



NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 121 YEA ITL  
 HB 153 NAY IS  
 HB 155 NAY IS  
 HB 186 YEA IS  
 HB 253 YEA IS  
 HB 481 NAY IS  
 HB 652 YEA ITL  
 HB 703 NAY OTP  
 SB 13 NAY OTP/A  
 SB 175 NAY ITL  
 SB 182 YEA IS  
 SB 248 NAY OTP  
 SB 304 NAY OTP/A

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SENATE SESSION - WEDNESDAY, JANUARY 8, 2020

**SB 248, increasing the age for sales and possession of tobacco products.**

## SB 248

Commerce: OTP 3-2

**ANTI-LIBERTY: This bill bans the sale and possession of tobacco products by many adults in NH.**

## NAY OTP

- This bill extends the current juvenile prohibition on tobacco products to adults between the ages of 18 and 21.
- While tobacco products are harmful, applying restrictions on their use to adults is paternalistic.
- The federal government has banned the sale of tobacco products to adults under 21 as part of the \$738 billion defense spending bill, rendering this unwise legislation also unnecessary.

**HB 186, establishing a state minimum wage and providing for adjustments to the minimum wage.**

## HB 186

Commerce: IS 4-1

**ANTI-LIBERTY: This bill establishes a state-dictated minimum wage.**

- Minimum wage laws decrease the number of entry-level jobs and make it harder for people of low skill to get their start in the workforce.
- Higher wages for everyone are better accomplished through job creation — more jobs mean more competition to hire all workers.
- Employers and employees should be free to negotiate the terms of employment without interference.
- The very idea of a minimum wage is patronizing and demeaning as it implies that individuals don't know how much they're worth and are incapable of negotiating with an employer.
- While this bill has a recommendation of Interim Study, which is acceptable, the appropriate path forward is to find this bill Inexpedient To Legislate.

## YEA IS

**HB 253, relative to criminal records checks in the employee application process.**

## HB 253

Commerce: IS 5-0

**ANTI-LIBERTY: This bill prohibits employers from asking a job applicant about his or her criminal history prior to an interview.**

## YEA IS

- The state should not be interfering in or dictating businesses' hiring practices.
- This bill contains an exemption from this restriction for state or local government agencies while denying this choice to private employers.
- The state should work to reduce the number of victimless crimes in order to reduce the number of people who are negatively impacted by their prior involvement in the criminal justice system.
- While this bill has a recommendation of Interim Study, which is acceptable, the appropriate path forward is to find this bill Inexpedient To Legislate.

# HB 703, relative to providing notice of the introduction of new high-cost prescription drugs.

# HB 703

Commerce: OTP 3-2

**ANTI-LIBERTY:** This bill complicates the process for the introduction of potentially life-saving drugs to the marketplace.

# NAY OTP

- This bill would require prescription drug manufacturers to notify the New Hampshire insurance department in writing when introducing a new prescription drug at a wholesale cost that exceeds the threshold set for a specialty drug under the Medicare Part D program. When this is triggered, the manufacturer will be required to provide the state with data such as a description of the marketing and pricing plans for the drug. The state would then publish this information on its website quarterly.
- While this new mandate is only a small increase in regulatory costs for the deployment of a new drug, along with other regulatory complexity it will continue to put upward pressure on healthcare costs.

# HB 652, relative to suicide prevention.

# HB 652

Education and Workforce Development: ITL 4-1

**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.

# YEA ITL

- 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.

# SB 304, relative to campaign contributions and expenditures, and making an appropriation therefor.

# SB 304

Election Law and Municipal Affairs: OTP/A 4-1

**ANTI-LIBERTY:** This bill, as amended, forms a committee to study public funding of certain state election campaigns.

# NAY OTP/A

- Taxpayers should not be forced to pay for the campaign activities of any candidate, particularly those with whom they vigorously disagree.
- While a study committee is less harmful than the original bill text, there is no compelling reason to spend taxpayer money to study this topic.

