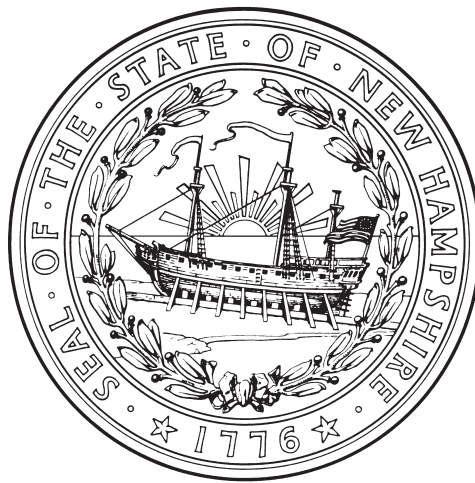


May 11, 2017
Nos. 15-16

STATE OF NEW HAMPSHIRE

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**First Year of the 165th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – APRIL 27, 2017 SESSION
COMMENCEMENT – MAY 11, 2017 SESSION**

SENATE JOURNAL 15 *(continued)*

April 27, 2017

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 9, (New Title) relative to the admissibility of proffered evidence in sexual assault cases.

SB 21, relative to licensure and continuing education of architects.

SB 53, relative to regulation of appraisal management companies by the real estate appraiser board.

SB 65, relative to vaccines administered by pharmacists.

SB 80, (New Title) relative to implementation of the all veterans' tax credit, and relative to applications for recovery from the FRM victims' contribution recovery fund.

SB 104, (New Title) relative to career and technical education.

SB 190-FN, repealing the sunset provision on the first responder's critical injury benefit fund.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 40, relative to electronic wills.

SB 103, limiting food and beverage advertising and marketing on school property.

SB 201, relative to providing pamphlets containing the asbestos regulations to persons engaging in renovation or demolition of structures.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill sent down from the Senate and has indefinitely postponed the Bill:

SB 242-FN-A-LOCAL, relative to video lottery and table gaming.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 15, relative to the law regarding therapeutic use of cannabis.

SB 232-FN-LOCAL, relative to the issuance of a summons instead of arrest.

April 25, 2017

2017-1528-EBA

01/05

Enrolled Bill Amendment to HB 154

The Committee on Enrolled Bills to which was referred HB 154

AN ACT relative to interference with traffic devices.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 154

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 154

Amend section 2 of the bill by replacing line 2 with the following:

Amend RSA 265:15, II by inserting after subparagraph (d) the following new subparagraph:

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 28, 2017
2017-1586-EBA
06/10

Enrolled Bill Amendment to HB 178

The Committee on Enrolled Bills to which was referred HB 178

AN ACT establishing a commission to study processes to resolve right-to-know complaints.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 178

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 178

Amend RSA 91-A:8-a, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Reducing the burden and costs of right-to-know complaints on the courts.

Amend RSA 91-A:8-a, III as inserted by section 1 of the bill by replacing line 2 with the following:

The first meeting of the commission shall be called by the first-named house member. The first meeting of the Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted.

April 25, 2017
2017-1532-EBA
03/05

Enrolled Bill Amendment to HB 220

The Committee on Enrolled Bills to which was referred HB 220

AN ACT amending the title of the chapter relating to child pornography.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 220

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 220

Amend RSA 159:3-a, I as inserted by section 2 of the act by replacing lines 3-4 with the following:

[~~pornography~~] **sexual abuse images**, or controlled drug laws, shall own or have in his **or her** possession or under his **or her** control, a pistol, revolver, rifle, shotgun, or any other firearm.

Amend RSA 632-A:10, I as inserted by section 7 of the act by replacing line 3 with the following:

felonious physical assault on a minor, or of any sexual assault, he **or she** knowingly undertakes

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted.

April 27, 2017
2017-1573-EBA
10/01

Enrolled Bill Amendment to HB 251

The Committee on Enrolled Bills to which was referred HB 251

AN ACT relative to the use of capital reserve fund appropriations by municipalities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 251

This enrolled bill amendment corrects the title of the bill to reflect its contents.

Enrolled Bill Amendment to HB 251

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

AN ACT relative to capital reserve fund appropriations by municipalities.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 28, 2017
2017-1585-EBA
06/10

Enrolled Bill Amendment to HB 355-FN

The Committee on Enrolled Bills to which was referred HB 355-FN

AN ACT relative to criminal record checks in adoption proceedings and foster family home licensing.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 355-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 355-FN

Amend RSA 170-B:18, VII(a) as inserted by section 1 of the bill by replacing line 2 with the following:

submit the prospective adoptive parents' fingerprints ***and the fingerprints of any other adults***

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2017
2017-1551-EBA
10/01

Enrolled Bill Amendment to HB 362

The Committee on Enrolled Bills to which was referred HB 362

AN ACT prohibiting certain immunization requirements for noncommunicable diseases.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 362

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 362

Amend RSA 141-C:20-a, III as inserted by section 1 of the bill by replacing line 2 with the following:

diseases that are noncommunicable. Noncommunicable disease means a disease that is not

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 27, 2017
2017-1567-EBA
04/03

Enrolled Bill Amendment to HB 458

The Committee on Enrolled Bills to which was referred HB 458

AN ACT relative to motorcycle headlamps.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 458

This enrolled bill amendment amends a provision of the bill to make it gender neutral.

Enrolled Bill Amendment to HB 458

Amend RSA 266:31 as inserted by section 1 of the bill by replacing line 22 with the following:
such motor vehicle and to make such tests as he *or she* may deem necessary to determine whether the
Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2017
2017-1546-EBA
08/10

Enrolled Bill Amendment to SB 20

The Committee on Enrolled Bills to which was referred SB 20

AN ACT relative to liquid chromatograph tests for intoxication.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 20

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 20

Amend RSA 214:20-d, I as inserted by section 1 of the bill by replacing line 5 with the following:
liquor and controlled drug, and to chemical, infrared molecular absorption, or *liquid or* gas
Amend RSA 422:28-a as inserted by section 4 of the bill by replacing line 5 with the following:
intoxicating liquor or controlled drugs, and to a chemical, infrared molecular absorption, or *liquid*
Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 28, 2017
2017-1589-EBA
05/10

Enrolled Bill Amendment to SB 31

The Committee on Enrolled Bills to which was referred SB 31

AN ACT authorizing decal plates for the University of New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 31

This enrolled bill amendment contingently renumbers an RSA section to avoid duplicating the numbering of an RSA section inserted by HB 433.

Enrolled Bill Amendment to SB 31

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

2 Contingent Renumbering. If HB 433 of the 2017 regular legislative session becomes law, RSA 261-B:3-a as inserted by section 1 of this act shall be renumbered to read as RSA 261-B:3-b.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2017
2017-1541-EBA
03/01

Enrolled Bill Amendment to SB 51

The Committee on Enrolled Bills to which was referred SB 51

AN ACT (New Title) establishing a committee to review subsidies for energy projects provided by the renewable portfolio standard.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 51

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 51

Amend paragraph III of section 3 of the bill by replacing it with the following:

III. It is in the public interest for the state to continue subsidies to protect ratepayers.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 28, 2017
2017-1590-EBA
10/03

Enrolled Bill Amendment to SB 58

The Committee on Enrolled Bills to which was referred SB 58

AN ACT relative to the authority of the department of state.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 58

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 58

Amend RSA 9:1 as inserted by section 1 of the bill by replacing lines 1-3 with the following:

9:1 Terms Used. In this chapter, the term “department” or “establishment” means any executive department, commission, board, institution, bureau, office, or other agency of the state government, by whatever name called, other than the legislature, ***the department of state in the execution of***

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2017
2017-1646-EBA
06/10

Enrolled Bill Amendment to SB 65

The Committee on Enrolled Bills to which was referred SB 65

AN ACT relative to vaccines administered by pharmacists.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 65

This enrolled bill amendment inserts a contingency to incorporate changes made to RSA 318:16-b if SB 150 of the 2017 regular legislative session becomes law.

Enrolled Bill Amendment to SB 65

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

2 Vaccines Administered by Pharmacists; Vaccines Added. Amend RSA 318:16-b to read as follows:

318:16-b Pharmacist Administration of Vaccines. A pharmacist or pharmacy intern under the direct supervision of an immunizing pharmacist may administer influenza vaccines to the general public and a pharmacist or pharmacy intern may administer pneumococcal [and], varicella zoster, **hepatitis A, hepatitis B, Tdap, MMR, and meningococcal** vaccines to individuals 18 years of age or older, provided all of the criteria in this section have been met. The pharmacist and pharmacy intern shall:

I. Hold a current license to practice as a pharmacist or be registered as a pharmacy intern under RSA 318:15-b in New Hampshire.

II. Possess at least \$1,000,000 of professional liability insurance coverage.

III. In order to administer influenza, pneumococcal, [and] varicella zoster, **hepatitis A, hepatitis B, Tdap, MMR, and meningococcal** vaccines, have completed training specific to the administering of the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

V. Provide notice to the primary care provider, when designated by the patient, of the administration of the pneumococcal [and], varicella zoster, **hepatitis A, hepatitis B, Tdap, MMR, and meningococcal** vaccines.

VI. Maintain a record of administration of pneumococcal [and], varicella zoster, **hepatitis A, hepatitis B, Tdap, MMR, and meningococcal** vaccinations for each individual as required by state and federal law.

3 Contingency. If SB 150 of the 2017 regular legislative session becomes law, section 1 of this act shall not take effect and section 2 of this act shall take effect January 1, 2018. If SB 150 of the regular legislative session does not become law, section 1 of this bill shall take effect January 1, 2018 and section 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2017
2017-1659-EBA
08/04

Enrolled Bill Amendment to SB 104

The Committee on Enrolled Bills to which was referred SB 104

AN ACT relative to career and technical education.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 104

This enrolled bill amendment inserts a contingency to incorporate changes from HB 412 of the 2017 regular legislative session.

Enrolled Bill Amendment to SB 104

Amend the bill by replacing all after section 9 with the following:

10 Pre-Engineering and Technology Curriculum. Amend RSA 188-E:14, IV to read as follows:

IV. The department of education, in coordination with the regional [vocalional] ***career and technical*** education centers, shall include in its biennial capital budget request, funding for the planning, construction, and renovation of equipment necessary for the operation of pre-engineering and technology curriculum in the public schools for students in kindergarten through grade 12.

11 Contingency. If HB 412 of the 2017 regular legislative session becomes law, section 10 of this act shall take effect 60 days after the passage of this act and section 8 of this act shall not take effect. If HB 412 of the 2017 regular legislative session does not become law, section 8 of this act shall take effect 60 days after the passage of this act and section 10 of this act shall not take effect.

12 Effective Date.

I. Sections 8 and 10 shall take effect as provided in section 11 of this act.

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

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2017
2017-1564-EBA
08/04

Enrolled Bill Amendment to SB 125

The Committee on Enrolled Bills to which was referred SB 125

AN ACT (New Title) establishing a committee to study transmission, distribution, generation, and other costs in the state's electricity system.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 125

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 125

Amend section 3 of the bill by replacing paragraph II with the following:

II. Solicit the testimony of outside experts.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 27, 2017
2017-1565-EBA
03/04

Enrolled Bill Amendment to SB 148

The Committee on Enrolled Bills to which was referred SB 148

AN ACT establishing a commission to study grandfamilies in New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 148

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to SB 148

Amend RSA 170-G:17, I(f) as inserted by section 1 of the bill by replacing line 1 with the following:

(f) One representative of the division for children, youth and families, department of

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 27, 2017
2017-1569-EBA
08/03

Enrolled Bill Amendment to SB 167

The Committee on Enrolled Bills to which was referred SB 167

AN ACT relative to the burden of proof in termination of parental rights cases.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 167

This enrolled bill makes a technical correction.

Enrolled Bill Amendment to SB 167

Amend RSA 170-C:10 as inserted in section 1 of the bill by replacing line 10 with the following:

RSA 170-C:7 of his **or her** right to counsel, and if counsel is requested and the parent is financially unable Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2017
2017-1539-EBA
03/05

Enrolled Bill Amendment to SB 200-FN

The Committee on Enrolled Bills to which was referred SB 200-FN

AN ACT relative to incarceration for nonpayment of an assessment or nonperformance of community service.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 200-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 200-FN

Amend RSA 604-A:2-f, IV as inserted by section 1 of the bill by replacing line 2 with the following:

section, the court shall grant the defendant relief from the obligation to repay the state for Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 81, establishing a committee to study gold star number plates.

HB 172, relative to tax anticipation notes in counties.

HB 194, permitting employers to pay wages to employees weekly or biweekly.

HB 255, relative to allowing a designee for the commissioner of the department of administrative services on certain commissions.

HB 412, relative to the pre-engineering technology curriculum.

HB 424-FN, relative to documentation required for registration of certain title exempted vehicles and modifying the requirements for removal and sale of certain vehicles.

HB 508, naming the New Hampshire Army National Guard Regional Training Institute and Barracks facility in Pembroke after Colonel Edward Cross.

SB 25, relative to small claims resulting from accidents due to activities of the department of transportation.

SB 26, relative to the definition of "facility caregivers" under the use of cannabis for therapeutic purposes law.

SB 27, relative to grip height of motorcycles.

