



New England Police Benevolent Association, Inc. NH Legislative Tracking Report

The following Bills are directly related to NH Law Enforcement. They are broken down in respective categories.

- Note: As of this Update the House and Senate Calendars have not been updated. Please check www.NH.gov for dates and times of hearings.

I. Retirement Bills relative to Group II Members

A. HOUSE BILL 50-FN-LOCAL

AN ACT relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

SPONSORS: Rep. Edgar, Rock. 29; Rep. Ebel, Merr. 7; Rep. Cote, Hills. 3; Rep. O'Brien, Hills. 10; Rep. Maggiore, Rock. 23; Rep. Goley, Hills. 21; Rep. Cloutier, Sull. 6; Rep. Rung, Hills. 12; Rep. Shurtleff, Merr. 15; Rep. Soucy, Merr. 21; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill provides that the state shall pay 7.5 percent of contributions of retirement system employers other than the state for group I teachers and group II members.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=80&type=4

On January 26, 2023, the House Finance Committee held a public hearing on HB50, which requires the state to pay 7.5% of the contributions of retirement system employers other than

the state for group I teachers and group II members beginning in FY 2024. Rep. Edgar introduced this “Property Tax Relief Act of 2023,” which he said renews a promise made by the state to municipalities. The purpose is “to help ease the local property tax burden, provide property tax relief to cities and towns, and enhance public education and public safety.” Support came from the NH Municipal Association and former State Senator Jeanne Dietsch/Granite State Matters. The Committee took no immediate action.

B. HOUSE BILL 278-FN

AN ACT relative to special duty hours worked by retired police members in the retirement system.

SPONSORS: Rep. Emerick, Rock. 29

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows retired group II police members of the retirement system to work special duty law enforcement and not have the special duty hours count against the part-time hours limit.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=220&type=4

C. HOUSE BILL 571-FN-A

AN ACT relative to the cost of living adjustments for certain group II retirees in the New Hampshire retirement system.

SPONSORS: Rep. Baroody, Hills. 39; Rep. O'Brien, Hills. 10; Rep. Goley, Hills. 21; Rep. DiSilvestro, Hills. 17

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a cost of living adjustment in 2023 to be paid by the retirement system on the first \$50,000 of a retired group II member's or beneficiary's allowance. The cost of this supplemental allowance is paid from the state general fund.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=342&type=4

On January 26, 2023, the House Executive Departments and Administration Committee held a public hearing on HB571, which establishes a permanent cost of living adjustment on the first \$50,000 of a retired group II member's or the member's beneficiary's allowance. For a member who has been retired for at least 10 years on July 1, 2023, the supplemental allowance is 5%, and if 20 years, 10%. The cost to the state's general fund would be \$84.2 million. Rep. Baroody said this bill is "the right thing to do," because the retirement system has not kept pace with inflation or Social Security benefits. Brian Ryll representing the Professional Fire Fighters of NH called it "a sustainable cost of living adjustment." He mentioned that 93% of members/beneficiaries receive an annual retirement allowance under \$50,000. Support also came from Arthur Beaudry representing the NH State Permanent Firefighters' Retirement Association who indicated that over the last 20 years, 52% of a retiree's buying power has been eliminated due to inflation and the lack of COLAs. This bill is scheduled for subcommittee work session January 26, 2023, next week.

D. HOUSE BILL 449-FN

AN ACT relative to the calculation of group II retirement benefits in the retirement system.

SPONSORS: Rep. Goley, Hills. 21; Rep. Proulx, Hills. 15; Rep. Bordes, Belk. 5; Rep. O'Brien, Hills. 10

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill increases the service retirement and disability retirement annuity multiplier for the first 20 years of service of group II retirement system members under the transition provisions adopted in 2011.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=402&type=4

On January 26, 2023, the House Executive Departments & Administration Committee conducted its public hearings on 7 bills dealing with retirement benefits. Two of those bills were sent to the retirement subcommittee for further review. The NEPBA, NH Police Association, NH Troopers Association and the Professional Fire Fighters presented a unified approach to making some meaningful change to the system in an effort to address employment recruitment and retention problem and reverse some of the changes done 12 years ago. Testimony was given from Mike Geha and Frank Campo on behalf of Group II law enforcement members. I won't get into the details because extensive work and amendments are expected to begin next week on these two bills which increase the calculation multiplier, but the goal is to work with the subcommittee on a significant change that fits within the budget. We will be at the table as the benefit improvement is crafted which could take a few weeks to hammer out.

