alternative  
4 treatment center to qualifying patients [~~who have designated the alternative treatment center to~~  
5 ~~cultivate for them~~].

6 31 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
7 X:8, XV(a)-(b) to read as follows:

8 XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of  
9 the following quantities:

10 (1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6  
11 ounces of usable cannabis per qualifying patient; and

12 (2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying  
13 patient [~~who has designated the alternative treatment center to provide him or her with cannabis for~~  
14 ~~therapeutic use~~] **registered as a qualifying patient under this chapter.**

15 (b) An alternative treatment center or alternative treatment center agent shall not  
16 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

17 (1) A qualifying patient [~~who has designated the relevant alternative treatment~~  
18 ~~center~~]; or

19 (2) Such patient's designated caregiver; or

20 (3) Another alternative treatment center.

21 32 Repeal. The following are repealed:

22 I. RSA 126-X:4, I(g), relative to patients designating an alternative treatment center.

23 II. RSA 126-X:4, II(e), relative to street address of the alternative treatment center.

24 III. RSA 126-X:4, IX(e), relative to failure of a qualifying patient or designated caregiver for  
25 providing changes to name, address or designated caregiver.

26 IV. RSA 126-X:6-I(e), relative to departmental rules regarding certain fines.

27 33 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA:3, I(e)-(f)  
28 to read as follows:

29 (e) Funds received from the assessment under RSA 404-G; [~~and~~]

30 (f) **Revenue from the Medicaid enhancement tax to meet the requirements**  
31 **provided in RSA 167:64; and**

32 (g) Funds recovered or returnable to the fund that were originally spent on the cost of  
33 coverage of the granite advantage health care program.

34 34 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

35 35 Communicable Disease; Mosquito Control Fund. Amend RSA 141-C:25, I to read as follows:

36 I. There is hereby established a nonlapsing and continually appropriated mosquito control  
37 fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of

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1 offsetting the cost of mosquito control activities including, but not limited to, the purchase and  
2 application of chemical pesticides. The purpose of the fund is to provide financial assistance, when  
3 needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement  
4 activities in response to a declared threat to the public health. ~~[Any balance remaining in the~~  
5 ~~mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general~~  
6 ~~fund.]~~

7 36 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
8 143:11, III to read as follows:

9 III. *There is hereby established in the state treasury the public health services*  
10 *special fund, which shall be kept separate and distinct from all other funds. The fund*  
11 *shall be nonlapsing and continually appropriated to the department of health and human*  
12 *services.* All fees collected under this subdivision shall be forwarded to the state treasurer~~[-The~~  
13 ~~state treasurer]~~ *who shall credit all [moneys received under this subdivision,] such moneys and*  
14 *interest received on such money, to [a special] the fund from which [he] the department of health*  
15 *and human services shall pay all the expenses of the department incident to the administration of*  
16 *this subdivision. [This fund shall not lapse.]*

17 37 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
18 143:22-a to read as follows:

19 143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human  
20 services shall prescribe and collect fees for certificates for establishments which process or pack  
21 shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected  
22 under this subdivision shall be forwarded to the state treasurer to be deposited in the ~~[general fund]~~  
23 *public health services special fund established in RSA 143:11. The department of health*  
24 *and human services shall use such funds to pay expenses of the department incident to the*  
25 *administration of this subdivision.*

26 38 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

27 VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000  
28 each fiscal year may be included in the state biennial operating budget as restricted revenue to  
29 support the activities required in this chapter. *The state treasurer shall credit all moneys*  
30 *received under this paragraph, and interest received on such money, to the public health*  
31 *services special fund, established under RSA 143:11, from which the department shall pay*  
32 *expenses incident to the administration of this chapter.*

33 39 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as follows:

34 I. If within 30 days after the date of a testate or intestate patient's death in any nursing  
35 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
36 personal property remaining at the nursing home belonging to the deceased, including any amount  
37 left in a patient account, is no more than ~~[\$5,000]~~ *\$10,000*, the nursing home administrator shall file

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1 in the probate court in the county where the nursing home is located an affidavit for the purpose of  
2 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
3 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The  
4 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
5 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
6 administrator has the will or a copy of the will, the nursing home administrator shall file the same  
7 in the probate court in the county where the nursing home is located. The probate court shall waive  
8 all filing fees.

9 40 Applicability. Section 39 of this act shall apply to affidavits filed on or after the effective date  
10 of this section.

11 41 Repeal. RSA 151-E:11, II, relative to an annual report on the utilization of non-nursing home  
12 services, is repealed.

13 42 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory paragraph of  
14 RSA 161-F:46 to read as follows:

15 Any person, including, but not limited to, physicians, other health care professionals, social  
16 workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult  
17 who is or who is suspected to be vulnerable, *at the time of the incident*, has been subjected to  
18 abuse, neglect, self-neglect, or exploitation or is *or was* living in hazardous conditions shall report  
19 or cause a report to be made as follows:

20 43 Repeal. The following are repealed:

21 I. RSA 161-F:64, relative to an annual report on review of homemaker services.

22 II. RSA 161-I:4, VI, relative to reports regarding the home and community-based care  
23 waiver for the elderly and chronically ill.

24 III. RSA 165:20-c, relative to liability for support and reimbursement from the state.

25 IV. RSA 165:35, relative to rulemaking for forms and claims for reimbursement from the  
26 state.

27 V. RSA-167:3-j, III, relative to semi-annual reports on net savings realized for aid to the  
28 permanently and totally disabled grants.

29 44 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as  
30 follows:

31 165:2-a Expense of General Assistance. The financial responsibility for general assistance for  
32 assisted persons shall be the responsibility of the town or city in which the person making  
33 application resides, except as otherwise provided in RSA 165:1-c ~~and 165:20-e~~.

34 45 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA 167:4-a,  
35 VI to read as follows:

36 VI. The department, in coordination with financial institutions doing business in the state,  
37 may develop and operate a data match system, using automated data exchanges to the maximum

1 extent feasible, in which each financial institution is required to provide, when requested by the  
2 department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5  
3 years of information regarding the name, record address, social security number or other taxpayer  
4 identification number, monthly account balance, and other identifying information for each applicant  
5 or recipient who maintains an account at the financial institution, as identified by the department  
6 by name and social security number or other taxpayer identification number. The system shall be  
7 based on a cost-effective search algorithm and shall include means to assure compliance with the  
8 provisions of this section. ~~[The department shall provide a status report regarding the  
9 implementation of the data match system to the oversight committee on health and human services,  
10 established in RSA 126 A:13, on or before November 1, 2010, and annually thereafter, until  
11 implementation has been fully completed. The report shall summarize the department's findings  
12 and recommendations to date, including savings generated by both incremental asset identification  
13 and the time and labor associated with the process, the feedback and reactions of applicants and  
14 recipients, any barriers to implementation, anticipated future actions, and the department's  
15 assessment of the relative success of the project.]~~

16 46 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend RSA  
17 169-C by inserting after section 12-f the following new section:

18 169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,  
19 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,  
20 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or  
21 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or  
22 neglect.

23 47 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

24 II. Upon receipt by the department of a written request and verified proof of identity, an  
25 individual shall be informed by the department whether that individual's name is listed in the  
26 founded reports maintained in the central registry. It shall be unlawful for any employer other than  
27 those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and those  
28 specified in RSA 170-E ~~[and]~~, RSA 170-G:8-c, *and RSA 171-A* to require as a condition of  
29 employment that the employee submit his or her name for review against the central registry of  
30 founded reports of abuse and neglect. Any violation of this provision shall be punishable as a  
31 violation.

32 48 Interstate Compact for the Placement of Children. RSA 170-A is repealed and reenacted to  
33 read as follows:

34 CHAPTER 170-A  
35 INTERSTATE COMPACT  
36 FOR THE PLACEMENT OF CHILDREN

1 170-A:1 Interstate Compact for the Placement of Children. On the effective date of this chapter,  
2 based upon the enactment of the Interstate Compact for the Placement of Children into law by the  
3 thirty-fifth compacting state, the governor is authorized and directed to execute a compact on behalf  
4 of this state with any other state or states legally joining therein in the form substantially as follows:

5 ARTICLE I

6 Purpose

7 The purpose of this Interstate Compact for the Placement of Children is to:

8 I. Provide a process through which children subject to this compact are placed in safe and  
9 suitable homes in a timely manner.

10 II. Facilitate ongoing supervision of a placement, the delivery of services, and  
11 communication between the states.

12 III. Provide operating procedures that will ensure that children are placed in safe and  
13 suitable homes in a timely manner.

14 IV. Provide for the promulgation and enforcement of administrative rules implementing the  
15 provisions of this compact and regulating the covered activities of the member states.

16 V. Provide for uniform data collection and information sharing between member states  
17 under this compact.

18 VI. Promote coordination between this compact, the Interstate Compact for Juveniles, the  
19 Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement  
20 of and which provide services to children otherwise subject to this compact.

21 VII. Provide for a state's continuing legal jurisdiction and responsibility for placement and  
22 care of a child that it would have had if the placement were intrastate.

23 VIII. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for  
24 interstate cases involving Indian children as is or may be permitted by federal law.

25 ARTICLE II

26 Definitions

27 As used in this compact:

28 I. "Approved placement" means the public child-placing agency in the receiving state has  
29 determined that the placement is both safe and suitable for the child.

30 II. "Assessment" means an evaluation of a prospective placement by a public child-placing  
31 agency in the receiving state to determine if the placement meets the individualized needs of the  
32 child, including, but not limited to, the child's safety and stability, health and well-being, and  
33 mental, emotional, and physical development. An assessment is only applicable to a placement by a  
34 public child-placing agency.

35 III. "Child" means an individual who has not attained the age of 18.

36 IV. "Certification" means to attest, declare, or swear to before a judge or notary public.

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1 V. "Default" means the failure of a member state to perform the obligations or  
2 responsibilities imposed upon it by this compact or the bylaws or rules of the Interstate Commission.

3 VI. "Home study" means an evaluation of a home environment conducted in accordance with  
4 the applicable requirements of the state in which the home is located and that documents the  
5 preparation and the suitability of the placement resource for placement of a child in accordance with  
6 the laws and requirements of the state in which the home is located.

7 VII. "Indian tribe" means any Indian tribe, band, nation, or other organized group or  
8 community of Indians recognized as eligible for services provided to Indians by the Secretary of the  
9 Interior because of their status as Indians, including any Alaskan native village as defined in section  
10 3(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. section 1602(c).

11 VIII. "Interstate Commission for the Placement of Children" means the commission that is  
12 created under Article VIII of this compact and which is generally referred to as the "Interstate  
13 Commission."

14 IX. "Jurisdiction" means the power and authority of a court to hear and decide matters.

15 X. "Legal risk placement" or "legal risk adoption" means a placement made preliminary to  
16 an adoption where the prospective adoptive parents acknowledge in writing that a child can be  
17 ordered returned to the sending state or the birth mother's state of residence, if different from the  
18 sending state, and a final decree of adoption shall not be entered in any jurisdiction until all  
19 required consents are obtained or are dispensed with in accordance with applicable law.

20 XI. "Member state" means a state that has enacted this compact.

21 XII. "Noncustodial parent" means a person who, at the time of the commencement of court  
22 proceedings in the sending state, does not have sole legal custody of the child or has joint legal  
23 custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

24 XIII. "Nonmember state" means a state which has not enacted this compact.

25 XIV. "Notice of residential placement" means information regarding a placement into a  
26 residential facility provided to the receiving state, including, but not limited to, the name, date, and  
27 place of birth of the child, the identity and address of the parent or legal guardian, evidence of  
28 authority to make the placement, and the name and address of the facility in which the child will be  
29 placed. Notice of residential placement shall also include information regarding a discharge and any  
30 unauthorized absence from the facility.

31 XV. "Placement" means the act by a public or private child-placing agency intended to  
32 arrange for the care or custody of a child in another state.

33 XVI. "Private child-placing agency" means any private corporation, agency, foundation,  
34 institution, or charitable organization, or any private person or attorney, that facilitates, causes, or  
35 is involved in the placement of a child from one state to another and that is not an instrumentality of  
36 the state or acting under color of state law.

1 XVII. "Provisional placement" means a determination made by the public child-placing  
2 agency in the receiving state that the proposed placement is safe and suitable, and, to the extent  
3 allowable, the receiving state has temporarily waived its standards or requirements otherwise  
4 applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of  
5 the receiving state requirements regarding training for prospective foster or adoptive parents shall  
6 not delay an otherwise safe and suitable placement.

7 XVIII. "Public child-placing agency" means any government child welfare agency or child  
8 protection agency or a private entity under contract with such an agency, regardless of whether the  
9 entity acts on behalf of a state, a county, a municipality, or another governmental unit, and which  
10 facilitates, causes, or is involved in the placement of a child from one state to another.

11 XIX. "Receiving state" means the state to which a child is sent, brought, or caused to be sent  
12 or brought.

13 XX. "Relative" means someone who is related to the child as a parent, stepparent, sibling by  
14 half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a nonrelative with  
15 such significant ties to the child that the nonrelative may be regarded as a relative as determined by  
16 the court in the sending state.

17 XXI. "Residential facility" means a facility providing a level of care that is sufficient to  
18 substitute for parental responsibility or foster care and that is beyond what is needed for assessment  
19 or treatment of an acute condition. For purposes of the compact, the term "residential facility" does  
20 not include institutions primarily educational in character, hospitals, or other medical facilities.

21 XXII. "Rule" means a written directive, mandate, standard, or principle issued by the  
22 Interstate Commission promulgated pursuant to Article XI of this compact that is of general  
23 applicability and that implements, interprets, or prescribes a policy or provision of the compact. A  
24 rule has the force and effect of an administrative rule in a member state and includes the  
25 amendment, repeal, or suspension of an existing rule.

26 XXIII. "Sending state" means the state from which the placement of a child is initiated.

27 XXIV. "Service member's permanent duty station" means the military installation where an  
28 active duty United States Armed Services member is currently assigned and is physically located  
29 under competent orders that do not specify the duty as temporary.

30 XXV. "Service member's state of legal residence" means the state in which the active duty  
31 United States Armed Services member is considered a resident for tax and voting purposes.

32 XXVI. "State" means a state of the United States, the District of Columbia, the  
33 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
34 Northern Mariana Islands, and any other territory of the United States.

35 XXVII. "State court" means a judicial body of a state that is vested by law with  
36 responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status  
37 offenses of individuals who have not attained the age of 18.

1 XXVIII. "Supervision" means monitoring provided by the receiving state once a child has  
2 been placed in a receiving state pursuant to this compact.

3 ARTICLE III

4 Applicability

5 I. Except as otherwise provided in paragraph II, this compact shall apply to:

6 (a) The interstate placement of a child subject to ongoing court jurisdiction in the  
7 sending state, due to allegations or findings that the child has been abused, neglected, or deprived as  
8 defined by the laws of the sending state; provided, however, that the placement of such a child into a  
9 residential facility shall only require notice of residential placement to the receiving state prior to  
10 placement.

11 (b) The interstate placement of a child adjudicated delinquent or unmanageable based  
12 on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

13 (1) The child is being placed in a residential facility in another member state and is  
14 not covered under another compact; or

15 (2) The child is being placed in another member state and the determination of  
16 safety and suitability of the placement and services required is not provided through another  
17 compact.

18 (c) The interstate placement of any child by a public child-placing agency or private  
19 child-placing agency as a preliminary step to a possible adoption.

20 II. The provisions of this compact shall not apply to:

21 (a) The interstate placement of a child in a custody proceeding in which a public child-  
22 placing agency is not a party; provided, however, that the placement is not intended to effectuate an  
23 adoption.

24 (b) The interstate placement of a child with a nonrelative in a receiving state by a parent  
25 with the legal authority to make such a placement; provided, however, that the placement is not  
26 intended to effectuate an adoption.

27 (c) The interstate placement of a child by one relative with the lawful authority to make  
28 such a placement directly with a relative in a receiving state.

29 (d) The placement of a child, not subject to paragraph I, into a residential facility by his  
30 or her parent.

31 (e) The placement of a child with a noncustodial parent, provided that:

32 (1) The noncustodial parent proves to the satisfaction of a court in the sending state  
33 a substantial relationship with the child;

34 (2) The court in the sending state makes a written finding that placement with the  
35 noncustodial parent is in the best interests of the child; and

36 (3) The court in the sending state dismisses its jurisdiction in interstate placements  
37 in which the public child-placing agency is a party to the proceeding.



1 (f) A child entering the United States from a foreign country for the purpose of adoption  
2 or leaving the United States to go to a foreign country for the purpose of adoption in that country.

3 (g) Cases in which a child who is a United States citizen living overseas with his or her  
4 family, at least one of whom is in the United States Armed Services and stationed overseas, is  
5 removed and placed in a state.

6 (h) The sending of a child by a public child-placing agency or a private child-placing  
7 agency for a visit as defined by the rules of the Interstate Commission.

8 III. For purposes of determining the applicability of this compact to the placement of a child  
9 with a family member in the United States Armed Services, the public child-placing agency or  
10 private child-placing agency may choose the state of the service member's permanent duty station or  
11 the service member's declared legal residence.

12 IV. Nothing in this compact shall be construed to prohibit the concurrent application of the  
13 provisions of this compact with other applicable interstate compacts, including the Interstate  
14 Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The  
15 Interstate Commission may, in cooperation with other interstate compact commissions having  
16 responsibility for the interstate movement, placement, or transfer of children, promulgate similar  
17 rules to ensure the coordination of services, timely placement of children, and reduction of  
18 unnecessary or duplicative administrative or procedural requirements.

19 ARTICLE IV

20 Jurisdiction

21 I. Except as provided in Article IV, paragraph VIII, and Article V, subparagraph II(b) and  
22 (c), concerning private and independent adoptions, and in interstate placements in which the public  
23 child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction  
24 over a child with respect to all matters of custody and disposition of the child which it would have  
25 had if the child had remained in the sending state. Such jurisdiction shall also include the power to  
26 order the return of the child to the sending state.

27 II. When an issue of child protection or custody is brought before a court in the receiving  
28 state, such court shall confer with the court of the sending state to determine the most appropriate  
29 forum for adjudication.

30 III. In cases that are before courts and subject to this compact, the taking of testimony for  
31 hearings before any judicial officer may occur in person or by telephone, audio-video conference, or  
32 such other means as approved by the rules of the Interstate Commission, and judicial officers may  
33 communicate with other judicial officers and persons involved in the interstate process as may be  
34 permitted by their code of judicial conduct and any rules promulgated by the Interstate Commission.

35 IV. In accordance with its own laws, the court in the sending state shall have authority to  
36 terminate its jurisdiction if:

1 (a) The child is reunified with the parent in the receiving state who is the subject of  
2 allegations or findings of abuse or neglect, only with the concurrence of the public child-placing  
3 agency in the receiving state;

4 (b) The child is adopted;

5 (c) The child reaches the age of majority under the laws of the sending state;

6 (d) The child achieves legal independence pursuant to the laws of the sending state;

7 (e) A guardianship is created by a court in the receiving state with the concurrence of  
8 the court in the sending state;

9 (f) An Indian tribe has petitioned for and received jurisdiction from the court in the  
10 sending state; or

11 (g) The public child-placing agency of the sending state requests termination and has  
12 obtained the concurrence of the public child-placing agency in the receiving state.

13 V. When a sending state court terminates its jurisdiction, the receiving state child-placing  
14 agency shall be notified.

15 VI. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court  
16 sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined  
17 by the laws of the receiving state committed by the child in the receiving state which would be a  
18 violation of its laws.

19 VII. Nothing in this article shall limit the receiving state's ability to take emergency  
20 jurisdiction for the protection of the child.

21 VIII. The substantive laws of the state in which an adoption will be finalized shall solely  
22 govern all issues relating to the adoption of the child, and the court in which the adoption proceeding  
23 is filed shall have subject matter jurisdiction regarding all substantive issues relating to the  
24 adoption, except:

25 (a) When the child is a ward of another court that established jurisdiction over the child  
26 prior to the placement;

27 (b) When the child is in the legal custody of a public agency in the sending state; or

28 (c) When a court in the sending state has otherwise appropriately assumed jurisdiction  
29 over the child prior to the submission of the request for approval of placement.

30 IX. A final decree of adoption shall not be entered in any jurisdiction until the placement is  
31 authorized as an "approved placement" by the public child-placing agency in the receiving state.

32 ARTICLE V

33 Placement Evaluation

34 I. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state,  
35 the public child-placing agency shall provide a written request for assessment to the receiving state.

36 II. For placements by a private child-placing agency, a child may be sent or brought, or  
37 caused to be sent or brought, into a receiving state upon receipt and immediate review of the

1 required content in a request for approval of a placement in both the sending and receiving state  
2 public child-placing agencies. The required content to accompany a request for approval shall  
3 include all of the following:

4 (a) A request for approval identifying the child, the birth parents, the prospective  
5 adoptive parents, and the supervising agency, signed by the person requesting approval.

6 (b) The appropriate consents or relinquishments signed by the birth parents in  
7 accordance with the laws of the sending state or, where permitted, the laws of the state where the  
8 adoption will be finalized.

9 (c) Certification by a licensed attorney or authorized agent of a private adoption agency  
10 that the consent or relinquishment is in compliance with the applicable laws of the sending state or,  
11 where permitted, the laws of the state where finalization of the adoption will occur.

12 (d) A home study.

13 (e) An acknowledgment of legal risk signed by the prospective adoptive parents.

14 III. The sending state and the receiving state may request additional information or  
15 documents prior to finalization of an approved placement, but they may not delay travel by the  
16 prospective adoptive parents with the child if the required content for approval has been submitted,  
17 received, and reviewed by the public child-placing agency in both the sending state and the receiving  
18 state.

19 IV. Approval from the public child-placing agency in the receiving state for a provisional or  
20 approved placement is required as provided for in the rules of the Interstate Commission.