SB 52, relative to reporting requirements regarding revenue generated from safe boater education certificates.
SB 68, relative to sentencing for violations of probation.
SB 69, requiring registered sex offenders to report online identifiers.
SB 72, establishing a committee to study certain investments by municipalities.
SB 108, relative to absentee ballot applications.
SB 118, defining pervious surfaces in the shoreland water quality protection act.
SB 138, relative to state procurement of goods and services.
SB 143, relative to court requests for documents in conjunction with petitions for guardianship of a minor and guardianship of an incapacitated person.
SB 150, relative to pharmacist administration of vaccines.
SB 175, naming a certain bridge on Route 9 in Madbury the Allyn Jennison Bridge.
SB 177, naming a bridge in Groveton in honor of George Langley and Lyle Hersom.
SB 204-FN, relative to Purple Heart and Pearl Harbor survivor number plates.
SB 222, relative to the New Hampshire birth conditions program and relative to the administration of certain prescription medication for treatment of a communicable disease.
SB 237-FN, relative to telemedicine services.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 104, repealing the commuters income tax.
HB 150, relative to property and casualty insurance.
HB 163, relative to the responsibility of a municipality to enforce its ordinances.
HB 265, relative to accessory dwelling units.
HB 299, relative to notice by mail for zoning and planning purposes.
HB 336, relative to standards for outdoor wood-fired hydronic heaters.
HB 358-FN, relative to loitering restrictions on premises of liquor licensees.
HB 367, relative to central registry checks for out-of-state child care providers and staff.
HB 386-FN, relative to technical corrections to the education tax credit statute.
HB 391, relative to checklists in other districts.
HB 417-FN, relative to certain motor vehicle records.
HB 418, relative to the state retiree health plan commission.
HB 432, relative to enforcement of parking prohibitions.
HB 433, relative to number plate decals for firefighters.
HB 436, exempting persons using virtual currency from registering as money transmitters.
HB 451, relative to motorcycle endorsements and restrictions and relative to enhanced drivers' licenses and identification cards.
HB 453, relative to vacancies in the office of supervisor of the checklist.
HB 540-FN, repealing the voluntary greenhouse gas emissions reductions registry.
SB 23, legalizing firecrackers.
SB 221-FN, relative to food safety.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 157, adding chronic pain to qualifying conditions under therapeutic use of cannabis.
HB 166, relative to assessments administered to pupils in grades 3 through 8.
HB 288, relative to the statutory construction of the phrase "under oath."
HB 290, relative to rabies vaccination protocols for companion animals.
HB 430, relative to recording voters' out-of-state drivers' licenses.
HB 475, relative to honoring Jessie Doe and Mary L.R. Farnum, the first women elected to the New Hampshire house of representatives.
HB 545, relative to immunity from prosecution for persons involved in a drug-related emergency.
HB 595-FN, relative to positions in the corporations division of the secretary of state's office.

HB 624, relative to group II vested deferred retirements, the age of dependents in the retiree health plan, and retired judges' participation in the retiree health plan.

SB 17, relative to treatment for hepatitis C under the law relative to use of cannabis for therapeutic purposes.

SB 20, relative to liquid chromatograph tests for intoxication.

SB 31, authorizing decal plates for the University of New Hampshire.

SB 51, establishing a committee to review subsidies for energy projects provided by the renewable portfolio standard.

SB 58, relative to the authority of the department of state.

SB 125, establishing a committee to study transmission, distribution, generation, and other costs in the state's electricity system.

SB 148, establishing a commission to study grandfamilies in New Hampshire.

SB 167, relative to the burden of proof in termination of parental rights cases.

SB 200-FN, relative to incarceration for nonpayment of an assessment or nonperformance of community service.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 16

May 11, 2017

The Senate reconvened at 10:00 a.m., a quorum being present.

The Reverend Jon Hopkins, chaplain to the Senate, offered the following meditative thoughts and prayer:

Let us pray.

Dear God, we ask that you would bless our state with your wisdom, your love, and your compassion. We ask for blessing on our leaders; may these servants who are in positions of authority take that responsibility seriously and do their very best each day; may they have a passion for people, for truth, and for righteousness; may they always seek, not their own good, but the good of the people they have been elected to serve; may they speak to one another with courtesy and decorum that befits the honor of their calling. Grant to them at this time special gifts of wisdom and understanding, of counsel and strength. That upholding what is right, and following what is true they will fulfill the spiritual purpose of service to their fellow men and women. We ask for blessing on our service men and women. We ask protection for all our men and women in uniform both here and around the world. We are grateful for their service and their dedication to keeping our nation safe. We pray that you would keep them safe. We thank you for our blessings of life and liberty. May our work here in this chamber show love and honor to all the citizens of our state and country. May we reach out to all other nations; a people...groups with strong desire for peace and harmony to be displayed whenever possible. Amen.

Senator Fuller Clark led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Senator Giuda introduced students from Bristol Elementary School visiting in the gallery.

INTRODUCTION OF PAGES

Senator Bradley introduced Alexa Price and Conner Shipp from Moultonborough Academy, serving as Senate Pages for the day.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 85, relative to installation requirements for arc-fault circuit interrupters.

FN REPORT FOR MAY 11, 2017

Senator Gary Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

CONSENT CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 97-FN, relative to the use of drones—if Inexpedient to Legislate recommendation is overturned.

HB 575-FN, relative to the certification of acupuncture detoxification specialists.

JUDICIARY

HB 349-FN, relative to out-of-home placements under the child protection act.

REGULAR CALENDAR:

COMMERCE

HB 79-FN, relative to New Hampshire products purchased and sold by the liquor commission—if Re-Refer to Committee recommendation is overturned.

HB 330-FN, relative to form and rate filing fees.

HB 457-FN, relative to consumer credit division entities.

HB 600-FN, relative to requirements for certain alcoholic beverage licenses.

EDUCATION

HB 356-FN, establishing a committee to study education funding and the cost of an opportunity for an adequate education.

HEALTH AND HUMAN SERVICES

HB 291-FN, removing veterinarians from the requirements of adopting rules for prescribing opioids and quering the controlled drug prescription health and safety program.

JUDICIARY

HB 640-FN, relative to the penalties for possession of marijuana.

Senator Gary Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

REGULAR CALENDAR:

COMMERCE

HB 242, relative to the definition and regulation of e-cigarettes—if Inexpedient to Legislate recommendation is overturned.

HB 549-FN, relative to beverage vendor fees—if Re-Refer to Committee recommendation is overturned.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement—if Re-Refer to Committee recommendation is overturned.

HEALTH AND HUMAN SERVICES

HB 400, requiring the department of health and human services to develop a 10-year plan for mental health services.

JUDICIARY

HB 614-FN, relative to forfeiture of personal property—if Inexpedient to Legislate recommendation is overturned.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 575-FN by Senator Carson

JUDICIARY

HB 133 by Senator Avard

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

COMMERCE

HB 473, relative to the sale of gift certificates.

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

This bill increases the minimum amount at which merchants can sell a gift certificate with an expiration date from \$100 to \$250. Any gift certificate of an amount less than \$250 will never expire and will remain the responsibility of the retailer. It also revises the definition of gift certificate by removing the requirement that it be in writing, thereby including modern forms of credit gifts, such as electronic gift cards and redeemable numerical codes for online purchases. Finally, the bill provides that gift certificates of less than \$250 are not considered abandoned property and therefore shall not be subject to RSA 471-C:16.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 97-FN, relative to the use of drones.

Inexpedient to Legislate, Vote 5-0. Senator Gannon for the committee.

This legislation attempts to regulate the use of drones by government agencies and individuals while establishing criminal penalties and civil remedies for violations. In 2016, the Federal Aviation Administration released final regulations for commercial use of small unmanned aircraft systems, or drones, showing this is presently being addressed at the national level. A person's privacy is already protected under existing statute and there is no need to recreate statute specific for drones.

HB 322, adding rulemaking authority to require completion of a certain survey as part of the license renewal process for health care providers.

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

This bill states that certain licensing boards for health care providers may adopt rules to require completion of a survey as part of the license renewal process, which will assist in addressing health care workforce shortage. The bill, as amended, clarifies the participation in the survey shall not be a condition of licensure, and states an annual report shall be submitted incorporating such data collected.

Senate Executive Departments and Administration

May 3, 2017

2017-1623s

01/10

Amendment to HB 322

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

1 Department of Health and Human Services; State Office of Rural Health. Amend RSA 126-A:5, XVIII(c) to read as follows:

(c) The commissioner shall submit an annual report beginning on November 1, 2009 to the speaker of the house of representatives, the senate president, [and] the governor, ***the oversight committee on health and human services established under RSA 126-A:13, the chairs of the house and senate executive departments and administration committees, the chairs of the house and senate committees having jurisdiction over health and human services, and the commission on primary care workforce issues established under RSA 126-T:1***, on the health status of rural residents incorporating current data from the bureau of health statistics and data management and the SORH.

2 New Paragraph; Department of Health and Human Services; State Office of Rural Health; Survey. Amend RSA 126-A:5 by inserting after paragraph XVIII the following new paragraph:

XVIII-a.(a) The state office of rural health (SORH) established in paragraph XVIII may receive and collect data regarding surveys completed by participating licensees pursuant to RSA 317-A:12-a, RSA 318:5-b, RSA 326-B:9-a, RSA 328-D:10-a, RSA 328-F:11-a, RSA 329:9-f, RSA 329-B:10-a, RSA 330-A:10-a, and RSA 330-C:9-a.

(b) The data collected shall be reviewed, evaluated, and analyzed by the SORH to provide policy decision makers and the commission on primary care workforce issues established under RSA 126-T:1, with critical information to develop and plan for New Hampshire's primary workforce current and future needs and to identify innovative ways for expanding primary care capacity and resources.

(c) Any personally identifiable information contained within the surveys collected by the SORH shall remain confidential and are exempt from disclosure pursuant to RSA 91-A. Any request for information maintained by and in the custody of the SORH under this paragraph shall require the redaction of any and all personally identifiable information by the SORH prior to the release of such information; provided, that the SORH shall be authorized to provide required data to the Health Resources and Services Administration (HRSA) pursuant to federal regulation and or directives governing receipt of federal resources by the SORH.

(d) The SORH shall be authorized to provide aggregate data and interval reports and such information shall be made available and published on the department of health and human services' Internet website. For purposes of quality assurance and validation of data including participation rates for survey completion, the SORH shall be authorized to provide the licensing boards identified in subparagraph (a) as follows:

(1) A list of National Provider Identification numbers of those licensees who have completed or appropriately opted-out of the survey; and

(2) Aggregate data results as it pertains to non-personal information listed on the survey.

(e) On or before November 1, 2017, and annually thereafter, the SORH shall make a written report to the speaker of the house of representatives, the senate president, the governor, the oversight committee on health and human services established under RSA 126-A:13, the chairs of the house and senate executive departments and administration committees, the chairs of the house and senate policy committee having jurisdiction over health and human services, and the commission on primary care workforce issues established by RSA 126-T:1. The report shall include, but not be limited to, aggregate data and information on current and projected primary workforce needs and the participation rate on surveys completed pursuant to this paragraph. This report shall be incorporated into the report required pursuant to RSA 126-A:5, XVIII(c).

(f) The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of this paragraph.

3 New Section; Board of Dental Examiners; Rulemaking. Amend RSA 317-A by inserting after section 12 the following new section:

317-A:12-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this section shall not be a condition of licensure.

4 New Section; Pharmacy Board; Rulemaking. Amend RSA 318 by inserting after section 5-a the following new section:

318:5-b Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this section shall not be a condition of licensure.

5 New Section; Board of Nursing; Rulemaking. Amend RSA 326-B by inserting after section 9 the following new section:

326-B:9-a Completion of Survey; Rulemaking.

I. The board may adopt rules, pursuant to RSA 541-A, for APRNs only requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this paragraph shall not be a condition of licensure.

II. The board may adopt rules, pursuant to RSA 541-A, for RNs and LPNs only requiring, as part of the license renewal process, completion by licensees of a survey provided by the National Council of State Boards of Nursing regarding minimum data sets. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this paragraph shall not be a condition of licensure.

6 New Section; Board of Medicine; Physician Assistants. Amend RSA 328-D by inserting after section 10 the following new section:

328-D:10-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this section shall not be a condition of licensure.

7 New Section; Allied Health Professionals; Rulemaking. Amend RSA 328-F by inserting after section 11 the following new section:

328-F:11-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this section shall not be a condition of licensure.

8 New Section; Board of Medicine; Rulemaking. Amend RSA 329 by inserting after section 9-e the following new section:

329:9-f Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this section shall not be a condition of licensure.

9 New Section; Board of Psychologists; Rulemaking. Amend RSA 329-B by inserting after section 10 the following new section:

329-B:10-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this section shall not be a condition of licensure.

10 New Section; Board of Mental Health Practice; Rulemaking. Amend RSA 330-A by inserting after section 10 the following new section:

330-A:10-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this section shall not be a condition of licensure.

11 New Section; Board of Licensing for Alcohol and Other Drug Use Professionals; Rulemaking. Amend RSA 330-C by inserting after section 9 the following new section:

330-C:9-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this section shall not be a condition of licensure.

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

2017-1623s

AMENDED ANALYSIS

This bill declares that certain licensing boards for health care providers may adopt rules to require completion of a certain survey as part of the license renewal process.