# SB 13, relative to limited electrical energy producers and net energy metering.

# SB 13

Energy and Natural Resources: OTP/A 4-0

**ANTI-LIBERTY: This bill would increase costs for New Hampshire ratepayers.**

- This bill subsidizes businesses and municipalities that choose to operate large scale energy generation facilities by increasing the subsidized net metering cap from the current 1 megawatt limit up to 5 megawatts.
- The recipients of these subsidies will get millions more at the expense of others without providing any substantial benefits to the grid, as the energy from these systems is often intermittent and unreliable.
- Large subsidies for renewables no longer make sense as studies claim that solar energy is cheaper than fossil fuels. If this is true, then operators of these facilities already have a significant competitive advantage and would not require subsidy to be profitable.
- This bill has essentially no impact on individual homeowner use of net metering as the existing threshold of 1 megawatt is already approximately 100 times larger (as compared to a 10 kilowatt system) than what a typical homeowner is capable of generating via rooftop solar ([www.solarreviews.com/blog/10kw-solar-systems-are-becoming-very-popular-here-is-why](http://www.solarreviews.com/blog/10kw-solar-systems-are-becoming-very-popular-here-is-why)).

# NAY OTP/A

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

# HB 121

Executive Departments and Administration: ITL 3-2

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

- 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.

# YEA ITL

# SB 175, relative to qualifying medical conditions for therapeutic cannabis.

# SB 175

Health and Human Services: ITL 3-1

**PRO-LIBERTY: This bill changes "qualifying medical condition" to any condition for which treatment is determined to be necessary by a provider.**

- Medical cannabis has been proven to be effective in the treatment of a variety of debilitating medical conditions.
- Medical providers and patients should be able to determine the best course of action to treat the patient's illness.

# NAY ITL

# SB 182, relative to a duty to report when another person has suffered grave physical harm.

# SB 182

Judiciary: IS 4-0

**ANTI-LIBERTY: This bill would establish a "duty to report" harm or exposure to harm that is so broad that nearly everyone could be subject to fine.**

- This bill modifies RSA 508 setting a broad new duty to report exposure to harm to authorities.
- Existing RSA 508:19 I.(f)(1) states that there is a "propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them" — should everyone be required to report proximity to horses? Crafting positive obligation 'bad Samaritan laws' is complex and may result in unintended consequences and unnecessary interactions with law enforcement.
- While this bill has a recommendation of Interim Study, which is acceptable, the appropriate path forward is to find this bill Inexpedient To Legislate.

# YEA IS

**HB 153, relative to circumstances under which police officer disciplinary records shall be public documents.**

**Judiciary: IS 4-0**

**PRO-LIBERTY: This bill makes certain disciplinary records concerning law enforcement officers which have been finally adjudicated subject to the Right-to-Know Law.**

- This bill affirms the right of inhabitants to obtain adjudicated disciplinary records for law enforcement officers. Disclosure would be allowed for records relating to police discharge of a firearm that led to serious injury or death.
- It would also permit disclosure of disciplinary records, after final adjudication, if a law enforcement officer has been found guilty of sexual assault or a sustained finding of dishonesty including perjury, false statements, filing false reports, destruction, or falsifying or concealing evidence.
- Public employees who hold extraordinary powers combined with immunities must be held to high standards.

**HB 155, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.**

**Judiciary: IS 4-0**

**PRO-LIBERTY: This bill requires a determination of whether information in a police officer's personnel file constitutes exculpatory evidence and allows a police officer who has information determined to be exculpatory evidence in his or her personnel file to have an opportunity to challenge the disciplinary finding.**

- This bill will assure that exculpatory evidence is available to prosecutors allowing them to review data and determine if it is appropriate to release to the defense.
- A fair trial is dependent upon all exculpatory evidences being available to the defense.

**HB 481, relative to the legalization and regulation of cannabis and making appropriations therefor.**

**Judiciary: IS 4-0**

**PRO-LIBERTY: This bill eliminates penalties for limited personal possession and home cultivation of cannabis for adults 21 and older.**

- This bill would increase personal freedom by allowing adults 21 and older to possess and give away (but not sell) up to one ounce of cannabis, five grams of concentrated cannabis, and infused products with 500 milligrams of THC outside of their homes; and securely cultivate up to six plants, three of which could be mature (with a household limit of 12 total, six mature), and possess the cannabis produced by their plants at home.
- Legalization would not only prevent innocent people from having their lives significantly impacted by minor possession arrests, but would also reduce the expense of the criminal justice system, allowing police and prosecutors to focus on serious crimes where innocent people have been victimized.
- Polls have shown 2/3 of Granite Staters and 2/3 of Americans support legalizing cannabis.
- While the bill creates new taxes and regulatory infrastructure, this compromise is a substantial improvement over current law, which subjects people to criminal penalty and potential destruction of their livelihood for victimless behavior.