

Legislative Review

By Robert Johnson II, Policy Director/Acting Administrator



LEGISLATIVE - FROM PAGE 1

HB 119-FN, (New Title) relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

Removes the limit of \$35,000 in annual sales of non-potentially hazardous food for a Homestead Food License exemption (RSA 143-A).

RSA 143-A:12: "Potentially hazardous food" means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also include processed acidified and low acid canned foods.

In addition, adds red deer and elk to RSAs 143-A: 18-20 & 427:2-1, IV exempting bison from certain slaughter requirements, enabling on-farm slaughter when the meat is sold directly to the consumer "from such farm, at the producer's farm stand, and by the producer at farmers' markets, or when sold to a licensed restaurant." Also makes changes to existing veterinary inspection and testing requirements for ground meat. Note: this language sunsets.*

Effective: 10/3/23 (*these changes to law relative to elk, red deer, and bison are repealed effective 10/3/25), Chapter Law 180. **Support.**

HB 138, relative to the oversight of the commissioner of the department of agriculture, markets, and food.

Repeals: RSA 425:14 which gave supervisory authority to the Commissioner of Agriculture over clerical personnel of the state Board of Veterinary Medicine (the Board is now under the Office of Professional Licensure and Certification), RSAs 436:110-114 relative to procedures for equines imported from Contagious Equine Metritis (CEM) counties, and RSA 6:12, I (b)(47) the CEM fund. The bill was a request of the Commissioner of Agriculture and the State Veterinarian.

Effective: 7/3/23, Chapter 13.

HB 152, relative to soil and plant additives.

Makes updates to RSA 431, the New Hampshire Fertilizer Law, including defining the following:

RSA 431:1-a Soil and Plant Additives. "Soil and plant additives" means substances added to soils or applied to plants to improve soil nutrient content, soil structure, soil biological activity, nutrient accessibility to plants, plant microbiome characteristics, and plant uptake of nutrients, including soil applied and foliar fertilizers, limes, other mineral additives, compost, manure, soil amendments, plant amendments and plant biostimulants.

Effective: 8/19/23, Chapter Law 82. **Support.**

HB 174, relative to the filing of notice of intent to cut timber.

Enables a landowner to cut timber in cases where a notice of Intent to Cut has been filed but no response is received from the municipality within 15 days as required in law (RSA 79:10, I (b)) by adding subparagraph (c) to RSA 79:10, I as follows:

(c) If the submitting owner has met all conditions for approval and the intent is not signed by the assessing officials within 15 days pursuant to subparagraph (b), and provided that the assessing officials have not communicated to the owner a reason why conditions for approval have not been met, the owner may commence the cutting operation after submitting a copy of the intent and providing the date of filing to the commissioner of revenue administration. If the assessing officials thereafter determine that the conditions for approval have not been met, the assessing officials shall notify the owner and the person responsible for the cutting explaining why the submitted intent does not meet the conditions for signature. Upon delivery of such notice, the cutting operation shall cease until such conditions are met and the intent is signed.

Effective 8/29/23, Chapter Law 117. **Support.**

Game Camera Legislation Signed into Law!

HB 221-FN, (Third New Title) relative to the acquisition of agricultural land development rights and relative to the use of game cameras.

Updates and provides flexibility to the Department of Agriculture in administering the Department's farmland preservation easement program (RSA 432).

Also requires:

- Landowner permission for the placement of a game camera on the private property of another.
- Name and contact information visible while mounted.
- Cameras removed by December 1st of each year unless landowner permission received to keep it up.
- No person take a game animal within the same calendar day it is remotely viewed.
- Landowners contact law enforcement to have a camera removed.

It does this by adding the following new subdivision to Fish and Game statute as follows:

Game Cameras

RSA 207:63 **Game Cameras.**

I. Any person taking or attempting to take a game animal or fur-bearing animal may use a game camera to locate, surveil, aid or assist in any attempt to locate or surveil any game animal or fur-bearing animal, provided that no person shall take a game animal or fur-bearing animal within the same calendar day of remotely viewing any image or video of that animal from a game camera in that area.