21 V. The procedures for making the request for an assessment shall contain all information  
22 and be in such form as provided for in the rules of the Interstate Commission.

23 VI. Upon receipt of a request from the public child-placing agency of the sending state, the  
24 receiving state shall initiate an assessment of the proposed placement to determine its safety and  
25 suitability. If the proposed placement is a placement with a relative, the public child-placing agency  
26 of the sending state may request a determination for a provisional placement.

27 VII. The public child-placing agency in the receiving state may request from the public child-  
28 placing agency or the private child-placing agency in the sending state, and shall be entitled to  
29 receive, supporting or additional information necessary to complete the assessment or approve the  
30 placement.

31 VIII. The public child-placing agency in the receiving state shall approve a provisional  
32 placement and complete or arrange for the completion of the assessment within the timeframes  
33 established by the rules of the Interstate Commission.

34 IX. For a placement by a private child-placing agency, the sending state shall not impose  
35 any additional requirements to complete the home study that are not required by the receiving state,  
36 unless the adoption is finalized in the sending state.

1 X. The Interstate Commission may develop uniform standards for the assessment of the  
2 safety and suitability of interstate placements.

3 ARTICLE VI

4 Placement Authority

5 I. Except as otherwise provided in this compact, no child subject to this compact shall be  
6 placed in a receiving state until approval for such placement is obtained.

7 II. If the public child-placing agency in the receiving state does not approve the proposed  
8 placement, then the child shall not be placed. The receiving state shall provide written  
9 documentation of any such determination in accordance with the rules promulgated by the  
10 Interstate Commission. Such determination is not subject to judicial review in the sending state.

11 III. If the proposed placement is not approved, any interested party shall have standing to  
12 seek an administrative review of the receiving state's determination.

13 (a) The administrative review and any further judicial review associated with the  
14 determination shall be conducted in the receiving state pursuant to its applicable administrative  
15 procedures act.

16 (b) If a determination not to approve the placement of the child in the receiving state is  
17 overturned upon review, the placement shall be deemed approved; provided, however, that all  
18 administrative or judicial remedies have been exhausted or the time for such remedies has passed.

19 ARTICLE VII

20 Placing Agency Responsibility

21 I. For the interstate placement of a child made by a public child-placing agency or state  
22 court:

23 (a) The public child-placing agency in the sending state shall have financial  
24 responsibility for:

25 (1) The ongoing support and maintenance for the child during the period of the  
26 placement, unless otherwise provided for in the receiving state; and

27 (2) As determined by the public child-placing agency in the sending state, services  
28 for the child beyond the public services for which the child is eligible in the receiving state.

29 (b) The receiving state shall only have financial responsibility for:

30 (1) Any assessment conducted by the receiving state; and

31 (2) Supervision conducted by the receiving state at the level necessary to support the  
32 placement as agreed upon by the public child-placing agencies of the receiving and sending states.

33 (c) Nothing in this section shall prohibit public child-placing agencies in the sending  
34 state from entering into agreements with licensed agencies or persons in the receiving state to  
35 conduct assessments and provide supervision.

36 II. For the placement of a child by a private child-placing agency preliminary to a possible  
37 adoption, the private child-placing agency shall be:

1 (a) Legally responsible for the child during the period of placement as provided for in the  
2 law of the sending state until the finalization of the adoption.

3 (b) Financially responsible for the child absent a contractual agreement to the contrary.

4 III. The public child-placing agency in the receiving state shall provide timely assessments,  
5 as provided for in the rules of the Interstate Commission.

6 IV. The public child-placing agency in the receiving state shall provide, or arrange for the  
7 provision of, supervision and services for the child, including timely reports, during the period of the  
8 placement.

9 V. Nothing in this compact shall be construed to limit the authority of the public child-  
10 placing agency in the receiving state from contracting with a licensed agency or person in the  
11 receiving state for an assessment or the provision of supervision or services for the child or otherwise  
12 authorizing the provision of supervision or services by a licensed agency during the period of  
13 placement.

14 VI. Each member state shall provide for coordination among its branches of government  
15 concerning the state's participation in and compliance with the compact and Interstate Commission  
16 activities through the creation of an advisory council or use of an existing body or board.

17 VII. Each member state shall establish a central state compact office which shall be  
18 responsible for state compliance with the compact and the rules of the Interstate Commission.

19 VIII. The public child-placing agency in the sending state shall oversee compliance with the  
20 provisions of the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., for placements subject to  
21 the provisions of this compact, prior to placement.

22 IX. With the consent of the Interstate Commission, states may enter into limited  
23 agreements that facilitate the timely assessment and provision of services and supervision of  
24 placements under this compact.

25 ARTICLE VIII

26 Interstate Commission for the Placement of Children

27 The member states hereby establish, by way of this compact, a commission known as the "Interstate  
28 Commission for the Placement of Children." The activities of the Interstate Commission are the  
29 formation of public policy and are a discretionary state function. The Interstate Commission shall:

30 I. Be a joint commission of the member states and shall have the responsibilities, powers,  
31 and duties set forth herein and such additional powers as may be conferred upon it by subsequent  
32 concurrent action of the respective legislatures of the member states.

33 II. Consist of one commissioner from each member state who shall be appointed by the  
34 executive head of the state human services administration with ultimate responsibility for the child  
35 welfare program. The appointed commissioner shall have the legal authority to vote on policy-  
36 related matters governed by this compact binding the state.

1 (a) Each member state represented at a meeting of the Interstate Commission is entitled  
2 to one vote.

3 (b) A majority of the member states shall constitute a quorum for the transaction of  
4 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

5 (c) A representative shall not delegate a vote to another member state.

6 (d) A representative may delegate voting authority to another person from that state for  
7 a specified meeting.

8 III. Include, in addition to the commissioners of each member state, persons who are  
9 members of interested organizations as defined in the bylaws or rules of the Interstate Commission.  
10 Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate  
11 Commission.

12 IV. Establish an executive committee which shall have the authority to administer the day-  
13 to-day operations and administration of the Interstate Commission. The executive committee shall  
14 not have the power to engage in rulemaking.

15 ARTICLE IX

16 Powers and Duties of the Interstate Commission

17 The Interstate Commission shall have the following powers:

18 I. To promulgate rules and take all necessary actions to effect the goals, purposes, and  
19 obligations as enumerated in this compact.

20 II. To provide for dispute resolution among member states.

21 III. To issue, upon request of a member state, advisory opinions concerning the meaning or  
22 interpretation of the interstate compact, its bylaws, rules, or actions.

23 IV. To enforce compliance with this compact or the bylaws or rules of the Interstate  
24 Commission pursuant to Article XII.

25 V. Collect standardized data concerning the interstate placement of children subject to this  
26 compact as directed through its rules, which shall specify the data to be collected, the means of  
27 collection and data-exchange, and reporting requirements.

28 VI. To establish and maintain offices as may be necessary for the transacting of its business.

29 VII. To purchase and maintain insurance and bonds.

30 VIII. To hire or contract for services of personnel or consultants as necessary to carry out its  
31 functions under the compact and establish personnel qualification policies and rates of  
32 compensation.

33 IX. To establish and appoint committees and officers, including, but not limited to, an  
34 executive committee as required by Article X.

35 X. To accept any and all donations and grants of money, equipment, supplies, materials, and  
36 services, and to receive, utilize, and dispose thereof.

1 XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
2 improve, or use any property, real, personal, or mixed.

3 XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
4 property, real, personal, or mixed.

5 XIII. To establish a budget and make expenditures.

6 XIV. To adopt a seal and bylaws governing the management and operation of the Interstate  
7 Commission.

8 XV. To report annually to the legislatures, the governors, the judiciary, and the state  
9 advisory councils of the member states concerning the activities of the Interstate Commission during  
10 the preceding year. Such reports shall also include any recommendations that may have been  
11 adopted by the Interstate Commission.

12 XVI. To coordinate and provide education, training, and public awareness regarding the  
13 interstate movement of children for officials involved in such activity.

14 XVII. To maintain books and records in accordance with the bylaws of the Interstate  
15 Commission.

16 XVIII. To perform such functions as may be necessary or appropriate to achieve the  
17 purposes of this compact.

18 ARTICLE X

19 Organization and Operation of the Interstate Commission

20 I. Organization.

21 (a) Within 12 months after the first Interstate Commission meeting, the Interstate  
22 Commission shall adopt rules to govern its conduct as may be necessary or appropriate to carry out  
23 the purposes of the compact.

24 (b) The Interstate Commission's rules shall establish conditions and procedures under  
25 which the Interstate Commission shall make its information and official records available to the  
26 public for inspection or copying.

27 II. Meetings.

28 (a) The Interstate Commission shall meet at least once each calendar year. The  
29 chairperson may call additional meetings and, upon the request of a simple majority of the member  
30 states, shall call additional meetings.

31 (b) Public notice shall be given by the Interstate Commission of all meetings, and all  
32 meetings shall be open to the public.

33 (c) The bylaws may provide for meetings of the Interstate Commission to be conducted  
34 by telecommunication or other electronic communication.

35 III. Officers and staff.

36 (a) The Interstate Commission may, through its executive committee, appoint or retain a  
37 staff director for such period, upon such terms and conditions, and for such compensation as the

1 Interstate Commission may deem appropriate. The staff director shall serve as secretary to the  
2 Interstate Commission but shall not have a vote. The staff director may hire and supervise such  
3 other staff as may be authorized by the Interstate Commission.

4 (b) The Interstate Commission shall elect, from among its members, a chairperson and a  
5 vice chairperson of the executive committee, and other necessary officers, each of whom shall have  
6 such authority and duties as may be specified in the bylaws.

7 IV. Qualified immunity, defense, and indemnification.

8 (a) The Interstate Commission's staff director and its employees shall be immune from  
9 suit and liability, either personally or in their official capacity, for a claim for damage to or loss of  
10 property or personal injury or other civil liability caused or arising out of or relating to an actual or  
11 alleged act, error, or omission that occurred or that such person had a reasonable basis for believing  
12 occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
13 provided, however, that such person shall not be protected from suit or liability for damage, loss,  
14 injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of  
15 such person.

16 (b)(1) The liability of the Interstate Commission's staff director and employees or  
17 Interstate Commission representatives, acting within the scope of such person's employment or  
18 duties, for acts, errors, or omissions occurring within such person's state may not exceed the limits of  
19 liability set forth under the Constitution and laws of that state for state officials, employees, and  
20 agents. The Interstate Commission is considered to be an instrumentality of the states for the  
21 purposes of any such action. Nothing in this subsection shall be construed to protect such person  
22 from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional  
23 or willful and wanton misconduct of such person.

24 (2) The Interstate Commission shall defend the staff director and its employees and,  
25 subject to the approval of the attorney general or other appropriate legal counsel of the member  
26 state, shall defend the commissioner of a member state in a civil action seeking to impose liability  
27 arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate  
28 Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for  
29 believing occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
30 provided, however, that the actual or alleged act, error, or omission did not result from intentional or  
31 willful and wanton misconduct on the part of such person.

32 (3) To the extent not covered by the state involved, a member state, or the Interstate  
33 Commission, the representatives or employees of the Interstate Commission shall be held harmless  
34 in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such  
35 persons arising out of an actual or alleged act, error, or omission that occurred within the scope of  
36 Interstate Commission employment, duties, or responsibilities, or that such persons had a  
37 reasonable basis for believing occurred within the scope of Interstate Commission employment,



1 duties, or responsibilities; provided, however, that the actual or alleged act, error, or omission did  
2 not result from intentional or willful and wanton misconduct on the part of such persons.

3 ARTICLE XI

4 Rulemaking Functions of the Interstate Commission

5 I. The Interstate Commission shall promulgate and publish rules in order to effectively and  
6 efficiently achieve the purposes of the compact.

7 II. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
8 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles  
9 of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1  
10 (2000), or such other administrative procedure acts as the Interstate Commission deems  
11 appropriate, consistent with due process requirements under the United States Constitution as now  
12 or hereafter interpreted by the United States Supreme Court. All rules and amendments shall  
13 become binding as of the date specified, as published with the final version of the rule as approved  
14 by the Interstate Commission.

15 III. When promulgating a rule, the Interstate Commission shall, at a minimum:

16 (a) Publish the proposed rule's entire text stating the reasons for that proposed rule;

17 (b) Allow and invite any and all persons to submit written data, facts, opinions, and  
18 arguments, which information shall be added to the record and made publicly available; and

19 (c) Promulgate a final rule and its effective date, if appropriate, based on input from  
20 state or local officials or interested parties.

21 IV. Rules promulgated by the Interstate Commission shall have the force and effect of  
22 administrative rules and shall be binding in the compacting states to the extent and in the manner  
23 provided for in this compact.

24 V. Not later than 60 days after a rule is promulgated, an interested person may file a  
25 petition in the United States District Court for the District of Columbia or in the federal district  
26 court where the Interstate Commission's principal office is located for judicial review of such rule. If  
27 the court finds that the Interstate Commission's action is not supported by substantial evidence in  
28 the rulemaking record, the court shall hold the rule unlawful and set it aside.

29 VI. If a majority of the legislatures of the member states rejects a rule, those states may by  
30 enactment of a statute or resolution in the same manner used to adopt the compact cause that such  
31 rule shall have no further force and effect in any member state.

32 VII. The existing rules governing the operation of the Interstate Compact on the Placement  
33 of Children superseded by this act shall be null and void no less than 12 months but no more than 24  
34 months after the first meeting of the Interstate Commission created hereunder, as determined by  
35 the members during the first meeting.

36 VIII. Within the first 12 months of operation, the Interstate Commission shall promulgate  
37 rules addressing the following:

- 1 (a) Transition rules.
- 2 (b) Forms and procedures.
- 3 (c) Timelines.
- 4 (d) Data collection and reporting.
- 5 (e) Rulemaking.
- 6 (f) Visitation.
- 7 (g) Progress reports and supervision.
- 8 (h) Sharing of information and confidentiality.
- 9 (i) Financing of the Interstate Commission.
- 10 (j) Mediation, arbitration, and dispute resolution.
- 11 (k) Education, training, and technical assistance.
- 12 (l) Enforcement.
- 13 (m) Coordination with other interstate compacts.

14 IX. Upon determination by a majority of the members of the Interstate Commission that an  
15 emergency exists:

16 (a) The Interstate Commission may promulgate an emergency rule only if it is required  
17 to:

- 18 (1) Protect the children covered by this compact from an imminent threat to their  
19 health, safety, and well-being;
- 20 (2) Prevent loss of federal or state funds; or
- 21 (3) Meet a deadline for the promulgation of an administrative rule required by  
22 federal law.

23 (b) An emergency rule shall become effective immediately upon adoption, provided that  
24 the usual rulemaking procedures provided hereunder shall be retroactively applied to the emergency  
25 rule as soon as reasonably possible, but no later than 90 days after the effective date of the  
26 emergency rule.

27 (c) An emergency rule shall be promulgated as provided for in the rules of the Interstate  
28 Commission.

29 ARTICLE XII

30 Oversight, Dispute Resolution, and Enforcement

31 I. Oversight.

32 (a) The Interstate Commission shall oversee the administration and operation of the  
33 compact.

34 (b) The executive, legislative, and judicial branches of state government in each member  
35 state shall enforce this compact and the rules of the Interstate Commission and shall take all actions  
36 necessary and appropriate to effectuate the compact's purposes and intent. The compact and its

1 rules shall be binding in the compacting states to the extent and in the manner provided for in this  
2 compact.

3 (c) All courts shall take judicial notice of the compact and the rules in any judicial or  
4 administrative proceeding in a member state pertaining to the subject matter of this compact.

5 (d) The Interstate Commission shall be entitled to receive service of process in any  
6 action in which the validity of a compact provision or rule is the issue for which a judicial  
7 determination has been sought and shall have standing to intervene in any proceedings. Failure to  
8 provide service of process to the Interstate Commission shall render any judgment, order, or other  
9 determination, however so captioned or classified, void as to this compact, its bylaws, or rules of the  
10 Interstate Commission.

11 II. Dispute resolution.

12 (a) The Interstate Commission shall attempt, upon the request of a member state, to  
13 resolve disputes which are subject to the compact and which may arise among member states and  
14 between member and nonmember states.

15 (b) The Interstate Commission shall promulgate a rule providing for both mediation and  
16 binding dispute resolution for disputes among compacting states. The costs of such mediation or  
17 dispute resolution shall be the responsibility of the parties to the dispute.

18 III. Enforcement. If the Interstate Commission determines that a member state has  
19 defaulted in the performance of its obligations or responsibilities under this compact, its bylaws, or  
20 rules of the Interstate Commission, the Interstate Commission may:

21 (a) Provide remedial training and specific technical assistance;

22 (b) Provide written notice to the defaulting state and other member states of the nature  
23 of the default and the means of curing the default. The Interstate Commission shall specify the  
24 conditions by which the defaulting state must cure its default;

25 (c) By majority vote of the members, initiate against a defaulting member state legal  
26 action in the United States District Court for the District of Columbia or, at the discretion of the  
27 Interstate Commission, in the federal district where the Interstate Commission has its principal  
28 office, to enforce compliance with the provisions of the compact, its bylaws, or rules of the Interstate  
29 Commission. The relief sought may include both injunctive relief and damages. In the event judicial  
30 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including  
31 reasonable attorney's fees; or

32 (d) Avail itself of any other remedies available under state law or the regulation of  
33 official or professional conduct.

34 ARTICLE XIII

35 Financing of the Commission

36 I. The Interstate Commission shall pay, or provide for the payment of, the reasonable  
37 expenses of its establishment, organization, and ongoing activities.



1 (c) The withdrawing state shall immediately notify the president of the Interstate  
2 Commission in writing upon the introduction of legislation repealing this compact in the  
3 withdrawing state. The Interstate Commission shall then notify the other member states of the  
4 withdrawing state's intent to withdraw.

5 (d) The withdrawing state is responsible for all assessments, obligations, and liabilities  
6 incurred through the effective date of withdrawal.

7 (e) Reinstatement following withdrawal of a member state shall occur upon the  
8 withdrawing state reenacting the compact or upon such later date as determined by the members of  
9 the Interstate Commission.

10 II. Dissolution of compact.

11 (a) This compact shall dissolve effective upon the date of the withdrawal or default of the  
12 member state which reduces the membership in the compact to one member state.

13 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be  
14 of no further force or effect, and the business and affairs of the Interstate Commission shall be  
15 concluded and surplus funds shall be distributed in accordance with the bylaws.

16 ARTICLE XVI

17 Severability and Construction

18 I. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or  
19 provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

20 II. The provisions of this compact shall be liberally construed to effectuate its purposes.

21 III. Nothing in this compact shall be construed to prohibit the concurrent applicability of  
22 other interstate compacts to which the states are members.

23 ARTICLE XVII

24 Binding Effect of Compact and Other Laws

25 I. ~~Other laws.~~ Nothing in this compact prevents the enforcement of any other law of a  
26 member state that is not inconsistent with this compact.

27 II. Binding effect of the compact.

28 (a) All lawful actions of the Interstate Commission are binding upon the member states.

29 (b) All agreements between the Interstate Commission and the member states are  
30 binding in accordance with their terms.

31 (c) In the event any provision of this compact exceeds the constitutional limits imposed  
32 on the legislature or executive branch of any member state, such provision shall be ineffective to the  
33 extent of the conflict with the constitutional provision in question in that member state.

34 ARTICLE XVIII

35 Indian Tribes

36 Notwithstanding any other provision in this compact, the Interstate Commission may promulgate  
37 guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the

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1 compact as specified in Article I. The Interstate Commission shall make reasonable efforts to  
2 consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the  
3 various Indian tribes.

4 49 Adoption; Assessment. Amend RSA 170-B:18, IV to read as follows:

5 IV. The department or a licensed child-placing agency making the required assessment may  
6 request other departments or licensed child-placing agencies within or outside this state to make the  
7 assessment or designated portions thereof as may be appropriate. Where such written assessments  
8 are made, a written report shall be filed with the court; provided, however, said report shall not  
9 violate RSA 170-A, the interstate compact ~~[en]~~ **for** the placement of children.

10 50 Applicability Sections 48-49 of this act, relative to the 2009 edition of the Interstate Compact  
11 for the Placement of Children, shall take effect on the date that the commissioner of the department  
12 of health and human services certifies to the director of the office of legislative services and the  
13 secretary of state that 35 compacting states, including New Hampshire, have enacted the 2009  
14 edition of the Interstate Compact for the Placement of Children.

15 51 Child Day Care Licensing; Definitions RSA 170-E:2, IV(g) is repealed and reenacted to read  
16 as follows:

17 (g) "School-age program" means a child day care agency providing child day care before  
18 or after, or before and after, regular school hours, and all day any time school is not in session, for 6  
19 or more children enrolled in school, who are 4 years and 8 months of age or older, and which is not  
20 licensed under RSA 170-E:56. The number of children shall include all children present during the  
21 period of the program, including those children related to the caregiver.

22 52 New Section; Residential Care and Child-Placing Agency Licensing; Deemed Licensed.  
23 Amend RSA 170-E by inserting after section 31 the following new section:

24 170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by  
25 organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as  
26 amended, shall submit a completed license application or renewal application. Such child care  
27 institutions and child care agencies defined as group homes, specialized care, or homeless youth  
28 programs, shall be deemed licensed under this subdivision and shall be exempt from inspections  
29 carried out under RSA 170-E:31, IV. This section shall only apply to the activities or portions of the  
30 facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G),  
31 as amended.