HB 323, relative to standards for revaluations established by the assessing standards board.
Ought to Pass, Vote 5-0. Senator Woodburn for the committee.

This bill modifies a reference to the Uniform Standards of Professional Appraisal Practice (USPAP) used by the Assessing Standards Board in establishing standards for revaluation of property and will give the Department of Revenue Administration (DRA) the ability to use the most recent edition.

HB 373, relative to rulemaking on forms for allied health professionals and relative to information on court cases concerning the validity of administrative rules.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

The legislation transfers rulemaking authority from individual boards to the Board of Directors of Allied Health Professionals, so one common application form can be used and licensees have just one place to go to see what forms are required. In addition, feedback is required from the Merrimack County Superior Court when they have cases against rules.

HEALTH AND HUMAN SERVICES

HB 472, permitting qualifying patients to cultivate cannabis for their own therapeutic use.
Re-refer to Committee, Vote 5-0. Senator Avard for the committee.

This bill would allow home cultivation of cannabis for patient enrolled in the therapeutic cannabis program. The committee felt that there were too many unanswered questions surrounding the implementation and enforcement of this program and would like more time to allow from input from all interested parties.

JUDICIARY

HB 136, clarifying the equity jurisdiction of the judicial branch family division.
Inexpedient to Legislate, Vote 5-0. Senator Gannon for the committee.

This bill would have modified the language of the equity jurisdiction of the judicial branch family division. The Committee did not feel as though there was any significant difference between the language proposed and the language within the current statute, and therefore did not feel it was necessary to move forward with this legislation.

Senators Reagan and Sanborn are in opposition to the motion of Inexpedient to Legislate on HB 136.

HB 349-FN, relative to out-of-home placements under the child protection act.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill requires a court order for an out-of-home placement under the child protection act to include written findings regarding the need for the placement. The Committee amended the bill to clarify the language and to ensure an efficient process.

Senate Judiciary
May 2, 2017
2017-1618s
05/04

Amendment to HB 349-FN

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

Amend RSA 169-C:6-b, III as inserted by section 1 of the bill by replacing it with the following:

III. If the court orders that a child be removed from his or her home at the preliminary hearing under RSA 169-C:15, the adjudicatory hearing under RSA 169-C:18, the dispositional hearing under RSA 169-C:19, or the final hearing under RSA 169-C:21, the court order for removal shall include specific written findings regarding the need for the out-of-home placement. The order shall briefly state the facts the court found to exist that justify ordering the placement.

HB 397, relative to juvenile justice procedures.

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

This bill requires that a minor who is the subject of a juvenile delinquency petition and is in handcuffs and shackles not be escorted through a public area, unless no reasonable, alternative means of egress is available. The bill also prohibits a prosecutor, law enforcement officer, or other state or municipal employee from advising a juvenile or the juvenile's parent or guardian to waive the right to counsel. Finally, the bill codifies the annulment procedure previously enacted in 2015, which provides for annulment of a criminal conviction if the criminal offense occurred between May 14, 2014 and July 1, 2015 while the person was 17 years of age.

Senate Judiciary

May 2, 2017

2017-1617s

05/04

Amendment to HB 397

Amend RSA 169-B:34, V as inserted by section 1 of the bill by replacing it with the following:

V. No minor who is the subject of a petition filed pursuant to RSA 169-B:6 shall be held in or escorted through any part of a court facility that is occupied by the members of the public while the minor is in handcuffs, shackles, or other devices which would indicate that the minor is in law enforcement custody or subject to an order of confinement, unless no reasonable, alternative means of egress is available.

HB 460, relative to minutes under the right-to-know law.

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

This bill requires for any objection to a discussion taking place in a meeting of a public body, including nonpublic sessions, be recorded in the minutes of the meeting at the request of the objector. Furthermore, if the discussion continues, the objector may continue to participate without being subject to the penalties of RSA 91-A:8, IV or V.

Senate Judiciary

May 2, 2017

2017-1620s

01/10

Amendment to HB 460

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Right-to-Know Law; Objection by Member of Public Body. Amend RSA 91-A:2 by inserting after paragraph II the following new paragraph:

II-a. If a member of the public body believes that any discussion in a meeting of the body, including in a nonpublic session, violates this chapter, the member may object to the discussion. If the public body continues the discussion despite the objection, the objecting member may request that his or her objection be recorded in the minutes and may then continue to participate in the discussion without being subject to the penalties of RSA 91-A:8, IV or V. Upon such a request, the public body shall record the member's objection in its minutes of the meeting. If the objection is to a discussion in nonpublic session, the objection shall also be recorded in the public minutes, but the notation in the public minutes shall include only the member's name, a statement that he or she objected to the discussion in nonpublic session, and a reference to the provision of RSA 91-A:3, II, that was the basis for the discussion.

2017-1620s

AMENDED ANALYSIS

This bill declares that a member of a public body may object to a discussion in a meeting of the body, including nonpublic session, if the member believes the discussion violates RSA 91-A. Upon request of the member who is objecting to the discussion, the public body shall record the member's objection in its minutes of the meeting.

HB 524, relative to the definition of “emergency” for purposes of a quorum under the right-to-know law. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill would have clarified the definition of “emergency” for purposes of a quorum under the right-to-know law. The Committee felt that the definition was too narrow to allow for the efficient functioning of NH’s public bodies.

PUBLIC AND MUNICIPAL AFFAIRS

HB 108, relative to municipal record retention and conversion.

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

The committee found that the obligation to store paper records has become burdensome and impractical for municipalities. This bill allows municipalities to transfer certain paper records to PDF/A and dispose of them. Electronic records that are to be retained for 10 years or less may remain in their current format, while electronic records that are to be retained for more than 10 years shall be transferred to paper, microfilm, or PDF/A to ensure accessibility as technology advances. To promote proper handling of important historical documents, the Municipal Records Board and the respective municipal committees shall review documents and procedures for compliance with guidelines at least every 5 years.

Public and Municipal Affairs

April 26, 2017

2017-1544s

06/04

Amendment to HB 108

Amend the bill by replacing section 1 with the following:

1 Disposition of Electronic Records. RSA 33-A:5-a is repealed and reenacted to read as follows:

33-A:5-a Electronic Records.

I. Paper municipal records listed in the disposition and retention schedule of RSA 33-A:3-a may be transferred to electronic records, as defined in RSA 5:29, VI, and the original paper records may be disposed of as the municipality chooses, subject to the requirements of other state or federal laws. Such records shall be stored in portable document format/archival (PDF/A) or another file format approved by the secretary of state and the municipal records board.

II. Electronic municipal records listed on the disposition and retention schedule of RSA 33-A:3-a that are to be retained for 10 years or less may be retained solely electronically in their original format if so approved by the municipal committee responsible for the records. The municipality is responsible for assuring the accessibility of the records for the retention period. If the records retention period exceeds 10 years or the municipal committee does not approve retention of the record solely electronically in an approved format, the records shall be transferred to paper, microfilmed, or stored in portable document format/archival (PDF/A) or another approved file format on a medium from which it is readily retrievable. At least once every 5 years from date of creation, the municipal committee shall review documents and procedures for compliance with guidelines issued by the secretary of state and the municipal records board.

2017-1544s

AMENDED ANALYSIS

This bill permits municipalities to transfer paper records to electronic format for retention. The bill also modifies requirements for the retention of electronic records.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

COMMERCE

HB 79-FN, relative to New Hampshire products purchased and sold by the liquor commission.

Re-refer to Committee, Vote 4-0. Senator Sanborn for the committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

HB 99, relative to beverage containers.

Ought to Pass, Vote 4-0. Senator French for the committee.

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

HB 100, relative to the definition and use of toy smoke devices.

Ought to Pass, Vote 3-1. Senator Innis for the committee.

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

A roll call was requested by Senator Sanborn, seconded by Senator French.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Feltes, Reagan, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Kahn, Lasky, Soucy, Fuller Clark.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

HB 175, relative to the definition of a cigar bar.

Inexpedient to Legislate, Vote 3-1. Senator Soucy for the committee.

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

HB 242, relative to the definition and regulation of e-cigarettes.

Inexpedient to Legislate, Vote 3-1. Senator French for the committee.

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

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

The following Senators voted Yes: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark, Innis.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

INTRODUCTION OF GUESTS

Senator D'Allesandro introduced students from Gossler Park School in Manchester visiting in the gallery.

HB 250, establishing a committee to consider revisions to the New Hampshire health insurance laws.

Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

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

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

Recess. Out of recess.

The following Senators voted Yes: Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Soucy, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Kahn, Lasky, Feltes, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 16 - Nays: 7. Adopted.

HB 310, relative to insurance group-wide supervision and relative to supervisory college confidentiality. Ought to Pass, Vote 3-1. Senator Soucy for the committee.

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

HB 330-FN, relative to form and rate filing fees.

Ought to Pass, Vote 3-1. Senator French for the committee.

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

HB 457-FN, relative to consumer credit division entities.

Ought to Pass, Vote 4-0. Senator Innis for the committee.

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

HB 549-FN, relative to beverage vendor fees.

Re-refer to Committee, Vote 3-1. Senator Innis for the committee.

The question is on the adoption of the motion of Re-refer to Committee.

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

Recess. Out of recess.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted.

HB 600-FN, relative to requirements for certain alcoholic beverage licenses.

Ought to Pass, Vote 3-1. Senator Sanborn for the committee.

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

EDUCATION

HB 356-FN, establishing a committee to study education funding and the cost of an opportunity for an adequate education.

Ought to Pass with Amendment, Vote 4-1. Senator Watters for the committee.

Senate Education

April 25, 2017

2017-1525s

04/06

Amendment to HB 356-FN

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

AN ACT establishing a committee to study education funding and the cost of an opportunity for an adequate education, establishing a committee to study the organizational structure of the department of education and the duties and responsibilities of the commissioner of the department of education, and relative to the duties of the commissioner of the department of education.

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

1 Committee Established.

I. There is established a committee to study education funding and the cost of an opportunity for an adequate education. The members of the committee shall be as follows:

(a) Seven members of the house of representatives, 2 of whom shall be from the house finance committee, appointed by the speaker of the house of representatives.

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

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

III. The committee shall:

(a) Evaluate the successes and shortcomings of the funding formula for kindergarten to grade 12 and propose changes to improve the funding formula.

(b) Review and recommend modification to the education funding formula and the cost for an opportunity for an adequate education.

(c) Identify the causes of increased per pupil education costs and develop proposals to help local school districts contain increasing costs.

(d) Identify trends and disparities across the state in student performance in kindergarten to grade 12 and develop policy and funding formula recommendations for improvement.

(e) Consider other policy issues as the committee may deem necessary.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

2 Committee Established.

I. There is established a committee to study the organizational structure of the department of education and the duties and responsibilities of the commissioner of the department of education. The members of the committee shall be as follows:

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

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

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

III. The committee shall study the organizational structure of the department of education and the duties and responsibilities of the commissioner of the department of education.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2017.

3 New Paragraph; Department of Education; Duties of the Commissioner. Amend RSA 21-N:4 by inserting after paragraph XII the following new paragraph:

XIII. With the advice of the state board of education, and in consultation with the deputy commissioner and the directors of the affected divisions, have the authority to transfer or assign functions, programs, or services within or between any division.

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

2017-1525s

AMENDED ANALYSIS

This bill establishes a committee to study education funding and the cost of an opportunity for an adequate education and establishes a committee to study the organizational structure of the department of education and the duties and responsibilities of the commissioner of the department of education. The bill also authorizes the commissioner of the department of education, with the advice of the state board of education and after consultation with the deputy director and affected division directors, to transfer or assign functions, programs, or services within or between any division.

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

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

Senator Feltes is in opposition to the motion of Ought to Pass with Amendment on HB 356-FN.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 171, prohibiting the state or its political subdivisions from assisting a federal agency in the collection of electronic data without a warrant.

Inexpedient to Legislate, Vote 4-1. Senator Soucy for the committee.

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

A roll call was requested by Senator French, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Kahn, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Ward, Sanborn, Daniels, Avard.

Roll Call, Yeas: 17 - Nays: 6. Adopted.

HB 209, relative to the adoption of Atlantic standard time.

Inexpedient to Legislate, Vote 3-2. Senator Gannon for the committee.

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

A roll call was requested by Senator Sanborn, seconded by Senator French

The following Senators voted Yes: Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Lasky, Carson, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

The following Senators voted No: Woodburn, Sanborn, Avard, Feltes, Reagan, Fuller Clark, Innis.

Roll Call, Yeas: 16 - Nays: 7. Adopted.

HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.

Re-refer to Committee, Vote 3-2. Senator Carson for the committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

FINANCE

HB 98-FN, relative to brewpub licenses.

Ought to Pass, Vote 4-0. Senator Giuda for the committee.

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

HB 340, relative to the sale of the Laconia state school.

Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance

May 2, 2017

2017-1615s

10/04

Amendment to HB 340

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

AN ACT establishing the lakeshore redevelopment planning commission.

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

1 New Subdivision; Lakeshore Redevelopment Planning Commission. Amend RSA 10 by inserting after section 4 the following new subdivision:

Lakeshore Redevelopment Planning Commission

10:5 Lakeshore Redevelopment Planning Commission.