II.(a) No person shall place a game camera that records or transmits images or data of any kind while unattended outside on the private property of another without the consent of the property owner or the property owner has posted signage on his or her property allowing the placement of such camera as provided in this section. A game camera placed on state owned or managed lands, or on municipally owned property, shall be exempt from requiring landowner permission.

(b) A property owner may permit the placement of a game camera by posting signs of durable material with any words describing the physical activity permitted, such as "Game Cameras Allowed", printed with block letters no less than 2 inches in height, and with the name and contact information of the property owner. Such signs shall be posted at gates, bars and commonly used entrances. This section shall not prevent any property owner adding to the language required by this section.

(c) Any permission granted by a property owner under this section shall expire on December 31st of each calendar year, unless revoked or extended by the property owner or his or her designee.

III. A person who places a game camera on the private property of another, or on state owned or state managed property, shall label the camera with the name and contact information of the camera owner in a manner visible while mounted.

IV. A property owner shall contact a local or state law enforcement officer or conservation officer to remove and seize a game camera which was placed in violation of this section.

V. This section shall not prohibit:

(a) The lawful use of implanted or attached electronic devices by fish and game department staff, or other persons holding a scientific permit from the executive director, to identify, monitor, or track animals; or

(b) Any device placed or used in accordance with a warrant or in accordance with other lawful actions of law enforcement officers or personnel of the fish and game department in the performance of their official duties.

VI. Any person who violates this section shall be guilty of a violation and subject to a fine of up to \$125 for each offense and, for a second or subsequent conviction under this section, may forfeit the game camera and related fastening devices used during the violation of this section.

Effective: 10/7/23 (RSA 432 changes), 1/1/24 (game camera), Chapter Law 232. **Support.**

HB 249, establishing regulatory standards for the pet insurance industry and allowing restaurant owners to keep their dog on the premises.

Creates a comprehensive legal framework (RSA 402-P) within which pet insurance may be sold in the state. "Pet insurance" is defined as "a property insurance policy that provides coverage for accidents and illnesses of pets."

Also adds a new paragraph to RSA 466:44 relative to dogs in restaurants and food stores as follows:

III. A restaurant owner may allow his or her properly disciplined companion dog inside his or her place of business. Such dogs shall not be allowed in food preparation or production areas. A restaurant owner allowing his or her companion dog shall prominently display a sign at all public entrances advising patrons that his or her companion dog is allowed on the premises and that such dog shall be removed from any portion of the premises where members of the public are present in the event a patron with a service animal is present.

Effective: 1/1/24, Chapter Law 149.

HB 252, (New Title) exempting certain agricultural operations from certain municipal noise ordinances.

Exempts farming and agricultural operations, excluding agritourism activities, from municipal noise ordinances by adding the language in **bold italics** to existing statute as follows:

Relative to the authority of towns:

RSA 31:39, I(n) Regulating noise, ***except that no "quiet hours" ordinance or bylaw that attempts to regulate noise from activities related to farms, agriculture, and farming as defined in RSA 21:34-a shall be enforceable within a town. This exception shall not apply to agritourism as defined in RSA 21:34-a, II(b)(5).***

Relative to the authority of city councils:

RSA 47:17, XX. No ***"quiet hours" ordinance or bylaw that attempts to regulate noise from activities related to farms, agriculture, and farming as defined in RSA 21:34-a shall be enforceable within a city. This exception shall not apply to agritourism as defined in RSA 21:34-a, II(b)(5).***

Effective: 8/19/23, Chapter Law 83. **Support.**

HB 364-FN, relative to transportation for students attending career and technical education centers.

Amends the existing statute relative to costs for the transportation of students to Career and Technical Education (CTE) centers by striking language and adding the language in **bold italics** as follows:

RSA 188-E:8 Transportation. – The department of education is authorized to reimburse from its regular budget the full cost of transportation **in an amount based upon a formula using type of vehicle, mileage, and number of trips made** for (a) regional career and technical education students who attend regional career and technical centers; and for (b) at-risk students who attend alternative education programs located at a regional career and technical education center or other comprehensive high school. The transportation reimbursement formula shall be established in rules adopted by the state board of education pursuant to RSA 541-A. ~~Transportation costs shall not exceed the rate adopted pursuant to RSA 541-A by the state board.~~ **The CTE transportation reimbursement formula shall not be dependent upon the number of students riding on a particular bus or other type of vehicle.** The sending district shall be responsible for providing transportation and paying the transportation costs and shall then be reimbursed from state funds.