32 53 Recreation Camp Licensing; Availability of Epinephrine Auto-Injector. Amend RSA 170-E:61  
33 to read as follows:

34 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse  
35 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child  
36 with severe allergies at least one epinephrine auto-injector, provided by the child or the child's  
37 parent or guardian, ~~[in the nurse's office or in a similarly accessible location]~~ **which shall be**

1 *readily accessible to the recreational camp staff caring for children requiring such*  
2 *medications.*

3 54 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA 170-  
4 E by inserting after section 63 the following new section:

5 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not  
6 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with  
7 asthma at least one metered dose inhaler or a dry powder inhaler, provided by the child or the child's  
8 parent or guardian, which shall be readily accessible to the recreational camp staff caring for  
9 children requiring such medications.

10 55 New Paragraph; Services for Children, Youth, and Families; Peer Support Program. Amend  
11 RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

12 VIII. The commissioner may establish a confidential peer support program for the purpose  
13 of providing critical incident stress management and crisis intervention services for staff exposed to  
14 critical incidents and trauma through the course of their employment.

15 (a) In this section:

16 (1) "Critical incident" means any incident that has a high emotional impact on the  
17 responders, or is beyond the realm of a person's usual experience that overwhelms his or her sense of  
18 vulnerability and/or lack of control over the situation.

19 (2) "Critical incident stress" means a normal reaction to an abnormal event that has  
20 the potential to interfere with normal functioning and that results from the response to a critical  
21 incident or long-term occupational exposure to a series of critical incident responses over a period of  
22 time that are believed to be causing debilitating stress that is affecting an emergency service  
23 provider and his or her work performance or family situation. This may include, but is not limited  
24 to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job,  
25 personality changes, or loss of ability to function.

26 (3) "Critical incident stress management" means a process of crisis intervention  
27 designed to assist employees in coping with the psychological trauma resulting from response to a  
28 critical incident.

29 (4) "Critical incident stress management and crisis intervention services" means  
30 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and  
31 referral provided by a critical incident stress management team member.

32 (5) "Critical incident stress management team" or "team" means the group of one or  
33 more trained volunteers, including members of peer support groups who offer critical incident stress  
34 management and crisis intervention services following a critical incident or long term or continued,  
35 debilitating stress being experienced by employees and affecting them or their family situation.

1 (6) "Critical incident stress management team member" or "team member" means an  
2 employee, including any specially trained to provide critical incident stress management and crisis  
3 intervention services as a member of an organized team.

4 (7) "Debriefing" means a closed, confidential discussion of a critical incident relating  
5 to the feelings and perceptions of those directly involved prior to, during, and after a stressful event.  
6 It is intended to provide support, education, and an outlet for associated views and feelings.  
7 Debriefings do not provide counseling or an operational critique of the incident.

8 (b)(1) Any information divulged to the team or a team member during the provision of  
9 critical incident stress management and crisis intervention services shall be kept confidential and  
10 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records  
11 kept by critical incident stress management team members are not subject to subpoena, discovery, or  
12 introduction into evidence in a criminal, civil, or administrative action. Except as provided in  
13 subparagraph (c), no person, whether critical incident stress management team member or team  
14 leader providing or receiving critical incident stress management and crisis intervention services,  
15 shall be required to testify or divulge any information obtained solely through such crisis  
16 intervention.

17 (2) In any civil action against any individual, or the department, including the state  
18 of New Hampshire, arising out of the conduct of a member of such team, this section is not intended  
19 and shall not be admissible to establish negligence in any instance where requirements herein are  
20 higher than the standard of care that would otherwise have been applicable in such action under  
21 state law.

22 (c) A communication shall not be deemed confidential pursuant to this section if:

23 (1) The communication indicates the existence of a danger to the individual who  
24 receives critical incident stress management and crisis intervention services or to any other person  
25 or persons;

26 (2) The communication indicates the existence of past child abuse or neglect of the  
27 individual, abuse of an adult as defined by law, or family violence as defined by law; or

28 (3) The communication indicates the existence of a danger to the individual who  
29 receives critical incident stress management and crisis intervention services or to any other person  
30 or persons.

31 56 New Paragraph; Services for Children, Youth, and Families; Procurement Model for Services.  
32 Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

33 I-a. The commissioner shall employ a procurement model for administering the provision of  
34 therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G  
35 and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases  
36 where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a  
37 contracted provider, the commissioner may approve and shall pay for placement with another



1 certified provider on a temporary basis if the commissioner determines that the placement is  
2 necessary to meet the juvenile's immediate treatment needs.

3 57 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials relating  
4 to missing children issues and matters, is repealed.

5 58 Services for the Developmentally Disabled; Funding for Wait List. Amend the introductory  
6 paragraph of RSA 171-A:1-a, I to read as follows:

7 I. The department of health and human services and area agencies shall provide services to  
8 eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-  
9 K in a timely manner. The department and area agencies shall provide *funding for* services in  
10 such a manner that:

11 59 Committee Established to Study Gaps in Developmental Services for Individuals Still in  
12 School.

13 I. There is established a committee to study gaps in developmental services for individuals  
14 still in school.

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

16 (1) Two members of the senate, one of whom shall be from the majority party and  
17 one of whom shall be from the minority party, appointed by the president of the senate.

18 (2) Three members of the house of representatives, appointed by the speaker of the  
19 house of representatives.

20 (b) Members of the committee shall receive mileage at the legislative rate when  
21 attending to the duties of the committee.

22 III. The committee shall study gaps in developmental services for individuals still in school  
23 including, but not limited to, barriers to successful partnership with the mental health services  
24 system for individuals with co-occurring mental health diagnoses; the protections provided to  
25 individuals receiving services pursuant to RSA 171-A; and other gaps identified by the governor's  
26 commission on disability; analysis and report required by 2019, 346:242.

27 IV. The committee shall solicit information and assistance from any governmental entity,  
28 organization or person as the committee determines necessary in carrying out its duties including,  
29 but not limited to, the university of New Hampshire institute on disability, the department of health  
30 and human services, the New Hampshire council on developmental disabilities, Granite State  
31 Independent Living, Community Support Network, Inc., Disability Rights Center-NH, the  
32 developmental services quality council of the department of health and human services, the  
33 governor's commission on disability, and any other relevant stakeholders including individuals with  
34 developmental disabilities and their families and/or guardians.

35 V. The members of the study committee shall elect a chairperson from among the members.  
36 The first meeting of the committee shall be called by the senate member. The first meeting of the

1 committee shall be held within 45 days of the effective date of this section. Three members of the  
2 committee shall constitute a quorum.

3 VI. The committee shall report its findings and any recommendations for proposed  
4 legislation to the president of the senate, the speaker of the house of representatives, the senate  
5 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

6 60 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read as  
7 follows:

8 II. ~~[Beginning with the fiscal year ending June 30, 2010, and thereafter,]~~ The department of  
9 health and human services shall incorporate *in its appropriation requests* the cost of fully  
10 funding services to eligible persons, in accordance with the requirements of paragraph I, and as  
11 otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet  
12 such costs and requirements.

13 61 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

14 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence  
15 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic  
16 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The  
17 state treasurer shall deposit all fees received by the department under RSA 457:29, *457:32-b, and*  
18 *631:2-b, V* in the fund. All moneys deposited in the fund shall be continually appropriated for the  
19 purposes of the domestic violence grant program and shall not lapse.

20 62 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read as  
21 follows:

22 342:9 Termination of Granite Workforce Program.

23 I. The commissioner of the department of health and human services shall be responsible for  
24 determining, every 3 months commencing no later than December 31, 2018, whether available TANF  
25 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available  
26 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health  
27 and human services and employment security shall, within 20 business days of such determination,  
28 terminate the granite workforce program. The commissioners shall notify the governor, the speaker  
29 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of  
30 the general court, and granite workforce participants of the program's pending termination. *The*  
31 *commissioners shall have the discretion to limit granite workforce program services based*  
32 *on the availability of appropriated, available, or reserve funds.*

33 II. If at any time the New Hampshire granite advantage health care program, established  
34 under RSA 126-AA, terminates, the commissioners of the departments of health and human services  
35 and employment security shall terminate the granite workforce program. The date of the granite  
36 workforce program's termination shall align with that of the New Hampshire granite advantage  
37 health care program.



1           II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an  
2 authorized entity for use in accordance with this section, and pharmacists and health care  
3 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name  
4 of an authorized entity.

5           III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors  
6 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors  
7 shall be stored in a location readily accessible in an emergency and in accordance with the  
8 instructions for use, and any additional requirements that may be established by board of medicine.  
9 An authorized entity shall designate employees or agents who have completed the training required  
10 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of  
11 epinephrine auto-injectors acquired by the authorized entity.

12           IV. An employee or agent of an authorized entity, or other individual, who has completed the  
13 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this  
14 section to:

15           (a) Provide an epinephrine auto-injector to any individual who the employee agent or  
16 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or  
17 caregiver of such individual, for immediate administration, regardless of whether the individual has  
18 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

19           (b) Administer an epinephrine auto-injector to any individual who the employee, agent,  
20 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the  
21 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with  
22 an allergy.

23           V.(a) An employee, agent, or other individual described in paragraph IV shall complete an  
24 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis  
25 training program. Such training shall be conducted by a nationally-recognized organization  
26 experienced in training unlicensed persons in emergency health care treatment or an entity or  
27 individual approved by the board of medicine. Training may be conducted online or in person and, at  
28 a minimum, shall cover:

- 29           (1) How to recognize signs and symptoms of severe allergic reactions, including  
30 anaphylaxis;  
31           (2) Standards and procedures for the storage and administration of an epinephrine  
32 auto-injector; and  
33           (3) Emergency follow-up procedures.

34           (b) The entity or individual that conducts the training shall issue a certificate, on a form  
35 developed or approved by the board of medicine to each person who successfully completes the  
36 anaphylaxis training program.

1 VI. No authorized entity that possesses and makes available epinephrine auto-injectors and  
2 its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses  
3 epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that  
4 dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts  
5 the training described in paragraph V, shall be liable for any injuries or related damages that result  
6 from any act or omission pursuant to this section, unless such injury or damage is the result of  
7 willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with  
8 this section shall not be considered to be the practice of medicine or any other profession that  
9 otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any  
10 other immunity or defense that may be available under state law. An entity located in this state  
11 shall not be liable for any injuries or related damages that result from the provision or  
12 administration of an epinephrine auto-injector outside of this state if the entity would not have been  
13 liable for such injuries or related damages had the provision or administration occurred within this  
14 state, or is not liable for such injuries or related damages under the law of the state in which such  
15 provision or administration occurred.

16 67 Guardians and Conservators; Termination of Guardianship. Amend RSA 464-A:40, V(a) to  
17 read as follows:

18 V.(a) If, within 30 days after the date of a testate or intestate ward's death, no petition for  
19 probate has been filed under any section of RSA 553 and the gross value of the personal property  
20 remaining in the possession of the guardian belonging to the deceased, including any amount left in  
21 designated accounts for the ward, is no more than ~~[\$5,000]~~ **\$10,000**, the guardian may file in the  
22 probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of  
23 disposing of such deceased ward's estate. Once approved by the court, the guardian shall be  
24 authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form  
25 of the affidavit, and the rules governing proceedings under this section, shall be provided by the  
26 probate court pursuant to RSA 547:33.

27 68 Custody and Escheat of Unclaimed or Abandoned Property; Filing of Claim. Amend RSA  
28 471-C:26, I(c)(2)-(3) to read as follows:

29 (2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where  
30 the unclaimed property is valued at less than ~~[\$5,000]~~ **\$10,000** and does not include securities in  
31 share form, in accordance with the final distribution of assets as approved by the probate court.

32 (3) Except as provided in subparagraphs (5)-(7), in the absence of an open estate or  
33 probate court decree of final distribution, and the unclaimed property is valued at less than ~~[\$5,000]~~  
34 **\$10,000** and does not include securities in share form, by the surviving spouse of the deceased  
35 owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
36 RSA 561:1.

1       69 Applicability. Sections 67-68 of this act shall apply to affidavits or claims filed on or after the  
2 effective date of this section.

3       70 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
4 VII by inserting after subparagraph (g) the following new subparagraph:

5               (h) The bureau chief for emergency preparedness and response with the department of  
6 health and human services, division of health public services who:

7                       (1) Has the authority and responsibility to engage in the prevention and control of  
8 public health incidents or emergencies;

9                       (2) As a job requirement is fully certified as an emergency preparedness official  
10 qualified to administer emergency planning, response and recovery activities in the event of natural  
11 disasters, public health crises or similar incidents; and

12                      (3) As a job requirement shall meet all physical, mental, educational, and other  
13 qualifications for continuing certification as an emergency preparedness official that may be  
14 established by the certifying authority.

15       71 Effective Date.

16               I. Sections 48-49 of this act shall take effect as provided in section 50 of this act.

17               II. Sections 3-4, 6, 10, 12-32, and 70 of this act shall take effect 60 days after its passage.

18               III. Sections 39-40 and 67-69 of this act shall take effect July 1, 2021.

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

UNAPPROVED

2021-0698s

AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight.

UNAPPROVED

Health and Human Services  
March 10, 2021  
2021-0778s  
04/10

Amendment to SB 162-FN

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

2

3 1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,  
4 I(b)(12) to read as follows:

5 (12) Moneys received under RSA 457:29, *457:32-b*, and *631:2-b*, V which shall be  
6 credited to the special fund for domestic violence programs *established in RSA 173-B:15*.

7 2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to  
8 read as follows:

9 (15) Money received under RSA *125-F:22*, 143:11, *143:22-a*, *143-A:6*, and 184:85,  
10 which shall be credited to the public health services special fund *established in RSA 143:11, III*.

11 3 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
12 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

13 GG Department of health and human services director of [~~program planning and~~  
14 ~~integrity~~] *Medicaid enterprise development*

15 4 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
16 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

17 JJ Department of health and human services associate commissioner [~~of human~~  
18 ~~services and behavioral health~~]

19 JJ Department of health and human services associate commissioner [~~of~~  
20 ~~operations~~]

21 JJ Department of health and human services associate commissioner [~~for~~  
22 ~~population health~~]

23 [~~JJ Department of health and human services associate commissioner,~~  
24 ~~operations~~]

25 [~~JJ Department of health and human services associate commissioner, population~~  
26 ~~health~~]

27 5 Department of Health and Human Services; Emergency Services Plan. The department of  
28 health and human services in collaboration with all New Hampshire hospitals that operate  
29 emergency facilities shall draft a plan to be presented to the speaker of the house of representatives,  
30 the senate president and the governor's office by September 1, 2021 that details the necessary  
31 emergency services offered for medical treatment of both physical and behavioral health. Such a



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1 plan shall include any recommendations for future legislation or required funding to ensure  
2 sufficient physical and behavioral health services.

3 6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
4 VIII by inserting after subparagraph (b) the following new subparagraph:

5 (c) The bureau chief for emergency preparedness and response with the department of  
6 health and human services, division of health public services who:

7 (1) Has the authority and responsibility to engage in the prevention and control of  
8 public health incidents or emergencies;

9 (2) As a job requirement is fully certified as an emergency preparedness official  
10 qualified to administer emergency planning, response and recovery activities in the event of natural  
11 disasters, public health crises or similar incidents; and

12 (3) As a job requirement shall meet all physical, mental, educational, and other  
13 qualifications for continuing certification as an emergency preparedness official that may be  
14 established by the certifying authority.

15 7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as follows:

16 IV. Upon request of the department of health and human services, the department of justice  
17 is authorized to institute civil action to collect a penalty imposed pursuant to this section. The  
18 attorney general shall have the exclusive power to compromise, mitigate, or remit such civil  
19 penalties as are referred to ~~[him]~~ **the attorney general** for collection. All civil penalties collected  
20 under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all  
21 moneys received under this section, and interest received on such money, to the public health  
22 services special fund, ~~[which shall be nonlapsing]~~, **established in RSA 143:11, from which the**  
23 **department of health and human services shall pay expenses incident to the**  
24 **administration of this chapter.**

25 8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-A:4,  
26 III to read as follows:

27 III. The department shall establish an office of the ombudsman to provide assistance to  
28 clients ~~[and employees]~~ of the department by investigating and resolving complaints regarding any  
29 matter within the jurisdiction of the department including services or assistance provided by the  
30 department or its contractors. The ombudsman's office may provide mediation or other means for  
31 informally resolving complaints. The records of the ombudsman's office shall be confidential and  
32 shall not be disclosed without the consent of the client ~~[or employee]~~ on whose behalf the complaint  
33 is made, except as may be necessary to assist the service provider ~~[or the employee's supervisor]~~ to  
34 resolve the complaint, or as required by law.

35 9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of payables  
36 for class 90 grant lines, is repealed.

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1 10 New Section; Department of Health and Human Services; Status in Retirement System.  
2 Amend RSA 126-A by inserting after section 5-e the following new section:

3 126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any  
4 person who is or becomes the bureau chief for emergency preparedness with the department's  
5 division of health public services, shall be included in the definition of group II under RSA 100-A:1,  
6 VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h)  
7 or VIII(c), any person not already a group II member for at least 10 years during or prior to his or  
8 her appointment shall be eligible for or remain as a group I member for the duration of service as the  
9 bureau chief for emergency preparedness.

10 11 Repeal. The following are repealed:

11 I. RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the  
12 housing security guarantee program.

13 II. RSA 6:12, I(b)(255), relative to moneys deposited in the homeless housing and access  
14 revolving loan fund, established in RSA 126-A:63.

15 12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

16 126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from  
17 the possibility of addiction, disability, and death resulting from the use of tobacco products by  
18 ensuring that tobacco products will not be supplied to persons under the age of 21. ***This chapter***  
19 ***shall not apply to individuals who have been issued a registry identification card under***  
20 ***RSA 126-X:4 or alternative treatment centers registered under RSA 126-X:7 with respect to***  
21 ***the therapeutic use of cannabis.***

22 13 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6, I to  
23 read as follows:

24 I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any  
25 tobacco product, e-cigarette, device, or e-liquid [~~except individuals who have been issued a registry~~  
26 ~~identification card under RSA 126 X:4 may purchase, possess and use e-liquids containing cannabis~~  
27 ~~and applicable devices as allowed under RSA 126 X].~~

28 14 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read  
29 as follows:

30 (b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe  
31 drugs to humans in the state of the patient's residence and who possesses an active registration from  
32 the United States Drug Enforcement Administration to prescribe controlled substances. [~~Such~~  
33 ~~visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New~~  
34 ~~Hampshire patient.]~~

35 15 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read as  
36 follows:

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1 XI. "Registry identification card" means a document indicating the date issued, *effective*  
2 *date*, and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual  
3 as a qualifying patient or a designated caregiver.

4 16 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVII to read as  
5 follows:

6 XVII. "Written certification" means documentation of a qualifying medical condition by a  
7 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
8 issuing registry identification cards, after having completed a full assessment of the patient's  
9 medical history and current medical condition made in the course of a provider-patient relationship.  
10 ~~[The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the~~  
11 ~~certifying provider's name, medical specialty, and signature shall be specified on the written~~  
12 ~~certification.]~~

13 17 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-  
14 X:2 by inserting after paragraph XVI the following new paragraph:

15 XVII. Authorized employees of the department shall not be subject to arrest by state or local  
16 law enforcement, prosecution, or penalty under state or municipal law, or search, when possessing,  
17 transporting, delivering, or transferring cannabis and cannabis infused products for the purposes of  
18 regulatory oversight related to this chapter.

19 18 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as  
20 follows:

21 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and  
22 educational materials to qualifying patients ~~[who have designated the alternative treatment center~~  
23 ~~to provide for them]~~, to designated caregivers on behalf of the qualifying patients ~~[who have~~  
24 ~~designated the alternative treatment center]~~, or to other alternative treatment centers.

25 19 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic  
26 Use of Cannabis. Amend RSA 126-X:3, VII-VIII to read as follows:

27 VII. The department may revoke the registry identification card of a qualifying patient or  
28 designated caregiver for violation of rules adopted by the department or for violation of any other  
29 provision of this chapter, *including for obtaining more than 2 ounces of cannabis in any 10-*  
30 *day period in violation of RSA 126-X:3, XIII(b)*, and the qualifying patient or designated  
31 caregiver shall be subject to any other penalties established in law for the violation.

32 VIII. A facility caregiver shall treat cannabis in a manner similar to *controlled*  
33 *prescription* medications with respect to its storage, security, and administration when assisting  
34 qualifying patients with the therapeutic use of cannabis.

35 20 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-  
36 X:4, I(a)-(b) to read as follows:

1 (a) Written certification [~~as defined in RSA 126-X:1~~] *which includes the date of*  
2 *issuance, the patient's qualifying medical condition, symptoms, or side effects, and the*  
3 *certifying provider's name, medical specialty, and signature. If a written certification has*  
4 *been previously issued for fewer than 3 years, a provider may extend the written*  
5 *certification, provided that the written certification shall not exceed 3 years.*

6 (b) An application or a renewal application accompanied by the application or renewal  
7 fee. *A renewal application and fee shall not be required if the applicant receives an*  
8 *extension to the written certification previously issued for fewer than 3 years.*

9 21 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
10 X:4, I(e) and the introductory paragraph of I(f) to read as follows:

11 (e) Name [~~address, and telephone number~~] of the applicant's provider.

12 (f) Name [~~address~~] and date of birth of the applicant's designated caregiver, if any. A  
13 qualifying patient shall have only one designated caregiver, except as follows:

14 22 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
15 X:4, II(d) to read as follows:

16 (d) Name, residential and mailing address, and date of birth of each qualifying patient  
17 for whom the applicant will act as designated caregiver, except that if the qualifying patient is  
18 homeless, no residential address is required. [~~An applicant shall not act as a designated caregiver~~  
19 ~~for more than 5 qualifying patients.~~]

20 23 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend the  
21 introductory paragraph in RSA 126-X:4, IV and RSA 126-X:4, IV(a)-(b) to read as follows:

22 IV. The department shall create and issue a registry identification card to a person applying  
23 as a qualifying patient or designated caregiver within 5 days of approving an application or renewal.  
24 Each registry identification card shall expire one year after the [~~date of issuance~~] *effective date of*  
25 *the card*, unless the provider states in the written certification that the certification should expire  
26 at an earlier [~~specified date~~] *or later effective date, not to exceed 3 years*, then the registry  
27 identification card shall expire on that date. Registry identification cards shall contain all of the  
28 following:

29 (a) Name, mailing address, and date of birth of the qualifying patient or designated  
30 caregiver.