I. There is hereby established the lakeshore redevelopment planning commission to study the former Laconia state school land and buildings and training center property to identify potential development alternatives, including but not limited to potential public private partnerships, for the purpose of developing the state-owned property for self-sustaining economic development and job creation for the benefit of the city of Laconia, Belknap county, and the state of New Hampshire.

II. In this subdivision, "commission" means the lakeshore redevelopment planning commission, and "lakes region facility" means the former Laconia state school land and buildings and training center property.

III. The provisions of this subdivision shall be liberally construed in order to effect its purpose. Nothing in this subdivision shall be construed to waive the state's sovereign immunity.

10:6 Membership; Meetings; Compensation.

I. The commission shall be comprised of the following members:

(a) Three members who shall have experience as real estate developers or have business experience, appointed by the governor and council.

(b) One member with business experience who is a resident of Belknap county, appointed by the governor and council.

(c) Two members appointed by the mayor and city council of the city of Laconia.

(d) One member with business experience, appointed by the speaker of the house of representatives.

(e) One member with business experience, appointed by the senate president.

II. The governor shall appoint a member of the commission to be the chairperson.

III. Appointments to the commission shall be made within 20 days of the effective date of this section. The first meeting shall be not later than 30 days after the effective date of this section. The commission shall hold meetings at the call of the chairperson. Meetings shall be held at least quarterly. Five members of the commission shall constitute a quorum. An affirmative vote by 5 members is necessary for any action by the commission.

IV. Members shall serve without compensation from the commission, except for reimbursement of such incidental expenses determined by the commission to be necessary which are incurred while performing commission business.

10:7 Duties of the Commission. The commission shall:

I. Conduct a comprehensive evaluation and study of the physical and environmental condition of the lakes region facility, including the land and buildings. This study shall have as a primary concern collecting information to assess the potential of the lakes region facility for economic development benefitting the city of Laconia, Belknap county, and the state. This study may include undertaking environmental reviews and assessments necessary to evaluate opportunities and alternatives for future site reuse and development.

II. Formulate a comprehensive plan, including potential alternative uses which may also include change of ownership, for the reuse and redevelopment of the lakes region facility. This plan shall include an evaluation and recommendation regarding each existing building at the lakes region facility, assessing its potential for short-term and long-term reuse and redevelopment. Such recommendations shall be consistent with the purposes of this subdivision. This plan shall also include an evaluation of proposed financing mechanisms for implementing any recommended action proposed by the commission.

III. Solicit input from relevant parties to identify potential reuse and redevelopment opportunities from a broad range of public and private sources, not limited to, developers, planners, and state, county, and municipal officials.

IV. Identify potential opportunities for integrating future reuse and redevelopment of the lakes region facility with Ahern state park that will mutually benefit both locations, and make recommendations based upon the findings.

V. Explore different partnership models and agency structures, including a state authority similar to the Pease development authority, and recommend a governing structure to implement the comprehensive plan for reuse and redevelopment prepared by the commission.

VI. Identify opportunities to fund the elimination of barriers to reuse and redevelopment, including, but not limited to, the receipt of grants, awards, tax credits, and other similar public or private funds.

VII. Develop recommendations for infrastructure needs related to the lakes region facility for consideration in the state capital budget for fiscal years 2020 and 2021. Recommendations may include but not be limited to any transportation, water, or redevelopment needs based on the comprehensive evaluation of the lakes region facility prepared by the commission.

VIII. Make recommendations, in consultation with the planning board and the city council in the city of Laconia, for any local planning or zoning changes needed to further reuse and redevelopment of the lakes region facility, including, without limitation, integrating such reuse and redevelopment with Ahern state park.

IX. Make recommendations for any legislative changes necessary to implement the recommendations by the commission.

X. Make recommendations for administrative rule changes necessary to implement the recommendations of the commission.

10:8 Powers of the Commission.

I. The commission may appoint a coordinator and establish committees and subcommittees of the commission. The commission, or the coordinator subject to the direction of the commission, may hire agents and employees, without regard to any personnel or civil service law or rule of the state, prescribe their duties and qualifications, and fix and pay their compensation and expenses. Any person hired by the commission as an employee shall be a nonclassified employee of the state, an employee at will, and serve at the pleasure of the commission.

II. Notwithstanding any other provision of law, the commission may:

(a) Request, accept, and expend any federal funds available to the commission to carry out the purposes of this subdivision or the duties of the commission, provided that state funds available to be expended by the commission shall not exceed \$365,000 in capital and general fund appropriations.

(b) Make purchases and enter into contracts on behalf of the commission without regard to any provision of law relating to public purchases or contracts.

(c) Enter into leases or rental agreements with terms not to exceed 3 years for office space or equipment deemed necessary by the commission to carry out its duties under this subdivision.

III. Notwithstanding any other provision of law, public employees and officials, both elected or appointed, of the state and any of its political subdivisions may serve, if appointed in accordance with the provisions of this subdivision, as commission members or members of any committee or subcommittee of the commission. Any such public employee or official shall serve without compensation, except that such officials and employees may be reimbursed by the commission for such incidental expenses determined by the commission to be necessary and incurred while performing commission business.

10:9 Coordinator Authorized.

I. The coordinator, if one is appointed by the commission, shall be the chief executive and administrative officer of the commission and shall have general and active supervision and direction over the day-to-day business and affairs of the commission and its committees, subcommittees, employees, and consultants, subject, however, to the direction and control of the commission.

II. The coordinator shall perform all such other duties as from time to time may be assigned to him or her by the commission.

III. The coordinator shall be entitled to such compensation established by the commission and for such other necessary expenses incurred while actually engaged in the performance of her or his duties under this subdivision.

IV. Once appointed, the coordinator shall serve in such capacity until he or she resigns or is removed by vote of the commission. The commission may remove the coordinator without cause and for any reason.

10:10 Reports. The commission shall make its first report no later than September 1, 2018, and annually thereafter or more frequently as deemed necessary by the commission, to each of the appointing authorities under RSA 10:5. The initial report shall include a progress report of the commission's work and any proposals for legislation deemed necessary by the commission.

2 State Employees; Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the Pease development authority, division of ports and harbors, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, ***members and employees of the lakeshore redevelopment planning commission***, or directors, officers, and employees of the land and community heritage investment authority seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him or her, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards,

judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him or her unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading the person shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw a warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

3 Capital Appropriation for Lakeshore Redevelopment Planning Commission; Lapse of 2013 Appropriation.

I. The sum of \$115,000 from the unencumbered balance of the capital appropriation made to the department of administrative services in 2013, 195:1, II, A, 1, as extended by 2015, 220:23, 8, for emergency repairs of all state-owned facilities shall lapse on the effective date of this act.

II. The sum of \$115,000 is hereby appropriated to the lakeshore redevelopment planning commission established under RSA 10:5 for the purpose of undertaking any required title, subdivision, and other land preparation needed for the sale of the former Laconia state school property and training center property, and for the purpose of employing a consultant with real estate or financial expertise in preparation of the request for proposals for the sale of said property. Said funds shall not lapse until June 30, 2021.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$115,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

4 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the lakeshore redevelopment planning commission for the purposes of its duties under RSA 10:5 through RSA 10:10. The appropriation in this section shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Repeal. 2015, 276:113 relative to the sale of the former Laconia state school land and buildings, is repealed.

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

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

2017-1615s

AMENDED ANALYSIS

This bill establishes the lakeshore redevelopment planning commission to study and make recommendations for the former Laconia state school land and buildings and training facility property, and makes capital and operating appropriations to fund the commission.

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

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

HB 380-FN, relative to the oil discharge and disposal cleanup fund.
Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

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

HB 568-FN, relative to the taxability of lease interests in public property.

Ought to Pass, Vote 4-2. Senator Feltes for the committee.

INTRODUCTION OF GUESTS

Senator D'Allesandro introduced students from Gossler Park School in Manchester visiting in the gallery.

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

A roll call was requested by Senator Giuda, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Daniels, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Giuda, French, Sanborn, Avard, Morse.

Roll Call, Yeas: 18 - Nays: 5. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

HB 629-FN, establishing a preference for the appointment of the child's grandparent as guardian of the minor in certain cases.

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

Senate Finance

May 2, 2017

2017-1616s

05/01

Amendment to HB 629-FN

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

AN ACT establishing a preference for the appointment of the child's grandparent as guardian of the minor in certain cases and making an appropriation to the department of health and human services.

Amend the bill by replacing all after section 4 with the following:

5 Supplemental Appropriation; Department of Health and Human Services. The sum of \$33,200,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of health and human services, along with any available matching federal funds, for the purposes of addressing estimated budget shortfalls for such fiscal year. This sum shall be in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise appropriated.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2018.

2017-1616s

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human service to make certain benefit eligibility information available on the department's website and to grandparents seeking guardianship of their grandchild.

II. Provides that in cases in which a parent objects to a grandparent's petition for guardianship brought as a result of the parent's substance abuse or dependence, the burden of proof shall be on the petitioner to demonstrate by a preponderance of evidence that guardianship is in the best interest of the minor.

III. Establishes a preference for the appointment of the minor's grandparent as guardian in cases in which guardianship is sought as the result of the parent's substance abuse or dependence.

IV. Provides that if a grandparent was granted guardianship as the result of the parent's substance abuse or dependence, the burden of proof in a proceeding to terminate guardianship shall be by a preponderance of the evidence and shall not shift to the guardian.

V. Makes an additional appropriation to the department of health and human services to address budget shortfalls for the fiscal year ending June 30, 2017.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

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

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

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted

FINANCE

HB 652-FN, establishing a veterans track within the court system and relative to annulment of a sentence imposed by a mental health court.

SPECIAL ORDER

Without objection, the following bill is special ordered to the present time. Adopted

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 575-FN, relative to the certification of acupuncture detoxification specialists.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

Senator Carson offered a floor amendment.

Sen. Carson, Dist 14

May 8, 2017

2017-1649s

10/05

Floor Amendment to HB 575-FN

Amend the bill by replacing sections 1-3 with the following:

1 New Paragraphs; Acupuncture; Definitions Added. Amend RSA 328-G:2 by inserting after paragraph VIII the following new paragraphs:

IX. "Acupuncture detoxification," also known as acu-detox, means the treatment by means of the insertion of sterile single use disposable filiform needles into 5 specific locations on the outer ear for the treatment of drug and alcohol abuse and addiction when used in conjunction with counseling and other support services.

X. "Acupuncture detoxification specialist," known as an ADS, means an individual certified by the board to practice only acupuncture detoxification in this state.

XI. "NADA" means the National Acupuncture Detoxification Association.

XII. "NADA training" means the standardized auricular acupuncture protocol developed by NADA that is in effect on July 1, 2017.

2 New Paragraph; Acupuncture Detoxification; Rulemaking. Amend RSA 328-G:7 by inserting after paragraph XIII the following new paragraph:

XIV. Requirements relative to the certification of acupuncture detoxification specialists, including:

- (a) Qualifications and ethical standards.
- (b) Training and continuing education.
- (c) Scope of practice, practice locations, and supervision.
- (d) Procedures and forms for application for certification as an acupuncture detoxification specialist.
- (e) Renewal, revocation, or suspension of certification of an acupuncture detoxification specialist.
- (f) Any fees required.

(g) Maintaining a register of persons certified as acupuncture detoxification specialists.

3 New Section; Certified Acupuncture Detoxification Specialist. Amend RSA 328-G by inserting after section 9 the following new section:

328-G:9-a Certified Acupuncture Detoxification Specialist.

I. The board shall certify as an acupuncture detoxification specialist a qualified individual, not licensed by the board as an acupuncturist, who has successfully completed NADA training or other training in acupuncture detoxification protocols as determined by the board and complied with the rules of the board adopted pursuant to RSA 328-G:7, XIV.

II.(a) A “qualified individual” shall mean a licensed health care professional, recovery coach, peer counselor, or other board approved professional, trained in acu-detox, a standardized auricular acupuncture protocol developed by the NADA, or a training that meets or exceeds the NADA training, as determined by the board, provided she or he is under the supervision of a licensed acupuncturist, trained in the NADA protocol or equivalent for the purposes of treating drug and alcohol abuse and addiction.

(b) “Supervision” includes, but is not limited to, being available by phone or other electronic means during business hours, with at least 2 site visits by a licensed acupuncturist a year.

III.(a) Nothing in this chapter is intended to limit, interfere with, or prevent an acupuncture detoxification specialist certified by the board from practicing within the scope of their certification.

(b) No person except for a licensed acupuncturist, a physician licensed under RSA 329, or a doctor of naturopathic medicine certified under RSA 328-E:12 shall perform acupuncture detoxification without first obtaining certification from the board.

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

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

HEALTH AND HUMAN SERVICES

HB 160, adding post-traumatic stress disorder to qualifying medical conditions under therapeutic use of cannabis.

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

Health and Human Services

May 4, 2017

2017-1631s

01/10

Amendment to HB 160

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

AN ACT relative to use of cannabis for therapeutic purposes.

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

1 Use of Cannabis for Therapeutic Purposes; Qualifying Conditions. RSA 126-X:1, IX(a) is repealed and reenacted to read as follows:

IX.(a)(1) “Qualifying medical condition” means the presence of:

(A) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, muscular dystrophy, Crohn’s disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, epilepsy, lupus, Parkinson’s disease, Alzheimer’s disease, ulcerative colitis, Ehlers-Danlos syndrome, or one or more injuries or conditions that has resulted in one or more qualifying symptoms under subparagraph (B); and

(B) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, agitation of Alzheimer’s disease, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms; or

(2) “Qualifying medical condition” also means:

(A) Moderate to severe chronic pain.

