

Section 1 Header

2024 SESSION

24-2330.0

12/10

HOUSE BILL *[bill number]*

AN ACT relative to prohibiting employers from using polygraph testing.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill prohibits employers from using polygraphs unless the employer is in law enforcement or meets other exceptions.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~in brackets and struckthrough~~.
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to prohibiting employers from using polygraph testing.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Sections; Employment; Protective Legislation; Prohibition on Polygraph Examinations;
2 Exception. Amend RSA 275 by inserting after section 41-b the following new section:

3 275:41-c Prohibition on Polygraph Examinations. Except as provided in 275:41-d, no employer
4 or their agent shall as a condition of employment, promotion, or change in status of employment, or
5 as an express or implied condition of a benefit or privilege of employment, do any of the following:

6 I. Request or require that an employee or applicant for employment take or submit to a
7 polygraph examination; or

8 II. Administer, cause to be administered, threaten to administer, or attempt to administer a
9 polygraph examination to an employee or applicant for employment; or

10 III. Request or require that an employee or applicant for employment give an express or
11 implied waiver of a practice prohibited under this chapter; or

12 IV. Refuse to hire, promote, or change the status of employment of an applicant for
13 employment because the applicant refuses or declines a polygraph examination.

14 275:41-d Exceptions; Polygraph Examinations. The following employers may require that an
15 applicant for employment take or submit to a polygraph examination, or administer or cause to be
16 administered a polygraph examination to an applicant for employment:

17 I. The department of safety, for applicants for state police and other law enforcement
18 positions; the fish and game department, for applicants for law enforcement positions; the lottery
19 commission, for applicants for investigator positions; and municipal police departments and county
20 sheriffs, as to sworn police officers and deputy sheriffs;

21 II. Any employer whose primary business is the wholesale or retail sale of precious metals or
22 gems and jewelry or items made from precious metals or gems;

23 III. Any employer whose business includes the manufacture or the wholesale or retail sale of
24 regulated drugs provided, however, that only employees who come in contact with such regulated
25 drugs may be required to take a polygraph examination;

26 IV. Any employer authorized or required under federal law or regulations to administer
27 polygraph examinations.

28 2 Effective Date. This act shall take effect 60 days after its passage.