31 (b) The date of issuance, *effective date*, and expiration date of the registry  
32 identification card.

33 24 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
34 X:4, VII(a) to read as follows:

35 VII.(a) The department shall track the number of qualifying patients [~~who have designated~~  
36 ~~each alternative treatment center~~] and issue a weekly written statement to the alternative  
37 treatment center identifying the number of qualifying patients [~~who have designated that~~

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1 ~~alternative treatment center~~] along with the registry identification numbers of each qualifying  
2 patient and each qualifying patient's designated caregiver.

3 25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
4 X:4, VIII to read as follows:

5 VIII. In addition to the weekly reports, the department shall also provide written notice to  
6 an alternative treatment center which identifies the names and registration identification numbers  
7 of a qualifying patient and his or her designated caregiver whenever ~~[any]~~ **either** of the following  
8 events occur:

9 (a) A qualifying patient ~~[designates the alternative treatment center to serve his or her~~  
10 ~~needs]~~ **is registered as a participating patient** under this chapter; or

11 (b) ~~[A qualifying patient revokes the designation of the alternative treatment center; or~~

12 (c) A qualifying patient ~~[who has designated the alternative treatment center]~~ loses his  
13 or her status as a qualifying patient under this chapter.

14 26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
15 X:4, IX(a) to read as follows:

16 IX.(a) A qualifying patient shall notify the department before changing his or her designated  
17 caregiver ~~[or alternative treatment center]~~.

18 27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
19 X:4, XI(a) to read as follows:

20 XI.(a) The department shall create and maintain a confidential registry of each individual  
21 who has applied for and received a registry identification card as a qualifying patient or a designated  
22 caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain  
23 the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of  
24 registry identification card issuance, **effective date of registry identification**, date of registry  
25 identification card expiration, **and** random 10-digit identification number~~[, and registry~~  
26 ~~identification number of the qualifying patient's designated alternative treatment center, if any]~~.  
27 The confidential registry and the information contained in it shall be exempt from disclosure under  
28 RSA 91-A.

29 28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
30 X:4, XI(b)(5) to read as follows:

31 (5) Counsel for the department may notify law enforcement officials about falsified  
32 or fraudulent information submitted to the department where counsel has ~~[made a legal~~  
33 ~~determination that there is probable cause]~~ **reason** to believe the information is false or falsified.

34 29 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, I(b) to  
35 read as follows:

36 (b) The form and content of providers' written certifications, **including the**  
37 **administrative process for tracking extensions pursuant to RSA 126-X:4, I.**

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1 30 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
2 X:8, VII(a) to read as follows:

3 (a) Records of the disposal of cannabis that is not distributed by the alternative  
4 treatment center to qualifying patients [~~who have designated the alternative treatment center to~~  
5 ~~cultivate for them~~].

6 31 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
7 X:8, XV(a)-(b) to read as follows:

8 XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of  
9 the following quantities:

10 (1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6  
11 ounces of usable cannabis per qualifying patient; and

12 (2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying  
13 patient [~~who has designated the alternative treatment center to provide him or her with cannabis for~~  
14 ~~therapeutic use~~] **registered as a qualifying patient under this chapter.**

15 (b) An alternative treatment center or alternative treatment center agent shall not  
16 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

17 (1) A qualifying patient [~~who has designated the relevant alternative treatment~~  
18 ~~center~~]; or

19 (2) Such patient's designated caregiver; or

20 (3) Another alternative treatment center.

21 32 Repeal. The following are repealed:

22 I. RSA 126-X:4, I(g), relative to patients designating an alternative treatment center.

23 II. RSA 126-X:4, II(e), relative to street address of the alternative treatment center.

24 III. RSA 126-X:4, IX(e), relative to failure of a qualifying patient or designated caregiver for  
25 providing changes to name, address or designated caregiver.

26 IV. RSA 126-X:6, I(e), relative to departmental rules regarding certain fines.

27 33 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA;3, I(e)-(f)  
28 to read as follows:

29 (e) Funds received from the assessment under RSA 404-G; [~~and~~]

30 (f) **Revenue from the Medicaid enhancement tax to meet the requirements**  
31 **provided in RSA 167:64; and**

32 (g) Funds recovered or returnable to the fund that were originally spent on the cost of  
33 coverage of the granite advantage health care program.

34 34 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

35 35 Communicable Disease; Mosquito Control Fund. Amend RSA 141-C:25, I to read as follows:

36 I. There is hereby established a nonlapsing and continually appropriated mosquito control  
37 fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of

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1 offsetting the cost of mosquito control activities including, but not limited to, the purchase and  
2 application of chemical pesticides. The purpose of the fund is to provide financial assistance, when  
3 needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement  
4 activities in response to a declared threat to the public health. [~~Any balance remaining in the~~  
5 ~~mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general~~  
6 ~~fund.~~]

7 36 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
8 143:11, III to read as follows:

9 III. *There is hereby established in the state treasury the public health services*  
10 *special fund, which shall be kept separate and distinct from all other funds. The fund*  
11 *shall be nonlapsing and continually appropriated to the department of health and human*  
12 *services.* All fees collected under this subdivision shall be forwarded to the state treasurer [~~The~~  
13 ~~state treasurer~~] *who shall credit all [moneys received under this subdivision,] such moneys and*  
14 *interest received on such money, to [a special] the fund from which [he] the department of health*  
15 *and human services shall pay all the expenses of the department incident to the administration of*  
16 *this subdivision. [This fund shall not lapse.]*

17 37 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA  
18 143:22-a to read as follows:

19 143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human  
20 services shall prescribe and collect fees for certificates for establishments which process or pack  
21 shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected  
22 under this subdivision shall be forwarded to the state treasurer to be deposited in the [~~general fund~~]  
23 *public health services special fund established in RSA 143:11. The department of health*  
24 *and human services shall use such funds to pay expenses of the department incident to the*  
25 *administration of this subdivision.*

26 38 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

27 VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000  
28 each fiscal year may be included in the state biennial operating budget as restricted revenue to  
29 support the activities required in this chapter. *The state treasurer shall credit all moneys*  
30 *received under this paragraph, and interest received on such money, to the public health*  
31 *services special fund, established under RSA 143:11, from which the department shall pay*  
32 *expenses incident to the administration of this chapter.*

33 39 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as follows:

34 I. If within 30 days after the date of a testate or intestate patient's death in any nursing  
35 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
36 personal property remaining at the nursing home belonging to the deceased, including any amount  
37 left in a patient account, is no more than [~~\$5,000~~] *\$10,000*, the nursing home administrator shall file

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1 in the probate court in the county where the nursing home is located an affidavit for the purpose of  
2 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
3 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The  
4 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
5 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
6 administrator has the will or a copy of the will, the nursing home administrator shall file the same  
7 in the probate court in the county where the nursing home is located. The probate court shall waive  
8 all filing fees.

9 40 Applicability. Section 39 of this act shall apply to affidavits filed on or after the effective date  
10 of this section.

11 41 Repeal. RSA 151-E:11, II, relative to an annual report on the utilization of non-nursing home  
12 services, is repealed.

13 42 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory paragraph of  
14 RSA 161-F:46 to read as follows:

15 Any person, including, but not limited to, physicians, other health care professionals, social  
16 workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult  
17 who is or who is suspected to be vulnerable, *at the time of the incident*, has been subjected to  
18 abuse, neglect, self-neglect, or exploitation or is, *or was* living in hazardous conditions shall report  
19 or cause a report to be made as follows:

20 43 Repeal. The following are repealed:

21 I. RSA 161-F:64, relative to an annual report on review of homemaker services.

22 II. RSA 161-I:4, VI, relative to reports regarding the home and community-based care  
23 waiver for the elderly and chronically ill.

24 III. RSA 165:20-c, relative to liability for support and reimbursement from the state.

25 IV. RSA 165:35, relative to rulemaking for forms and claims for reimbursement from the  
26 state.

27 V. RSA 167:3-j, III, relative to semi-annual reports on net savings realized for aid to the  
28 permanently and totally disabled grants.

29 44 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as  
30 follows:

31 165:2-a Expense of General Assistance. The financial responsibility for general assistance for  
32 assisted persons shall be the responsibility of the town or city in which the person making  
33 application resides, except as otherwise provided in RSA 165:1-c [~~and 165:20-e~~].

34 45 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA 167:4-a,  
35 VI to read as follows:

36 VI. The department, in coordination with financial institutions doing business in the state,  
37 may develop and operate a data match system, using automated data exchanges to the maximum



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1 extent feasible, in which each financial institution is required to provide, when requested by the  
2 department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5  
3 years of information regarding the name, record address, social security number or other taxpayer  
4 identification number, monthly account balance, and other identifying information for each applicant  
5 or recipient who maintains an account at the financial institution, as identified by the department  
6 by name and social security number or other taxpayer identification number. The system shall be  
7 based on a cost-effective search algorithm and shall include means to assure compliance with the  
8 provisions of this section. ~~[The department shall provide a status report regarding the  
9 implementation of the data match system to the oversight committee on health and human services,  
10 established in RSA 126 A:13, on or before November 1, 2010, and annually thereafter, until  
11 implementation has been fully completed. The report shall summarize the department's findings  
12 and recommendations to date, including savings generated by both incremental asset identification  
13 and the time and labor associated with the process, the feedback and reactions of applicants and  
14 recipients, any barriers to implementation, anticipated future actions, and the department's  
15 assessment of the relative success of the project.]~~

16 46 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend RSA  
17 169-C by inserting after section 12-f the following new section:

18 169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,  
19 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,  
20 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or  
21 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or  
22 neglect.

23 47 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

24 II. Upon receipt by the department of a written request and verified proof of identity, an  
25 individual shall be informed by the department whether that individual's name is listed in the  
26 founded reports maintained in the central registry. It shall be unlawful for any employer other than  
27 those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and those  
28 specified in RSA 170-E ~~[and]~~, RSA 170-G:8-c, *and RSA 171-A* to require as a condition of  
29 employment that the employee submit his or her name for review against the central registry of  
30 founded reports of abuse and neglect. Any violation of this provision shall be punishable as a  
31 violation.

32 48 Interstate Compact for the Placement of Children. RSA 170-A is repealed and reenacted to  
33 read as follows:

34 CHAPTER 170-A  
35 INTERSTATE COMPACT  
36 FOR THE PLACEMENT OF CHILDREN

1 170-A:1 Interstate Compact for the Placement of Children. On the effective date of this chapter,  
2 based upon the enactment of the Interstate Compact for the Placement of Children into law by the  
3 thirty-fifth compacting state, the governor is authorized and directed to execute a compact on behalf  
4 of this state with any other state or states legally joining therein in the form substantially as follows:

5 ARTICLE I

6 Purpose

7 The purpose of this Interstate Compact for the Placement of Children is to:

8 I. Provide a process through which children subject to this compact are placed in safe and  
9 suitable homes in a timely manner.

10 II. Facilitate ongoing supervision of a placement, the delivery of services, and  
11 communication between the states.

12 III. Provide operating procedures that will ensure that children are placed in safe and  
13 suitable homes in a timely manner.

14 IV. Provide for the promulgation and enforcement of administrative rules implementing the  
15 provisions of this compact and regulating the covered activities of the member states.

16 V. Provide for uniform data collection and information sharing between member states  
17 under this compact.

18 VI. Promote coordination between this compact, the Interstate Compact for Juveniles, the  
19 Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement  
20 of and which provide services to children otherwise subject to this compact.

21 VII. Provide for a state's continuing legal jurisdiction and responsibility for placement and  
22 care of a child that it would have had if the placement were intrastate.

23 VIII. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for  
24 interstate cases involving Indian children as is or may be permitted by federal law.

25 ARTICLE II

26 Definitions

27 As used in this compact:

28 I. "Approved placement" means the public child-placing agency in the receiving state has  
29 determined that the placement is both safe and suitable for the child.

30 II. "Assessment" means an evaluation of a prospective placement by a public child-placing  
31 agency in the receiving state to determine if the placement meets the individualized needs of the  
32 child, including, but not limited to, the child's safety and stability, health and well-being, and  
33 mental, emotional, and physical development. An assessment is only applicable to a placement by a  
34 public child-placing agency.

35 III. "Child" means an individual who has not attained the age of 18.

36 IV. "Certification" means to attest, declare, or swear to before a judge or notary public.

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1 V. "Default" means the failure of a member state to perform the obligations or  
2 responsibilities imposed upon it by this compact or the bylaws or rules of the Interstate Commission.

3 VI. "Home study" means an evaluation of a home environment conducted in accordance with  
4 the applicable requirements of the state in which the home is located and that documents the  
5 preparation and the suitability of the placement resource for placement of a child in accordance with  
6 the laws and requirements of the state in which the home is located.

7 VII. "Indian tribe" means any Indian tribe, band, nation, or other organized group or  
8 community of Indians recognized as eligible for services provided to Indians by the Secretary of the  
9 Interior because of their status as Indians, including any Alaskan native village as defined in section  
10 3(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. section 1602(c).

11 VIII. "Interstate Commission for the Placement of Children" means the commission that is  
12 created under Article VIII of this compact and which is generally referred to as the "Interstate  
13 Commission."

14 IX. "Jurisdiction" means the power and authority of a court to hear and decide matters.

15 X. "Legal risk placement" or "legal risk adoption" means a placement made preliminary to  
16 an adoption where the prospective adoptive parents acknowledge in writing that a child can be  
17 ordered returned to the sending state or the birth mother's state of residence, if different from the  
18 sending state, and a final decree of adoption shall not be entered in any jurisdiction until all  
19 required consents are obtained or are dispensed with in accordance with applicable law.

20 XI. "Member state" means a state that has enacted this compact.

21 XII. "Noncustodial parent" means a person who, at the time of the commencement of court  
22 proceedings in the sending state, does not have sole legal custody of the child or has joint legal  
23 custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

24 XIII. "Nonmember state" means a state which has not enacted this compact.

25 XIV. "Notice of residential placement" means information regarding a placement into a  
26 residential facility provided to the receiving state, including, but not limited to, the name, date, and  
27 place of birth of the child, the identity and address of the parent or legal guardian, evidence of  
28 authority to make the placement, and the name and address of the facility in which the child will be  
29 placed. Notice of residential placement shall also include information regarding a discharge and any  
30 unauthorized absence from the facility.

31 XV. "Placement" means the act by a public or private child-placing agency intended to  
32 arrange for the care or custody of a child in another state.

33 XVI. "Private child-placing agency" means any private corporation, agency, foundation,  
34 institution, or charitable organization, or any private person or attorney, that facilitates, causes, or  
35 is involved in the placement of a child from one state to another and that is not an instrumentality of  
36 the state or acting under color of state law.

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1 XVII. "Provisional placement" means a determination made by the public child-placing  
2 agency in the receiving state that the proposed placement is safe and suitable, and, to the extent  
3 allowable, the receiving state has temporarily waived its standards or requirements otherwise  
4 applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of  
5 the receiving state requirements regarding training for prospective foster or adoptive parents shall  
6 not delay an otherwise safe and suitable placement.

7 XVIII. "Public child-placing agency" means any government child welfare agency or child  
8 protection agency or a private entity under contract with such an agency, regardless of whether the  
9 entity acts on behalf of a state, a county, a municipality, or another governmental unit, and which  
10 facilitates, causes, or is involved in the placement of a child from one state to another.

11 XIX. "Receiving state" means the state to which a child is sent, brought, or caused to be sent  
12 or brought.

13 XX. "Relative" means someone who is related to the child as a parent, stepparent, sibling by  
14 half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a nonrelative with  
15 such significant ties to the child that the nonrelative may be regarded as a relative as determined by  
16 the court in the sending state.

17 XXI. "Residential facility" means a facility providing a level of care that is sufficient to  
18 substitute for parental responsibility or foster care and that is beyond what is needed for assessment  
19 or treatment of an acute condition. For purposes of the compact, the term "residential facility" does  
20 not include institutions primarily educational in character, hospitals, or other medical facilities.

21 XXII. "Rule" means a written directive, mandate, standard, or principle issued by the  
22 Interstate Commission promulgated pursuant to Article XI of this compact that is of general  
23 applicability and that implements, interprets, or prescribes a policy or provision of the compact. A  
24 rule has the force and effect of an administrative rule in a member state and includes the  
25 amendment, repeal, or suspension of an existing rule.

26 XXIII. "Sending state" means the state from which the placement of a child is initiated.

27 XXIV. "Service member's permanent duty station" means the military installation where an  
28 active duty United States Armed Services member is currently assigned and is physically located  
29 under competent orders that do not specify the duty as temporary.

30 XXV. "Service member's state of legal residence" means the state in which the active duty  
31 United States Armed Services member is considered a resident for tax and voting purposes.

32 XXVI. "State" means a state of the United States, the District of Columbia, the  
33 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
34 Northern Mariana Islands, and any other territory of the United States.

35 XXVII. "State court" means a judicial body of a state that is vested by law with  
36 responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status  
37 offenses of individuals who have not attained the age of 18.

1 XXVIII. "Supervision" means monitoring provided by the receiving state once a child has  
2 been placed in a receiving state pursuant to this compact.

3 ARTICLE III

4 Applicability

5 I. Except as otherwise provided in paragraph II, this compact shall apply to:

6 (a) The interstate placement of a child subject to ongoing court jurisdiction in the  
7 sending state, due to allegations or findings that the child has been abused, neglected, or deprived as  
8 defined by the laws of the sending state; provided, however, that the placement of such a child into a  
9 residential facility shall only require notice of residential placement to the receiving state prior to  
10 placement.

11 (b) The interstate placement of a child adjudicated delinquent or unmanageable based  
12 on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

13 (1) The child is being placed in a residential facility in another member state and is  
14 not covered under another compact; or

15 (2) The child is being placed in another member state and the determination of  
16 safety and suitability of the placement and services required is not provided through another  
17 compact.

18 (c) The interstate placement of any child by a public child-placing agency or private  
19 child-placing agency as a preliminary step to a possible adoption.

20 II. The provisions of this compact shall not apply to:

21 (a) The interstate placement of a child in a custody proceeding in which a public child-  
22 placing agency is not a party; provided, however, that the placement is not intended to effectuate an  
23 adoption.

24 (b) The interstate placement of a child with a nonrelative in a receiving state by a parent  
25 with the legal authority to make such a placement; provided, however, that the placement is not  
26 intended to effectuate an adoption.

27 (c) The interstate placement of a child by one relative with the lawful authority to make  
28 such a placement directly with a relative in a receiving state.

29 (d) The placement of a child, not subject to paragraph I, into a residential facility by his  
30 or her parent.

31 (e) The placement of a child with a noncustodial parent, provided that:

32 (1) The noncustodial parent proves to the satisfaction of a court in the sending state  
33 a substantial relationship with the child;

34 (2) The court in the sending state makes a written finding that placement with the  
35 noncustodial parent is in the best interests of the child; and

36 (3) The court in the sending state dismisses its jurisdiction in interstate placements  
37 in which the public child-placing agency is a party to the proceeding.

1 (f) A child entering the United States from a foreign country for the purpose of adoption  
2 or leaving the United States to go to a foreign country for the purpose of adoption in that country.

3 (g) Cases in which a child who is a United States citizen living overseas with his or her  
4 family, at least one of whom is in the United States Armed Services and stationed overseas, is  
5 removed and placed in a state.

6 (h) The sending of a child by a public child-placing agency or a private child-placing  
7 agency for a visit as defined by the rules of the Interstate Commission.

8 III. For purposes of determining the applicability of this compact to the placement of a child  
9 with a family member in the United States Armed Services, the public child-placing agency or  
10 private child-placing agency may choose the state of the service member's permanent duty station or  
11 the service member's declared legal residence.

12 IV. Nothing in this compact shall be construed to prohibit the concurrent application of the  
13 provisions of this compact with other applicable interstate compacts, including the Interstate  
14 Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The  
15 Interstate Commission may, in cooperation with other interstate compact commissions having  
16 responsibility for the interstate movement, placement, or transfer of children, promulgate similar  
17 rules to ensure the coordination of services, timely placement of children, and reduction of  
18 unnecessary or duplicative administrative or procedural requirements.

19 ARTICLE IV

20 Jurisdiction

21 I. Except as provided in Article IV, paragraph VIII, and Article V, subparagraph II(b) and  
22 (c), concerning private and independent adoptions, and in interstate placements in which the public  
23 child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction  
24 over a child with respect to all matters of custody and disposition of the child which it would have  
25 had if the child had remained in the sending state. Such jurisdiction shall also include the power to  
26 order the return of the child to the sending state.

27 II. When an issue of child protection or custody is brought before a court in the receiving  
28 state, such court shall confer with the court of the sending state to determine the most appropriate  
29 forum for adjudication.

30 III. In cases that are before courts and subject to this compact, the taking of testimony for  
31 hearings before any judicial officer may occur in person or by telephone, audio-video conference, or  
32 such other means as approved by the rules of the Interstate Commission, and judicial officers may  
33 communicate with other judicial officers and persons involved in the interstate process as may be  
34 permitted by their code of judicial conduct and any rules promulgated by the Interstate Commission.

35 IV. In accordance with its own laws, the court in the sending state shall have authority to  
36 terminate its jurisdiction if:

1 (a) The child is reunified with the parent in the receiving state who is the subject of  
2 allegations or findings of abuse or neglect, only with the concurrence of the public child-placing  
3 agency in the receiving state;

4 (b) The child is adopted;

5 (c) The child reaches the age of majority under the laws of the sending state;

6 (d) The child achieves legal independence pursuant to the laws of the sending state;

7 (e) A guardianship is created by a court in the receiving state with the concurrence of  
8 the court in the sending state;

9 (f) An Indian tribe has petitioned for and received jurisdiction from the court in the  
10 sending state; or

11 (g) The public child-placing agency of the sending state requests termination and has  
12 obtained the concurrence of the public child-placing agency in the receiving state.