(B) Severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects.

(C) Moderate or severe post-traumatic stress disorder.

2 Departmental Administration: Registry Identification Cards. Amend RSA 126-X:4, VI to read as follows:

VI. The department shall provide each **applicant and each** approved qualifying patient and designated caregiver a statement with the registry identification card explaining **current** federal law on the possession of cannabis [and], that possession of a state registry identification card does not protect a person from federal criminal penalties, **and that by using cannabis the qualifying patient may be subject to the denial of rights and privileges by federal agencies including, but not limited to, the loss of rights related to employment such as driving a commercial vehicle, the inability to pass a security clearance, and the right to own, possess, or purchase a firearm and/or ammunition. The statement shall be updated based on any relevant changes in federal law.**

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

2017-1631s

AMENDED ANALYSIS

This bill:

I. Adds certain conditions to the definition of “qualifying medical condition” for the purposes of the use of cannabis for therapeutic purposes law.

II. Deletes the requirement that a medical provider document how the injury affects activities of daily living.

III. Clarifies the statements signed by applicants for a registry identification card.

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

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

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on HB 160.

HB 291-FN, removing veterinarians from the requirements of adopting rules for prescribing opioids and querying the controlled drug prescription health and safety program.

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

Health and Human Services

May 3, 2017

2017-1625s

01/04

Amendment to HB 291-FN

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 4 and 5, respectively:

3 Competency Requirements. Amend RSA 318-B:40 to read as follows:

318-B:40 Competency Requirements. **Except for veterinarians who shall complete continuing education requirements in accordance with RSA 332-B:7-a, XV**, all prescribers required to register with the program who possess a United States Drug Enforcement Administration (DEA) license number shall complete 3 contact hours of free appropriate prescriber’s regulatory board-approved online continuing education or pass an online examination, in the area of pain management and addiction disorder or a combination, as a condition for initial licensure and license renewal. Verification of successful completion of the examination or of the required continuing education shall be submitted to the prescriber’s regulatory board with the licensee’s application for initial licensure or renewal. A list of the prescriber’s regulatory boards’ approved continuing education courses and online examinations in pain management and addiction disorder, shall be available on the office of professional licensure and certification’s Internet website.

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

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

A roll call was requested by Senator Sanborn, seconded by Senator French.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Sanborn, Carson.

Roll Call, Yeas: 21 - Nays: 2. Adopted, bill ordered to Third Reading.

HB 400, requiring the department of health and human services to develop a 10-year plan for mental health services.

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

Health and Human Services

May 3, 2017

2017-1626s

10/04

Amendment to HB 400

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

AN ACT requiring the department of health and human services to develop a 10-year plan for mental health services, requiring the commissioner of the department of health and human services to issue certain requests for applications and requests for proposals, establishing the positions of associate commissioner and medical director in the department of health and human services, establishing the office of the child advocate and the oversight commission for children's services and juvenile justice, and establishing a home and community-based behavioral health services program for children.

Amend the bill by replacing section 1 with the following:

1 Purpose and Findings. The general court finds that it is vitally important that children in the state of New Hampshire be protected from all forms of abuse and that reforms are necessary to ensure the safety of each child. The general court also finds that the state of New Hampshire faces a significant shortage in the state's capacity to provide our citizens with emergency mental health assistance and long term treatment. Accordingly, the general court hereby directs the department of health and human services to take the following steps in order to provide for the safety and welfare of the citizens of this state.

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

3 Designated Receiving Facilities; Residential Beds.

I. The commissioner of the department of health and human services shall issue a request for applications (RFA) from qualified vendors to establish up to 20 designated receiving facility beds for up to 2 years. The designated receiving facilities, as defined in RSA 135-C:26, shall service individuals with severe mental illness who meet the criteria for involuntary emergency admission. The RFA shall be issued no later than June 30, 2017.

II. The commissioner of the department of health and human services shall issue a request for applications (RFA) from qualified vendors for up to 40 transitional and community residential beds with wrap-around services and supports for individuals, prioritizing those who are transitioning from New Hampshire hospital and designated receiving facilities. The RFA shall be issued no later than June 30, 2017 and the housing shall be operational by October 1, 2017.

4 Plan Required for Removal of Certain Persons From New Hampshire Hospital. The commissioner of the department of health and human services shall develop a plan to safely remove the remaining 24 youths from the New Hampshire hospital and to ensure that they continue to receive the care they need by November 1, 2017. The commissioner shall make a report relative to the plan which shall be submitted to the speaker of the house of representatives, the president of the senate, the chairs of the house and senate committees having jurisdiction over health and human services, and the governor on or before November 2, 2017.

5 Peer Crisis Respite Beds. The commissioner of the department of health and human services shall issue a request for proposals (RFP) from peer support agencies for up to 8 peer crisis respite beds. The RFP shall be issued no later than June 30, 2017.

6 Mobile Crisis Teams and Apartments. The commissioner of the department of health and human services shall issue a request for proposals (RFP) for a mobile crisis team and apartments from qualified vendors. The RFP for the mobile crisis team and apartments shall be issued no later than June 30, 2017 and operational no later than October 1, 2017. Upon approval by the joint fiscal committee of the general court by December 1, 2017, an RFP for a second mobile crisis team and apartment may be issued. Any new mobile crisis teams shall be established in geographic locations that have high rates of admissions to and discharges from New Hampshire hospital.

7 Integrated Data Management System. The commissioner of the department of health and human services and the commissioner of the department of information technology shall issue a request for proposals (RFP) from vendors to develop and implement an integrated data management system that provides real-time information about the availability of involuntary and voluntary inpatient psychiatric beds in the state of New Hampshire. The RFP shall be issued no later than September 1, 2017. The system shall be operational no later than January 1, 2018.

8 Evaluation Required. The commissioner of the department of health and human services shall issue a request for proposals (RFP) for an independent evaluation of the capacity of the current health system in New Hampshire to respond to the inpatient, acute care psychiatric needs of patients, including, but not limited to, those patients who require involuntary emergency admissions, as defined in RSA 135-C. The commissioner shall seek non-state general funds to pay for the evaluation. The RFP shall be issued no later than June 30, 2017 and the evaluation shall be completed by November 1, 2017.

9 Independent Review of the Division for Children, Youth, and Families.

I. For the purpose of thoroughly examining the state's policies and practices related to child protection, and as a follow-up to the December 19, 2016 report on the division for children, youth and families by the Center for the Support of Families, the department of health and human services shall hire an independent consultant to perform an independent review of the division for children youth and families. The review and the resulting report shall be completed no later than November 1, 2019.

II. The independent consultant shall submit a final report of the independent review to the committee established in section 11 of this act and to the fiscal committee of the general court for transmission to the governor, the speaker of the house of representatives, and the president of the senate.

10 Appropriation. The sum of \$100,000 for the fiscal year ending June 30, 2018, is hereby appropriated to the department of health and human services for the purpose of conducting the independent review required under section 9 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department is authorized to accept and expend matching funds for the purposes of section 9 of this act, without prior approval of the fiscal committee.

11 Joint Legislative Committee to Examine the Independent Review of the Division for Children, Youth and Families. There is established a committee to examine the independent review of the division for children, youth and families.

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

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

(b) Three members of the senate, appointed by the president of the senate.

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

III. The committee shall examine the independent review of the division for children, youth and families and assess the state's progress in addressing issues raised by the Center for the Support of Children in the center's report dated December 19, 2016. In consultation with the commissioner of health and human services, the committee shall develop any draft legislation necessary to implement recommendations from the report and review for inclusion in the 2020/2021 biennial budget.

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

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

12 Department of Health and Human Services; Associate Commissioner of Health and Human Services; Position Established. RSA 126-A:9, I(a) is repealed and reenacted to read as follows:

(a) Subject to the approval of the governor and council, the commissioner of health and human services shall appoint an associate commissioner, who shall serve for a term of 4 years. The associate commissioner shall perform such duties as may be assigned by the commissioner, which shall include oversight of the division for children, youth and families and assigned responsibilities of the department under RSA 170-G. The annual salary of the associate commissioner shall be as prescribed in RSA 94:1-a.

13 Department of Health and Human Services; Salaries; Reference to Associate Commissioner Added; Reference to Senior Division Director Removed. Amend RSA 126-A:10 to read as follows:

126-A:10 Salaries. The annual salaries of the commissioner of health and human services, deputy commissioner of health and human services, ~~[senior division director]~~ **associate commissioner**, division directors, and unclassified employees of the department shall be as prescribed by RSA 94:1-a.

14 Salary of Associate Commissioner. Amend RSA 94:1-a, I(b) to read as follows:

Delete:

JJ Department of health and human services senior division director

Insert:

JJ Department of health and human services associate commissioner

15 New Subparagraph; Department of Health and Human Services; Position Established. Amend RSA 126-A:9, I by inserting after subparagraph (b) the following new subparagraph:

(c) The commissioner shall appoint an unclassified mental health medical supervisor who shall perform such duties as may be assigned by the commissioner. These duties shall include, but not be limited to, collecting and reporting information regarding patients in need of high acuity mental health treatment and information regarding treatment options. The mental health medical supervisor shall be clinically qualified to assist in the triage for appropriate inpatient, partial hospitalization, and/or community based services. The mental health medical supervisor shall be a psychiatrist or psychiatric nurse practitioner licensed or qualified to practice in New Hampshire. The salary of the mental health medical supervisor shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

16 New Subdivision; Office of the Child Advocate. Amend RSA 170-G by inserting after section 16 the following new subdivision:

Office of the Child Advocate

170-G:17 Office of the Child Advocate.

I. The office of the child advocate shall be an independent agency, administratively attached to the department of administrative services pursuant to RSA 21-G:10.

II. The office shall be under the supervision of an unclassified director of the office of the child advocate. The director shall serve a term of 4 years and until a successor is appointed and qualified. Any vacancy in the office shall be filled in the same manner as the original appointment for the remainder of the unexpired term. The director shall be appointed by the governor and council, upon the recommendation of the oversight commission established in RSA 170-G:18. The director shall possess a professional graduate degree in law, social work, public health, or a related field and be qualified by reason of education, experience, and expertise to perform the duties of the office.

III. The office of the child advocate shall:

(a) Provide independent oversight of the state's child protection system to assure that the best interests of children are being protected.

(b) Regularly consult with the department of health and human services and the oversight commission established in RSA 170-G:18.

(c) Maintain client confidentiality and the confidentiality of all case records as specified in law.

(d) Have access to records within the scope of its mission, except for those records maintained by the department of justice which are part of a pending legal proceeding.

(e) Have the ability to subpoena witnesses and/or records.

(f) Have the authority to review and investigate any aspect of the department's child protection policies or practices.

(g) Provide information and referral services to the public regarding the department's child protection services; provided that case specific complaints shall be handled by the department.

(h) Receive a copy of all critical incident reports from the department. The department shall provide the office with a copy of the report not later than 48 hours after the occurrence; provided that any child fatality shall be immediately communicated to the office by phone.

(i) Perform educational outreach and advocacy activities in furtherance of the mission and responsibilities of the office.

(j) Investigate and report on issues related to child protection upon the request of the governor, commissioner of health and human services, speaker of the house of representatives, senate president, or oversight commission.

IV. Beginning November 1, 2017, and each November 1 thereafter, the director of the office of the child advocate shall submit an annual report of its activity, findings, and recommendations to the commissioner of the department of health and human services, the governor, the speaker of the house of representatives, the senate president, and the state library.

170-G:18 Oversight Commission on Children's Services and Juvenile Justice Established.

I. There shall be an oversight commission on children's services and juvenile justice, which shall consist of the following members:

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

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

(c) Four members representing the executive branch, appointed by the governor.

(d) Two members representing the judicial branch, appointed by the chief justice of the supreme court.

(e) Two representatives of the New Hampshire Association of Chiefs of Police, one of whom serves as chief of police for a city and one of whom serves as chief of police for a town.

(f) Four members of child advocacy organizations, appointed by the governor.

II. Legislative members of the commission shall serve a term coterminous with their term in office. Members appointed under subparagraphs (c)-(f) shall serve 3-year terms. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The oversight commission shall:

(a) Recommend at least 3 qualified candidates to the governor for appointment as director of the office of the child advocate; except that in the case of reappointment, a single recommendation shall be sufficient.

(b) Provide oversight to the department of health and human services and the office of the child advocate to support an effective, comprehensive, and coordinated system of services and programs for children, youth, and families.

(c) Analyze the efficacy of selected programs and services of the department, including the characteristics of target populations, trends affecting program costs and participation, and alternative approaches to programmatic and administrative concerns.

(d) Collaborate with the department of health and human services and the office of the child advocate to identify and implement best practices on behalf of children and families.

(e) Monitor and review implementation of the memorandum of understanding entered into by the department of health and human services and the department of justice regarding the collaboration between the 2 departments in the department of health and human services' investigation and prosecution of abuse and neglect cases.