Effective: 7/1/25, Chapter Law 130.

SB 15-FN, relative to the use of tree stands and observation blinds.

Amends (language in **bold italics print** below) existing statute relative to tree stands & hunting blinds to require the name and contact information of the owner and removal by June 1 of each year unless permission of the landowner has been granted. Also directs landowners to contact law enforcement for removal of equipment placed in violation as follows:

RSA 207:36-a Use of Tree Stands, Observation Blinds, and Pit Blinds.

I. No person shall erect, build or use a tree stand or observation blind on land of another person that damages or destroys a tree by inserting into the tree any metallic, ceramic, or other object used as part of a ladder or observation deck, without express written permission from the property owner or designee.

II. No person shall erect, build or use a pit blind on land of another person without express written permission from the property owner or designee.

III. No person shall cut any tree in connection with any of the activities regulated under this section without the express written permission of the property owner or designee.

IV. **Except for permissions granted by property owners in paragraphs V and VI of this section**, the permittee shall carry such permit on his person while in the field and shall be subject to inspection on demand of any conservation officer.

V. **No person shall construct a permanent tree stand or observation blind without permission from the property owner or designee.**

VI. **A portable or temporary tree stand or observation blind that does not violate paragraph I or II may be erected on the land of another from April 25 to June 1 and from August 1 to December 31 of a calendar year. All portable or temporary tree stands or observation blinds shall be removed from the property by June 1, unless allowed by permission from the property owner or designee.**

~~VII.~~ All property owner permits shall expire on December 31 of each year unless rescinded by the property owner or designee.

VIII. **All tree stands or observation blinds shall be labeled with the name and contact information of the owner of the tree stand or observation blind in a clearly visible manner.**

~~VI.] IX.~~ Any person who violates any provision of this section shall be guilty of a violation and:

(a) Shall be liable for the amount of damage caused by the act, to be recovered by the property owner sustaining the damage; **and**

(b) **Shall be liable for any fine amount levied by the fish and game department, to be recovered by the department.**

~~VH.] X.~~ The executive director shall adopt rules, pursuant to RSA 541-A, relative to the form, issuance and filing of property owner permits for the tree stands, observation blinds and pit blinds.

XI. **A property owner shall contact a local or state law enforcement officer or conservation officer to remove and seize a permanent, portable, or temporary tree stand or observation blind which was placed, or the owner of which has failed to remove, in violation of this section.**

Effective: 1/1/24, Chapter Law 201. **Support.**

SB 23, establishing a study committee on meat processing.

The duties of the committee are outlined as follows:

I. Examine existing state and federal laws regarding meat processing inspection including the definitions of non-amenable and exotic species under the United States Department of Agriculture’s Food Safety and Inspection Services Guidelines.

II. Identify best practices for farms looking to process for sale meat from non-amenable species.

III. Identify other states currently exempting non-amenable species from inspection.

IV. Work with other state agencies, as needed.

V. Examine existing state and federal laws and regulations regarding state run meat inspection programs.

VI. Work with the department of agriculture, markets, and food, the department of health and human services, and the department of fish and game, to determine how the existing state meat inspection program could be modified.

VII. Identify other states currently using a state meat inspection program.

A report is due on or before November 1.

Effective: 6/20/23, Chapter Law 94. **Support.**

SB 62, relative to landowner liability under RSA 147-B, the hazardous waste cleanup fund. Clarifies landowner liability provisions relative to the Hazardous Waste Cleanup Fund and updates references to the terms hazardous wastes and hazardous substances. The bill was a request of the Department of Environmental Services.

Effective: 6/20/23, Chapter Law 96.

SB 146, relative to the agricultural advisory board.

Makes updates to statute governing the Agricultural Advisory Board (RSA 425:22-23).

Effective: 6/7/23, Chapter Law 73.

SB 162, relative to exemptions from rabies vaccinations for dogs, cats, and ferrets.