E. HOUSE BILL 579-FN-LOCAL

AN ACT eliminating the 2011 transition provision requirements for group II retirement.

SPONSORS: Rep. Trottier, Belk. 8; Rep. Bordes, Belk. 5; Rep. Coker, Belk. 2; Rep. Pratt, Rock. 4; Rep. O'Hara, Belk. 4

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill eliminates the transition provision adopted in 2011 for group II retirement system members that began service before July 1, 2011 but were not yet vested.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=411&type=4

On January 26, 2023, the House Executive Departments and Administration Committee held a public hearing on HB579, which eliminates the middle-tier adopted in 2011 for group II

retirement system members that began service before July 1, 2011 but had not vested prior to January 1, 2012. Rep. Trottier said this bill returns those retirement benefits back to pre-2011 levels consistent with the understanding of affected members at the time of hiring. Several group II members (including a Manchester police sergeant and corrections officers) spoke to how the state broke a promise but said this bill is a chance to restore the lost trust, and to address recruitment and retention issues. The Committee voted ITL 12-0 to instead keep HBs 436 and 449 as the possible vehicles to consider retirement changes. The first subcommittee work session on retirement bills is currently scheduled for Thursday next week.

F. HOUSE BILL 461-FN

AN ACT relative to elimination by political subdivision employers of a group II retirement position.

SPONSORS: Rep. S. Pearson, Rock. 13; Rep. Bordes, Belk. 5; Rep. Trottier, Belk. 8; Rep. Pratt, Rock. 4; Rep. Proulx, Hills. 15

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires political subdivision employers to obtain an analysis from the retirement system and continue to pay contributions when eliminating or transferring a group II position from full time to part time.

NEPBA Position: No Position

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=477&type=4

G. HOUSE BILL 525-FN-LOCAL

AN ACT relative to group II service retirement provisions in the retirement system.

SPONSORS: Rep. Pratt, Rock. 4; Rep. Trottier, Belk. 8; Rep. Bordes, Belk. 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill adjusts the application of the transition provisions for group II service retirement adopted in 2011 to be applicable as of January 1, 2014 rather than January 1, 2012.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=512&type=4

On January 26, 2023, the House Executive Departments and Administration Committee held a public hearing on HB525, which adjusts the annuity multipliers in the transition provisions adopted in 2011 for group II retirement system members to be applicable as of January 1, 2014 rather than January 1, 2012. This bill is similar to HB436 except it does not also adjust the minimum age and year of service requirements. Rep. Pratt described the middle-tier as “pay more, get less.” Seifu Ragassa representing the NH Probation Parole Officers and Command Staff Association spoke to the recruitment and retention issues caused by this broken retirement system. He said NH students/candidates choose to work in other states or in the federal system, and that other states easily hire out of NH, basically using it as a “training depot.” The Committee voted ITL 13-0 to instead keep HB 436 as the possible vehicle to consider this change. There is a subcommittee work session on HB436 Thursday next week.

H. HOUSE BILL 436-FN-LOCAL

AN ACT relative to group II retirement under transition provisions in the retirement system.

SPONSORS: Rep. Pratt, Rock. 4

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill adjusts the application of the minimum age, minimum years of service, and annuity multipliers in the transition provisions for group II service retirement adopted in 2011 to be applicable as of January 1, 2014 rather than January 1, 2012.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=719&type=4

On January 26, 2023, the House Executive Departments & Administration Committee conducted its public hearings on 7 bills dealing with retirement benefits. Two of those bills were sent to the retirement subcommittee for further review. The NEPBA, NH Police Association, NH Troopers Association and the Professional Fire Fighters presented a unified approach to making some meaningful change to the system in an effort to address employment recruitment and retention problem and reverse some of the changes done 12 years ago. Testimony was given from Mike Geha and Frank Campo on behalf of Group II law enforcement members. I won't get into the details because extensive work and amendments are expected to begin next week on these two bills which increase the calculation multiplier, but the goal is to work with the subcommittee on a significant change that fits within the budget. We will be at the table as the benefit improvement is crafted which could take a few weeks to hammer out.

