



# GOLD STANDARD



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SENATE SESSION - WEDNESDAY, MAY 22, 2024

HB 185 NAY IS	HB 1215 YEA OTP/A	HB 1291 NAY IS	HB 1365 YEA OTP	HB 1581 YEA OTP
HB 194 NAY OTP/A	HB 1222 YEA OTP	HB 1292 NAY OTP	HB 1400 YEA OTP/A	HB 1584 YEA OTP
HB 546 YEA IS	HB 1227 NAY ITL	HB 1298 YEA OTP/A	HB 1533 NAY IS	HB 1660 YEA OTP
HB 1065 YEA OTP/A	HB 1278 YEA OTP	HB 1349 YEA OTP	HB 1536 NAY IS	HB 1696 NAY IS
HB 1093 YEA OTP				

**HB 1227, relative to extending the hours of alcoholic beverage sales for on-premises licensees.**

## HB 1227

**Commerce: ITL 4-1**

**PRO-LIBERTY: This bill extends the allowed time for alcohol sales by one hour.**

## NAY ITL

- This bill is a small step in enhancing liberty by allowing licensed liquor sales to continue for an extra hour.
- A potential additional benefit of extending the period for alcohol sales may be that all business activity, including restaurants, sporting events, and music venues, may schedule more events to end later, enhancing the overall economy.

**HB 1291, relative to accessory dwelling unit uses allowed by right.**

## HB 1291

**Commerce: IS 3-1**

**PRO-LIBERTY: This bill increases the number of accessory dwelling units allowed by right from one to two, adds definitions, and increases the maximum square footage. It also gives municipalities the right to require accessory units meeting the definition for workforce housing.**

## NAY IS

- This bill prohibits municipalities from violating property owners' rights. It allows homeowners to build a first accessory dwelling unit (ADU) by right, and limits parking minimums to no more than one space per ADU.
- By freeing homeowners to build more of these small rental units, this bill leverages proven market mechanisms to boost housing supply and bring down housing costs.
- This bill encourages development and housing investment, which goes toward solving the worsening housing crisis in NH, and does so by lessening, not increasing, government intervention in the market.
- Vote NAY IS and then support YEA OTP.

**HB 1400, (New Title) relative to residential parking spaces.**

## HB 1400

**Commerce: OTP/A 5-0**

**PRO-LIBERTY: This bill, with the proposed committee amendment, provides that zoning and planning regulations shall not require more than two residential parking spaces per unit. Additionally, it specifies the rights and obligations of each party in cases of evictions of unauthorized occupants and provides remedies for violations of landlord-tenant law and unauthorized occupancy evictions.**

## YEA OTP/A

- This bill allows for a limit for zoning and planning regulations to require no more than two parking spaces per residential unit. This is a good first step in allowing the free market to determine how much parking is required.
- This bill also strengthens property owners' rights by establishing clear laws with specific legal outcomes for tenants who abandon properties or others who attempt to squat in them.
- With the passage of this bill, New Hampshire owners will have more legal tools available to them to protect their property.

## HB 1298, relative to the definition of part-time teachers.

# HB 1298

Education: OTP/A 3-1

**PRO-LIBERTY:** This bill, with the proposed committee amendment, allows part time teachers, working less than 30 hours per week, to teach without holding a State Board of Education credential provided that they have not been rendered ineligible to be employed as an educator and have passed a background check.

## YEA OTP/A

- This bill helps to address a teacher shortage by allowing school districts to utilize qualified part-time staff.
- Numerous studies have found weak association between certification and teacher effectiveness ([www.annualreviews.org/content/journals/10.1146/annurev-economics-080213-040845](http://www.annualreviews.org/content/journals/10.1146/annurev-economics-080213-040845)).
- A part-time teacher is likely more accountable to the administration and thus if there are effectiveness issues, they can be addressed more quickly.

## HB 1215, (New Title) relative to development approvals and appeals.

# HB 1215

Election Law and Municipal Affairs: OTP/A 3-2

**PRO-LIBERTY:** This bill, with the proposed committee amendment, protects private property owners from changes in the building code, fire code, or other regulations effecting a regulatory taking of their property.

## YEA OTP/A

- This bill extends the existing 5-year exemption for subdivision plats to 10 years and increases the preliminary step from 2 years to 5 years.
- It also changes the building code and fire code appeals process, limiting the jurisdiction of the local building code board of appeals to hearing decisions made under local amendments to those codes.
- Additionally, it provides that decisions of the building code review board regarding decisions of the fire marshal and local building code board of appeals may be appealed to superior court or the housing appeals board.
- This bill brings stability to development investments — once something is approved, the rug can't be pulled out from under them.
- This bill encourages development and housing investment, which goes toward solving the worsening housing crisis in NH, and does so by lessening, not increasing, government intervention in the market.