13 V. When a sending state court terminates its jurisdiction, the receiving state child-placing  
14 agency shall be notified.

15 VI. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court  
16 sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined  
17 by the laws of the receiving state committed by the child in the receiving state which would be a  
18 violation of its laws.

19 VII. Nothing in this article shall limit the receiving state's ability to take emergency  
20 jurisdiction for the protection of the child.

21 VIII. The substantive laws of the state in which an adoption will be finalized shall solely  
22 govern all issues relating to the adoption of the child, and the court in which the adoption proceeding  
23 is filed shall have subject matter jurisdiction regarding all substantive issues relating to the  
24 adoption, except:

25 (a) When the child is a ward of another court that established jurisdiction over the child  
26 prior to the placement;

27 (b) When the child is in the legal custody of a public agency in the sending state; or

28 (c) When a court in the sending state has otherwise appropriately assumed jurisdiction  
29 over the child prior to the submission of the request for approval of placement.

30 IX. A final decree of adoption shall not be entered in any jurisdiction until the placement is  
31 authorized as an "approved placement" by the public child-placing agency in the receiving state.

32 ARTICLE V

33 Placement Evaluation

34 I. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state,  
35 the public child-placing agency shall provide a written request for assessment to the receiving state.

36 II. For placements by a private child-placing agency, a child may be sent or brought, or  
37 caused to be sent or brought, into a receiving state upon receipt and immediate review of the

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1 required content in a request for approval of a placement in both the sending and receiving state  
2 public child-placing agencies. The required content to accompany a request for approval shall  
3 include all of the following:

4 (a) A request for approval identifying the child, the birth parents, the prospective  
5 adoptive parents, and the supervising agency, signed by the person requesting approval.

6 (b) The appropriate consents or relinquishments signed by the birth parents in  
7 accordance with the laws of the sending state or, where permitted, the laws of the state where the  
8 adoption will be finalized.

9 (c) Certification by a licensed attorney or authorized agent of a private adoption agency  
10 that the consent or relinquishment is in compliance with the applicable laws of the sending state or,  
11 where permitted, the laws of the state where finalization of the adoption will occur.

12 (d) A home study.

13 (e) An acknowledgment of legal risk signed by the prospective adoptive parents.

14 III. The sending state and the receiving state may request additional information or  
15 documents prior to finalization of an approved placement, but they may not delay travel by the  
16 prospective adoptive parents with the child if the required content for approval has been submitted,  
17 received, and reviewed by the public child-placing agency in both the sending state and the receiving  
18 state.

19 IV. Approval from the public child-placing agency in the receiving state for a provisional or  
20 approved placement is required as provided for in the rules of the Interstate Commission.

21 V. The procedures for making the request for an assessment shall contain all information  
22 and be in such form as provided for in the rules of the Interstate Commission.

23 VI. Upon receipt of a request from the public child-placing agency of the sending state, the  
24 receiving state shall initiate an assessment of the proposed placement to determine its safety and  
25 suitability. If the proposed placement is a placement with a relative, the public child-placing agency  
26 of the sending state may request a determination for a provisional placement.

27 VII. The public child-placing agency in the receiving state may request from the public child-  
28 placing agency or the private child-placing agency in the sending state, and shall be entitled to  
29 receive, supporting or additional information necessary to complete the assessment or approve the  
30 placement.

31 VIII. The public child-placing agency in the receiving state shall approve a provisional  
32 placement and complete or arrange for the completion of the assessment within the timeframes  
33 established by the rules of the Interstate Commission.

34 IX. For a placement by a private child-placing agency, the sending state shall not impose  
35 any additional requirements to complete the home study that are not required by the receiving state,  
36 unless the adoption is finalized in the sending state.



1 X. The Interstate Commission may develop uniform standards for the assessment of the  
2 safety and suitability of interstate placements.

3 ARTICLE VI

4 Placement Authority

5 I. Except as otherwise provided in this compact, no child subject to this compact shall be  
6 placed in a receiving state until approval for such placement is obtained.

7 II. If the public child-placing agency in the receiving state does not approve the proposed  
8 placement, then the child shall not be placed. The receiving state shall provide written  
9 documentation of any such determination in accordance with the rules promulgated by the  
10 Interstate Commission. Such determination is not subject to judicial review in the sending state.

11 III. If the proposed placement is not approved, any interested party shall have standing to  
12 seek an administrative review of the receiving state's determination.

13 (a) The administrative review and any further judicial review associated with the  
14 determination shall be conducted in the receiving state pursuant to its applicable administrative  
15 procedures act.

16 (b) If a determination not to approve the placement of the child in the receiving state is  
17 overturned upon review, the placement shall be deemed approved; provided, however, that all  
18 administrative or judicial remedies have been exhausted or the time for such remedies has passed.

19 ARTICLE VII

20 Placing Agency Responsibility

21 I. For the interstate placement of a child made by a public child-placing agency or state  
22 court:

23 (a) The public child-placing agency in the sending state shall have financial  
24 responsibility for:

25 (1) The ongoing support and maintenance for the child during the period of the  
26 placement, unless otherwise provided for in the receiving state; and

27 (2) As determined by the public child-placing agency in the sending state, services  
28 for the child beyond the public services for which the child is eligible in the receiving state.

29 (b) The receiving state shall only have financial responsibility for:

30 (1) Any assessment conducted by the receiving state; and

31 (2) Supervision conducted by the receiving state at the level necessary to support the  
32 placement as agreed upon by the public child-placing agencies of the receiving and sending states.

33 (c) Nothing in this section shall prohibit public child-placing agencies in the sending  
34 state from entering into agreements with licensed agencies or persons in the receiving state to  
35 conduct assessments and provide supervision.

36 II. For the placement of a child by a private child-placing agency preliminary to a possible  
37 adoption, the private child-placing agency shall be:

1 (a) Legally responsible for the child during the period of placement as provided for in the  
2 law of the sending state until the finalization of the adoption.

3 (b) Financially responsible for the child absent a contractual agreement to the contrary.

4 III. The public child-placing agency in the receiving state shall provide timely assessments,  
5 as provided for in the rules of the Interstate Commission.

6 IV. The public child-placing agency in the receiving state shall provide, or arrange for the  
7 provision of, supervision and services for the child, including timely reports, during the period of the  
8 placement.

9 V. Nothing in this compact shall be construed to limit the authority of the public child-  
10 placing agency in the receiving state from contracting with a licensed agency or person in the  
11 receiving state for an assessment or the provision of supervision or services for the child or otherwise  
12 authorizing the provision of supervision or services by a licensed agency during the period of  
13 placement.

14 VI. Each member state shall provide for coordination among its branches of government  
15 concerning the state's participation in and compliance with the compact and Interstate Commission  
16 activities through the creation of an advisory council or use of an existing body or board.

17 VII. Each member state shall establish a central state compact office which shall be  
18 responsible for state compliance with the compact and the rules of the Interstate Commission.

19 VIII. The public child-placing agency in the sending state shall oversee compliance with the  
20 provisions of the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., for placements subject to  
21 the provisions of this compact, prior to placement.

22 IX. With the consent of the Interstate Commission, states may enter into limited  
23 agreements that facilitate the timely assessment and provision of services and supervision of  
24 placements under this compact.

25 ARTICLE VIII

26 Interstate Commission for the Placement of Children

27 The member states hereby establish, by way of this compact, a commission known as the "Interstate  
28 Commission for the Placement of Children." The activities of the Interstate Commission are the  
29 formation of public policy and are a discretionary state function. The Interstate Commission shall:

30 I. Be a joint commission of the member states and shall have the responsibilities, powers,  
31 and duties set forth herein and such additional powers as may be conferred upon it by subsequent  
32 concurrent action of the respective legislatures of the member states.

33 II. Consist of one commissioner from each member state who shall be appointed by the  
34 executive head of the state human services administration with ultimate responsibility for the child  
35 welfare program. The appointed commissioner shall have the legal authority to vote on policy-  
36 related matters governed by this compact binding the state.

1 (a) Each member state represented at a meeting of the Interstate Commission is entitled  
2 to one vote.

3 (b) A majority of the member states shall constitute a quorum for the transaction of  
4 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

5 (c) A representative shall not delegate a vote to another member state.

6 (d) A representative may delegate voting authority to another person from that state for  
7 a specified meeting.

8 III. Include, in addition to the commissioners of each member state, persons who are  
9 members of interested organizations as defined in the bylaws or rules of the Interstate Commission.  
10 Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate  
11 Commission.

12 IV. Establish an executive committee which shall have the authority to administer the day-  
13 to-day operations and administration of the Interstate Commission. The executive committee shall  
14 not have the power to engage in rulemaking.

#### 15 ARTICLE IX

##### 16 Powers and Duties of the Interstate Commission

17 The Interstate Commission shall have the following powers:

18 I. To promulgate rules and take all necessary actions to effect the goals, purposes, and  
19 obligations as enumerated in this compact.

20 II. To provide for dispute resolution among member states.

21 III. To issue, upon request of a member state, advisory opinions concerning the meaning or  
22 interpretation of the interstate compact, its bylaws, rules, or actions.

23 IV. To enforce compliance with this compact or the bylaws or rules of the Interstate  
24 Commission pursuant to Article XII.

25 V. Collect standardized data concerning the interstate placement of children subject to this  
26 compact as directed through its rules, which shall specify the data to be collected, the means of  
27 collection and data exchange, and reporting requirements.

28 VI. To establish and maintain offices as may be necessary for the transacting of its business.

29 VII. To purchase and maintain insurance and bonds.

30 VIII. To hire or contract for services of personnel or consultants as necessary to carry out its  
31 functions under the compact and establish personnel qualification policies and rates of  
32 compensation.

33 IX. To establish and appoint committees and officers, including, but not limited to, an  
34 executive committee as required by Article X.

35 X. To accept any and all donations and grants of money, equipment, supplies, materials, and  
36 services, and to receive, utilize, and dispose thereof.

1 XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
2 improve, or use any property, real, personal, or mixed.

3 XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
4 property, real, personal, or mixed.

5 XIII. To establish a budget and make expenditures.

6 XIV. To adopt a seal and bylaws governing the management and operation of the Interstate  
7 Commission.

8 XV. To report annually to the legislatures, the governors, the judiciary, and the state  
9 advisory councils of the member states concerning the activities of the Interstate Commission during  
10 the preceding year. Such reports shall also include any recommendations that may have been  
11 adopted by the Interstate Commission.

12 XVI. To coordinate and provide education, training, and public awareness regarding the  
13 interstate movement of children for officials involved in such activity.

14 XVII. To maintain books and records in accordance with the bylaws of the Interstate  
15 Commission.

16 XVIII. To perform such functions as may be necessary or appropriate to achieve the  
17 purposes of this compact.

18 ARTICLE X

19 Organization and Operation of the Interstate Commission

20 I. Organization.

21 (a) Within 12 months after the first Interstate Commission meeting, the Interstate  
22 Commission shall adopt rules to govern its conduct as may be necessary or appropriate to carry out  
23 the purposes of the compact.

24 (b) The Interstate Commission's rules shall establish conditions and procedures under  
25 which the Interstate Commission shall make its information and official records available to the  
26 public for inspection or copying.

27 II. Meetings.

28 (a) The Interstate Commission shall meet at least once each calendar year. The  
29 chairperson may call additional meetings and, upon the request of a simple majority of the member  
30 states, shall call additional meetings.

31 (b) Public notice shall be given by the Interstate Commission of all meetings, and all  
32 meetings shall be open to the public.

33 (c) The bylaws may provide for meetings of the Interstate Commission to be conducted  
34 by telecommunication or other electronic communication.

35 III. Officers and staff.

36 (a) The Interstate Commission may, through its executive committee, appoint or retain a  
37 staff director for such period, upon such terms and conditions, and for such compensation as the

1 Interstate Commission may deem appropriate. The staff director shall serve as secretary to the  
2 Interstate Commission but shall not have a vote. The staff director may hire and supervise such  
3 other staff as may be authorized by the Interstate Commission.

4 (b) The Interstate Commission shall elect, from among its members, a chairperson and a  
5 vice chairperson of the executive committee, and other necessary officers, each of whom shall have  
6 such authority and duties as may be specified in the bylaws.

7 IV. Qualified immunity, defense, and indemnification.

8 (a) The Interstate Commission's staff director and its employees shall be immune from  
9 suit and liability, either personally or in their official capacity, for a claim for damage to or loss of  
10 property or personal injury or other civil liability caused or arising out of or relating to an actual or  
11 alleged act, error, or omission that occurred or that such person had a reasonable basis for believing  
12 occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
13 provided, however, that such person shall not be protected from suit or liability for damage, loss,  
14 injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of  
15 such person.

16 (b)(1) The liability of the Interstate Commission's staff director and employees or  
17 Interstate Commission representatives, acting within the scope of such person's employment or  
18 duties, for acts, errors, or omissions occurring within such person's state may not exceed the limits of  
19 liability set forth under the Constitution and laws of that state for state officials, employees, and  
20 agents. The Interstate Commission is considered to be an instrumentality of the states for the  
21 purposes of any such action. Nothing in this subsection shall be construed to protect such person  
22 from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional  
23 or willful and wanton misconduct of such person.

24 (2) The Interstate Commission shall defend the staff director and its employees and,  
25 subject to the approval of the attorney general or other appropriate legal counsel of the member  
26 state, shall defend the commissioner of a member state in a civil action seeking to impose liability  
27 arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate  
28 Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for  
29 believing occurred within the scope of Interstate Commission employment, duties, or responsibilities;  
30 provided, however, that the actual or alleged act, error, or omission did not result from intentional or  
31 willful and wanton misconduct on the part of such person.

32 (3) To the extent not covered by the state involved, a member state, or the Interstate  
33 Commission, the representatives or employees of the Interstate Commission shall be held harmless  
34 in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such  
35 persons arising out of an actual or alleged act, error, or omission that occurred within the scope of  
36 Interstate Commission employment, duties, or responsibilities, or that such persons had a  
37 reasonable basis for believing occurred within the scope of Interstate Commission employment,

1 duties, or responsibilities; provided, however, that the actual or alleged act, error, or omission did  
2 not result from intentional or willful and wanton misconduct on the part of such persons.

3 ARTICLE XI

4 Rulemaking Functions of the Interstate Commission

5 I. The Interstate Commission shall promulgate and publish rules in order to effectively and  
6 efficiently achieve the purposes of the compact.

7 II. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
8 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles  
9 of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1  
10 (2000), or such other administrative procedure acts as the Interstate Commission deems  
11 appropriate, consistent with due process requirements under the United States Constitution as now  
12 or hereafter interpreted by the United States Supreme Court. All rules and amendments shall  
13 become binding as of the date specified, as published with the final version of the rule as approved  
14 by the Interstate Commission.

15 III. When promulgating a rule, the Interstate Commission shall, at a minimum:

16 (a) Publish the proposed rule's entire text stating the reasons for that proposed rule;

17 (b) Allow and invite any and all persons to submit written data, facts, opinions, and  
18 arguments, which information shall be added to the record and made publicly available; and

19 (c) Promulgate a final rule and its effective date, if appropriate, based on input from  
20 state or local officials or interested parties.

21 IV. Rules promulgated by the Interstate Commission shall have the force and effect of  
22 administrative rules and shall be binding in the compacting states to the extent and in the manner  
23 provided for in this compact.

24 V. Not later than 60 days after a rule is promulgated, an interested person may file a  
25 petition in the United States District Court for the District of Columbia or in the federal district  
26 court where the Interstate Commission's principal office is located for judicial review of such rule. If  
27 the court finds that the Interstate Commission's action is not supported by substantial evidence in  
28 the rulemaking record, the court shall hold the rule unlawful and set it aside.

29 VI. If a majority of the legislatures of the member states rejects a rule, those states may by  
30 enactment of a statute or resolution in the same manner used to adopt the compact cause that such  
31 rule shall have no further force and effect in any member state.

32 VII. The existing rules governing the operation of the Interstate Compact on the Placement  
33 of Children superseded by this act shall be null and void no less than 12 months but no more than 24  
34 months after the first meeting of the Interstate Commission created hereunder, as determined by  
35 the members during the first meeting.

36 VIII. Within the first 12 months of operation, the Interstate Commission shall promulgate  
37 rules addressing the following:

- 1 (a) Transition rules.
- 2 (b) Forms and procedures.
- 3 (c) Timelines.
- 4 (d) Data collection and reporting.
- 5 (e) Rulemaking.
- 6 (f) Visitation.
- 7 (g) Progress reports and supervision.
- 8 (h) Sharing of information and confidentiality.
- 9 (i) Financing of the Interstate Commission.
- 10 (j) Mediation, arbitration, and dispute resolution.
- 11 (k) Education, training, and technical assistance.
- 12 (l) Enforcement.
- 13 (m) Coordination with other interstate compacts.

14 IX. Upon determination by a majority of the members of the Interstate Commission that an  
15 emergency exists:

16 (a) The Interstate Commission may promulgate an emergency rule only if it is required  
17 to:

18 (1) Protect the children covered by this compact from an imminent threat to their  
19 health, safety, and well-being;

20 (2) Prevent loss of federal or state funds; or

21 (3) Meet a deadline for the promulgation of an administrative rule required by  
22 federal law.

23 (b) An emergency rule shall become effective immediately upon adoption, provided that  
24 the usual rulemaking procedures provided hereunder shall be retroactively applied to the emergency  
25 rule as soon as reasonably possible, but no later than 90 days after the effective date of the  
26 emergency rule.

27 (c) An emergency rule shall be promulgated as provided for in the rules of the Interstate  
28 Commission.

## 29 ARTICLE XII

### 30 Oversight, Dispute Resolution, and Enforcement

#### 31 I. Oversight.

32 (a) The Interstate Commission shall oversee the administration and operation of the  
33 compact.

34 (b) The executive, legislative, and judicial branches of state government in each member  
35 state shall enforce this compact and the rules of the Interstate Commission and shall take all actions  
36 necessary and appropriate to effectuate the compact's purposes and intent. The compact and its

1 rules shall be binding in the compacting states to the extent and in the manner provided for in this  
2 compact.

3 (c) All courts shall take judicial notice of the compact and the rules in any judicial or  
4 administrative proceeding in a member state pertaining to the subject matter of this compact.

5 (d) The Interstate Commission shall be entitled to receive service of process in any  
6 action in which the validity of a compact provision or rule is the issue for which a judicial  
7 determination has been sought and shall have standing to intervene in any proceedings. Failure to  
8 provide service of process to the Interstate Commission shall render any judgment, order, or other  
9 determination, however so captioned or classified, void as to this compact, its bylaws, or rules of the  
10 Interstate Commission.

11 II. Dispute resolution.

12 (a) The Interstate Commission shall attempt, upon the request of a member state, to  
13 resolve disputes which are subject to the compact and which may arise among member states and  
14 between member and nonmember states.

15 (b) The Interstate Commission shall promulgate a rule providing for both mediation and  
16 binding dispute resolution for disputes among compacting states. The costs of such mediation or  
17 dispute resolution shall be the responsibility of the parties to the dispute.

18 III. Enforcement. If the Interstate Commission determines that a member state has  
19 defaulted in the performance of its obligations or responsibilities under this compact, its bylaws, or  
20 rules of the Interstate Commission, the Interstate Commission may:

21 (a) Provide remedial training and specific technical assistance;

22 (b) Provide written notice to the defaulting state and other member states of the nature  
23 of the default and the means of curing the default. The Interstate Commission shall specify the  
24 conditions by which the defaulting state must cure its default;

25 (c) By majority vote of the members, initiate against a defaulting member state legal  
26 action in the United States District Court for the District of Columbia or, at the discretion of the  
27 Interstate Commission, in the federal district where the Interstate Commission has its principal  
28 office, to enforce compliance with the provisions of the compact, its bylaws, or rules of the Interstate  
29 Commission. The relief sought may include both injunctive relief and damages. In the event judicial  
30 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including  
31 reasonable attorney's fees; or

32 (d) Avail itself of any other remedies available under state law or the regulation of  
33 official or professional conduct.

34 ARTICLE XIII

35 Financing of the Commission

36 I. The Interstate Commission shall pay, or provide for the payment of, the reasonable  
37 expenses of its establishment, organization, and ongoing activities.





1 (c) The withdrawing state shall immediately notify the president of the Interstate  
2 Commission in writing upon the introduction of legislation repealing this compact in the  
3 withdrawing state. The Interstate Commission shall then notify the other member states of the  
4 withdrawing state's intent to withdraw.

5 (d) The withdrawing state is responsible for all assessments, obligations, and liabilities  
6 incurred through the effective date of withdrawal.

7 (e) Reinstatement following withdrawal of a member state shall occur upon the  
8 withdrawing state reenacting the compact or upon such later date as determined by the members of  
9 the Interstate Commission.

10 II. Dissolution of compact.

11 (a) This compact shall dissolve effective upon the date of the withdrawal or default of the  
12 member state which reduces the membership in the compact to one member state.

13 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be  
14 of no further force or effect, and the business and affairs of the Interstate Commission shall be  
15 concluded and surplus funds shall be distributed in accordance with the bylaws.

16 ARTICLE XVI

17 Severability and Construction

18 I. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or  
19 provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

20 II. The provisions of this compact shall be liberally construed to effectuate its purposes.

21 III. Nothing in this compact shall be construed to prohibit the concurrent applicability of  
22 other interstate compacts to which the states are members.

23 ARTICLE XVII

24 Binding Effect of Compact and Other Laws

25 I. Other laws. Nothing in this compact prevents the enforcement of any other law of a  
26 member state that is not inconsistent with this compact.