Changes statute relative to exemptions from rabies vaccination for dogs, cats, and ferrets by striking language and adding the language in **bold italics** as follows:

RSA 436:100, II. A rabies immunization exemption may be issued, where illness or a veterinary medical condition warrants, by the local rabies control authority upon the written recommendation of a veterinarian licensed under RSA 332-B. The recommendation shall also be signed by an American College of Veterinary Internal Medicine diplomate and the state veterinarian. **The exemption shall be valid for one year. After the initial one year has expired and if the animal still qualifies for the exemption, the exemption shall be recertified by a veterinarian licensed under RSA 332-B on an annual basis.** The exempted animal shall be maintained in strict rabies isolation, under conditions that are at the discretion of the local rabies control authority, until such time as the medical condition has been resolved and the animal can be immunized against rabies. Exempted animals shall not be allowed outdoors without being on a leash and shall be under the direct physical control of an adult owner at all times. In addition, when the animal is outdoors, it shall be muzzled in a manner approved by the local rabies control authority. ~~[The exemption shall be valid for no more than one year from the date of the last signature on the written recommendation for exemption.]~~

Effective: 7/1/23, Chapter Law 101.

SB 187-FN, relative to driver’s licenses for certain visa holders.

Enables H-2A Agricultural Guest Worker visa holders to drive in NH for up to 300 days on their home country driver’s license by adding the following new section to law as follows:

RSA 263:35-a International Driver’s License Reciprocity for H-2A Workers. Notwithstanding RSA 263:35, or any other law to the contrary, a nonresident employed in New Hampshire through the federal H-2A temporary agricultural worker program shall not operate a motor vehicle in New Hampshire unless:

I. He or she holds a valid driver’s license or permit to operate a motor vehicle issued by another U.S. jurisdiction; or

II. He or she holds a valid driver’s license or permit to operate a motor vehicle from a jurisdiction outside the United States and:

(a) Is at least 18 years of age;

(b) Is lawfully present in the United States;

(c) Has been present in the United States for less than one year; and

(d) He or she possesses an international driving permit if their license issued from a jurisdiction outside the United States is not written in English.

III. Nonresidents who satisfy the requirements under this section shall have a maximum of 300 days from the date their residency was established to obtain a driver’s license issued by the state of New Hampshire.

Also adds the language in **bold italics print** to existing statute as follows:

RSA 263:35 Nonresident Who Establishes a Residency in the State. Notwithstanding the provisions of RSA 261:44 or any other law to the contrary, any nonresident driver of a motor vehicle who holds a valid driver’s license in another jurisdiction, upon the establishment of a bona fide residency in this state, shall have a maximum of 60 days from the date his **or her** residency was established to obtain a driver’s license issued by the state of New Hampshire; **provided that H-2A temporary agricultural workers satisfying the requirements under RSA 263:35-a shall have a maximum of 300 days.**

Effective: 10/3/23, Chapter Law 220. **Support.**

Bills Found Inexpedient-to-Legislate (ITL) or Tabled and Not Removed in Effect Finishing Them

HB 128-FN, relative to repealing state seed labeling license requirements. **Oppose.**

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HB 208-FN, establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan.

HB 231-FN, prohibiting the removal of claws from cats. **Oppose.** (Tabled)

HB 258, relative to animal chiropractors.

HB 280-FN, relative to the sale of freeze-dried food.

HB 348-FN, relative to the sale of raw milk and products made with raw milk. **Oppose.**

HB 372, establishing a commission to study the short and long-term impacts of pending national and regional carbon pricing mechanisms on New Hampshire's citizens, businesses, institutions, and environment.

HB 485, establishing deputy animal control officers. **Support.** (Tabled)

HB 487-FN, establishing a New Hampshire farm-to-school reimbursement program. (Tabled)

HB 498-FN, requiring fish and game officers to obtain a warrant to conduct a search and seizure. **Oppose.**

HB 523-FN, relative to net energy metering limits for individual and business customers.

HB 574-FN-A, re-establishing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program. **Support.** (Incorporated into State Budget – **HB 2-FN-A-L.**)

HB 612-FN, relative to the fees for New Hampshire wine manufacturers.

HB 636-FN, relative to required education for zoning board of adjustment members. **Oppose.**

SB 164-FN-L, (New Title) relative to consideration of biodiversity in the land and community heritage investment program. **Oppose.** (Tabled)

SB 226, relative to the use of bait for hunting bear.

