

HB 1245-FN - AS INTRODUCED

2026 SESSION

26-3151
06/08

HOUSE BILL

1245-FN

AN ACT relative to voluntary portable benefits plans for independent contractors.

SPONSORS: Rep. Farrington, Straf. 8; Rep. Granger, Straf. 2; Rep. Labrie, Hills. 2; Rep. Warden, Hills. 39; Sen. Innis, Dist 7

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill establishes a framework for voluntary portable benefit plans for independent contractors and allows hiring parties to contribute to benefit arrangements without affecting worker classification.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

relative to voluntary portable benefits plans for independent contractors.

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

1 1 Statement of Purpose. The purpose of this act is to allow independent contractors and hiring
2 parties to voluntarily participate in portable benefit plans, providing access to certain benefits
3 without altering the classification of such workers under state law.

4 2 New Chapter; Voluntary Portable Benefit Plans. Amend RSA by inserting after chapter 283
5 the following new chapter:

CHAPTER 283-A

VOLUNTARY PORTABLE BENEFIT PLANS

8 283-A:1 Definitions. In this subdivision:

I. "Independent contractor" means a person who qualifies as such under RSA 275:42, II, (a) through (g), or applicable common law tests.

11 II. "Hiring party" means any individual, business, or marketplace platform that contracts
12 with an independent contractor for services.

13 III. "Portable benefit plan" means an arrangement that provides one or more of the
14 following:

- (a) Health insurance.
- (b) Unemployment insurance.
- (c) Disability insurance.
- (d) Life insurance.
- (e) Retirement benefits.

IV. "Portable benefit plan provider" means an entity authorized to provide or administer a portable benefit plan under this chapter.

22 283-A:2 Voluntary Contributions.

23 I. A hiring party may make voluntary contributions to a portable benefit plan on behalf of an
24 independent contractor.

25 II. Such contributions shall not be considered in determining whether an independent
26 contractor is an employee under New Hampshire law.

27 283-A:3 Withholding for Contributions.

28 I. A hiring party and an independent contractor may agree in writing that a portion of the
29 compensation due the independent contractor may be withheld and contributed to a portable benefit
30 plan.

31 II. Such agreement shall:

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**HB 1245-FN- FISCAL NOTE
AS INTRODUCED**

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FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Increase (Estimate not provided by the Department)	Indeterminable Increase (Estimate not provided by the Department)	Indeterminable Increase (Estimate not provided by the Department)
<i>Revenue Fund(s)</i>	General Fund			
Expenditures*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill establishes a voluntary framework allowing independent contractors to participate in portable benefit plans through authorized providers. It permits hiring parties to make voluntary contributions or withhold compensation for contributions to such plans. Participation would not affect a worker's employment classification under state law.

The New Hampshire Insurance Department states this bill would create a framework for independent contractors to access one or more insurance benefits offered through a portable benefit plan administered by an authorized plan provider. A hiring party could withhold

compensation from an independent contractor for contributions to such a plan. Participation in a portable benefit plan would not affect worker classification under RSA 275, RSA 282-A, or any other labor or benefits statute.

The Department notes it is unclear whether a portable benefit plan would provide access to insurance on a group or individual basis, or how the program would be implemented under this new chapter. Insurance products and the entities authorized to issue or administer them are regulated under Title 37, which defines the types of permissible groups. Depending on implementation, enactment could result in the sale or administration of new insurance products, potentially increasing Insurance Premium Tax or fee revenue, but the amount cannot be determined.

To the extent counties and municipalities purchase health insurance, they could see an increase in their health insurance premiums.

AGENCIES CONTACTED:

NH Insurance Department