

# Committee Report

**REGULAR CALENDAR**

**February 3, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Health, Human Services and Elderly  
Affairs to which was referred HB 187,**

**AN ACT relative to the emergency powers of the  
commissioner of health and human services. Having  
considered the same, report the same with the following  
amendment, and the recommendation that the bill  
OUGHT TO PASS WITH AMENDMENT.**

**Rep. William Marsh**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>HB 187</b>
Title:	<b>relative to the emergency powers of the commissioner of health and human services.</b>
Date:	<b>February 3, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2021-0161H</b>

### STATEMENT OF INTENT

This bill establishes retrospective legislative oversight over emergency orders from the commissioner of the Department of Health and Human Services (DHHS), issued under RSA 21-P. The bill also establishes legislative oversight over various powers under the public health and infectious disease laws. The critical part of this bill, and the only issue on which there was a difference of opinion, is on page. 2, line 32, which gives the Health and Human Services Oversight Committee the authority to rescind emergency orders by a two-thirds vote. The majority feels this measure is essential to restore the balance of power between the branches, but is sufficiently high to prevent its misuse. Current law was appropriately used to limit the distribution of hydroxychloroquine under the emergency order when there was a shortage. The bill clarifies that we did not grant the power to prevent the prescribing of a drug medical professionals have reason to believe might be effective. Existing law in RSA 21-P:53 V clearly states individuals have a right to refuse ordered treatment including vaccination. However the statutory reference calls that into doubt as it refers to a statute telling a justice of the peace to order treatment. The bill corrects the reference, clearly allowing individuals to refuse treatment and remain in quarantine. Legislative oversight over other emergency powers is also established through the Ethics Oversight Advisory Committee. This committee is in statute but had no members appointed; the Governor used the State Disaster Medical Advisory Committee to reconstitute this necessary committee to create the vaccine distribution plan. This committee would also review other emergency orders, and address ethical concerns with emergency orders. Amendment 2021-0161H does the following: It eliminates section 2 of the bill as drafted, which was determined to be unnecessary. It rewrites the charge to the Ethics Oversight Advisory Committee to be less burdensome and to use aggregate and de-identified data. Last, it undoes changes to the membership of HHS Oversight in last year's HB1245 on page 9. We do not believe those changes were intended to remove minority party input from HHS Oversight.

Vote 19-2.

Rep. William Marsh  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Health, Human Services and Elderly Affairs

**HB 187**, relative to the emergency powers of the commissioner of health and human services.  
**OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill establishes retrospective legislative oversight over emergency orders from the commissioner of the Department of Health and Human Services (DHHS), issued under RSA 21-P. The bill also establishes legislative oversight over various powers under the public health and infectious disease laws. The critical part of this bill, and the only issue on which there was a difference of opinion, is on page. 2, line 32, which gives the Health and Human Services Oversight Committee the authority to rescind emergency orders by a two-thirds vote. The majority feels this measure is essential to restore the balance of power between the branches, but is sufficiently high to prevent its misuse. Current law was appropriately used to limit the distribution of hydroxychloroquine under the emergency order when there was a shortage. The bill clarifies that we did not grant the power to prevent the prescribing of a drug medical professionals have reason to believe might be effective. Existing law in RSA 21-P:53 V clearly states individuals have a right to refuse ordered treatment including vaccination. However the statutory reference calls that into doubt as it refers to a statute telling a justice of the peace to order treatment. The bill corrects the reference, clearly allowing individuals to refuse treatment and remain in quarantine. Legislative oversight over other emergency powers is also established through the Ethics Oversight Advisory Committee. This committee is in statute but had no members appointed; the Governor used the State Disaster Medical Advisory Committee to reconstitute this necessary committee to create the vaccine distribution plan. This committee would also review other emergency orders, and address ethical concerns with emergency orders. Amendment 2021-0161H does the following: It eliminates section 2 of the bill as drafted, which was determined to be unnecessary. It rewrites the charge to the Ethics Oversight Advisory Committee to be less burdensome and to use aggregate and de-identified data. Last, it undoes changes to the membership of HHS Oversight in last year's HB1245 on page 9. We do not believe those changes were intended to remove minority party input from HHS Oversight. **Vote 19-2.**