I. SENATE BILL 114-FN-LOCAL

AN ACT relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

SPONSORS: Sen. Rosenwald, Dist 13; Sen. Altschiller, Dist 24; Sen. Prentiss, Dist 5; Sen. Fenton, Dist 10; Sen. Perkins Kwoka, Dist 21; Sen. D'Allesandro, Dist 20; Sen. Whitley, Dist 15; Sen. Watters, Dist 4; Sen. Chandley, Dist 11; Sen. Soucy, Dist 18; Rep. Edgar, Rock. 29; Rep. O'Brien, Hills. 10; Rep. Telerski, Hills. 11; Rep. Wilhelm, Hills. 40; Rep. Simpson, Rock. 33

COMMITTEE: Finance

ANALYSIS

This bill restores the state's contribution to the retirement liabilities of certain teachers, firefighters, and police officers within the state retirement system.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=809&type=3

J. SENATE BILL 205-FN

AN ACT relative to a cost of living adjustment in the state retirement system.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Rosenwald, Dist 13; Sen. Altschiller, Dist 24; Sen. Soucy, Dist 18; Sen. Whitley, Dist 15; Sen. Fenton, Dist 10; Sen. Chandley, Dist 11; Sen. Ricciardi, Dist 9; Sen. Prentiss, Dist 5; Rep. Leishman, Hills. 33; Rep. Ellison, Merr. 28

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill grants a cost of living adjustment to retirees who have been retired for at least 60 months. The total actuarial cost of the supplemental allowance is funded by retirement system funds.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=911&type=3

K. HOUSE BILL 250-FN

AN ACT relative to the accidental death benefit payable to a group II member.

SPONSORS: Rep. Baroody, Hills. 39; Rep. O'Brien, Hills. 10; Rep. Goley, Hills. 21; Rep. DiSilvestro, Hills. 17

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill increases the amount of the state retirement annuity payable upon the accidental death of a group II member to 100 percent of earnable compensation at the member's death.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=341&type=4

On January 26, 2023, the House Executive Departments and Administration Committee held a public hearing on HB250, which increases the group II accidental death benefit from 50% to

100% of the member's annual rate of earnable compensation at the date of the member's death. Rep. Barody said this bill is about fairness. The NH Retirement System explained that although called "accidental," this particular death benefit specifically applies to "those who die at work, while working." Support came from the Professional Fire Fighters of NH and the NH State Permanent Firefighters' Retirement Association.

L. SENATE BILL 134-FN

(Written by NEPBA Steve Arnold and MPPA-NHPA Ken Chamberlain)

AN ACT relative to disability pensions for public safety employees who are victims of violence.

SPONSORS: Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Abbas, Dist 22; Sen. Soucy, Dist 18; Sen. Prentiss, Dist 5; Rep. Soucy, Merr. 21; Rep. Moffett, Merr. 4

COMMITTEE: Executive Departments and Administration

ANALYSIS

The bill establishes a retirement system benefit for group II members who retire due to a violent act injury.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=917&type=3

II. Legislation Concerning NH Law Enforcement

A. HOUSE BILL 113

AN ACT relative to the physical fitness performance requirements for law enforcement officers.

SPONSORS: Rep. Abbott, Ches. 6; Rep. Trottier, Belk. 8

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill repeals the police standards and training council physical fitness requirements for certified law enforcement officers and the penalty for not meeting such requirements.

NEPBA Position: Opposed

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=82&type=4

B. HOUSE BILL 302-FN-A

AN ACT relative to including education in the United States Constitution, the Bill of Rights, and the New Hampshire constitution for New Hampshire law enforcement.

SPONSORS: Rep. Love, Rock. 13; Rep. Hynes, Hills. 2; Sen. Murphy, Dist 16

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires the police standards and training council to provide each candidate for a law enforcement position with a minimum of 8 hours of education on the United States Constitution and the Bill of Rights and 8 hours of training on the New Hampshire constitution as a condition of graduation.