## HB 194, (New Title) requiring the director of the division of historical resources to compile and maintain a list of public monuments.

# HB 194

Energy and Natural Resources: OTP/A 5-0

**ANTI-LIBERTY:** This bill requires the director of the Division of Historical Resources to periodically compile and publish a survey of all monuments in the state.

## NAY OTP/A

- While this is a seemingly innocuous bill, it does provide the pretext for growing spending in the state to perform an activity that is better served by private individuals and hobbyists.
- To the extent that such a list provides some value, it is well within the reasonable purview of the director of the Division of Historical Resources to consider creating such a list without a time interval mandated by law.

## HB 1065, relative to fire sprinkler requirements in residential buildings.

# HB 1065

Executive Departments and Administration: OTP/A 4-1

**PRO-LIBERTY:** This bill adds an exception to the state fire code for fire suppression or sprinkler system requirements for certain existing residential buildings with no more than 4 dwelling units and prohibits municipalities from adopting certain fire suppression device ordinances and regulations.

## YEA OTP/A

- This bill helps alleviate the costs of rent and housing shortage somewhat by reducing the expenses to landlords who will now not have to install or maintain sprinkler systems in buildings that don't actually need them.
- Fire sprinkler and suppression systems are prohibitively expensive for units this size, especially to those who are just starting off and may own a multi-family residence that has three or four units to offset their costs.

## NAY OTP

## YEA IS

## NAY IS

## NAY IS

### HB 1292, relative to coverage of children under the state retiree insurance plan.

Executive Departments and Administration: OTP 5-0

**ANTI-LIBERTY: This bill increases costs to the New Hampshire taxpayer by reducing requirements for coverage.**

- This bill notably has no fiscal note of value, while it is a bill specifically targeted at significantly increasing health claim costs in the retired state employee's insurance plan through eliminating the requirement that adult children need not be full-time students to be on the state dole.
- Adults should be responsible for their own health insurance. Allowances are already made if they are full-time students. Responsible adults should not expect state taxpayers to pick up the bill for their healthcare costs.
- While the impact is not defined by the legislature, there is no inexpensive healthcare in America and these costs will be on the order of additional millions of dollars to state taxpayers.

### HB 546, relative to the school building aid program.

Finance: IS 6-1

**ANTI-LIBERTY: This bill increases the amount of state aid for building of schools by \$30 million per year and mandates a minimum of \$50 million per year in state aid.**

- The NH public school student population has been shrinking for many years and is down more than 10,000 students since 2018 as parents find better options for educating their children and demographic shifts occur in the state. Unchecked spending increases already high property taxes and further burdens the NH economy. Schools should be more, not less, accountable in order to rein in spending.
- With state building aid, local districts will fund more extravagant schools than they would if they had to pay the full cost themselves.
- While IS is acceptable, a vote of ITL is preferred.

### HB 1533, relative to the safe harbor compensation amount under the business profits tax.

Finance: IS 7-0

**PRO-LIBERTY: This bill increases the amount of the safe harbor provision for compensation under the business profits tax and provides for a biennial increase in future years based on the percentage change in the Consumer Price Index.**

- This bill potentially reduces the tax burden to small business owners with up to an additional \$25,000 deduction.
- The impact to the state budget is stated to be an immaterial \$1.1 million per year going forward. This is a trivial amount representing 0.0081% of New Hampshire's \$13.6 billion state budget. Conversely, to a small business owner, this tax deduction could be the support they need to stay in business another year.
- Small business owners need the support of our legislature. They are the backbone of the state economy and provide services, goods, and jobs for everyone.
- Vote NAY IS and then support YEA OTP.

### HB 1536, relative to increasing the amount of the expense deduction allowed against the business profits tax.

Finance: IS 7-0

**PRO-LIBERTY: This bill increases the amount of the section 179 expense deduction permitted against the business profits tax starting in 2025.**

- The 2023 IRS limit for section 179 expenses is \$1,160,000. While this bill falls short of setting New Hampshire's deduction to the same level offered by the federal government, it substantially closes the gap and reduces one area in which New Hampshire business taxes are less competitive than other states.
- Every state with a corporate income tax allows for some form of section 179 expense deduction but only 14 states (inclusive of NH) and the District of Columbia utilize more restrictive limits than the IRS, ranging from \$25,000 to \$1,040,000 ([us-kb.sage.com/portal/app/portlets/results/viewsolution.jsp?solutionid=225924450086997](https://us-kb.sage.com/portal/app/portlets/results/viewsolution.jsp?solutionid=225924450086997)).
- Vote NAY IS and then support YEA OTP.