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 187

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the emergency powers of the commissioner of health and human  
4 services and relative to the membership of the oversight committee on health and  
5 human services.  
6

7 Amend RSA 21-P:53, VIII as inserted by section 1 of the bill by replacing it with the following:

8

9 ***VIII. Except as provided in paragraph IX, an emergency order issued under this***  
10 ***section shall be subject to review by the joint legislative oversight committee on health and***  
11 ***human services, established in RSA 126-A:13, and may be rescinded by a 2/3 vote of that***  
12 ***committee. The commissioner shall notify the ethics oversight advisory committee***  
13 ***established in RSA 141-C:27 of any emergency order issued under this section, and the joint***  
14 ***legislative oversight committee shall consider the input of the ethics committee, if***  
15 ***provided, in any decision. If the emergency precludes either committee from meeting in***  
16 ***person, they shall be authorized, notwithstanding any other provision of law, to meet***  
17 ***remotely for this purpose.***

18

19 Amend RSA 21-P:53 as inserted by section 1 of the bill by inserting after paragraph VIII the  
20 following new paragraph:

21

22 ***IX. An emergency order issued under paragraph V or VI shall be subject to***  
23 ***legislative oversight by the ethics oversight advisory committee pursuant to RSA 141-C:27,***  
24 ***II(b).***

25

26 Amend the bill by replacing all after section 1 with the following:

27

28 2 Communicable Disease; Ethics Committee. Amend RSA 141-C:27 to read as follows:

29 141-C:27 Ethics ***Oversight Advisory*** Committee.

30

31 I. There is hereby established an ethics ***oversight advisory*** committee to offer advice to the  
32 commissioner relative to the ethical issues that may be identified in the course of planning for, and  
responding to, outbreaks of communicable disease that threaten to become epidemic or pandemic

1 *and to review and provide recommendations for investigations, orders, and treatment*  
2 *ordered by the commissioner.*

3 II. The committee shall:

4 (a) Consider the ethical implications of any of the powers that may be exercised by the  
5 commissioner under the provisions of this chapter including, but not limited to, the confiscation,  
6 distribution, and rationing of anti-toxins, serums, vaccines, immunizing agents, antibiotics, and  
7 other pharmaceutical agents, and mechanical equipment; the issuance and enforcement of orders of  
8 isolation, quarantine, medical examination, and medical treatment; issues relative to information  
9 sharing and confidentiality; and the provisions for due process for orders issued pursuant to this  
10 chapter.

11 (b) *Review, at least annually, a report of investigations conducted pursuant to*  
12 *RSA 141-C:9 and orders issued under RSA 21-P:53, V and VI, and provide recommendations*  
13 *to the department. Any information furnished to the committee shall be aggregated and*  
14 *de-identified. The department shall not share any confidential information with the*  
15 *committee.*

16 (c) *Consider the competing rights of disabled persons who might be unable to*  
17 *comply with certain orders, health care workers who are entitled to a safe workplace, and*  
18 *the need to protect the public from communicable disease, and may recommend*  
19 *modification of orders to address specific concerns.*

20 (d) *Consider both the need to protect the most vulnerable members of society as*  
21 *well as the need for the most efficacious means to control a public health emergency when*  
22 *consulting with the commissioner pursuant to RSA 21-P:53, III-b in developing a plan for*  
23 *the distribution of a new treatment or vaccination.*

24 III. The members of the committee shall be as follows:

25 (a) *Two members of the house or representatives, one of whom shall be from the*  
26 *minority party, appointed by the speaker of the house of representatives.*

27 (b) *One member of the senate, appointed by the senate president.*

28 (c) The director of the *department of health and human services*, division of public  
29 health services.

30 ~~(d)~~ (d) The state epidemiologist.

31 ~~(e)~~ (e) The attorney general, or designee.

32 ~~(f)~~ (f) A representative of a public health network, appointed by the commissioner.

33 ~~(g)~~ (g) A representative from a college or university public health program, appointed  
34 by the commissioner.