NEPBA Position: No Position – Already taught in the Academy

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=482&type=4

C. HOUSE BILL 585-FN

AN ACT relative to screening law enforcement officer candidates for steroids and requiring law enforcement officers to be screened for steroids in complaints involving the use of excessive force.

SPONSORS: Rep. Love, Rock. 13

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires the employing agency to screen each candidate for a law enforcement position for the presence of testosterone boosting steroids. The bill also requires screening a law enforcement officer for steroids in complaints involving use of excessive force.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=483&type=4

D. HOUSE BILL 156

AN ACT relative to misconduct by a law enforcement officer.

SPONSORS: Rep. Meuse, Rock. 37; Rep. DiLorenzo, Rock. 10; Rep. Hamblet, Rock. 26; Rep. Vogt, Rock. 21

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill adds misrepresentation and misidentification to the definition of misconduct by a law enforcement officer.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=541&type=4

E. HOUSE BILL 596-FN

AN ACT prohibiting the use of racial profiling in law enforcement activities and in sentencing.

SPONSORS: Rep. Meuse, Rock. 37; Rep. DiLorenzo, Rock. 10; Rep. Hamblet, Rock. 26; Rep. Telerski, Hills. 11; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits the use of racial profiling in law enforcement activities and sentencing.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=543&type=4

F. HOUSE BILL 400-FN

AN ACT relative to certain assault offenses, bail eligibility for commission of certain assault offenses, and making a false report to a law enforcement officer.

SPONSORS: Rep. Roy, Rock. 31

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes a separate criminal penalty and bail conditions for assaults involving a law enforcement officer, firefighter, or emergency medical services worker. The bill also establishes a criminal penalty for making a false report to a law enforcement officer.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=638&type=4

G. SENATE BILL 109

AN ACT relative to school safety and coordination with law enforcement.

SPONSORS: Sen. Lang, Dist 2

COMMITTEE: Education

ANALYSIS

This bill clarifies the ability of school employees to communicate with law enforcement on an ongoing basis, for the purpose of taking preventative action if a threat arises to the health, safety, and wellbeing of students.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=822&type=3

On Tuesday the Senate Education Committee held a public hearing on SB109, relative to school safety and coordination with law enforcement. Senator Lang introduced the bill as a request of school superintendents and is intended to clarify the ability for law enforcement to speak to school boards during nonpublic sessions at school board meetings without violating privacy rights. Lt. Michael Cote representing the State Police spoke in support of the bill and said this will alleviate communications challenges in working with local school boards. Beth Margeson representing the Division of Youth and Family Services raised minor technical concerns with the bill as written and the need to amend additional in their statute for compliance reasons.

H. HOUSE BILL 647-FN *(Qualified Immunity)*

AN ACT relative to causes of action for individual rights.

SPONSORS: Rep. T. Lekas, Hills. 38; Rep. M. Smith, Straf. 10; Rep. T. Mannion, Hills. 1; Rep. Popovici-Muller, Rock. 17; Sen. Murphy, Dist 16

COMMITTEE: Judiciary

ANALYSIS

This bill establishes a cause of action against the state for violations against individual rights.

NEPBA Position: Opposed (Testimony Submitted)

Next Hearing: TBD

https://www.gencourt.state.nh.us/bill_Status/billinfo.aspx?id=267

On January 26, 2023, the House Judiciary Committee conducted its public hearing on HB647 which would give individuals the ability to sue government employers for employee acts that are not actionable today, expanding lawsuits and removing limited immunities. The bill was supported by the ACLU and an out-of-state justice law firm. We worked to develop a strong coalition in opposition that brought out testimony from the NH Police Association, NH Trooper Association, State Employees Association, Professional Fire Fighters, AFSCME, NH Municipal Association, NH Association of Counties, the Attorney General's office, NH Department of Corrections, and the NH Department of Transportation. Law Enforcement gave very strong testimony. We are still expecting a tight committee vote so efforts are underway to conduct one on one outreach to committee members.

III. Miscellaneous, Drugs/Marijuana

A. Miscellaneous:

1. SENATE BILL 117

AN ACT relative to the definition of a "child" for the purpose of negligent storage of firearms.

