



# GOLD STANDARD

HB 121 NAY OTP  
HB 480 NAY OTP  
HB 489 NAY ITL  
HB 558 YEA ITL  
HB 560 YEA ITL  
HB 652 NAY OTP  
HB 689 NAY OTP/A



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SENATE SESSION - WEDNESDAY, MAY 15, 2019

## HB 558, restricting the distribution of plastic straws.

Commerce: ITL 4-1

**ANTI-LIBERTY: This bill prohibits the distribution of plastic straws without an explicit request from the customer.**

- By stating that the request must be explicitly from the customer, this bill leaves open to confusion whether a business may offer the straw in the absence of a request and therefore infringes on free speech.
- The bill is likely to increase CO<sub>2</sub> emissions: many customers will pull away from a drive-through window at an establishment that only provides "on request" plastic straws, only to later find that they lack the ability to consume their beverage while on the road, requiring a return trip to the window.
- The majority committee blurb already indicates a path forward that does not require legislation — "Seacoast Sustainability is an alliance which includes restaurants that voluntarily follow this practice. One restaurant reported purchasing 35,000 plastic straws in 2017 and, after implementing the request policy, they bought only 1,200 plastic straws in 2018. Their customers were surveyed and had an overwhelmingly positive response to this decision."

**HB 558**

**YEA ITL**

## HB 560, relative to single-use carryout bags.

Commerce: ITL 4-1

**ANTI-LIBERTY: This bill bans single-use carry-out bags, institutes price controls for other carry-out bags, and mandates that businesses provide expensive multi-use bags to customers who make use of certain public welfare programs.**

- Prohibiting retailers from providing plastic bags to customers is a violation of the rights of both retailers and their customers.
- This bill may harm the environment. Reusable cotton bags require reuse of more than 173 times before breaking even on the environmental impacts of single-use bags ([terngoods.com/blogs/learn/reusable-vs-disposable-bags-whats-better-for-the-environment](http://terngoods.com/blogs/learn/reusable-vs-disposable-bags-whats-better-for-the-environment)).
- Thus, for people going shopping weekly, they would need to use a particular bag for well over 3 years without losing it or damaging it; otherwise, rather than helping the environment, the creation and use of the bag actually ended up harming it, which no one wants.

**HB 560**

**YEA ITL**

## HB 489, relative to changing a pupil's school or assignment because of a manifest educational hardship.

Education and Workforce Development: ITL 4-0

**PRO-LIBERTY: This bill provides alternate public school options for students meeting the conditions of 'Manifest Educational Hardship'.**

- This bill allows parents a path to work with the administrators in the public education system to find a better school for their child when their child is experiencing the issues of 'Manifest Educational Hardship'.
- The bill facilitates parents working with the teachers and administrators to solve serious education issues instead of forcing parents to remove children from the public schools when their children are experiencing the problems outlined in 'Manifest Educational Hardship'.
- Note: bill passed the House on the Consent Calendar

**HB 489**

**NAY ITL**

## HB 652, relative to suicide prevention.

Education and Workforce Development: Re-refer 5-0

# HB 652

**ANTI-LIBERTY: This bill requires the state board of education to adopt rules requiring annual training in suicide awareness and prevention for teachers and administrators while providing no funding for the new mandate.**

## NAY OTP

- Suicide is a tragic, but rare, occurrence and mandating that almost all school personnel spend two hours every year learning how to detect and prevent such tragedies is another piece of "feel good" legislation that will do nothing to solve a complex problem.
- Teachers are employed in schools to teach, not become psychologists; schools already have counselors to work with troubled children.
- This bill will be a boon for the training and certification industrial complex, but for teachers and other school personnel will be just another administrative burden to fulfill.
- The New Hampshire Constitution Part 1 [Art.] 28-a. [Mandated Programs.] states *"The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state or unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision."* This bill represents an unfunded mandate on local districts.
- While the committee recommendation of re-refer is acceptable to allow the constitutional issues presented by this bill to be addressed, should there be a motion to pass this bill in its current form, the appropriate vote is NAY OTP.

## HB 689, establishing a student career and college investment program and making an appropriation therefor.

# HB 689

Education and Workforce Development: OTP/A 4-1

**ANTI-LIBERTY: This bill expands taxpayer subsidy of college education and discriminates against children who are home schooled or who attend private and/or religious schools.**

## NAY OTP/A

- While the bill does not explicitly allocate money from the general fund for this program and opts instead for an increased fee (annual surcharge on open-ended mutual funds), proposed RSA 195-J:6 I-VI ensure that future budgets will allocate funds to the program, forcing taxpayers, including those who choose non-college career paths, to subsidize the education costs of those who choose college.
- Subsidies, including both direct subsidy and subsidized student loans, ultimately increase costs for all students as colleges expand to adapt to the inflow of money ([www.newyorkfed.org/medialibrary/media/research/staff\\_reports/sr733.pdf](http://www.newyorkfed.org/medialibrary/media/research/staff_reports/sr733.pdf)).

## HB 121, (New Title) relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.

# HB 121

Executive Departments and Administration: Re-refer 4-1

**ANTI-LIBERTY: This bill requires licensure and inspection of massage establishments.**

## NAY OTP

- Currently, massage therapists need to be licensed to work legally in New Hampshire. This bill will now require massage establishments to also obtain a license.
- New establishment fees are undefined and likely much more than an individual license.
- This will increase costs to small independent businesses both to obtain the new license as well as to allocate time to work with state inspectors. This will be a disproportionate burden on owner/operator establishments in that not only will they have to pay a new license fee but they also may have to cancel client appointments to work with the inspector.
- This bill allows license revocation or suspension if the licensee "Has engaged in illegal activity" (proposed RSA 328-B:8 VI.) which is subjective, overly broad, and does not require conviction before punishment.
- While the committee recommendation of re-refer is acceptable, should there be a motion to pass this bill in its current form, the appropriate vote is NAY OTP.

NAY  
OTP

**ANTI-LIBERTY: This bill creates government-granted monopoly privileges.**

- Selecting special interest agents to conduct gambling operations while prohibiting all others from competing is a clear example of regulatory capture and an unjust use of government power. Proposed RSA 287-I:5 would limit Sports Book Retail Operations to no more than 10 locations.
- This bill would violate Article 83 of the NH Constitution, which states *"Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it."*
- This bill increases the size and scope of government. Once large bureaucracies and moneyed interests are created, they are very difficult to roll back.
- The NHLA would support a bill to more broadly legalize private sports gambling.