35 ~~(h) A chief of police or a police officer of a local police department, appointed by the New~~  
36 ~~Hampshire Association of Chiefs of Police.~~

Amendment to HB 187

- Page 3 -

1 ~~\_\_\_\_\_ (g) A chief of a local fire department, appointed by the New Hampshire Association~~  
2 ~~of Fire Chiefs.]~~

3 (h) A physician, licensed under RSA 329, appointed by the New Hampshire Medical  
4 Society.

5 (i) The commissioner of the department of safety, or designee.

6 (j) ~~[A member of a fire department with a minimum of EMT-B certification, appointed by~~  
7 ~~the Professional Firefighters of New Hampshire.~~

8 ~~(k)~~ A representative of a hospital, appointed by the New Hampshire Hospital  
9 Association.

10 ~~[(l) A county representative, appointed by the New Hampshire Association of Counties.]~~

11 **(k) A representative of the Disability Rights Center of New Hampshire,**  
12 **appointed by the center.**

13 **(l) The commissioner of the department of labor, or designee.**

14 IV. ~~[The commissioner shall appoint a member of the committee to act as chairperson.]~~ **The**  
15 **committee shall elect one of the legislative members as chairperson. Legislative members**  
16 **of the committee shall receive mileage at the legislative rate when attending to the duties**  
17 **of the committee.** The committee shall meet initially within 30 days of the effective date of this  
18 section and then as regularly as the chairperson shall direct.

19 V. The commissioner may at any time direct questions to the committee or request guidance  
20 on ethical issues.

21 VI. The committee ~~[shall be solely advisory in nature and any guidance, guidelines, or~~  
22 ~~protocols issued by the committee shall not be binding on the commissioner]~~ **may provide advisory**  
23 **opinions, including draft guidance, guidelines, or protocols, which shall not be binding on**  
24 **the commissioner or any member of the public.**

25 3 Department of Health and Human Services; Oversight Committee. Amend RSA 126-A:13, I to  
26 read as follows:

27 I. There shall be an oversight committee on health and human services consisting of ~~[5]~~ **the**  
28 **following** members ~~[as follows]:~~

29 (a) Two members of the senate, at least one of whom shall be a member of the senate  
30 health and human services committee and one of whom shall be a member of the senate finance  
31 committee, appointed by the president of the senate~~[-and].~~

32 (b)(1) ~~[Three]~~ **Five** members of the house of representatives, ~~[2]~~ **3** of whom shall be from  
33 the health, human services and elderly affairs committee, and one of whom shall be from the house  
34 finance committee **division responsible for the department of health and human services,**  
35 appointed by the speaker of the house of representatives.

36 **(2) Two members of the house of representatives, one of whom shall be**  
37 **appointed by the speaker of the house of representatives, and one of whom shall be**

Amendment to HB 187

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1 *appointed by the leader of the minority party of the house of representatives, shall be*  
2 *available to serve, at the request of the committee chairperson, as an alternate member for*  
3 *an absent committee member. An alternate member shall have full voting authority while*  
4 *serving for an absent committee member.*

5 4 Effective Date. This act shall take effect upon its passage.



**Amendment to HB 187**  
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2021-0161h

AMENDED ANALYSIS

This bill makes various changes to the powers of the commissioner of the department of health and human services during a public health emergency; authorizes the joint legislative oversight committee on health and human services to review, and rescind by a 2/3 vote, emergency orders issued by the commissioner; gives a person subject to a treatment order for a communicable disease a right to a hearing on the order; and amends the membership and duties of the ethics oversight advisory committee. The bill also amends the house membership on the health and human services oversight committee.