IV. The oversight commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

V. Not later than November 1, 2017 and May 1, 2018, and not later than each November 1 thereafter, the commission shall submit a report of its activity, findings, and any recommendations for proposed legislation to the commissioner of the department of health and human services, the director of the office of the child advocate, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

17 Department of Health and Human Services; Director of Legal Services; Memorandum of Understanding between the Department of Health and Human Services and the Department of Justice.

I. On the effective date of this section, the director of legal services, position number 9U468, shall be transferred from the department of health and human services to the department of justice. The director of legal services shall be under the supervision of the attorney general and shall be responsible for the supervision of all attorneys in the department of health and human services, division for children, youth and families. Funding for the position shall be transferred in the same manner as a transfer made pursuant to RSA 7:13.

II.(a) On or before August 1, 2017, the commissioner of the department of health and human services and the attorney general of the department of justice shall enter into a memorandum of understanding that provides for the ongoing communication and collaboration by and between the 2 departments in connection with the department of health and human services' investigation and prosecution of abuse and neglect cases. The memorandum of understanding shall:

(1) Provide for joint case consultation, oversight, and review of the department of health and human services, division for children, youth and families cases in appropriate instances;

(2) Outline the roles and responsibilities of each agency in the prosecution of these cases; and

(3) Establish a process to address any identified training needs for the division for children, youth and families attorneys, including, but not limited to, monthly meetings with the department of justice and supervisory attorneys representing the division for children, youth and families and quarterly meetings with the department of justice and all attorneys representing the division for children, youth and families.

(b) The department of health and human services, in collaboration with the department of justice, shall provide an interim report on or before December 31, 2017 and an annual report beginning on or before June 30, 2018, to the oversight commission on children's services and juvenile justice established in RSA 170-G:18 regarding implementation and progress under the memorandum of understanding. The report shall address whether additional attorney positions in the division for children, youth and families should be transferred to the department of justice.

18 Child Protection Act; Purpose. Amend RSA 169-C:2 to read as follows:

169-C:2 Purpose.

I. It is the **primary** purpose of this chapter, through the mandatory reporting of suspected instances of child abuse or neglect, to provide protection to children whose life, health or welfare is endangered. [and]

II. It is a further purpose of this chapter to establish a judicial framework to protect the rights of all parties involved in the adjudication of child abuse or neglect cases. Each child coming within the provisions of this chapter shall receive, preferably in [his] **the child's** own home, the care, emotional security, guidance,

and control that will promote the child's best interest; and, if the child should be removed from the control of his **or her** parents, guardian, or custodian, adequate care shall be secured for the child. This chapter seeks to coordinate efforts by state and local authorities, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

- (a) Protect the safety of the child.
- (b) ~~[Preserve the unity of the family whenever possible.~~
- (c) ~~Provide assistance to parents to deal with and correct problems in order to avoid removal of children from the family.~~
- (d) ~~Take such action as may be necessary to prevent abuse or neglect of children.~~
- (e) ~~Provide protection, treatment, and rehabilitation, as needed, to children placed in alternative care.]~~

Take such action as may be necessary to prevent the abuse or neglect of children.

- (c) ***Preserve the unity of the family.***
- (d) ***Provide protection, treatment, and rehabilitation, as needed, to children placed in alternative care.***
- (e) ***Provide assistance to parents to deal with and correct problems in order to avoid removal of children from the family.***

~~[H:]~~ **III.** This chapter shall be liberally construed to the end that its purpose may be carried out, to wit:

- (a) To encourage the mental, emotional, and physical development of each child coming within the provisions of this chapter, by providing ~~[him]~~ ***the child*** with the protection, care, treatment, ~~[counselling]~~ ***counseling***, supervision, and rehabilitative resources which ~~[he]~~ ***the child*** needs and has a right to receive.
- (b) To achieve the foregoing purposes and policies, whenever possible, by keeping a child in contact with his **or her** home community and in a family environment by preserving the unity of the family and separating the child from his **or her** parents only when the safety of the child is in danger or when it is clearly necessary for ~~[his]~~ ***the child's*** welfare or the interests of the public safety and when it can be clearly shown that a change in custody and control will plainly better the child; and
- (c) To provide effective judicial procedures through which the provisions of this chapter are executed and enforced and which recognize and enforce the constitutional and other rights of the parties and assures them a fair hearing.

19 Child Protection Act; Definitions. Amend RSA 169-C:3, XIX(a)-(b) to read as follows:

- (a) Who has been abandoned by his **or her** parents, guardian, or custodian; or
- (b) Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for ~~[his]~~ ***the child's*** physical, mental, or emotional health, when it is established that ~~[his]~~ ***the child's*** health has suffered or is ~~[very]~~ likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian; or

20 Child Protection Act; Definitions. Amend RSA 169-C:3, XXVII-a and XXVIII to read as follows:

XXVII-a. ***"Serious impairment" means a substantial weakening or diminishment of a child's emotional, physical, or mental health or of a child's safety and general well-being. The following circumstances shall be considered in determining the likelihood that a child may suffer serious impairment:***

- (a) ***The age and developmental level of the child.***
- (b) ***Any recognized mental, emotional, or physical disabilities.***
- (c) ***School attendance and performance.***
- (d) ***The child's illegal use of controlled substances, or the child's contact with other persons involved in the illegal use or sale of controlled substances or the abuse of alcohol.***
- (e) ***Exposure to incidents of domestic or sexual violence.***
- (f) ***Any documented failure to thrive.***

(g) Any history of frequent illness or injury.

(h) Findings in other proceedings.

(i) The condition of the child's place of residence.

(j) Assessments or evaluations of the child conducted by qualified professionals.

(k) Such other factors that may be determined to be appropriate or relevant.

XXVII-b. "Sexual abuse" means the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the definition of sexual abuse, the term "child" or "children" means any individual who is under the age of 18 years.

XXVIII. "Unfounded report" means a report made pursuant to this chapter for which the department [finds] **determines** that there is[no probable cause to believe] **insufficient evidence to substantiate a finding** that the child is abused or neglected.

21 Determination of Parental Rights and Responsibilities. Amend RSA 461-A:6, IV(b) to read as follows:

(b) In this paragraph, "sexual abuse" shall mean sexual abuse as defined in RSA 169-C:3, [XXVII-a] **XXVII-b**, and "sexual assault" shall mean sexual assault as provided in RSA 632-A:2, RSA 632-A:3, and RSA 632-A:4.

22 Child Protection Act; Evidence. Amend RSA 169-C:12 to read as follows:

169-C:12 Evidence. In any hearing under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material. **Evidence of prior founded or unfounded reports of abuse or neglect shall be admissible in proceedings under this chapter in order to establish a relevant pattern or course of conduct.**

23 New Section; Public Assistance; Home and Community Based Behavioral Health Services Program. Amend RSA 167 by inserting after section 3-j the following new section:

167:3-k Home and Community-Based Behavioral Health Services for Children. The department shall establish a Medicaid home and community-based behavioral health services program for children with severe emotional disturbances whose service needs cannot be met through traditional behavioral health services. The department may establish such services through a state plan amendment as provided in Section 1915(i) of the Social Security Act or a waiver under other provisions of the Act. If the department proceeds with a waiver, it shall not limit the geographic availability of services. Such services shall include the following services or their functional equivalent:

- I. Wraparound care coordination.
- II. Wraparound participation.
- III. In home respite care.
- IV. Out of home respite care.
- V. Customizable goods and services.
- VI. Family peer support.
- VII. Youth peer support.

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

2017-1626s

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to develop a comprehensive 10-year plan for the mental health system. Under this bill, the plan shall be submitted to the speaker of the house of representatives, the president of the senate, and the governor on or before July 1, 2018.

II. Requires the commissioner of the department of health and human services to issue certain requests for applications and requests for proposals.

III. Replaces the position of senior division director with the position of associate commissioner, whose responsibilities shall include oversight of the division for children, youth, and families.

IV. Establishes the position of mental health medical supervisor in the department of health and human services, transfers the position of director of legal services from the department of health and human services to the department of justice, and requires the 2 departments to enter into a memorandum of understanding regarding abuse and neglect cases.

V. Establishes an independent office of the child advocate and an oversight commission on children's services and juvenile justice.

VI. Amends the purpose of the child protection act.

VII. Amends the definition of an unfounded report by replacing "no probable cause to believe" with "insufficient evidence to substantiate a finding."

VIII. Inserts a definition of "serious impairment."

IX. Amends the evidentiary standards for abuse and neglect cases by allowing into evidence prior founded or unfounded reports of abuse or neglect in order to establish pattern or course of conduct.

X. Directs the department of health and human services to establish a Medicaid home and community based behavioral health services program for children with severe emotional disturbances.

President Pro Tempore Carson presiding.

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

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

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avar, Lasky, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Morse, Gannon, Innis, Carson.

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

President Morse presiding.

SPECIAL ORDER

Without objection, the following bill is special ordered to the beginning of the Judiciary Committee. Adopted

JUDICIARY

HB 640-FN, relative to the penalties for possession of marijuana.

Ought to Pass with Amendment, Vote 3-2. Senator French for the committee.

Senate Judiciary

May 2, 2017

2017-1619s

04/10

Amendment to HB 640-FN

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

1 Statement of Purpose. The general court finds that:

I. Reducing the penalty for possessing 3/4 of an ounce or less of marijuana to a violation and allowing offenders to pay fines by mail will result in less time and resources spent on such cases, allowing police and courts to spend more time and resources dealing with serious crimes.

II. A criminal penalty accompanying a conviction for possession of 3/4 of an ounce or less of marijuana can lead to a lifetime of harsh consequences. These may include denial of student financial aid, housing, employment, and professional licenses. Reducing this penalty to a violation will significantly reduce the number of New Hampshire residents who receive criminal records for possessing 3/4 of an ounce or less of marijuana.

III. Marijuana policy reforms that reduce criminal penalties for the possession of 3/4 of an ounce or less of marijuana have the potential to address social and racial inequities in the New Hampshire criminal justice system.

IV. In its 2015 policy, the American Academy of Pediatrics recommended that penalties for marijuana-related offenses be reduced to lesser criminal charges or civil penalties. The Academy also stated that efforts to decriminalize marijuana should take place in conjunction with efforts to prevent marijuana use and promote early screening and treatment of adolescents with marijuana use problems.

V. Limiting minors' access to marijuana and marijuana-infused products is important both to protect young children from accidental ingestion and to prevent marijuana use among adolescents.

2 New Sections; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new sections:

318-B:2-c Personal Possession of Marijuana.

I. In this section:

(a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus *cannabis*, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(b) "Personal-use amount of a regulated marijuana-infused product" means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.

II. Except as provided in RSA 126-X, any person who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

III. Except as provided in RSA 126-X, any person who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

IV. Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.

V.(a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III, or any person 21 years of age or older who is convicted of violating paragraph IV shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph II, III or IV, or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana, regulated marijuana-infused products, or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-B:6.

VI.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph II, III, or IV and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph II, III, or IV.

(d) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of marijuana, a personal-use amount of a regulated marijuana-infused product, or 5 grams or less of hashish, may be arrested for a violation of paragraph II, III, or IV.

VII. All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence informed substance abuse prevention programs.

VIII.(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Report program shall collect data on the number of violations of paragraph II, III, or IV. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

318-B:2-d Plea by Mail.

I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, II, III, or IV may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court, district division.

II. Such defendant shall receive, in addition to the summons, a fine notice entitled "Notice of Fine" which shall contain the amount of the fine for a violation of RSA 318-B:2-c, II, III, or IV. A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo contendere shall enter his or her plea on the summons and return it with payment of the fine within 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash payment.

III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on the summons and return it within 30 days of the date of the summons. The circuit court, district division shall schedule a trial.

IV. Whenever a defendant willfully fails to pay a fine in connection with a conviction for a violation of RSA 318-B:2-c, II, III, or IV or payment of such fine cannot be collected, the defendant shall be defaulted and the court may impose an additional fine of \$100.

318-B:2-e Negligent Storage of Marijuana-Infused Products.

I. In addition to any other penalties provided for by law, any person who negligently stores marijuana-infused products, where the negligent storage causes such products to be possessed by a person under 18 years of age, shall be guilty of a misdemeanor. The storing of marijuana-infused products obtained legally in any state in an original childproof container shall be prima facie evidence that a person did not act negligently. Failure to store marijuana-infused products obtained legally in any state in an original childproof container shall be prima facie evidence of negligence.

II. As used in this section, "marijuana-infused products" means products that are comprised of marijuana, marijuana extracts, or resins that have been combined with other ingredients and are intended for use or consumption, including but not limited to, edible products, drinks, ointments, and tinctures.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his *or her* control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III, or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed[;].

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed[;].