## HB 1696, (New Title) relative to local records retention.

Finance: IS 7-0

**PRO-LIBERTY: This bill clarifies a public body or agency's ability to accept record requests by electronic means and to provide such records electronically.**

- This bill enhances the capacity for transparency in local government by providing for Right-to-Know requests to be satisfied by utilizing document databases accessed via the Internet.
- This is a commonsense bill that seeks to modernize government records retention and access through digitizing documents and making them readily accessible on the Internet.
- This accessibility of information will reduce the number of Right-to-Know requests the government sees, as requesters can readily find the information openly available to them online.
- Vote NAY IS and then support YEA OTP.

# HB 1696

## NAY IS

## HB 1093, prohibiting mandatory mask policies in schools.

Health and Human Services: OTP 3-2

**PRO-LIBERTY: This bill prohibits school boards and other public education agencies from adopting, enforcing, or implementing a policy that requires students or members of the public to wear a facial covering.**

- This bill prevents public schools from adopting broad mandatory masking policies, leaving the choice to parents and students.
- With or without masks and with or without the current risks of COVID-19, there will always be risks involved in interacting in public ways with our own species. It is unreasonable to use the power of the state to dictate masking for normal human interaction. One person's wise cautious behavior is another person's 'germophobe', and inserting the state into these personal decisions within the confines of services provided through taxation will always result in one side or the other being unhappy with the outcome.
- Expansion of school choice programs that enhance the ability of individuals to associate in the manner in which they desire is likely the only long-term solution. Until we achieve that goal, the state should leave as much choice to the individual as possible.

# HB 1093

## YEA OTP

## HB 1222, relative to physician assistant scope of practice.

Health and Human Services: OTP 5-0

**PRO-LIBERTY: This bill eliminates the requirement for a collaboration agreement for physician assistants.**

- This bill provides similar treatment for physician assistants as is already given to licensed practical nurses.
- This bill corrects the indentured servitude that PAs have been suffering under physicians who have never met, didn't actually mentor or advise, and have charged PAs exorbitant rates for their ability to practice medicine.
- This bill improves the availability of qualified medical personnel in New Hampshire, as PAs will no longer be disincentivized to practice here by arduous collaboration requirements imposed by law.

# HB 1222

## YEA OTP

## HB 1278, relative to qualifying medical conditions for purposes of therapeutic cannabis.

Health and Human Services: OTP 5-0

**PRO-LIBERTY: This bill adds debilitating or terminal medical conditions to the qualifying medical conditions for therapeutic cannabis if a healthcare provider certifies the potential benefit to the patient. The bill also removes certain limitations on a qualifying visiting patient's access to cannabis.**

- This bill extends liberty compassionately by allowing healthcare providers to consider any debilitating or terminal medical condition or symptom for which the potential benefits of using therapeutic cannabis would, in the provider's clinical opinion, likely outweigh the potential health risks for the patient.
- Treatments should not be dictated by the state but instead be developed by the healthcare professionals who actually provide the most qualified and effective expertise to their patients' treatment plans.

# HB 1278

## YEA OTP

## YEA OTP

### HB 1349, relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

Health and Human Services: OTP 3-2

**PRO-LIBERTY:** This bill removes a state-imposed barrier to medical treatment paid for by the patient by adding generalized anxiety disorder to the list of qualifying medical conditions for the use of therapeutic cannabis.

- Studies have demonstrated a positive association between cannabis-based medicinal products/treatment (CBMP) and improvements in anxiety among patients with generalized anxiety disorder. For instance, a cohort study found that CBMP treatment led to a significant reduction in anxiety symptoms, as well as improvements in sleep quality and overall quality of life for these patients ([onlinelibrary.wiley.com/doi/10.1002/npr2.12407](http://onlinelibrary.wiley.com/doi/10.1002/npr2.12407)). While a cohort study is a lower standard of evidence than a well-designed randomized controlled trial, the evidence is more than sufficient to support the use of this treatment option.
- The New Hampshire Therapeutic Cannabis Medical Oversight Board recommends adding generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

## YEA OTP

### HB 1365, relative to substitution of biological products by pharmacies.

Health and Human Services: OTP 3-2

**PRO-LIBERTY:** This bill allows for the substitution by a pharmacist of an interchangeable (i.e. generic) biological product for another interchangeable biological product, and prohibits the substitution of an interchangeable biological product if the substitution would result in an increase in cost to the patient.