27 II. Binding effect of the compact.

28 (a) All lawful actions of the Interstate Commission are binding upon the member states.

29 (b) All agreements between the Interstate Commission and the member states are  
30 binding in accordance with their terms.

31 (c) In the event any provision of this compact exceeds the constitutional limits imposed  
32 on the legislature or executive branch of any member state, such provision shall be ineffective to the  
33 extent of the conflict with the constitutional provision in question in that member state.

34 ARTICLE XVIII

35 Indian Tribes

36 Notwithstanding any other provision in this compact, the Interstate Commission may promulgate  
37 guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the

Amendment to SB 162-FN

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1 compact as specified in Article I. The Interstate Commission shall make reasonable efforts to  
2 consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the  
3 various Indian tribes.

4 49 Adoption; Assessment. Amend RSA 170-B:18, IV to read as follows:

5 IV. The department or a licensed child-placing agency making the required assessment may  
6 request other departments or licensed child-placing agencies within or outside this state to make the  
7 assessment or designated portions thereof as may be appropriate. Where such written assessments  
8 are made, a written report shall be filed with the court; provided, however, said report shall not  
9 violate RSA 170-A, the interstate compact ~~on~~ **for** the placement of children.

10 50 Applicability Sections 48-49 of this act, relative to the 2009 edition of the Interstate Compact  
11 for the Placement of Children, shall take effect on the date that the commissioner of the department  
12 of health and human services certifies to the director of the office of legislative services and the  
13 secretary of state that 35 compacting states, including New Hampshire, have enacted the 2009  
14 edition of the Interstate Compact for the Placement of Children.

15 51 Child Day Care Licensing; Definitions RSA 170-E:2, IV(g) is repealed and reenacted to read  
16 as follows:

17 (g) "School-age program" means a child day care agency providing child day care before  
18 or after, or before and after, regular school hours, and all day any time school is not in session, for 6  
19 or more children enrolled in school, who are 4 years and 8 months of age or older, and which is not  
20 licensed under RSA 170-E:56. The number of children shall include all children present during the  
21 period of the program, including those children related to the caregiver.

22 52 New Section; Residential Care and Child-Placing Agency Licensing; Deemed Licensed.  
23 Amend RSA 170-E by inserting after section 31 the following new section:

24 170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by  
25 organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as  
26 amended, shall submit a completed license application or renewal application. Such child care  
27 institutions and child care agencies defined as group homes, specialized care, or homeless youth  
28 programs, shall be deemed licensed under this subdivision and shall be exempt from inspections  
29 carried out under RSA 170-E:31, IV. This section shall only apply to the activities or portions of the  
30 facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G),  
31 as amended.

32 53 Recreation Camp Licensing; Availability of Epinephrine Auto-Injector. Amend RSA 170-E:61  
33 to read as follows:

34 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse  
35 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child  
36 with severe allergies at least one epinephrine auto-injector, provided by the child or the child's  
37 parent or guardian, ~~[in the nurse's office or in a similarly accessible location]~~ **which shall be**

1 *readily accessible to the recreational camp staff caring for children requiring such*  
2 *medications.*

3 54 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA 170-  
4 E by inserting after section 63 the following new section:

5 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not  
6 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with  
7 asthma at least one metered dose inhaler or a dry powder inhaler, provided by the child or the child's  
8 parent or guardian, which shall be readily accessible to the recreational camp staff caring for  
9 children requiring such medications.

10 55 New Paragraph; Services for Children, Youth, and Families; Peer Support Program. Amend  
11 RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

12 VIII. The commissioner may establish a confidential peer support program for the purpose  
13 of providing critical incident stress management and crisis intervention services for staff exposed to  
14 critical incidents and trauma through the course of their employment.

15 (a) In this section:

16 (1) "Critical incident" means any incident that has a high emotional impact on the  
17 responders, or is beyond the realm of a person's usual experience that overwhelms his or her sense of  
18 vulnerability and/or lack of control over the situation.

19 (2) "Critical incident stress" means a normal reaction to an abnormal event that has  
20 the potential to interfere with normal functioning and that results from the response to a critical  
21 incident or long-term occupational exposure to a series of critical incident responses over a period of  
22 time that are believed to be causing debilitating stress that is affecting an emergency service  
23 provider and his or her work performance or family situation. This may include, but is not limited  
24 to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job,  
25 personality changes, or loss of ability to function.

26 (3) "Critical incident stress management" means a process of crisis intervention  
27 designed to assist employees in coping with the psychological trauma resulting from response to a  
28 critical incident.

29 (4) "Critical incident stress management and crisis intervention services" means  
30 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and  
31 referral provided by a critical incident stress management team member.

32 (5) "Critical incident stress management team" or "team" means the group of one or  
33 more trained volunteers, including members of peer support groups who offer critical incident stress  
34 management and crisis intervention services following a critical incident or long term or continued,  
35 debilitating stress being experienced by employees and affecting them or their family situation.

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1 (6) "Critical incident stress management team member" or "team member" means an  
2 employee, including any specially trained to provide critical incident stress management and crisis  
3 intervention services as a member of an organized team.

4 (7) "Debriefing" means a closed, confidential discussion of a critical incident relating  
5 to the feelings and perceptions of those directly involved prior to, during, and after a stressful event.  
6 It is intended to provide support, education, and an outlet for associated views and feelings.  
7 Debriefings do not provide counseling or an operational critique of the incident.

8 (b)(1) Any information divulged to the team or a team member during the provision of  
9 critical incident stress management and crisis intervention services shall be kept confidential and  
10 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records  
11 kept by critical incident stress management team members are not subject to subpoena, discovery, or  
12 introduction into evidence in a criminal, civil, or administrative action. Except as provided in  
13 subparagraph (c), no person, whether critical incident stress management team member or team  
14 leader providing or receiving critical incident stress management and crisis intervention services,  
15 shall be required to testify or divulge any information obtained solely through such crisis  
16 intervention.

17 (2) In any civil action against any individual, or the department, including the state  
18 of New Hampshire, arising out of the conduct of a member of such team, this section is not intended  
19 and shall not be admissible to establish negligence in any instance where requirements herein are  
20 higher than the standard of care that would otherwise have been applicable in such action under  
21 state law.

22 (c) A communication shall not be deemed confidential pursuant to this section if:

23 (1) The communication indicates the existence of a danger to the individual who  
24 receives critical incident stress management and crisis intervention services or to any other person  
25 or persons;

26 (2) The communication indicates the existence of past child abuse or neglect of the  
27 individual, abuse of an adult as defined by law, or family violence as defined by law; or

28 (3) The communication indicates the existence of a danger to the individual who  
29 receives critical incident stress management and crisis intervention services or to any other person  
30 or persons.

31 56 New Paragraph; Services for Children, Youth, and Families; Procurement Model for Services.  
32 Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

33 I-a. The commissioner shall employ a procurement model for administering the provision of  
34 therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G  
35 and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases  
36 where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a  
37 contracted provider, the commissioner may approve and shall pay for placement with another

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1 certified provider on a temporary basis if the commissioner determines that the placement is  
2 necessary to meet the juvenile's immediate treatment needs.

3 57 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials relating  
4 to missing children issues and matters, is repealed.

5 58 Services for the Developmentally Disabled; Funding for Wait List. Amend the introductory  
6 paragraph of RSA 171-A:1-a, I to read as follows:

7 I. The department of health and human services and area agencies shall provide services to  
8 eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-  
9 K in a timely manner. The department and area agencies shall provide *funding for* services in  
10 such a manner that:

11 59 Committee Established to Study Gaps in Developmental Services for Individuals Still in  
12 School.

13 I. There is established a committee to study gaps in developmental services for individuals  
14 still in school.

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

16 (1) Two members of the senate, one of whom shall be from the majority party and  
17 one of whom shall be from the minority party, appointed by the president of the senate.

18 (2) Three members of the house of representatives, appointed by the speaker of the  
19 house of representatives.

20 (b) Members of the committee shall receive mileage at the legislative rate when  
21 attending to the duties of the committee.

22 III. The committee shall study gaps in developmental services for individuals still in school  
23 including, but not limited to, barriers to successful partnership with the mental health services  
24 system for individuals with co-occurring mental health diagnoses; the protections provided to  
25 individuals receiving services pursuant to RSA 171-A; and other gaps identified by the governor's  
26 commission on disability; analysis and report required by 2019, 346:242.

27 IV. The committee shall solicit information and assistance from any governmental entity,  
28 organization or person as the committee determines necessary in carrying out its duties including,  
29 but not limited to, the university of New Hampshire institute on disability, the department of health  
30 and human services, the New Hampshire council on developmental disabilities, Granite State  
31 Independent Living, Community Support Network, Inc., Disability Rights Center-NH, the  
32 developmental services quality council of the department of health and human services, the  
33 governor's commission on disability, and any other relevant stakeholders including individuals with  
34 developmental disabilities and their families and/or guardians.

35 V. The members of the study committee shall elect a chairperson from among the members.  
36 The first meeting of the committee shall be called by the senate member. The first meeting of the

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1 committee shall be held within 45 days of the effective date of this section. Three members of the  
2 committee shall constitute a quorum.

3 VI. The committee shall report its findings and any recommendations for proposed  
4 legislation to the president of the senate, the speaker of the house of representatives, the senate  
5 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

6 60 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read as  
7 follows:

8 II. [~~Beginning with the fiscal year ending June 30, 2010, and thereafter,~~] The department of  
9 health and human services shall incorporate *in its appropriation requests* the cost of fully  
10 funding services to eligible persons, in accordance with the requirements of paragraph I, and as  
11 otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet  
12 such costs and requirements.

13 61 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

14 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence  
15 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic  
16 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The  
17 state treasurer shall deposit all fees received by the department under RSA 457:29, *457:32-b, and*  
18 *631:2-b, V* in the fund. All moneys deposited in the fund shall be continually appropriated for the  
19 purposes of the domestic violence grant program and shall not lapse.

20 62 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read as  
21 follows:

22 342:9 Termination of Granite Workforce Program.

23 I. The commissioner of the department of health and human services shall be responsible for  
24 determining, every 3 months commencing no later than December 31, 2018, whether available TANF  
25 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available  
26 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health  
27 and human services and employment security shall, within 20 business days of such determination,  
28 terminate the granite workforce program. The commissioners shall notify the governor, the speaker  
29 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of  
30 the general court, and granite workforce participants of the program's pending termination. *The*  
31 *commissioners shall have the discretion to limit granite workforce program services based*  
32 *on the availability of appropriated, available, or reserve funds.*

33 II. If at any time the New Hampshire granite advantage health care program, established  
34 under RSA 126-AA, terminates, the commissioners of the departments of health and human services  
35 and employment security shall terminate the granite workforce program. The date of the granite  
36 workforce program's termination shall align with that of the New Hampshire granite advantage  
37 health care program.





1           II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an  
2 authorized entity for use in accordance with this section, and pharmacists and health care  
3 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name  
4 of an authorized entity.

5           III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors  
6 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors  
7 shall be stored in a location readily accessible in an emergency and in accordance with the  
8 instructions for use, and any additional requirements that may be established by board of medicine.  
9 An authorized entity shall designate employees or agents who have completed the training required  
10 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of  
11 epinephrine auto-injectors acquired by the authorized entity.

12           IV. An employee or agent of an authorized entity, or other individual, who has completed the  
13 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this  
14 section to:

15           (a) Provide an epinephrine auto-injector to any individual who the employee agent or  
16 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or  
17 caregiver of such individual, for immediate administration, regardless of whether the individual has  
18 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

19           (b) Administer an epinephrine auto-injector to any individual who the employee, agent,  
20 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the  
21 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with  
22 an allergy.

23           V.(a) An employee, agent, or other individual described in paragraph IV shall complete an  
24 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis  
25 training program. Such training shall be conducted by a nationally-recognized organization  
26 experienced in training unlicensed persons in emergency health care treatment or an entity or  
27 individual approved by the board of medicine. Training may be conducted online or in person and, at  
28 a minimum, shall cover:

29           (1) How to recognize signs and symptoms of severe allergic reactions, including  
30 anaphylaxis;

31           (2) Standards and procedures for the storage and administration of an epinephrine  
32 auto-injector; and

33           (3) Emergency follow-up procedures.

34           (b) The entity or individual that conducts the training shall issue a certificate, on a form  
35 developed or approved by the board of medicine to each person who successfully completes the  
36 anaphylaxis training program.

1 VI. No authorized entity that possesses and makes available epinephrine auto-injectors and  
2 its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses  
3 epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that  
4 dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts  
5 the training described in paragraph V, shall be liable for any injuries or related damages that result  
6 from any act or omission pursuant to this section, unless such injury or damage is the result of  
7 willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with  
8 this section shall not be considered to be the practice of medicine or any other profession that  
9 otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any  
10 other immunity or defense that may be available under state law. An entity located in this state  
11 shall not be liable for any injuries or related damages that result from the provision or  
12 administration of an epinephrine auto-injector outside of this state if the entity would not have been  
13 liable for such injuries or related damages had the provision or administration occurred within this  
14 state, or is not liable for such injuries or related damages under the law of the state in which such  
15 provision or administration occurred.

16 67 Guardians and Conservators; Termination of Guardianship. Amend RSA 464-A:40, V(a) to  
17 read as follows:

18 V.(a) If, within 30 days after the date of a testate or intestate ward's death, no petition for  
19 probate has been filed under any section of RSA 553 and the gross value of the personal property  
20 remaining in the possession of the guardian belonging to the deceased, including any amount left in  
21 designated accounts for the ward, is no more than [~~\$5,000~~] **\$10,000**, the guardian may file in the  
22 probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of  
23 disposing of such deceased ward's estate. Once approved by the court, the guardian shall be  
24 authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form  
25 of the affidavit, and the rules governing proceedings under this section, shall be provided by the  
26 probate court pursuant to RSA 547:33.

27 68 Custody and Escheat of Unclaimed or Abandoned Property; Filing of Claim. Amend RSA  
28 471-C:26, I(c)(2)-(3) to read as follows:

29 (2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where  
30 the unclaimed property is valued at less than [~~\$5,000~~] **\$10,000** and does not include securities in  
31 share form, in accordance with the final distribution of assets as approved by the probate court.

32 (3) Except as provided in subparagraphs (5)-(7), in the absence of an open estate or  
33 probate court decree of final distribution, and the unclaimed property is valued at less than [~~\$5,000~~]  
34 **\$10,000** and does not include securities in share form, by the surviving spouse of the deceased  
35 owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
36 RSA 561:1.

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1       69 Applicability. Sections 67-68 of this act shall apply to affidavits or claims filed on or after the  
2 effective date of this section.

3       70 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,  
4 VII by inserting after subparagraph (g) the following new subparagraph:

5               (h) The bureau chief for emergency preparedness and response with the department of  
6 health and human services, division of health public services who:

7                       (1) Has the authority and responsibility to engage in the prevention and control of  
8 public health incidents or emergencies;

9                       (2) As a job requirement is fully certified as an emergency preparedness official  
10 qualified to administer emergency planning, response and recovery activities in the event of natural  
11 disasters, public health crises or similar incidents; and

12                      (3) As a job requirement shall meet all physical, mental, educational, and other  
13 qualifications for continuing certification as an emergency preparedness official that may be  
14 established by the certifying authority.

15       71 Effective Date.

16               I. Sections 48-49 of this act shall take effect as provided in section 50 of this act.

17               II. Sections 3-4, 6, 10, 12-32, and 70 of this act shall take effect 60 days after its passage.

18               III. Sections 39-40 and 67-69 of this act shall take effect July 1, 2021.

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

2021-0778s

AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight.

Sen. Bradley, Dist 3  
Sen. Avar, Dist 12  
Sen. Sherman, Dist 24  
Sen. Whitley, Dist 15  
March 16, 2021  
2021-0850s  
04/05

Floor Amendment to SB 162-FN

1 Amend the bill by replacing section 59 with the following:

2

3       59 Coverage Plan for Services to Individuals with Developmental Disabilities. The department  
4 of health and human services in collaboration with the department of education, the Disability  
5 Rights Center-New Hampshire, and the representatives of the 10 area agencies shall develop a plan  
6 by October 1, 2021 that provides coverage for services to individuals with developmental disabilities  
7 aged 18-21 enrolled in school and determined eligible for developmental services that are not the  
8 responsibility of the local education agency, another state agency, or another division of the  
9 department. Such a plan shall estimate the number of eligible individuals likely to need such  
10 services, the costs of providing such services, and reimbursement mechanisms for service providers.

Sen. Bradley, Dist 3  
Sen. Rosenwald, Dist 13  
March 23, 2021  
2021-0962s  
04/08

**Amendment to SB 162-FN**

1 Amend the bill by inserting after section 70 the following and renumbering the original section 71 to  
2 read as 72:

3

4 71 Department of Health and Human Services; Plan for Legislation: The department of health  
5 and human services shall consult with representatives of case management agencies and providers  
6 to discuss potential licensure of case managers and present a plan for draft legislation to the speaker  
7 of the house of representatives and the senate president by November 1, 2021.

Senate Finance  
March 30, 2021  
2021-1054s  
04/11

Amendment to SB 162-FN

1 Amend the bill by inserting after section 70 the following and renumbering the original section 71 to  
2 read as 72:

3

4 71 Department of Health and Human Services; Plan for Legislation. The department of health  
5 and human services shall consult with representatives of case management agencies and providers  
6 to discuss potential licensure of case managers and present a plan for draft legislation to the speaker  
7 of the house of representatives and the senate president by November 1, 2021.

# Committee Minutes



**SENATE CALENDAR NOTICE**  
**Health and Human Services**

Sen Jeb Bradley, Chair  
Sen James Gray, Vice Chair  
Sen Kevin Avard, Member  
Sen Tom Sherman, Member  
Sen Rebecca Whitley, Member

Date: February 10, 2021

**HEARINGS**

Wednesday	02/17/2021	
(Day)	(Date)	
Health and Human Services	REMOTE 000	8:30 a.m.
(Name of Committee)	(Place)	(Time)
8:30 a.m.	SB 152-FN-A	relative to affordable housing program funding.
8:45 a.m.	SB 140-FN-A	adopting omnibus legislation making appropriations to the department of health and human services.
9:00 a.m.	SB 157-FN-A	relative to funding of children's mental health services and making an appropriation to fund positions in the department of health and human services contracts and procurement unit.
9:15 a.m.	SB 162-FN	relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.
9:30 a.m.	SB 150-FN	establishing a dental benefit under the state Medicaid program.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/95743420850>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 13126266799,,95743420850# or 16465588656,,95743420850#
4. Webinar ID: [957 4342 0850](https://www.zoom.us/j/95743420850)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtRiRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 152-FN-A**

Sen. Gray

**SB 140-FN-A**

Sen. Rosenwald

**SB 157-FN-A**

Sen. Whitley

Sen. Sherman

Rep. Long

**SB 162-FN**

Sen. Bradley

**SB 150-FN**

Sen. Rosenwald

Sen. D'Allesandro

Sen. Soucy

Rep. Nordgren

Sen. Bradley

Rep. Wallner

Sen. Rosenwald

Rep. Cornell

Sen. Carson

Rep. Mullen

Sen. Whitley

Sen. Kahn

Sen. Perkins Kwoka

Rep. Wallner

Sen. Watters

Sen. Sherman

Sen. Bradley

Rep. Marsh

Sen. Cavanaugh

Sen. Prentiss

Sen. Giuda

Rep. Langley

Kirsten Koch 271-3266

Jeb Bradley  
Chairman

# Senate Health and Human Services Committee

*Kirsten Koch 271-3266*

**SB 162-FN**, relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

**Hearing Date:** February 17, 2021

**Time Opened:** 11:30 a.m.

**Time Closed:** 12:30 p.m.

**Members of the Committee Present:** Senators Bradley, Gray, Avard, Sherman and Whitley

**Members of the Committee Absent :** None

**Bill Analysis:** This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; community mental health and behavioral health programs; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight.

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**Sponsors:**

Sen. Bradley

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**Who supports the bill:** Senator Bradley, District 3; John Williams, DHHS; Melissa St. Cyr, DHHS.

**Who opposes the bill:** Jay Couture, NH Community Behavioral Health Association; Paula Minnehan, NH Hospital Association; Elizabeth Sargent, NH Association of Chiefs of Police.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

**Senator Bradley, District 3**

- Senator Bradley said the Department of Health and Human Services requested for him to submit this bill.
- Senator Bradley yielded his time to DHHS.

**Department of Health and Human Services (DHHS)**

- The DHHS provided testimony by several individuals on the various sections of the bill. These individuals detailed significant sections of the bill and explained the suggested changes.