SB 233-FN-A, re-establishing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program. **Support.** (Tabled, incorporated into State Budget – **HB 2-FN-A-L.**)

Committees of Conference Unable to Come to an Agreement

HB 534-FN-A, relative to water assistance for natural disasters.

SB 14-FN, (New Title) relative to the use of game cameras and relative to penalties for controlled drug violations. See **HB 221-FN**.

SB 47, establishing a commission to study barriers to increased density of residential development in New Hampshire. **Support.**

Bills Vetoed by the Governor

HB 142, relative to the operation of the Burgess Biopower plant.

Provides the Public Utilities Commission authority to amend the power sales agreement between Eversource and the Burgess BioPower facility in Berlin, forgiving about \$50 million in debt that will enable Burgess to continue operations. **Support.**

SB 79, relative to the participation of customer generators in net energy metering.

Amends the following definitions in the Limited Electrical Energy Producers Act (RSA 362-A): "Eligible customer-generator" or "customer-generator" and "Industrial host."

SB 256-FN, establishing a safety program for off-highway recreational vehicles.

Requires all OHRV operators (born since 1/1/78) on land not owned or leased by them or their parent, grandparent, or guardian to complete an OHRV safety training program. The law does not apply to: operators of all terrain vehicles, utility terrain vehicles, side-by-side, ROV, gator, buggy, OHVs or tractors while engaged in non-pleasure or non-recreational activities. Also enables the issuance of a temporary safety training certificate valid for up to one year.

Bills Held by House and Senate Committees

House Commerce and Consumer Affairs

HB 242-FN, relative to banning PFAS in food packaging.

HB 465-FN, restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

Senate Commerce

SB 97-FN, relative to the use of animals in product testing.

SB 137-FN, relative to nano brewery licenses and beverage manufacturers licenses.

Senate Energy and Natural Resources

SB 163, relative to agritourism and product sales at farms and farm roadside stands.

House Environment and Agriculture

HB 37, establishing a committee to study best practices for companion animal groomers.

HB 122-FN, relative to microenterprise home kitchen operations.

HB 326-FN, prohibiting the use of second generation anticoagulant rodenticides.

HB 369, establishing a task force to provide energy relief on farms.

HB 493, eliminating the state meat inspection program.

House Finance

HB 230-FN, directing the department of agriculture, markets, and food to employ an electronic data processing system for all registrations under its purview. (Incorporated into State Budget – **HB 2-FN-A-L.**)

HB 300-FN, prohibiting the disposal of certain food waste. (Incorporated into State Budget – **HB 2-FN-A-L.**)

HB 347-FN, establishing a superior court land use review docket. (Incorporated into State Budget – **HB 2-FN-A-L.**)

HB 462-FN-A, making an appropriation to the solid waste management fund and targeting food waste reduction and diversion. (Incorporated into State Budget – **HB 2-FN-A-L.**)

SB 267-FN, (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

Senate Judiciary

HB 68-FN, adopting the uniform real property transfer on death act.

House Resources, Recreation and Development

HB 398, relative to notice of PFAS and other groundwater contamination prior to the sale of real property.

House Science, Technology and Energy

HB 175, relative to the state's energy consumption reduction goal.

HB 558-FN, establishing a task force to provide energy relief on farms.

House Ways and Means

HB 494-FN, relative to fees collected under the New Hampshire fertilizer law.

Bill Abbreviation Key

HB = House Bill – a bill where the prime sponsor is a Representative. House bills start in the House.

SB = Senate Bill – a bill where the prime sponsor is a Senator. Senate bills start in the Senate.

FN = Fiscal Note – means a cost estimate prepared by relevant agencies indicating the bill's fiscal impact is attached.

A = appropriates funds

L = **LOCAL** - contains information on the bill's impact on municipal revenue.

You can contact NHFB Policy Director Rob Johnson if you have questions by phoning him at 312-6877 or through email at robj@nhfarmbureau.org. You can also stay abreast of what is happening in the NH Legislature affecting agriculture and landowners by subscribing to the NHFB's Friday Review, a public affairs review for farm, forest, and rural interest published weekly during the legislative session.