(c) ~~In the case of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.~~

(d) In the case of **more than 3/4 ounce of marijuana** or **more than 5 grams of hashish**, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. **In the case of marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products as defined in RSA 318-B:2-e, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the person shall be guilty of a misdemeanor.**

(e) (d) In the case of **3/4 ounce or less of marijuana or 5 grams or less of hashish, including any adulterants or dilutants**, the person shall be guilty of a ~~class A misdemeanor~~ **violation pursuant to RSA 318-B:2-c. In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.**

4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) **Except as provided in RSA 318-B:2-c**, controls any premises or vehicle where he **or she** knows a controlled drug or its analog is illegally kept or deposited;

5 Controlled Drug Act; Penalties. Amend RSA 318-B:26, XIII to read as follows:

XIII. Any person who violates any provision of this chapter shall be fined a minimum of \$350 for a first offense and \$500 for a second or subsequent offense, except that any person who violates the provisions of RSA 318-B:26, II[(d)] (c) or RSA 318-B:26, II[(e)] (d) shall be fined \$350. **This paragraph shall not apply to violations of RSA 318-B:2-c.**

6 Controlled Drug Act; Prior Offenses. Amend RSA 318-B:27 to read as follows:

318-B:27 Prior Offenses. In the case of any person charged with a violation of any provision of this chapter or RSA 318-D, who has previously been convicted of a **misdemeanor or felony level** violation of the laws of the United States or any state, territory or the District of Columbia relating to controlled drugs as defined in this chapter, such previous conviction shall be deemed a prior offense. **A prior conviction for a violation level offense shall not be deemed a prior offense, except as provided in RSA 318-B:2-c, V(a).**

7 Other Alcohol or Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. **This section shall not apply to the possession of marijuana or hashish as provided in RSA 318-B:2-c, or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b).**

8 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 18 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult, **or which is a violation of RSA 318-B:2-c, II or III**, and is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof.

9 New Paragraph; Delinquent Children; Mental Health and Substance Abuse Evaluation. Amend RSA 169-B:21 by inserting after paragraph II the following new paragraph:

III. In the case of a minor found guilty of possession of marijuana or hashish, the court, finding that a minor has committed the alleged offense, shall refer the minor for a substance abuse assessment to be completed prior to the dispositional hearing. The court may waive the requirement of an assessment if it has access to a similar assessment completed in the previous year or, based on substantial evidence, the court does not find there is a need for an assessment. The assessment shall be completed by a licensed drug and alcohol counselor. In the event the parent, guardian, or person having custody of the child is of limited means, the evaluation shall be provided for free or at reduced cost. The results of the assessment shall be submitted to the court and, if indicated, the court shall order that the minor obtain appropriate treatment. The minor shall furnish the court with evidence of participation and completion of the substance abuse assessment.

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

2017-1619s

AMENDED ANALYSIS

This bill reduces the penalty for possession of 3/4 ounce or less of marijuana, or 5 grams or less of hashish to a violation.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Daniels, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Sanborn, Kahn, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Giuda, Ward, Daniels, Gannon, Morse.

Roll Call, Yeas: 18 - Nays: 5. Adopted.

Senator Gannon offered a floor amendment.

Sen. Gannon, Dist 23

May 9, 2017

2017-1692s

04/10

Floor Amendment to HB 640-FN

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

1 Statement of Purpose. The general court finds that:

I. Reducing the penalty for possessing 1/2 of an ounce or less of marijuana to a violation and allowing offenders to pay fines by mail will result in less time and resources spent on such cases, allowing police and courts to spend more time and resources dealing with serious crimes.

II. A criminal penalty accompanying a conviction for possession of 1/2 of an ounce or less of marijuana can lead to a lifetime of harsh consequences. These may include denial of student financial aid, housing, employment, and professional licenses. Reducing this penalty to a violation will significantly reduce the number of New Hampshire residents who receive criminal records for possessing 1/2 of an ounce or less of marijuana.

III. Marijuana policy reforms that reduce criminal penalties for the possession of 1/2 of an ounce or less of marijuana have the potential to address social and racial inequities in the New Hampshire criminal justice system.

IV. In its 2015 policy, the American Academy of Pediatrics recommended that penalties for marijuana-related offenses be reduced to lesser criminal charges or civil penalties. The Academy also stated that efforts to decriminalize marijuana should take place in conjunction with efforts to prevent marijuana use and promote early screening and treatment of adolescents with marijuana use problems.

V. Limiting minors' access to marijuana and marijuana-infused products is important both to protect young children from accidental ingestion and to prevent marijuana use among adolescents.

2 New Sections; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new sections:

318-B:2-c Personal Possession of Marijuana.

I. In this section:

(a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(b) "Personal-use amount of a regulated marijuana-infused product" means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.

II. Except as provided in RSA 126-X, any person who knowingly possesses 1/2 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

III. Except as provided in RSA 126-X, any person who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

IV. Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.

V.(a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III, or any person 21 years of age or older who is convicted of violating paragraph IV shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph II, III or IV, or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana, regulated marijuana-infused products, or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-B:6.

VI.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph II, III, or IV and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph II, III, or IV.

(d) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 1/2 of an ounce or less of marijuana, a personal-use amount of a regulated marijuana-infused product, or 5 grams or less of hashish, may be arrested for a violation of paragraph II, III, or IV.

VII. All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence informed substance abuse prevention programs.

VIII.(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Report program shall collect data on the number of violations of paragraph II, III, or IV. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

318-B:2-d Plea by Mail.

I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, II, III, or IV may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court, district division.

II. Such defendant shall receive, in addition to the summons, a fine notice entitled "Notice of Fine" which shall contain the amount of the fine for a violation of RSA 318-B:2-c, II, III, or IV. A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo contendere shall enter his or her plea on the summons and return it with payment of the fine within 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash payment.

III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on the summons and return it within 30 days of the date of the summons. The circuit court, district division shall schedule a trial.

IV. Whenever a defendant willfully fails to pay a fine in connection with a conviction for a violation of RSA 318-B:2-c, II, III, or IV or payment of such fine cannot be collected, the defendant shall be defaulted and the court may impose an additional fine of \$100.

318-B:2-e Negligent Storage of Marijuana-Infused Products.

I. In addition to any other penalties provided for by law, any person who negligently stores marijuana-infused products, where the negligent storage causes such products to be possessed by a person under 18 years of age, shall be guilty of a misdemeanor. The storing of marijuana-infused products obtained legally in any state in an original childproof container shall be prima facie evidence that a person did not act negligently. Failure to store marijuana-infused products obtained legally in any state in an original childproof container shall be prima facie evidence of negligence.

II. As used in this section, "marijuana-infused products" means products that are comprised of marijuana, marijuana extracts, or resins that have been combined with other ingredients and are intended for use or consumption, including but not limited to, edible products, drinks, ointments, and tinctures.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his *or her* control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III, or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed[;].

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed[;].

(c) ~~[In the case of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.~~

(d) In the case of **more than 1/2 ounce of marijuana** ~~or more than 5 grams of hashish~~, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. ***In the case of marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the person shall be guilty of a misdemeanor.***

~~[(e)]~~ (d) In the case of **1/2 ounce or less of marijuana** or 5 grams or less of hashish, ***including any adulterants or dilutants***, the person shall be guilty of a ~~[class A misdemeanor]~~ ***violation pursuant to RSA 318-B:2-c. In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.***

4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) ***Except as provided in RSA 318-B:2-c***, controls any premises or vehicle where he ***or she*** knows a controlled drug or its analog is illegally kept or deposited;

5 Controlled Drug Act; Penalties. Amend RSA 318-B:26, XIII to read as follows:

XIII. Any person who violates any provision of this chapter shall be fined a minimum of \$350 for a first offense and \$500 for a second or subsequent offense, except that any person who violates the provisions of RSA 318-B:26, II~~[(d)]~~ (c) or RSA 318-B:26, II~~[(e)]~~ (d) shall be fined \$350. ***This paragraph shall not apply to violations of RSA 318-B:2-c.***

6 Controlled Drug Act; Prior Offenses. Amend RSA 318-B:27 to read as follows:

318-B:27 Prior Offenses. In the case of any person charged with a violation of any provision of this chapter or RSA 318-D, who has previously been convicted of a ***misdemeanor or felony level*** violation of the laws of the United States or any state, territory or the District of Columbia relating to controlled drugs as defined in this chapter, such previous conviction shall be deemed a prior offense. ***A prior conviction for a violation level offense shall not be deemed a prior offense, except as provided in RSA 318-B:2-c, V(a).***

7 Other Alcohol or Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. ***This section shall not apply to the possession of marijuana or hashish as provided in RSA 318-B:2-c, or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b).***

8 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 18 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult, ***or which is a violation of RSA 318-B:2-c, II or III***, and is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof.

9 New Paragraph; Delinquent Children; Mental Health and Substance Abuse Evaluation. Amend RSA 169-B:21 by inserting after paragraph II the following new paragraph:

III. In the case of a minor found guilty of possession of marijuana or hashish, the court, finding that a minor has committed the alleged offense, shall refer the minor for a substance abuse assessment to be completed prior to the dispositional hearing. The court may waive the requirement of an assessment if it has access to a similar assessment completed in the previous year or, based on substantial evidence, the court does not find there is a need for an assessment. The assessment shall be completed by a licensed drug and alcohol counselor. In the event the parent, guardian, or person having custody of the child is of limited means, the evaluation shall be provided for free or at reduced cost. The results of the assessment shall be submitted to the court and, if indicated, the court shall order that the minor obtain appropriate treatment. The minor shall furnish the court with evidence of participation and completion of the substance abuse assessment.

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

2017-1692s

AMENDED ANALYSIS

This bill reduces the penalty for possession of 1/2 ounce or less of marijuana, or 5 grams or less of hashish to a violation.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Gannon, seconded by Senator Birdsell.

Recess. Out of recess.

The following Senators voted Yes: Giuda, Gray, Sanborn, Carson, Birdsell, D'Allesandro, Gannon.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, French, Ward, Kahn, Daniels, Avard, Lasky, Feltes, Reagan, Soucy, Fuller Clark, Innis, Morse.

Roll Call, Yeas: 7 - Nays: 16. Failed.

Senator Gannon offered a floor amendment.

Sen. Gannon, Dist 23

May 9, 2017

2017-1693s

04/10

Floor Amendment to HB 640-FN

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

1 Statement of Purpose. The general court finds that:

I. Reducing the penalty for possessing 3/4 of an ounce or less of marijuana to a violation and allowing offenders to pay fines by mail will result in less time and resources spent on such cases, allowing police and courts to spend more time and resources dealing with serious crimes.

II. A criminal penalty accompanying a conviction for possession of 3/4 of an ounce or less of marijuana can lead to a lifetime of harsh consequences. These may include denial of student financial aid, housing, employment, and professional licenses. Reducing this penalty to a violation will significantly reduce the number of New Hampshire residents who receive criminal records for possessing 3/4 of an ounce or less of marijuana.

III. Marijuana policy reforms that reduce criminal penalties for the possession of 3/4 of an ounce or less of marijuana have the potential to address social and racial inequities in the New Hampshire criminal justice system.

IV. In its 2015 policy, the American Academy of Pediatrics recommended that penalties for marijuana-related offenses be reduced to lesser criminal charges or civil penalties. The Academy also stated that efforts to decriminalize marijuana should take place in conjunction with efforts to prevent marijuana use and promote early screening and treatment of adolescents with marijuana use problems.

V. Limiting minors' access to marijuana and marijuana-infused products is important both to protect young children from accidental ingestion and to prevent marijuana use among adolescents.

2 New Sections; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new sections:

318-B:2-c Personal Possession of Marijuana.

I. In this section:

(a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(b) "Personal-use amount of a regulated marijuana-infused product" means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.

II. Except as provided in RSA 126-X, any person who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

III. Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph IV. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.

IV. Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II, or any person 21 years of age or older who is convicted of violating paragraph III shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for a violation of paragraph II or III, or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana or regulated marijuana-infused products to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II shall forfeit the marijuana and shall be subject to a delinquency petition under RSA 169-B:6.

V.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph II or III and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph II or III.

(d) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of marijuana, a personal-use amount of a regulated marijuana-infused product may be arrested for a violation of paragraph II or III.

VI. All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence informed substance abuse prevention programs.

VII.(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Report program shall collect data on the number of violations of paragraph II or III. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, II or III may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court, district division.

II. Such defendant shall receive, in addition to the summons, a fine notice entitled "Notice of Fine" which shall contain the amount of the fine for a violation of RSA 318-B:2-c, II or III. A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo contendere shall enter his or her plea on the summons and return it with payment of the fine within 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash payment.

III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on the summons and return it within 30 days of the date of the summons. The circuit court, district division shall schedule a trial.

IV. Whenever a defendant willfully fails to pay a fine in connection with a conviction for a violation of RSA 318-B:2-c, II or III or payment of such fine cannot be collected, the defendant shall be defaulted and the court may impose an additional fine of \$100.

318-B:2-e Negligent Storage of Marijuana-Infused Products.

I. In addition to any other penalties provided for by law, any person who negligently stores marijuana-infused products, where the negligent storage causes such products to be possessed by a person under 18 years of age, shall be guilty of a misdemeanor. The storing of marijuana-infused products obtained legally in any state in an original childproof container shall be prima facie evidence that a person did not act negligently. Failure to store marijuana-infused products obtained legally in any state in an original childproof container shall be prima facie evidence of negligence.

II. As used in this section, "marijuana-infused products" means products that are comprised of marijuana, marijuana extracts, or resins that have been combined with other ingredients and are intended for use or consumption, including but not limited to, edible products, drinks, ointments, and tinctures.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his *or her* control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III, or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed[;].

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed[;].