**John Williams, Director of Legislative Affairs, DHHS; Melissa St. Cyr, Chief Legal Officer, DHHS; Molly Lynch, DHHS; Elliot Berry, NH Legal Assistance.**

- SB 162 contains 34 initiatives by the Department, approximately two-thirds were bills that were tabled in the Senate last session that either passed or were in the process of passage. The bill has 76 sections with 34 different provisions.
- **Sections 1 and 2** are about a cleanup around dedicated funds around a treasury account that needed linkages for the money to go into. This specifically creates clarity on line 3 for marriage officiant and marriage licenses to fund the Domestic Violence Coalition (DVC) Fund. This cleans up provisions from the Treasury fund and allows the DVC fund to receive funds. RSA 631(2)(b) is reflective of Josh's Law. Certain court fees, or fees from the sentencing of a defendant convicted under Domestic Violence are collected under that fund.
  - There are 10 or so sections relevant to the clean-up of dedicated funds.
- **Sections 3 and 4** are human resource items. These changes align the working titles and legal titles reflected in statutes for DHHS employees. There are also changes about the structure of the department, giving flexibility to what the commissioners can do. There are three commissioners in the department and there is an error that lists the existence of an additional two commissioners, which are duplicates by title.
- **Section 5** is about the licensing statute, RSA 151, for emergency services. We added the definition of emergency services to include both physical and behavioral health. This way behavioral services are included in emergency services. This makes an adjustment for something we are working on for the future to provide emergency mental health services.
- **Section 6** on the NH Retirement System, during the pandemic, we identified a need for Bureau Chief for Emergency Preparedness. We need flexibility for hiring, because as it is now, there are disincentives that include losing retirement status if we were to hire someone already in the state employment system. They would lose their Group 2 retirement if we did not fix this.
- **Section 7** relates to public health and correcting funding routes. This does not create any additional expenditures.
- **Section 8** relates to the Office of the Ombudsman. There is a provision there that relates to employees, there is currently a due process and the option to go through HR. There is confusion and we want to create clarity for going through HR.
- **Section 10**, again, is on recruitment for the Chief of the Bureau of Emergency Preparedness.
- **Section 11** relative to NH Housing Services. We do not want to end these services; we just want to change how we administrate them. Navigating these services has been administratively difficult for clients applying, the agencies administering, and for the DHHS to track. We made changes to make it easier for individuals to apply for housing stability services.
- **Sections 12-14.** Senator Sherman has worked on a bill in the House on this subject matter on HB 157. We can either mirror this language or remove these three sections.

**Michael Holt, Administrator of the Therapeutic Cannabis Program, DHHS**

- **Sections 15-34** can be summarized by four policy proposals. Most of these proposals were tabled last session. These suggested changes are a result of an audit of the program. There are also a number of technical edits.
  - (1) Allow medical providers to certify patients for the Therapeutic Cannabis Program for up to 3 years of use at a time. Currently medical providers can only certify patients for 1 year at a time. This bill would not mandate a 3-year certification but would allow medical providers to utilize more of their discretion when issuing the appropriate time lines for certifications.
  - (2) Increased patient access to the state's alternative treatment access anywhere in the state. There are currently only five ATC locations in NH. Currently patients are restricted to only utilizing one ATC.
  - (3) Would allow authorized employees of DHHS to transport cannabis products to be inspected, identified, and legally transport cannabis products to a testing laboratory for regulatory compliance. Currently DHHS employees cannot transport cannabis products with the ATC's maintaining control of the product being inspected.
  - (4) A technical change to better align two chapters of state law. This is a new proposal this year. It would create an exception in RSA 126(k) so that youth tobacco law does not apply to registered patients and caregivers of therapeutic cannabis program, or state licensed alternative treatment centers. The program allows for patients under 21 years-old to be a part of the program. This causes an overlap of products included in the youth tobacco law.

**Henry Lipman, Director of Medicaid, DHHS**

- **Section 35.** John Williams said the department worked on this piece with the NH Hospital Association.
  - This is based on RSA 167:64, documented from HB 1817. Agreement that proceeds would support to hospitals. The purpose of this edit to fulfill an obligation in 2018, when it was anticipated that the monies would not just need to fund DISH, and there were would need to be funds to pay directed payments, rates and, other options. It is now needed.
  - Under the Granite Advantage Program RSA 126:(A)(a)(3). There are specific sources of funds that can be used. To fulfill obligations under RSA 167:64, DHHS needs the flexibility to use proceeds that would normally fund DISH. We can no longer put all that money in DISH because of federal changes.
  - Lastly, on line 8, after RSA 167, there is an extraneous (f) that needs to be removed.
  - John Williams offered to get that mistake resolved and said that he is keeping track of any other mistakes or proposed changes that need to be made.

**Melissa St. Cyr, DHHS**

- **Section 36** speaks to DHHS contracting with community mental health centers and programs. This amendment asks for housing and other services to be provided in the continuum of care to be included in that contract. It is essential that the continuum of

care is provided for patients. Appropriate housing is necessary for the release of a patient and we want to ensure it is provided for.

### **John Williams, DHHS**

- **Section 37** is legislation around dedicated funds, updating language.
- **Sections 39.** Non-lapsing fund clean-up.
- **Section 40.** Food licensure.
- **Section 41** relates to the nursing home administration account. Look at changing the jurisdictional amount for states that have minimal amounts from \$5,000 to \$10,000. This will help folks going through the probate process.
- **Sections 43.** The DHHS is going through the process of removing outdated or duplicate reporting processes.
- **Section 44.** The interpretation was that this reporting only applies to vulnerable adults alive at the time of this reporting. This does not include when the patients die due to their own reckless behaviors. Mr. Williams shared an anecdote about a patient who passed away. This clarified reporting for nursing home services on whether the vulnerable adult is alive at the time of the reporting.
- **Section 45** addresses duplicate reporting requirements.
- **Section 46** deals with (inaudible speaking). Line 23 we had to make corresponding deletion for the above sections to work.
- **Section 47** we had to remove unnecessary and redundant reporting requirements.
- **Section 48** contains language the same as SB 143. It is part of an omnibus bill already. At the Senators' discretion, we can either remove this section, and have it go forward in SB 143 Part II, or make sure any amendments made in SB 143 are mirror in this legislation.

### **Rebecca Ross, esq., Division of Children, Youth, and Families (DCYF)**

- **Section 49** has language that appears the same in Section 64 dealing with the interstate compact in dealing with children, specifically investigatory interviews with children under the Child Protection Act. We plan to work with NH legal assistance on language they want. The way it is written now, DCYF must go to court to seek an interview or evaluation when there is suspected neglect or abuse. Right now, we only have the ability to enter a home without a court order, but not to evaluate the child. This is even more important with COVID, because we are unable to interview children in school or a public setting.
- **Section 50** of the bill relates to the central registry of the abuse and neglect findings. Last year we added a section 171(a) to allow providers in the Developmental Disability category to check their employees also serving a vulnerable population.
- **Section 51** is the Interstate Compact for the Placement of Children (ICPC). It needs 35 states to support this to pass federally, there is not even 20 states that have joined yet, but NH could join. This would enhance fact sharing and provide accountability from other states in providing timely reports.

### **John Williams and Melissa St. Cyr, DHHS**

- Please note that all the provisions Attorney Ross spoke about were all tabled provisions that were on their way to pass, but just didn't make it into omnibus legislation before the end of session. We are now on page 29.
- **Section 54** relates to the RSA 170(e) childcare licensing. The definition of school age program limits to 5 hours or less (inaudible speaking) then it is not considered for a license. We have asked that the 5 hours or less requirement to be removed, so that if it is a school-aged program for children that is over 5 hours, for example, when it is a snow day, the program can still be classified as such. Right now, we have granted over 120 waivers that waive for this provision that allows for more than 5 hours. We would like to give these programs a flexibility that is appropriate for the children in their care.
  - John Williams said, on Page 29, on line 28, there is an error that needs to be corrected. It says, "4 years and eleven months," when it should be "4 years and 8 months." This adjustment is for children going into kindergarten who should be able to enroll into a school age program before going into kindergarten.
- **Section 55** relative to residential care and child-placing agency licensing. Also, under RSA 170(e) we would like to add an accredited licensing program. If an agency is accredited under title 42, then they can be deemed licensed. Then they are subject to multiple inspections. They would just have one inspection with heightened standards. Then they would only have licensing inspections every three years.
- **Sections 56 and 57** allow for asthma inhalers and epinephrine pens to be in the nurse's office at a recreation camp for children. This requirement takes away the requirement that this medicine needs to be in the nurse's office and instead allows for the medicine to be in another location that is immediately accessible with the recreation camp staff. This is important for then the campers are doing activities further away from the nurse's office. The medicine will be immediately accessible.
- **Section 58** provides confidentiality.
- **Section 59** deals with the procurement model within the department. This is an item from last Session.
- **Section 60** is a repeal that allows for clean ups.
- **Sections 61, 62, and 63.** RSA 171(a) details funding mechanisms for wait lists for developmentally disabled clients. Allows funding for individuals 18-21 years old that are still in school to receiving funding for developmental services, such as housing.
- **Section 64** is the duplicate discussed earlier in Section 49. We recommend just deleting Section 64 and keeping Section 49.
- **Section 65.** We have again a department clean-up on dedicated non-lapsing accounts. The Granite Workforce Program was implemented around the same time as granite work requirement were implemented. This is linking the two programs together.
- **Section 67** provides a clean-up. The legislation passed this session on health care licensing replacing an old provisions effective July 1, 2020. Due to an error on the effective date, it keeps the new law effective while keeping the old law effective too. This change puts an end to the old law while keeping the new law.
- **Section 68.** Sanitation of milk sanitation.

- **Section 70.** Legislation brought last session; DHHS charged with providing guidance to recreation camps on the administration of epinephrine. This should be a task for the Board of Medicine and Office of Professional Licensure and Certification (OPLC).
- **Section 71.** This relates to the same provision as Section 70 and the new law deals with the OPLC language.
- **Section 72** relates to, as mentioned earlier, the jurisdiction changes in probate from \$5,000 to \$10,000.
- **Section 73** makes the same change as well but applies it to the abandon property law. We have applicability dates built into that action, so it is very clear for the courts when each action is triggered.
- **Section 75** this houses the final change regarding the addition of the Bureau Chief of Emergency Preparedness.
- **Section 76** contains effective dates.

### **Summary of testimony presented in opposition:**

#### **Senator Avard, District 12**

- Senator Avard said he opposes Section 51 of the bill.

#### **Paula Minnehan, NH Hospital Association**

- Ms. Minnehan said we are concerned about one sentence. There was an addition made on Page 2, on lines 1,2,3 on health facility licensing that would have significant implications. She requested the senators to please remove this sentence.
- Ms. Minnehan said she was not consulted about adding this sentence. The sentence is not appropriate, the Association does not understand it, and it is not an applicable reference.
- Emergency Medical Treatment Act is a federal law that all hospitals adhere to.

#### **Jay Couture, NH Community Behavioral Health Association**

- Ms. Couture said she has concerns about the language on Page 8 in Section 36, which adds housing as a minimum required service of a community mental health program pertaining to RSA 135(c)(7).
- Ms. Couture said we have some concerns pertaining to the language here.
- The community mental health centers are already working with the state on issues of housing. Many programs already provide housing through community housing or other residences. We need clarity on funding before anything can be enacted. Existing requirements already outline required housing. Adding the proposed language raises questions: will programs that already have housing meet the standard? What type of housing is the state looking for? How will this be funded?
- Ms. Couture said, the broader issue of a lack of affordable housing will not be solved by adding this language into statute.

### **Neutral Information Presented: None.**



**SENATE CALENDAR NOTICE**  
**Finance**

Sen Gary Daniels, Chair  
Sen John Reagan, Vice Chair  
Sen Bob Giuda, Member  
Sen Erin Hennessey, Member  
Sen Chuck Morse, Member  
Sen Lou D'Allesandro, Member  
Sen Cindy Rosenwald, Member

Date: March 25, 2021

**EXECUTIVE SESSION**

Tuesday	03/30/2021	
(Day)	(Date)	
Finance	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	<del>EXECUTIVE SESSION ON PENDING LEGISLATION</del>	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. To join the webinar: <https://www.zoom.us/j/92066815028>
2. Or Telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
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The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

Deb Martone 271-4980

Gary L. Daniels  
Chairman

# Speakers

<b>Name</b>	<b>Title</b>	<b>Representing</b>	<b>Position</b>	<b>Testifying</b>
Williams John	State Agency Staff	DHHS	Support	Yes
St. Cyr Melissa	State Agency Staff	DHHS	Support	Yes
Couture Jay	A Member of the Public	NH Community Behavioral Health Association	Oppose	Yes
Minnehan Paula	A Lobbyist	NH Hospital Association	Oppose	Yes
Bradley Jeb	An Elected Official	Myself SD 3 Jeb Bradley	Support	Yes
Sargent Elizabeth	A Lobbyist	NH Association of Chiefs of Police	Oppose	No

# Testimony



**NH Community Behavioral  
Health Association**

1 Pillsbury Street, Suite 200  
Concord, NH 03301  
603.225.6633  
[www.nhcbha.org](http://www.nhcbha.org)

February 17, 2021

Senator Jeb Bradley, Chair  
Senate Health & Human Services Committee  
State House Room 100  
Concord NH 03301

Via email: [Jeb.Bradley@leg.state.nh.us](mailto:Jeb.Bradley@leg.state.nh.us)  
[James.Gray@leg.state.nh.us](mailto:James.Gray@leg.state.nh.us)  
[kevin.avard@leg.state.nh.us](mailto:kevin.avard@leg.state.nh.us)  
[tom.sherman@leg.state.nh.us](mailto:tom.sherman@leg.state.nh.us)  
[becky.whitley@leg.state.nh.us](mailto:becky.whitley@leg.state.nh.us)  
[kirsten.koch@leg.state.nh.us](mailto:kirsten.koch@leg.state.nh.us)

RE: SB 162 – relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

Dear Chairman Bradley and members of the Committee:

As the President and CEO of Seacoast Mental Health Center and the Board President for the NH Community Behavioral Health Association, I am writing regarding section 36 of SB 162, which adds housing as a minimum required service of a community mental health program in RSA 135-C:7.

Our Association and community mental health center members have concerns, and we are requesting that your Committee carefully consider several points before proceeding with this section of the omnibus bill. The community mental health centers (CMHCs) are already working with the State on the issue of housing for individuals served by the state's mental health system of care; many of the ten regions currently do provide housing in the form of community residences and/or supportive housing. (In fact, we recently sent a letter to the Commissioner of the Department of Health and Human Services with a specific request to discuss and partner with DHHS on this very issue.) But we need clarity – particularly regarding funding - before there is any new statutory requirement for community mental health programs enacted.

Currently He-M 403 outlines the requirements of a community mental health program/provider (CMHP) in NH. He-M 403.06(10) states: *Collaboration with state and local housing agencies and providers to promote access to existing housing and the development of housing for persons with mental illness, including home ownership and rental options.* Adding the proposed language in SB 162 to the law - *housing, and other supports in the continuum of care as necessary to*



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*meet the needs of each patient in the state mental health services system* – raises a number of questions: Does a region with existing housing of any type meet the standard? How will this be funded? What types of housing are expected to be developed?

Collaborating with State and local agencies and promoting access to housing and other social determinants of health happens every day in every region of this state, as the CMHCs work with the State and with local housing agencies and CMHC staff facilitate the state's Housing Bridge Subsidy Program in their regions. The broader issues of the lack of affordable housing and the low housing vacancy rate were front page news in yesterday's Portsmouth Herald.<sup>1</sup> Simply adding language to the statute will not make housing available. This new requirement requires both clarity and permanent sustainable funding that has not yet been identified.

CBHA and the CMHCs stand ready to work with you as policymakers, the Governor's office and the Department of Health and Human Services on housing for the population we serve. Thank you for your consideration and I am available to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Couture', with a horizontal line drawn above it.

Jay Couture, President

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<sup>1</sup> <https://www.seacoastonline.com/story/news/local/2021/02/16/nh-short-20-000-housing-units-seacoast-senator-gov-sununu-have-plan-nh-hb-586/6703972002/>

# DISABILITY RIGHTS CENTER - NH

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64 North Main Street, Suite 2, Concord, NH 03301-4913 • mail@drcnh.org • drcnh.org  
(603) 228-0432 • (800) 834-1721 voice or TTY • FAX: (603) 225-2077

March 3, 2021

New Hampshire Senate  
Health and Human Services Committee  
State House, Room 100  
107 North Main Street  
Concord, NH 03301

## **BY ELECTRONIC TRANSMISSION ONLY**

RE: Senate Bill 162, relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure

Dear Chairman Bradley and Members of the Committee:

I am writing to follow up on 2 areas related to my comments to you earlier today about SB 162. I spoke to you about section 62 of the bill, the section which would make it clear that young people with developmental disabilities who remain in school until age 21 are eligible for developmental services on the same terms as their peers that have left school before that age.

First, as Senator Whitley requested, I am attaching the court order I referred to during my comments. It is an order in a case that my office is handling on behalf of a 19-year-old student who was found eligible by an area agency for "home and community-based services," a category of developmental services that have historically been denied to students under 21. Those services were denied by the department based on its interpretation of RSA 171-A:1-a, the statute that is the subject of section 62. The order is from the Merrimack County Superior Court and was issued earlier this week in response to motions for summary judgement. It found that the existing statutory language of Chapter 171-A provides for service eligibility of school-attending persons between ages 18 and 21.

The pertinent language in 171-A:1-a provides that "[t]he department of health and human services and area agencies shall provide services to eligible persons . . . in a timely manner. The department and area agencies shall provide services in such a manner that . . . (a) For persons in school and already eligible for services from the area

agencies, funds shall be allocated to them 90 days prior to their graduating or exiting the school system or earlier so that any new or modified services needed are available and provided upon such school graduation or exit. . ." (emphasis added).

The court's order is in part based on its interpretation of this language. Judge Kissinger put it this way:

The inclusion of the word "modified" necessarily implies that at least some persons with developmental disabilities are both enrolled in school and receiving services subject to adjustment after their studies come to an end. . . The Court's reading of the word "modify" is further buttressed by earlier language limiting application of the provision to "persons in school" who are "already eligible for services."

Although the court's order uses an interpretation of the statute that my office has repeatedly urged the department to adopt, there is no way to know if this is the final word on the issue. Judge Kissinger's order is subject to motions to reconsider and modification or reversal on appeal. If it is modified or reversed, the service needs of young people attending school will remain unmet even though they should be addressed on the same terms as their peers who have exited school. As I mentioned earlier today, the interpretation of the statute used by the department up to now has created an incentive for young adults and their families to abandon beneficial school enrollment to trigger eligibility for the developmental services they need. Of course, this incentive may actually put more demands on the state's service delivery system, as when a family terminates school enrollment before their child reaches age 21, that system becomes solely responsible for the service needs of the person, and the local school district no longer shares any responsibility for meeting those needs.

In addition, it is important to emphasize that even if Judge Kissinger's order remains in force, the statute -- and the service system -- would still benefit from the language of section 62. The adoption of its changes to the statute would make it clear that persons under 21 attending school are entitled to the same 90-day time limit for provision of services as other eligible persons. Leaving the statute unchanged, even when it is applied according to Judge Kissinger's decision, will create a risk that young people in school would be eligible for services but not have the benefit of the statutory 90-day deadline for beginning of those services. That circumstance would itself create a risk that some young people would leave school to trigger the service deadlines that apply to former students under 21.

The second issue I am writing to follow up on is Senator Bradley's request that I speak with Sarah Aiken of Community Bridges to determine if an agreed course forward on this issue could be found. I had that conversation this afternoon and we did not reach agreement. I will let Sarah describe her position to you herself, but my assessment of the impasse is that our objective to have the service needs of this population met without further delay is seen by the area agencies as inconsistent with their concern that monetary and infrastructure resources are inadequate to meet those needs.



Regarding concerns about resources, I think it is important to point out a few things. First, to the extent that there are concerns that appropriation levels will be insufficient if sections 62 and 63 become law, the statute will require that "[t]he department of health and human services . . . incorporate in its appropriation requests the cost of fully funding services to eligible persons," and that obligation would extend to the cost of funding services for persons with developmental disabilities who still attend school and would be clearly eligible under the amended statute.

Second, to the extent that there are concerns that the system lacks the types of services that young adults with developmental disabilities require, those services exist, as the need for and undisputed eligibility for them are in place for former students under 21. The service needs of a young adult under 21 who has continued to attend school are not significantly different from a similar person who has left school (and may be lower due to the service contribution of the local school district), or from the services that a 22-year-old in the current system receives.

Finally, there is significant and relevant skill, training, and experience among the staff of the state's array of developmental service providers, the staff and administrators at the department, and special education providers and administrators. The Committee can reasonably expect that those resources will be tapped by the department to understand the service needs of the state's young adults and take steps to ensure that funding is included in future budget requests to provide for those needs.

Thank you for considering the views of the Disability Rights Center. Please contact me if you have further questions or concerns about Senate Bill 162.

Sincerely,

/S/

Michael Skibbie  
Policy Director  
[mikes@drcnh.org](mailto:mikes@drcnh.org)  
603.568.5093

cc: Melissa St. Cyr, Department of Health and Human Services  
Sarah Aiken, Community Bridges

# The State of New Hampshire

**MERRIMACK COUNTY**

**SUPERIOR COURT**

JANESSA VERRILL,  
by and through her guardian,  
LISA VERRIL

v.

COMMISSIONER LORI SHIBINETTE, and the  
NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Docket No.: 217-2020-CV-00382

## **ORDER**

The petitioner, Janessa Verrill ("Ms. Verrill"), by and through her guardian, Lisa Verrill, has brought an action seeking declaratory judgment, injunctive relief, and attorney's fees, for violations of RSA 171-A. The respondents, Lori Shibinette and the New Hampshire Department of Health and Human Services (collectively, the "Department"), have moved for summary judgment. Ms. Verrill objects and has submitted a cross motion for summary judgment. On November 24, 2020, the Court held a telephonic structuring conference soliciting pleadings solely on the statutory interpretation question raised by Count II of Ms. Verrill's Complaint.<sup>1</sup> For the following reasons, Ms. Verrill's Motion for Summary Judgment on Count II of her Complaint is GRANTED, while the Department's Motion for Summary Judgment on the same is DENIED.