# Voting Sheets



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

**Health, Human Services and Elderly Affairs**

Bill #: HB187      Motion: amendment      AM #: 0161h      Exec Session Date: \_\_\_\_\_

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	21		
Marsh, William M. Vice Chairman	1		
McMahon, Charles E.	2		
Nelson, Bill G.	3		
Acton, Dennis F.	4		
Gay, Betty I.	5		
Cushman, Leah P.	6		
Folsom, Beth A. Clerk	7		
Kelsey, Niki	8		
King, Bill C.	9		
Kofalt, Jim	10		
Weber, Lucy M.	11		
MacKay, James R.	12		
Snow, Kendall A.	13		
Knirk, Jerry L.	14		
Salloway, Jeffrey C.	15		
Cannon, Gerri D.	16		
Nutter-Upham, Frances E.	17		
Schapiro, Joe	18		
Woods, Gary L.	19		

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #:	HB187	Motion:	amendment	AM #:	0161h	Exec Session Date:	
Merchant, Gary						20	
<b>TOTAL VOTE:</b>						21	0

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

**Health, Human Services and Elderly Affairs**

Bill #: HB 187      Motion: OTP/A      AM #: 2021-0161h      Exec Session Date: \_\_\_\_\_

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	19		
Marsh, William M. Vice Chairman	1		
McMahon, Charles E.	2		
Nelson, Bill G.	3		
Acton, Dennis F.	4		
Gay, Betty I.	5		
Cushman, Leah P.	6		
Folsom, Beth A. Clerk	7		
Kelsey, Niki	8		
King, Bill C.	9		
Kofalt, Jim	10		
Weber, Lucy M.	11		
MacKay, James R.		1	
Snow, Kendall A.	12		
Knirk, Jerry L.	13		
Salloway, Jeffrey C.	14		
Cannon, Gerri D.	15		
Nutter-Upham, Frances E.	16		
Schapiro, Joe		2	
Woods, Gary L.	17		

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #: HB 187 Motion: OTP/A AM #: 2021-0161h Exec Session Date: \_\_\_\_\_

Merchant, Gary		18		
<b>TOTAL VOTE:</b>		19	2	

# Hearing Minutes



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING on Bill # HB 187

**BILL TITLE:** An Act relative to the powers of the commissioner of health and human services.

**DATE:** 2/1/2021

**ROOM:** 206/8

**Time Public Hearing Called to Order:** 10:05 am

**Time Adjourned:** 10:37 am

**Committee Members Present:**

**In Room 206/8: Reps. M. Pearson, Folsom, McMahon, Gay, Cushman, B. King, MacKay  
On Zoom from home:**

**Marsh, Nelson, Acton, Kelsey, Kofalt, Snow, Knirk, Salloway, Cannon, Weber, Nutter-Upham, Schapiro, Woods and Merchant**

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

**Representative Marsh**

Commission is to aid in prioritization, advise not mandate

Right to refuse treatment and quarantine in language

DHHS has agreed with structure

Membership structure change, Actual appointees when needed, legislators will be available

Re-constituted to give oversight to vaccine distribution

Deal with aggregated data.

Q: Rep Woods emergency availability?

A: Rep Nutter-Upham Right of refusal?

**Melissa St Syr DHHS, Public Health**

one section is still in question

Q: Rep Knirk - how could it be made acceptable,

A: Remove, recind & replaced with recommendation

**Patricia Tilley, DHHS**

Emergency powers are designed to protect by way of medications, quarantines, medical treatment

Experts consulted in decisions

privacy of individuals maintained

concerns the joint oversight will exist just to overturn Commissioner's orders

Rep Cushman speak to amendment?