(c) ~~In the case of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.~~

~~(d)~~ In the case of *more than 3/4 ounce of marijuana[;] or any amount of hashish*, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. *In the case of marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products as defined in RSA 318-B:2-e, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the person shall be guilty of a misdemeanor.*

~~(e)~~ (d) In the case of *3/4 ounce or less of marijuana* [5 grams or less of hashish], including any adulterants or dilutants, the person shall be guilty of a [class A misdemeanor] *violation pursuant to RSA 318-B:2-c. In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.*

4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) ***Except as provided in RSA 318-B:2-c***, controls any premises or vehicle where he ***or she*** knows a controlled drug or its analog is illegally kept or deposited;

5 Controlled Drug Act; Penalties. Amend RSA 318-B:26, XIII to read as follows:

XIII. Any person who violates any provision of this chapter shall be fined a minimum of \$350 for a first offense and \$500 for a second or subsequent offense, except that any person who violates the provisions of RSA 318-B:26, II[(d)] (c) or RSA 318-B:26, II[(e)] (d) shall be fined \$350. ***This paragraph shall not apply to violations of RSA 318-B:2-c.***

6 Controlled Drug Act; Prior Offenses. Amend RSA 318-B:27 to read as follows:

318-B:27 Prior Offenses. In the case of any person charged with a violation of any provision of this chapter or RSA 318-D, who has previously been convicted of a ***misdemeanor or felony level*** violation of the laws of the United States or any state, territory or the District of Columbia relating to controlled drugs as defined in this chapter, such previous conviction shall be deemed a prior offense. ***A prior conviction for a violation level offense shall not be deemed a prior offense, except as provided in RSA 318-B:2-c, IV(a).***

7 Other Alcohol or Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. ***This section shall not apply to the possession of marijuana as provided in RSA 318-B:2-c, or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b).***

8 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 18 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult, ***or which is a violation of RSA 318-B:2-c, II***, and is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof.

9 New Paragraph; Delinquent Children; Mental Health and Substance Abuse Evaluation. Amend RSA 169-B:21 by inserting after paragraph II the following new paragraph:

III. In the case of a minor found guilty of possession of marijuana, the court, finding that a minor has committed the alleged offense, shall refer the minor for a substance abuse assessment to be completed prior to the dispositional hearing. The court may waive the requirement of an assessment if it has access to a similar assessment completed in the previous year or, based on substantial evidence, the court does not find there is a need for an assessment. The assessment shall be completed by a licensed drug and alcohol counselor. In the event the parent, guardian, or person having custody of the child is of limited means, the evaluation shall be provided for free or at reduced cost. The results of the assessment shall be submitted to the court and, if indicated, the court shall order that the minor obtain appropriate treatment. The minor shall furnish the court with evidence of participation and completion of the substance abuse assessment.

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

2017-1693s

AMENDED ANALYSIS

This bill reduces the penalty for possession of 3/4 ounce or less of marijuana to a violation.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator Carson.

The following Senators voted Yes: Giuda, Carson, Birdsell, Gannon.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Feltes, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis, Morse.

Roll Call, Yeas: 4 - Nays: 19. Failed.

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

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

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Sanborn, Kahn, Avard, Lasky, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Giuda, Ward, Daniels, Carson, Gannon, Morse.

Roll Call, Yeas: 17 - Nays: 6. Adopted, bill ordered to Third Reading.

HB 151, relative to industrial hemp as a controlled substance.

Re-refer to Committee, Vote 4-1. Senator Carson for the committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

HB 437, relative to the authority of municipal law enforcement officers.

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

Senate Judiciary

May 2, 2017

2017-1621s

08/03

Amendment to HB 437

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

AN ACT relative to the authority of municipal law enforcement officers and relative to information contained in certain motor vehicle records.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 6:

2 New Paragraph; Motor Vehicles; Records and Certification. Amend RSA 260:14 by inserting after paragraph VII the following new paragraph:

VII-a. Nothing in this section shall prohibit a law enforcement agency of a political subdivision or its employees from releasing the following:

(a) Copies of reports of motor vehicle accidents prepared by the agency, and filed with the division pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or passenger of a vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner of property damaged in said accident, or the insurance company of any of the foregoing parties. Such agency may charge a reasonable fee therefor, to be deposited into the general fund of said political subdivision.

(b) Copies of reports of motor vehicle accidents prepared by the agency that are not required to be reported pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or passenger of a vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner of property damaged in said accident, or the insurance company of any of the foregoing parties. Such agency may charge a reasonable fee therefor, to be deposited into the general fund of said political subdivision.

(c) Information obtained by the law enforcement agency that accident participants are required to exchange pursuant to RSA 264:25, to an owner, operator, or passenger of a vehicle involved in said accident, pedestrian hit by a vehicle in said accident, or owner of property damaged in said accident.

3 New Paragraph; Motor Vehicles; Records and Certification. Amend RSA 260:14 by inserting after paragraph XI the following new paragraph:

XI-a. No political subdivision or its agencies or employees shall be civilly liable for any improper use of or release of motor vehicle records to any person obtaining such records as provided in this section.

4 Motor Vehicles; Accidents and Financial Responsibility; Conduct and Reporting After a Motor Vehicle Accident; Conduct After Accident. Amend RSA 264:25, I to read as follows:

I. The driver of a vehicle who knows or should have known that he or she has just been involved in any accident which resulted in death, personal injury or damages to property, shall immediately stop such vehicle at the scene of the accident and give to the driver or owner of any other vehicle involved in said accident, and to any person injured, and to the owner of any property damaged, the driver's name and address, *the* driver's license number, *the driver's or owner's insurance provider and policy*

information, if applicable, the registration number of the vehicle, and the name and address of each occupant. If by reason of injury, absence or removal from the place of the accident, or other cause, such injured person, or driver of such other vehicle, or owner of the property damaged, or any of them, is unable to understand or receive the information required in this section, such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to a police officer at the nearest police station. **Police officers receiving such information, and other employees of such officers' law enforcement agencies, shall be authorized to provide that information to such injured persons, drivers, or owners.** Any person driving a vehicle which is in any manner involved in an accident or any person who owns a vehicle which was illegally parked when it was involved in an accident shall within 15 days after such accident report in writing to the division the facts required hereunder together with a statement of the circumstances if any person is injured or killed, or if damage to property is in excess of \$1,000, unless the accident is investigated by a police officer, in which case a report filed by such officer shall satisfy the requirements of this section; provided, however, that any person not otherwise required by this paragraph to file a report, who owns a vehicle which was involved in an accident, may file a report as provided by this paragraph. Voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section. All reports, filed as required in this paragraph, shall be in the form prescribed by the director and shall contain information to enable the division to determine whether the requirements for the deposit of security under RSA 264:3 are inapplicable by reason of the existence of insurance or other exceptions specified in that [chapter] **section**. If such driver is physically or mentally incapable of making such report, the owner of the vehicle involved in such accident or the owner's representative shall, after learning of the accident, forthwith make such report. The driver or the owner shall furnish such additional relevant information as the division shall require. The provisions of this section shall be of general application and shall not be restricted to a way as defined in RSA 259.

5 Motor Vehicles; Accidents and Financial Responsibility; Conduct and Reporting After a Motor Vehicle Accident; Uniform Police Investigation Report of Accident. Amend RSA 264:26, II to read as follows:

II. In each reportable accident in which any person is killed or injured or in which damage to the property of any one individual, including the driver, is sustained, the police officer, agency, or individual who, in the regular course of duty, investigates such accident, either at the time of or at the scene of the accident or thereafter, by interviewing the participants or witnesses, shall, within 5 days after completing such investigation, complete and forward one copy of such report to the division. Such report shall call for, ~~and~~ contain, **and incorporate by reference** all available detailed information to **establish and to** disclose the cause of the accident, the conditions then existing and the persons and vehicles involved including the names and addresses of all occupants of the vehicles involved, as well as the enforcement action taken. In each reportable accident in which a person is killed, the police officer, agency, or individual who, in the regular course of duty, investigates the accident shall provide written notice to the department of safety within 7 days of the accident. The notice shall include the information contained on the front page of the uniform police accident report and may be submitted electronically or by fax. This requirement shall not relieve the investigating agency or officer from the responsibility ~~[in RSA 265:25]~~ of filing the complete report ~~[as soon as it is available]~~ **as required by this paragraph**.

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AMENDED ANALYSIS

This bill allows a law enforcement officer to have temporary police authority in another jurisdiction until an arrested person is declared medically cleared.

This bill also allows law enforcement to release certain motor vehicle accident reports and records.

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

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

HB 614-FN, relative to forfeiture of personal property.

Inexpedient to Legislature, Vote 4-1. Senator Gannon for the committee.

Senator Bradley moved Re-refer to Committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

HB 461, relative to the acceptance of grants by Carroll county.

Inexpedient to Legislate, Vote 4-1. Senator Gray for the committee.

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

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bills that were removed from the consent calendar.

JUDICIARY

HB 133, relative to a jury's determination as to the applicability of law.

Inexpedient to Legislate, Vote 5-0. Senator Hennessey for the committee.

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

A roll call was requested by Senator Giuda, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Morse.

The following Senators voted No: Giuda, Sanborn, Daniels, Avard, Reagan, Innis.

Roll Call, Yeas: 17 - Nays: 6. Adopted.

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 45, requiring a course in civics for high school graduation.

Senator Reagan moved concurrence. Adopted.

SB 60, relative to chemical analyses of controlled drugs.

Senator Bradley moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Gray, Avard and D'Allesandro.

SB 61, relative to medical records of a deceased spouse or next of kin.

Senator Bradley moved concurrence. Adopted.

SB 144-FN, relative to qualifying medical conditions for the therapeutic use of cannabis and relative to registry identification cards.

Senator Bradley moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Gray and Hennessey.

SB 161, establishing a commission to evaluate the direct care workforce and preparedness of long-term care and support services for aging adults with dementia or other cognitive brain injuries.

Senator Bradley moved concurrence. Adopted.

SB 234-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs and authorizing the operation of syringe service programs in New Hampshire.

Senator Bradley moved concurrence. Adopted.

SB 166, relative to termination of the parent-child relationship in cases of sexual assault.

Senator Carson moved concurrence. Adopted.

SB 230-FN, establishing the Uniform Power of Attorney Act.

Senator Carson moved concurrence. Adopted.

SB 16, reauthorizing the commission to study apportionment of gross business profits under RSA 77-A and the committee to study the process by which business names are authorized by the secretary of state.

Senator Sanborn moved concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Sanborn: HB 79-FN, HB 85, HB 97-FN, HB 98-FN, HB 99, HB 100, HB 108, HB 133, HB 136, HB 151, HB 160, HB 171, HB175, HB 209, HB 242, HB 250, HB 291-FN, HB 310, HB 322, HB 323, HB 330-FN, HB 340, HB 349-FN, HB 356-FN, HB 373, HB 380-FN, HB 397, HB 400, HB 437, HB 457-FN, HB 460, HB 461, HB 472, HB 473, HB 524, HB 549-FN, HB 561-FN, HB 568-FN, HB 575-FN, HB 600-FN, HB 614-FN, HB 629-FN, HB 640-FN, HB 652-FN

ANNOUNCEMENTS

PRESIDENT MORSE: Kathleen just stepped out, but I just want to recognize her because she did just get a big promotion – I guess it's a big promotion. I think New Hampshire is a much better place to be, but she is going to be the AP statehouse bureau in Sacramento, California. And her last day in New Hampshire is next week. So, on behalf of the New Hampshire Senate we would like to congratulate her.

Welcome back. We just congratulated you.

KATHLEEN RONAYNE: Thank you!

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17)

LATE SESSION

Third Reading and Final Passage

HB 98-FN, relative to brewpub licenses.

HB 99, relative to beverage containers.

HB 100, relative to the definition and use of toy smoke devices.

HB 108, relative to municipal record retention and conversion.

HB 160, relative to use of cannabis for therapeutic purposes.

HB 291-FN, removing veterinarians from the requirements of adopting rules for prescribing opioids and querying the controlled drug prescription health and safety program.

HB 310, relative to insurance group-wide supervision and relative to supervisory college confidentiality.

HB 322, adding rulemaking authority to require completion of a certain survey as part of the license renewal process for health care providers.

HB 323, relative to standards for revaluations established by the assessing standards board.

HB 330-FN, relative to form and rate filing fees.

HB 340, establishing the lakeshore redevelopment planning commission.

HB 349-FN, relative to out-of-home placements under the child protection act.

HB 356-FN, establishing a committee to study education funding and the cost of an opportunity for an adequate education, establishing a committee to study the organizational structure of the department of education and the duties and responsibilities of the commissioner of the department of education, and relative to the duties of the commissioner of the department of education.

HB 373, relative to rulemaking on forms for allied health professionals and relative to information on court cases concerning the validity of administrative rules.

HB 380-FN, relative to the oil discharge and disposal cleanup fund.

HB 397, relative to juvenile justice procedures.

HB 437, relative to the authority of municipal law enforcement officers and relative to information contained in certain motor vehicle records.

HB 457-FN, relative to consumer credit division entities.

HB 460, relative to minutes under the right-to-know law.

HB 473, relative to the sale of gift certificates.

HB 568-FN, relative to the taxability of lease interests in public property.

HB 575-FN, relative to the certification of acupuncture detoxification specialists.

HB 600-FN, relative to requirements for certain alcoholic beverage licenses.

HB 629-FN, establishing a preference for the appointment of the child's grandparent as guardian of the minor in certain cases and making an appropriation to the department of health and human services.

HB 640-FN, relative to the penalties for possession of marijuana.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.