### **I. Background**

The following facts are not in dispute at this stage of the proceedings. Ms. Verrill

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<sup>1</sup> The Court will address Count I of the Complaint, which requests declaratory relief that the Department's "failure to provide developmental services to [Ms. Verrill] violates RSA 171-A" as individually applied, at a later stage of the proceedings. (Compl. at 5, 8.)

is a high school student in Gilford over the age of 18 who suffers from a developmental disability. (Resp't's Mot. Summ. J. ¶ 9; Compl. ¶¶ 10–11; Pet'r's Mot. Summ. J. ¶ 3.)<sup>2</sup> Though she currently lives with her family, Ms. Verrill “can no longer be supported in her family’s home.” (Resp't's Mot. Summ. J. ¶ 9; Compl. ¶ 12.) As a result, Ms. Verrill applied for “home and community-based services” pursuant to RSA 171-A. (Resp't's Mot. Summ. J. ¶ 9; Compl. ¶¶ 13, 17.) Lakes Region Community Services, an “area agency” for purposes of the statute, determined that Ms. Verrill is “eligible for and in need of developmental services,” including “home and community-based services,” pursuant to RSA 171-A and administrative rules He-M 503.03, 503.05, and 517. (Resp't's Mot. Summ. J. ¶ 9; Compl. ¶ 18.) The Department, however, disagreed with the agency’s assessment, noting that Ms. Verrill is still in high school and “home and community-based services are not available to anyone who is still in school.” (Resp't's Mot. Summ. J. ¶ 9; Compl. ¶ 19.)

## **II. Standard**

To prevail on a motion for summary judgment, the moving party must establish that there is “no genuine issue as to any material fact” and that it is “entitled to judgment as a matter of law.” Sabato v. Fed. Nat’l Mortg. Ass’n, 172 N.H. 128, 131 (2019). The Court looks to the “affidavits and other evidence” and to “all inferences properly drawn from them, in the light most favorable to the nonmoving party.” Clark v. N.H. Dep’t of Emp. Sec., 171 N.H. 639, 650 (2019). In deciding the motion, the Court assesses “the pleadings, depositions, answers to interrogatories, and admissions on file, together with

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<sup>2</sup> Neither party filed a separate statement of material facts pursuant to Superior Court Civil Rule 12(g). However, the Department assumes, for purposes of its Motion for Summary Judgment, the truth of Ms. Verrill’s allegations in the underlying Complaint. (See Resp't's Mot. Summ. J. at 5 n.3.)

the affidavits filed by the parties.” RSA 491:8-a, III. “The adverse party may not rest upon mere allegations or denials of his [or her] pleadings, but his [or her] response, by affidavits or by reference to depositions, answers to interrogatories, or admissions, must set forth specific facts showing that there is a genuine issue for trial.” RSA 491:8-a, IV.

### **III. Analysis**

In Count II of her Complaint, Ms. Verrill seeks declaratory judgment that “the purported practice [of] denying [her] benefits because she is still in school interferes with or impairs legal rights and privileges to which she is entitled under RSA 171-A.” (Compl. at 8.) The Department counters that school students are “not entitled to the services [Ms. Verrill] seeks under the express language of RSA 171-A:1-a, I(a).” (Resp’t’s Mot. Summ. J. at 7–14.).

A declaratory judgment provides a means “to question the validity” or application of a law, rule, or regulation, “without proof of a wrong committed by one party against the other.” Avery v. N.H. Dep’t of Educ., 162 N.H. 604, 607 (2011). The petitioner must, however, assert a right “inherently adverse” to the respondent’s and show that the respondent is at least “likely to overburden or otherwise interfere with [the petitioner]’s right.” Carlson, Tr. v. Latvian Lutheran Exile Church of Boston and Vicinity Patrons, 170 N.H. 299, 303 (2017). That is, the Court will only award declaratory judgment where the parties have “personal legal or equitable rights that are adverse to one another, with regard to an actual, not hypothetical, dispute, which is capable of judicial redress.” Censabella v. Hillsborough County Atty., 171 N.H. 424, 427 (2018).

Here, Ms. Verrill has the requisite standing to seek declaratory relief. The parties’ positions are adverse; if either party is correct in its interpretation of the statute,

the other must necessarily be incorrect. Censabella, 171 N.H. at 427. The parties have an actual dispute, as Ms. Verrill's ability to access services depends on whether the Department's interpretation of the statute is correct as a matter of law. Id. Finally, the parties' dispute is "capable of judicial redress," since the judiciary is "the final arbiter[] of the intent of the legislature as expressed in the words of" RSA 171-A. Id.; State v. Surrell, 171 N.H. 82, 85 (2018). The Court proceeds, therefore, to consider on the merits the parties' cross motions for summary judgment on Count II of Ms. Verrill's Complaint.

In interpreting a statute, the Court "first look[s] to the language of the statute itself, and, if possible, construe[s] that language according to its plain and ordinary meaning." Appeal of Town of Lincoln, 172 N.H. 244, 247–48 (2019). The Court "interpret[s] legislative intent from [a] statute as written and will not consider what the legislature might have said or add language that the legislature did not see fit to include." Id. at 248. "The legislature is not presumed to waste words or enact redundant provisions and[,] whenever possible, every word of a statute should be given effect." Id. Accordingly, the Court "construe[s] all parts of a statute together to effectuate its overall purpose and avoid an absurd or unjust result." Id. The Court "do[es] not consider words and phrases in isolation, but rather within the context of the statute as a whole," which "enables [the Court] to better discern the legislature's intent and to interpret statutory language in light of the policy or purpose sought to be advanced by the statutory scheme." Id.

The express purpose of the statute at issue is to "establish, maintain, implement and coordinate a comprehensive service delivery system for developmentally disabled

persons.” RSA 171-A:1. “Such services must be based upon the participation of disabled individuals ‘and their families in decisions concerning necessary, desirable, and appropriate services, recognizing that they are best able to determine their own needs.” Petition of Guillemette, 171 N.H. 565, 569 (2018) (citing RSA 171-A:1, I). “They must also be ‘based on individual choice, satisfaction, safety, and positive outcomes’ . . . [and] be ‘relevant to the individual’s age, abilities, and life goals.” Id. at 570 (citing RSA 171-A:1, IV–V). The statute makes it the explicit “policy of this state . . . for persons with developmental disabilities and their families [to] be provided services that emphasize community living and programs to support individuals and families, beginning with early intervention.” RSA 171-A:1 (emphasis added). The specific provision of RSA 171-A here at issue reads as follows:

For persons in school and already eligible for services from the area agencies, funds shall be allocated to them 90 days prior to their graduating or exiting the school system or earlier so that any new or modified services needed are available and provided upon such school graduation or exit.

RSA 171-A:1-a, I(a) (emphasis added).

The Court concludes Ms. Verrill is entitled to judgment as a matter of law on Count II of her Complaint, as nothing in the language of RSA 171-A:1-a, I(a) bars the provision of services to otherwise eligible individuals on account of their enrollment in school. On the contrary, pursuant to the plain and ordinary meaning of the statutory language, all that RSA 171-A:1-a, I(a) requires is for the Department to timely set aside funds sufficient to provide “any new or modified services” an eligible student may need once they no longer attend school. The inclusion of the word “modified” necessarily implies that at least some persons with developmental disabilities are both enrolled in school and receiving services subject to adjustment after their studies come to an end.

See Black's Law Dictionary 1155 (revised 4th ed. 1968) (defining "modify" as "[t]o alter; to change in incidental or subordinate features; enlarge, extend; limit, reduce.") The Court's reading of the word "modify" is further buttressed by earlier language limiting application of the provision to "persons in school" who are "already eligible for services." RSA 171-A:1-a, I(a). If attendance in school prevented eligibility for services pursuant to the statute, then no students could be simultaneously "in school" and "eligible for services." Id.; Lincoln, 172 N.H. at 248 ("[E]very word of a statute should be given effect.") Moreover, a later provision of the statute envisions the existence of qualifying applicants "under the age of 18," most of whom are presumably enrolled in school. See RSA 171-A:5, I; see also RSA 193:1, I (providing that, in general, a parent has a duty to ensure his or her "child[ren] at least 6 years of age and under 18 years of age shall . . . attend [school] full time when such school is in session.") To read RSA 171-A:1-a, I(a) to impose a blanket denial of services to developmentally disabled students pursuing an education would encourage students in need of statutory services to abandon any hope of earning a high school diploma once they reach the age of 18, a result that runs contrary to the legislature's stated policies of providing care "relevant to the individual's age, abilities, and life goals," supportive of "community living," and cognizant of the fact that applicants and their families are "best able to determine their own needs." RSA 171-A:1 (emphasis provided).

The legislative history of RSA 171-A:1-a, I(a) further supports the Court's reading of the statute. The bill was originally introduced "in part as a result of a piece of litigation the Disability Rights Center handled with regard to a young man who is between the ages of 18 and 21, and was enrolled in school." (Pet'r's Mem. L. in Supp.

Mot. Summ. J., Ex. A (“Hearing Before the Senate Finance Committee 2020 SB714-FN”).) Its Statement of Purpose indicated that the bill was designed to increase the availability of services by addressing “[u]ndue delays in providing services to eligible persons,” not to create a funding gap for individuals who are still in school but whose families are unable to provide support. (Id., Ex. B (“SB-138-FN-A—Final Version”).)

Moreover, nothing in the regulations cited by the parties prevents the provision of statutory services on account of school attendance. In fact, the Department’s own regulations envision the provision of disability services to individuals of school-going age. Rule He-M 503.03 provides that “[p]ersons who are age 3 to 21 and have a developmental disability shall be eligible” for all “services available . . . that are needed as determined [by the Department] in accordance with He-M 503.05.” N.H. Code Admin. R. He-M 503.03(c)(3). Rule He-M 503.05 merely describes the procedure to follow for the Department to determine eligibility. It directs the applicable “area agency” to “perform a comprehensive screening evaluation” of applicants for services, “make a decision on the eligibility of [each] applicant,” and, if it determines an applicant is entitled to services, “apply to the [Department] for an eligibility determination.” N.H. Code Admin. R. He-M 503.05(a, d, i). The Department must then independently “review [the] application[s] submitted” and “make a decision” on each applicant’s eligibility “within 15 business days” of the agency’s application. N.H. Code Admin. R. He-M 503.05(j). Further, “[b]ased on [the] availability of funds,” individuals properly “found to be eligible for services by an area agency pursuant to He-M 503.05” “shall be” entitled to “home and community-based care,” the very care Ms. Verrill now seeks. N.H. Code Admin. R. He-M 517.03 (emphasis added). To ensure the availability of such funds, the



Department "shall incorporate the cost of fully funding services to eligible persons, in accordance with [RSA 171-A:1-a, I], and as otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet such costs and requirements." RSA 171-A:1-a, II. As a matter of law, therefore, Ms. Verrill is entitled to judgment on Count II of the Complaint.

**IV. Conclusion**

For the foregoing reasons, Ms. Verrill's Motion for Summary Judgment is GRANTED in part, and the Department's Motion for Summary Judgment is DENIED in part.

**SO ORDERED.**

Date

3/1/21

  
\_\_\_\_\_  
John C. Kissinger, Jr.  
Presiding Justice

Clerk's Notice of Decision  
Document Sent to Parties  
on 03/02/2021

## Kirsten Koch

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**From:** Alex Koutroubas <alex@dennehybouley.com>  
**Sent:** Thursday, February 25, 2021 7:53 AM  
**To:** Kirsten Koch  
**Cc:** Nemeth, Melissa  
**Subject:** SB 162- Letter to Senate

Hi Kirsten,

CSNI missed the hearing on this bill but we have some feedback on one section (see letter below)

Senator Bradley is aware of our concerns.

I'm copying DHHS and they are also aware of our concerns.

I'm sending this on behalf of a client, Jonathan Routhier of CSNI.

Thank you,

Alex

Dear Senator Bradley:

Re: Opposition to SB 162 section 63

The Community Support Network, Inc. (CSNI) is the association of the 10 Area Agencies that provide community-based services and supports to over 13,000 individuals with developmental disabilities and acquired brain disorders throughout NH.

CSNI is writing to express our opposition to section 61-63 of SB 162.

About seven months ago, the Area Agencies opposed this exact same language which was contained in HB 578 of the 2020 Legislative Session. We thank the Senate for not passing this language seven months ago and we ask you to reject it once again.

For over 15 years, adult DD service eligibility has consisted of the following groups of people:

- a) Students graduating or exiting school
- b) New residents to NH or current residents but new to the service system
- c) Individuals currently receiving services who experience a significant life change
- d) Individuals age 18-21 who are currently in school (Proposed in SB 162)**

SB 162 seeks to amend the "DD wait list law" (RSA 171-A:1-a) by creating a new age restricted category of service. Specifically, the language calls for a new Medicaid entitlement for individuals between the ages of 18-21 who are currently receiving special education services through their local school district.

In addition to special education, it is important to note that the individuals described in SB 162 are already entitled to receive services under the In-Home Support Waiver and the Family Support program. The Area Agencies help to administer these services and we fully support those programs as we have for many years.

The Department of Health and Human Services has already recently clarified the service eligibility portal for individuals under the age of 21. In 2019, the department instituted a rule amendment that made it crystal clear: any individual regardless of age or graduation status, is entitled to receive any services from the Area Agencies that they are deemed eligible to receive once they graduate or exit school.

Even though the Area Agencies had some concerns and questions, we did not object to the DHHS rule update in 2019. Now, however, the goal post is being shifted even further.

SB 138 which was passed almost unanimously in 2007 was predicated on the seamless transition from special education services to adult services. This proposed language throws confusion into a process that has worked very well for a longtime.

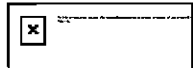
We have been told that the purpose of this bill is to provide housing. There are already many programs providing housing through community housing or other residences. The department of Health and Human Services has an entire bureau called "Homeless and Housing Services."

Before this language can be passed, the Area Agencies need more clarity on its implications. This proposed change to current law needs more discussion and analysis.

In conclusion, we believe that this bill would be a major expansion of service eligibility that may have severe and unintended consequences for providers and the state of NH.

We ask that you delete this language from SB 162 and leave RSA 171a intact and working successfully as it has since 2007.

Alex Koutroubas  
[www.DennehyBouley.com](http://www.DennehyBouley.com)  
[alex@dennehybouley.com](mailto:alex@dennehybouley.com)  
Office: 603-228-1601 ext 2003  
Cell: 603-440-5113



# Voting Sheets

# Senate Health and Human Services Committee

## EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # SB 162-FN

Hearing Date: 2/17/21

Executive Session Date: 3/10/21

Motion: Committee Amendment Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion: Amendment 0698 Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Bradley

Notes: Committee Amendment is a small language change  
floor amendment coming from Sen. Bradley + Sen. Sherman

# Senate Finance Committee

## EXECUTIVE SESSION

Bill # SB 162-FN

Hearing date: N/A

Executive session date: 03/30/21

Motion of: OTR - Amendment #09625 VOTE: 7-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: OTR/A VOTE: 7-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input checked="" type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, March 10, 2021

THE COMMITTEE ON Health and Human Services

to which was referred **SB 162-FN**

AN ACT

relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0778s

Senator Jeb Bradley  
For the Committee

Kirsten Koch 271-3266



**HEALTH AND HUMAN SERVICES**

**SB 162-FN**, relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

Ought to Pass with Amendment, Vote 5-0.

Senator Jeb Bradley for the committee.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, March 30, 2021

THE COMMITTEE ON Finance

to which was referred **SB 162-FN**

AN ACT

relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 7-0

AMENDMENT # 1054s

Senator Cindy Rosenwald  
For the Committee

Deb Martone 271-4980

## General Court of New Hampshire - Bill Status System

**Docket of SB162**

Docket Abbreviations

**Bill Title:** relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

**Official Docket of SB162.:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
2/9/2021	S	<b>Introduced</b> 02/04/2021 and Referred to Health and Human Services; <b>SJ 4</b>
2/10/2021	S	Remote <b>Hearing:</b> 02/17/2021; 09:15 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 11</b>
3/10/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0778s</b> , 03/18/2021; <b>SC 15</b>
3/18/2021	S	Committee Amendment <b>#2021-0778s</b> , RC 23Y-1N, AA; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	Sen. Bradley Floor Amendment <b>#2021-0850s</b> , RC 24Y-0N, AA; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	<b>Ought to Pass with Amendments</b> 2021-0778s, and 2021-0850s, RC 24Y-0N, MA; Refer to Finance Rule 4-5; 03/18/2021; <b>SJ 8</b>
3/30/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-1054s</b> , 04/01/2021; <b>SC 17A</b>
4/1/2021	S	Committee Amendment <b>#2021-1054s</b> , RC 24Y-0N, AA; 04/01/2021; <b>SJ 10</b>
4/1/2021	S	<b>Ought to Pass with Amendment</b> 2021-1054s, RC 24Y-0N, MA; OT3rdg; 04/01/2021; <b>SJ 10</b>
4/13/2021	H	Introduced (in recess of) 04/09/2021 and referred to Health, Human Services and Elderly Affairs <b>HJ 7 P. 100</b>
4/20/2021	H	Public Hearing: 05/03/2021 01:30 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/91978983838">https://www.zoom.us/j/91978983838</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/5/2021	H	Executive Session: 05/17/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95933161404">https://www.zoom.us/j/95933161404</a>
5/24/2021	H	Majority Committee Report: Ought to Pass with Amendment <b>#2021-1402h</b> (Vote 19-2; RC) <b>HC 26 P. 24</b>
5/24/2021	H	Minority Committee Report: Inexpedient to Legislate
6/3/2021	H	Amendment <b>#2021-1402h</b> : AA VV 06/03/2021 <b>HJ 8 P. 159</b>
6/3/2021	H	FLAM <b>#2021-1763h</b> (Rep. Cushman): AA VV 06/03/2021 <b>HJ 8 P. 161</b>
6/3/2021	H	Lay on Table (Rep. Torosian): MF DV 157-219 06/03/2021 <b>HJ 8 P. 161</b>
6/3/2021	H	<b>Ought to Pass with Amendment</b> 2021-1402h and 2021-1763h: MA RC 240-136 06/03/2021 <b>HJ 8 P. 161</b>
6/10/2021	S	Sen. Bradley Moved to Concur with the House Amendment, MA, VV; 06/10/2021; <b>SJ 19</b>
7/1/2021	H	Enrolled (in recess of) 06/24/2021
7/1/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); <b>SJ 20</b>
7/13/2021	S	Signed by the Governor on 07/09/2021; Chapter 0122
7/13/2021	S	I. Sections 3-4; 6; 10; 12-32 & 67 Effective 09/07/2021

7/13/2021	S	II. Sections 39-40 & 64-66 Effective 07/01/2021
7/13/2021	S	III. Remainder Effective 07/09/2021

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NH House	NH Senate
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**Docket of SB162**

**Bill Title:** relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

*Official Docket of SB162.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
2/9/2021	S	<b>Introduced</b> 02/04/2021 and Referred to Health and Human Services; <b>SJ 4</b>
2/10/2021	S	Remote <b>Hearing:</b> 02/17/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 11</b>
3/10/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0778s</b> , 03/18/2021; <b>SC 15</b>
3/18/2021	S	Committee Amendment <b>#2021-0778s</b> , RC 23Y-1N, AA; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	Sen. Bradley Floor Amendment <b>#2021-0850s</b> , RC 24Y-0N, AA; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	<b>Ought to Pass with Amendments</b> 2021-0778s, and 2021-0850s, RC 24Y-0N, MA; Refer to Finance Rule 4-5; 03/18/2021; <b>SJ 8</b>
3/30/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-1054s</b> , 04/01/2021; <b>SC 17A</b>
4/1/2021	S	Committee Amendment <b>#2021-1054s</b> , RC 24Y-0N, AA; 04/01/2021; <b>SJ 10</b>
4/1/2021	S	<b>Ought to Pass with Amendment</b> 2021-1054s, RC 24Y-0N, MA; OT3rdg; 04/01/2021; <b>SJ 10</b>
4/13/2021	H	Introduced (in recess of) 04/09/2021 and referred to Health, Human Services and Elderly Affairs <b>HJ 7 P. 100</b>
4/20/2021	H	Public Hearing: 05/03/2021 01:30 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/91978983838">https://www.zoom.us/j/91978983838</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/5/2021	H	Executive Session: 05/17/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95933161404">https://www.zoom.us/j/95933161404</a>
5/24/2021	H	Majority Committee Report: Ought to Pass with Amendment <b>#2021-1402h</b> (Vote 19-2; RC) <b>HC 26 P. 24</b>
5/24/2021	H	Minority Committee Report: Inexpedient to Legislate
6/3/2021	H	Amendment <b>#2021-1402h</b> : AA VV 06/03/2021
6/3/2021	H	FLAM <b>#2021-1763h</b> (Rep. Cushman): AA VV 06/03/2021
6/3/2021	H	Lay on Table (Rep. Torosian): MF DV 157-219 06/03/2021
6/3/2021	H	<b>Ought to Pass with Amendment</b> 2021-1402h and 2021-1763h: MA RC 240-136 06/03/2021
6/10/2021	S	Sen. Bradley Moved to Concur with the House Amendment, MA, VV; 06/10/2021; <b>SJ 19</b>
7/1/2021	H	Enrolled (in recess of) 06/24/2021
7/1/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); <b>SJ 20</b>
7/13/2021	S	Signed by the Governor on 07/09/2021; Chapter 0122
7/13/2021	S	I. Sections 3-4; 6; 10; 12-32 & 67 Effective 09/07/2021

7/13/2021	S	II. Sections 39-40 & 64-66 Effective 07/01/2021
7/13/2021	S	III. Remainder Effective 07/09/2021

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NH House	NH Senate
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# Other Referrals

## Senate Inventory Checklist for Archives

Bill Number: SB 162-FN

Senate Committee: FINANCE - 2ND  
COMMITTEE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 09625       - amendment # \_\_\_\_\_

- amendment # 10545       - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

as amended by the senate       as amended by the house

final version

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Committee Aide

07/20/21  
Date

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**Senate Inventory Checklist for Archives**

Bill Number: SB 162-FN

Senate Committee: HHS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # \_\_\_\_\_  - amendment # 2021-0778S
- amendment # \_\_\_\_\_  - amendment # 2021-0698S Bradley

- Executive Session Sheet
- Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 0850       - amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

- as amended by the senate       as amended by the house
- final version

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