Thomas McLeod, chairman Liberty Defense Fund supports with amendment

Respectfully submitted,

Rep. Beth Folsom, Clerk

## House Remote Testify

### Health, Human Services and Elderly Affairs Committee Testify List for Bill HB187 on 2021-02-01

Support: 57 Oppose: 7 Neutral: 0 Total to Testify: 6

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
St Cyr, Melissa	melissa.st.cyr@dhhs.nh.gov	603.271.9282	State Agency Staff	DHHS	Oppose	Yes (5m)	2/1/2021 9:12 AM
McLeod, Thomas	tmcleod@naturalhealth.media	802.793.9798	A Member of the Public	Myself	Support	Yes (3m)	2/1/2021 9:14 AM
Walsh, Michael	rambuffett@generalmail.net	603.242.5360	A Member of the Public	Myself	Support	Yes (2m)	1/31/2021 8:57 AM
Evans, Heather	Painthorsez@comcast.net	603.818.1779	A Member of the Public	Myself	Support	Yes (0m)	1/28/2021 9:08 PM
Marsh, William	wmarshmd@gmail.com	603.569.6382	An Elected Official	Myself	Support	Yes (0m)	1/21/2021 7:46 AM
CASSERLY, KEVIN	KCASSERL@GMAIL.COM	603.686.2137	A Member of the Public	Myself	Support	Yes (0m)	1/28/2021 8:07 PM
Comstock, Nancy	Njcomstock@yahoo.com	603.262.5048	A Member of the Public	Myself	Support	No	1/28/2021 8:19 PM
Lang, Timothy	tlang@thelangs.us	603.566.9802	An Elected Official	Co-Sponsor Belknap 4, Tilton-Sanbornton	Support	No	1/25/2021 8:51 AM
Johnson, Dawn	Dawn.Johnson@leg.state.nh.us	603.305.8466	An Elected Official	Myself	Support	No	1/28/2021 10:40 AM
Binford, David	david.binford@leg.state.us	972.351.3389	An Elected Official	Myself and Constituents	Support	No	1/28/2021 4:49 PM
Manson, Jody	jodymanson22@gmail.com	603.477.6255	A Member of the Public	Myself	Support	No	1/28/2021 6:04 PM
Fordey, Nicole	nikkif610@gmail.com	516.318.2296	A Member of the Public	Myself	Oppose	No	1/28/2021 7:09 PM
E, Liz	Pwrmine@aol.com	603.555.5555	A Member of the Public	Myself	Support	No	1/28/2021 7:16 PM
Rounds, Cheryl	blissfullyhealthy@gmail.com	603.548.0415	A Member of the Public	Myself	Support	No	2/1/2021 9:36 AM
Kelley, Rochelle	rochellerkelley@gmail.com	603.680.9153	A Member of the Public	Myself	Support	No	2/1/2021 9:37 AM
Orlowski, Susan	susanAorlowski@gmail.com	740.491.2772	A Member of the Public	Myself	Support	No	2/1/2021 9:41 AM
Rossal, Julie	Deut10_12@hotmail.com	603.499.2505	A Member of the Public	Myself	Support	No	2/1/2021 9:43 AM
Mason, Angela	acmbogue@yahoo.com	802.309.8390	A Member of the Public	Myself	Support	No	2/1/2021 9:43 AM
Capellan, Lisa	Jay.LisaCapellan@yahoo.com	603.391.7003	A Member of the Public	Myself	Support	No	2/1/2021 9:46 AM
Shimek, Jack	jaqebey@gmail.com	701.609.2256	A Member of the Public	Myself	Support	No	2/1/2021 9:51 AM
Simon, Matthew	Matthew.Simon@leg.state.my.us	603.991.3710	An Elected Official	Myself	Support	No	2/1/2021 10:28 AM
Richardson, Wendy	Butterfly91011@yahoo.com	207.332.2619	A Member of the Public	Myself	Support	No	2/1/2021 11:19 AM
Plomp, Catharina	catharinaplomp@gmail.com	603.727.2231	A Member of the Public	Myself	Support	No	2/1/2021 12:19 PM
Jason, Richardson	Jasonrichardson7@hotmail.com	207.299.0483	A Member of the Public	Myself	Support	No	2/1/2021 1:48 PM
Killmeyer, John	jkillmeyer@myfairpoint.net	603.363.8114	A Member of the Public	Myself	Support	No	2/1/2021 2:06 PM
Falardeau, Janet	Mero97@aol.com	603.706.5131	A Member of the Public	Myself	Oppose	No	1/29/2021 3:33 AM
Arnesman, Brian	barnesman29@gmail.com	973.255.6783	A Member of the Public	Myself	Support	No	1/28/2021 9:40 PM