SPONSORS: Sen. Fenton, Dist 10; Sen. Rosenwald, Dist 13; Sen. Altschiller, Dist 24; Sen. Whitley, Dist 15; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Sen. D'Allesandro, Dist 20; Sen. Chandley, Dist 11; Rep. Shurtleff, Merr. 15; Rep. Filiault, Ches. 7; Rep. M. Smith, Straf. 10; Rep. Leishman, Hills. 33

COMMITTEE: Judiciary

ANALYSIS

This bill changes the age of a child for the purpose of negligent storage of firearms.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=443&type=3

On Tuesday, the Senate Judiciary Committee met for a public hearing on SB117, which changes the age of a child from 16 to 18 years old for the purpose of negligent storage of firearms. Senator Donovan Fenton introduced the legislation and indicated that the bill closes an existing loophole on the definition of an age of a child. Senator Debra Altschiller also provided testimony in support of the legislation and directed the committee to the current statute which states that this law shall not prohibit or limit a person's right to own a firearm. Three volunteers from Moms Demand Action provided testimony in support of the bill, noting that this simple legislation could

potentially save lives and help reduce gun violence and suicides. Opposition to the bill came from Attorney Penny Deane, Gun Owners of NH, and the NH Firearms Coalition. Opposition to the bill claimed that there isn't a problem that needs to be fixed, and this legislation would not resolve any issues.

2. SENATE BILL 80-FN-A

AN ACT requiring the recording of custodial interrogations and making an appropriation therefor.

SPONSORS: Sen. Abbas, Dist 22; Rep. Roy, Rock. 31; Rep. Rhodes, Ches. 17; Rep. Lynn, Rock. 17

COMMITTEE: Judiciary

ANALYSIS

This bill requires that custodial interrogations be recorded, establishes a fund to make grants to state law enforcement agencies to purchase equipment to enable such recordings, and makes an appropriation therefor.

NEPBA Position: Opposed

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=990&type=3

On Tuesday the Senate Judiciary Committee held a public hearing on SB80 requiring the recording of custodial interrogations and making an appropriation therefor. Senator Abbas introduced the bill and noted that a similar version of this bill was before the legislature last year and said this bill is intended to increase discovery materials making cases easier and establishing better best practices for law enforcement agencies. He also noted that last year the bill did not have funding to help local agencies adhere to these best practices and ultimately failed, this year funding has been included. Helen Hanks representing the Department of Corrections raised minor technical concerns with the bill regarding the definition of certified law enforcement officers in relation to certified correction officers. Jeff Strelzin representing the Department of Justice spoke to minor technical edits the department had with the language and did not take a position on the bill. Joseph Ebert representing the State Police Investigative Services Bureau said the intent of the bill is good and gave minor technical edits to the proposed language, he also said this bill might need to look at long term funding the current amount of funds would maybe cover state up costs, but not long term operating costs. Chief Joseph Hoebeke representing the Association of Chiefs of Police spoke in opposition to the bill saying it would defer a lot of responsibility to local law enforcement agencies and lacks sufficient funding. Senator Carson chair of the committee asked if they felt recording interrogations provided better safety to the law enforcement officers to

which both Chief Hoebeke and Major Ebert responded with yes. Jonathan Cowal representing the Municipal Association spoke against the bill noting the bill would impose an unfunded mandate onto municipalities. Other testimony in favor came from the National Innocents Projects.

3. HOUSE BILL 560-FN-A

AN ACT establishing a contact person notification program to assist law enforcement personnel who have contact with a person with mental or physical disabilities and making an appropriation therefor.

SPONSORS: Rep. Trottier, Belk. 8; Rep. Bordes, Belk. 5; Rep. Bogert, Belk. 5; Rep. Coker, Belk. 2; Sen. Pearl, Dist 17

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires the state police to establish a contact person notification program to assist law enforcement personnel who have contact with a person with mental or physical disabilities and making an appropriation therefor.

NEPBA Position: In Favor

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=250&type=4

On January 26, 2023, the House Criminal Justice and Public Safety Committee held a public hearing on HB560, establishing a contact person notification program to assist law enforcement personnel who have contact with a person with mental or physical disabilities and making an appropriation therefor. Rep. Pratt introduced and said this would require state police to establish a voluntary contact person data base for individuals with mental or physical disabilities as a reference for law enforcement when interacting with individuals listed in the data base. Matthew Lappierre representing the State Police spoke in support of this bill indicating this will help law enforcement assisting those e.g., with dementia get in touch with familiar members quicker and alleviate the current burdensome effort law enforcement is currently tasked with he also noted that they have been in touch with one of their current vendors and could quickly implement this data base. There was no additional testimony on this bill.