- This bill allows a pharmacist to substitute biosimilars. Biosimilars are drugs that have shown in clinical trials to be as safe and effective as primarily prescribed drugs.
- Example: Humira is priced at \$3,300 while generic drug B is priced at \$1,200 and generic drug C is \$600. Currently, should a provider prescribe \$1200 generic drug B, a pharmacist may only dispense \$1,200 generic drug B or \$3,300 Humira. The bill allows a pharmacist to offer \$600 generic drug C, \$1,200 drug B, or \$3,300 Humira.
- This will likely reduce some pharmaceutical prices by allowing for more competition between pharmaceutical manufacturers.

## YEA OTP

### HB 1581, relative to cultivation locations for alternative treatment centers.

Health and Human Services: OTP 5-0

**PRO-LIBERTY:** This bill allows a second cultivation center to be considered for alternative treatment centers.

- Allowing an additional cultivation location for alternative treatment centers further protects patients by allowing for the stabilization of supplied medicine in the event that the single production facility experiences a production stoppage.
- This bill also allows for the protection of medical cannabis products to be available to patients with a lessened risk of supply constriction in the event that recreational cannabis is finally passed by the legislature.

## YEA OTP

### HB 1584, relative to home day care licensing requirements.

Health and Human Services: OTP 3-2

**PRO-LIBERTY:** This bill helps ease the demand on the decreasing supply of licensed childcare providers by providing a low-cost alternative for many NH families.

- This bill promotes more affordable and accessible childcare options for families, as it allows for one additional child to be cared for in a private home without the need for a daycare license, which can be costly and time-consuming to obtain.
- The bill respects the autonomy of parents in choosing the best childcare arrangements for their children without unnecessary government interference.
- The bill may encourage the growth of small, home-based childcare businesses, which can provide more personalized and flexible care options for families.
- The increased capacity for children in private homes may also help alleviate the shortage of childcare options in some areas, making it easier for parents to find suitable care arrangements for their children.

**YEA  
OTP**

**NAY IS**

**HB 1660, relative to coverage of certain procedures for minor children under the state's Medicaid program.**

**Health and Human Services: OTP 3-2**

**PRO-LIBERTY: This bill provides that the state Medicaid plan shall not include gender reassignment treatment for minors.**

- This bill prevents gender reassignment treatments from being covered by Medicaid.
- This bill improves liberty by reducing potential costs to taxpayers for a safety-net entitlement by eliminating an elective treatment.

**HB 185, (New Title) relative to the determination of parental rights and responsibilities based on shared parenting.**

**Judiciary: IS 4-1**

**PRO-LIBERTY: This bill provides that it is a state policy to support approximately equal parenting time of a child for each parent when courts are determining a permanent order concerning parental rights and responsibilities, unless such an arrangement is clearly detrimental to the child.**

- While the bill is only a small change compared to the existing RSA which only suggests "frequent and continuing contact", the change to approximately equal time ensures that both parents start on an equal footing in court when it comes to parental rights.
- According to a report from the U.S. Census Bureau, in 2018 about 4 of every 5 (79.9%) of the 12.9 million custodial parents were mothers ([www.census.gov/content/dam/Census/library/publications/2020/demo/p60-269.pdf](http://www.census.gov/content/dam/Census/library/publications/2020/demo/p60-269.pdf)), and while not every instance is the result of a court proceeding, this bill sets a presumption for courts that equal parenting time for each parent is in the best interest of the child.
- Kentucky passed a similar measure in 2017 ([www.courier-journal.com/story/opinion/2019/08/30/kentuckys-joint-custody-law-leads-decline-family-court-cases/2158216001](http://www.courier-journal.com/story/opinion/2019/08/30/kentuckys-joint-custody-law-leads-decline-family-court-cases/2158216001)) and found that a drop in family court disputes followed. In addition, according to a meta analysis, kids who share time between both parents' homes approximately equally have better outcomes related to academic achievement and physical and mental health ([momsforsharedparenting.org/shared-parenting-research](http://momsforsharedparenting.org/shared-parenting-research)).
- While only a modest step in the right direction, the result is consistent with better outcomes for children and their parents as well as taxpayers who may be less likely to carry the costs of an expanding family court system.
- Vote NAY IS and then support YEA OTP.