Gause, Joe	joegausa@comcast.net	603.315.1780	A Member of the Public	Myself	Support	No	1/28/2021 10:22 PM
Courchaine, Sarah	simplybalanced@yahoo.com	603.555.5555	A Member of the Public	Myself	Support	No	1/28/2021 11:15 PM
Anderson, Kristyn	kristynmanderson@gmail.com	617.947.1016	A Member of the Public	Myself	Oppose	No	1/29/2021 6:39 AM
Kender, Sara M.	sara@sarasherbs.com	603.387.9675	A Member of the Public	Myself	Support	No	1/29/2021 10:05 AM
Cates, Tammy	tjcates@eagleswind.com	603.882.0734	A Member of the Public	Myself	Support	No	1/29/2021 1:41 PM
Durkee, Greg	gdurkeei@gmail.com	603.543.7605	A Member of the Public	Myself	Support	No	1/29/2021 5:58 PM
Camarota, Linda Rea	lrcamarora@gmail.com	603.550.8911	A Member of the Public	Myself	Support	No	1/30/2021 1:51 AM
Beame, Julia	juliabeame@hotmail.com	603.562.6487	A Member of the Public	Myself	Support	No	1/30/2021 4:47 PM
Blasek, Melissa	Melissa.blasek@leg.state.nh.us	603.401.2542	An Elected Official	Myself	Support	No	1/30/2021 10:16 AM
Bienvenue, Sarah	Sjbienvenue@gmail.com	603.540.8243	A Member of the Public	Myself	Oppose	No	1/30/2021 11:37 AM
Haidaichuk, Cheri	cheri@bmhitsolutions.com	603.623.1743	A Member of the Public	Myself	Support	No	1/30/2021 11:56 AM
Gould, rep. Linda	lgouldr@myfairpoint.net	603.472.3877	An Elected Official	Myself	Support	No	1/30/2021 3:47 PM
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	603.456.6268	A Member of the Public	Myself	Oppose	No	1/30/2021 4:12 PM
Roy, Darlene	darlene@metrocast.net	603.723.1880	A Member of the Public	Myself	Support	No	1/30/2021 6:08 PM
Neil, Amanda	Amanda@smgltd	603.630.0440	A Member of the Public	Myself	Support	No	1/30/2021 7:34 PM
Fortini, Vanessa	Vfortini@yahoo.com	603.239.5154	A Member of the Public	Myself	Support	No	1/31/2021 8:10 AM
Thomas, Doug	doug.thomasnh@gmail.com	603.490.3226	An Elected Official	Rockingham 5	Support	No	1/31/2021 8:18 AM
Dumais, John-Michael	jmdumais@gmail.com	603.757.6358	A Member of the Public	Myself	Support	No	1/31/2021 11:56 AM
Trexler, Larisa	trexlers@gmail.com	603.530.1200	A Member of the Public	Myself	Support	No	1/31/2021 12:55 PM
Seppala, Kathleen	katsep25@protonmail.com	603.899.5583	A Member of the Public	Myself	Support	No	1/31/2021 12:56 PM
Dewey, Karen	pkdewey@comcast.net	603.504.2813	A Member of the Public	Myself	Oppose	No	1/31/2021 2:20 PM
Groves, Daniel	deg121@comcast.net	603.820.3060	A Member of the Public	Myself	Support	No	1/31/2021 2:30 PM
Lekas, Tony	Rep.Tony.Lekas@gmail.com	603.305.5726	An Elected Official	Myself	Support	No	1/31/2021 2:46 PM
Millar, Allison	allisonsjmillar@gmail.com	603.721.9388	A Member of the Public	Myself	Support	No	1/31/2021 3:43 PM
Covey, Starr	Allxforxjesus@aol.com	603.513.8099	A Member of the Public	Myself	Support	No	1/31/2021 5:59 PM
Ploszaj, Tom	tom.ploszaj@leg.state.nh.us	603.279.9965	An Elected Official	Myself	Support	No	1/31/2021 8:13 PM
Babb, Julie	juliebabb7@gmail.com	603.506.8382	A Member of the Public	Myself	Support	No	1/31/2021 8:30 PM
Babb, Paul	paulbabb@protonmail.com	518.301.0963	A Member of the Public	Myself	Support	No	1/31/2021 8:32 PM
Harada, Heather	h.harada@aol.com	603.401.2256	A Member of the Public	Myself	Support	No	2/1/2021 5:47 AM
Mirzoeff, Joseph	mrzvyp@yahoo.com	603.354.3380	A Member of the Public	myself	Support	No	2/1/2021 5:50 AM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	1/31/2021 10:16 PM
See, Alvin	absee@4Liberty.net	7380656	A Member of the Public	Myself	Support	No	1/31/2021 11:22 PM
Hamshaw, Marianne	marianne@cheshirehorse.com	603.358.3001	A Member of the Public	Myself	Support	No	1/31/2021 11:25 PM
McGinley, Shannon	s.mcginley@icloud.com	603.674.1717	A Member of the Public	Myself	Support	No	2/1/2021 7:39 AM
White, Melissa	marino_melissa@yahoo.com	440.804.4621	A Member of the Public	Myself	Support	No	2/1/2021 7:52 AM
Porter, Jandee	Jandeeper@live.com	603.831.3734	A Member of the Public	Myself	Support	No	2/1/2021 7:53 AM