B. Marijuana Legalization:

1. HOUSE BILL 639-FN-A

AN ACT relative to the legalization and regulation of cannabis and making appropriations therefor.

SPONSORS: Rep. Osborne, Rock. 2; Rep. Layon, Rock. 13; Rep. Wilhelm, Hills. 40; Rep. C. McGuire, Merr. 27; Rep. DiLorenzo, Rock. 10; Rep. Berry, Hills. 39; Rep. McWilliams, Merr. 30; Rep. Wallace, Rock. 8; Sen. Whitley, Dist 15; Sen. Murphy, Dist 16; Sen. Fenton, Dist 10

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes procedures for the legalization, regulation, and taxation of cannabis; the licensing and regulation of cannabis establishments; and makes appropriations therefor.

NEPBA Position: Opposed

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=532&type=4

On January 25, 2023, the House Commerce and Consumer Affairs Committee held a public hearing on HB639 relative to the legalization and regulation of cannabis and making appropriations therefor. Rep. Osborne introduced the bill indicated the intent is to bring the use of cannabis under the state's preview and provide regulations for the use and sales of cannabis to which is currently being sold in the black market or residents travel out of state to purchase cannabis products. Senator Whitley and Fenton spoke in support highlighting that 74% of the population is in support of the legalization of cannabis. Rep. Wilhelm a co-sponsor said by not legalizing cannabis it puts the state in an economic and social disparity amongst neighboring states. Susan Homola spoke in opposition and noted states that have already legalized marijuana has seen an increase in emergency response services as well as an increase in those seeking behavioral health services. Chief John Bryfonski representing the Chief of Police spoke in opposition and said cannabis "is a public health hazard" and that other states and NH have seen numerous increases in public safety concerns that are related to cannabis. Mike Holt and Jenny O'Higgin representing the Department of Health and Human Services did not take a position on the bill and only provided background information the therapeutic cannabis program and other support services for substance abuse. Others that testified in support include Rep. Egan, Richard Van Wickler representing Law Enforcement Action Partnership, Matt Simon representing Prime ATC, Frank Knaack NH ACLU and Ross Connolly representing Americans for prosperity. Others that testified in opposition include Rep. Ralph Boehm and Kate Frey representing New Futures.

2. HOUSE BILL 544-FN

AN ACT legalizing cannabis for retail sale.

SPONSORS: Rep. Eaton, Ches. 9; Rep. Newell, Ches. 4; Rep. Kenney, Straf. 10; Rep. Seibert, Hills. 21; Rep. Filiault, Ches. 7

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill:

- I. Legalizes the retail sale, possession, and use of cannabis for persons 21 years of age and older.
- II. Authorizes the liquor commission to regulate and administer the cultivation, manufacture, testing, and retail sale of cannabis statewide, and makes an appropriation therefor.
- III. Authorizes alternative treatment centers registered to dispense therapeutic cannabis to register, as a separate entity, to manufacture, cultivate, or transport cannabis to the state for retail sale.
- IV. Authorizes a municipality to enact an ordinance prohibiting or limiting the number and type of cannabis establishments that may be permitted within the municipality and regulating the time, place, and manner of operation of a cannabis establishment permitted within the municipality.
- V. Establishes the cannabis control fund and requires funds to be distributed to municipalities and the general fund.
- VI. Makes an appropriation to the department of health and human services to create public media and social media campaigns to address some of the risks of cannabis use.

NEPBA Position: Opposed

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=70&type=4

On January 25, 2023, the House Commerce and Consumer Affairs Committee held a public hearing on HB544-FN, legalizing cannabis for retail sale. Rep. Eaton introduced the bill and noted

that this is the same bill from last session with the inclusion of edibles, he also said that this bill should not be passed and rather the committee should use this as a vehicle to pass legalization with a broad coalition with minimal licensing requirements for participants. Jenny O'Higgins and Mike Holt representing the Department of Health and Human Services did not take a position on the bill by noted a couple public health concerns pertaining to data/surveillance, advertisements and inventory controls, harm reduction tactics, media campaigns about risk of use of cannabis. Mike Holt mentioned this bill would authorize the liquor commission to compete with the authorized Alternative Treatment Centers as part of the therapeutic cannabis program. Kate Frey representing New Futures testified in opposition saying this bill did not align with their organizations views.

3. HOUSE BILL 344-FN

AN ACT relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

SPONSORS: Rep. C. McGuire, Merr. 27; Rep. Bailey, Straf. 2; Rep. O'Brien, Hills. 10; Rep. O'Hara, Belk. 4; Rep. True, Rock. 9; Rep. Phinney, Straf. 9; Rep. Polozov, Merr. 10; Rep. W. Thomas, Hills. 12; Rep. T. Lekas, Hills. 38

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permits adults to give cannabis to other adults, provided it is not more than 3/4 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

NEPBA Position: Opposed

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=23&type=4

On January 26, 2023, the House Criminal Justice and Public Safety Committee held a public hearing on HB344 relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products. The sponsor of the bill was not at the hearing to introduce the bill. This bill allows up to 6 plants to be cultivated at home and increases the cap for infused cannabis products to 300 mg it also increases the amount an adult can possess cannabis. Frank Knaack representing the ACLU spoke in support of the bill and said this bill reduces racial disparities and while also utilizing harm reduction. Matt Simon representing Prime Alternative Treatment Centers also spoke in support and said like many of the other cannabis bills that have been heard recently this would bring NH in parity with neighboring states, bring people out of the criminal justice system and establish better regulations and consumer protections around cannabis products. There was no testimony in opposition to the bill.

4. HOUSE BILL 360-FN

AN ACT an act legalizing cannabis for persons 21 years of age or older.

SPONSORS: Rep. Verville, Rock. 2; Rep. Polozov, Merr. 10; Rep. T. Lekas, Hills. 38; Rep. Hynes, Hills. 2

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill legalizes the possession and use of cannabis for persons 21 years of age and older.

NEPBA Position: Opposed

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=244&type=4

On January 26, 2023, the House Criminal Justice and Public Safety Committee held a public hearing on HB360 an act legalizing cannabis for persons 21 years of age or older. Rep. Polozov introduced the bill and said this is the next step in decriminalizing cannabis and expanding access to the recreational use of cannabis products. There was no testimony in opposition.

5. HOUSE BILL 643-FN-A

AN ACT relative to legalizing marijuana.

SPONSORS: Rep. Damon, Sull. 8

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill legalizes marijuana for persons 21 years of age and older.

NEPBA Position: Opposed

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=244&type=4

On January 26, 2023, the House Criminal Justice and Public Safety Committee held a public hearing on HB643 relative to legalizing marijuana. Rep. Damon noted this bill established a process for individuals to purchase and sell cannabis products in the state, and establishes regulations e.g., marketing, consumer protections. There was no additional testimony on this bill.

6. HOUSE BILL 473-FN

AN ACT relative to penalties for controlled drug violations.

SPONSORS: Rep. Roy, Rock. 31; Rep. Hynes, Hills. 2; Rep. Yokela, Rock. 32

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill changes the penalty for certain schedule I, II, III, and IV drug offenses.

NEPBA Position: Opposed

Next Hearing: TBD

https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=556&type=4

On January 26, 2023, the House Criminal Justice and Public Safety Committee held a public hearing on HB473, relative to penalties for controlled drug violations. Rep Roy said this bill would change the penalty for certain schedule I, II, III, and IV drug offenses; first time offenses would be reduced to a misdemeanor and one or more offenses would be reduced to a class B felony. Chief Aldenberg and Jonathan Duchense representing the Manchester Police Department spoke

in opposition to the bill saying they believe by reducing the penalties for those found in possession of a controlled drug will only increase drug use, the department has also seen an increase in the correlation between the seizure of controlled drugs and other violent crimes. Frank Knaack representing the ACLU said they believe there needs to be a greater focus expanding harm reduction programs instead of incarceration. Rep. Hynes a co-sponsor testified in support of the bill.