2/4/2021

House Remote Testify

Trexler, Ryan

trexlers@gmail.com

603.391.6557 A Member of the Public Myself

Support No

2/1/2021 8:14 AM

# Testimony

**Archived:** Wednesday, March 17, 2021 3:14:53 PM  
**From:** [Nicole Nordlund](#)  
**Sent:** Monday, February 1, 2021 9:26:40 AM  
**To:** [~House Health Human Services and Elderly Affairs](#)  
**Subject:** HB 187  
**Importance:** Normal

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I am writing, today, to ask that you vote in support of the referenced bill.  
As witnessed, this long year, there has been concentration of authority to too few members of our State Government. The decisions have not fairly considered the needs of all citizens of NH. Please support HB 187.

Nicole Nordlund  
Madison

**Archived:** Wednesday, March 17, 2021 3:17:02 PM  
**From:** [Jorge & Lisa Capellan](#)  
**Sent:** Monday, February 1, 2021 9:42:27 AM  
**To:** [~House Health Human Services and Elderly Affairs](#)  
**Subject:** HB187 - SUPPORT!  
**Importance:** Normal

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Please support HB187!

Thank you,

Lisa Capellan  
Bedford, NH

Sent from my iPhone

**Archived:** Wednesday, March 17, 2021 3:14:53 PM  
**From:** [Melissa Marino](#)  
**Sent:** Monday, February 1, 2021 9:52:38 AM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** HB187 - SUPPORT  
**Importance:** Normal

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Dear Representatives,

I am writing in SUPPORT of House Bill 187. Please refer to New Hampshire's State Constitution, as it does not give any "power" to DHHS or any other "commissioner" over the People.

Thank you for the good work you are doing representing the People of this great State.

Yours in peace,

Melissa White  
Peterborough



**Archived:** Wednesday, March 17, 2021 3:17:03 PM  
**From:** [R&L T](#)  
**Sent:** Sunday, January 31, 2021 12:53:23 PM  
**To:** [~House Health Human Services and Elderly Affairs](#)  
**Subject:** HB187 emergency powers of the commissioner of HHS  
**Importance:** Normal

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HB187 emergency powers of the commissioner of HHS

Representatives,

Please vote to support this bill. I believe the commissioner should not have the power to restrict the practice and prescribing of a licensed practitioner.

Regards,  
Larisa Trexler, RN  
Stoddard, NH

**Archived:** Wednesday, March 17, 2021 3:14:53 PM  
**From:** [Caley and Sabrina O'Connell](#)  
**Sent:** Sunday, January 31, 2021 9:50:57 PM  
**To:** [~House Health Human Services and Elderly Affairs](#)  
**Subject:** HB187  
**Importance:** Normal

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To Whom it May Concern:

Please support the HB 187 bill.

Thank you,

Sabrina O'Connell  
Nashua NH 03062

Sent from [Mail](#) for Windows 10

**Archived:** Wednesday, March 17, 2021 3:14:53 PM  
**From:** [Jennifer Dafeldecker](#)  
**Sent:** Sunday, January 31, 2021 4:49:24 PM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** please pass HB 187  
**Importance:** Normal

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Dear Health and Human Services,

Please pass HB 187 today. It's a start. Thank you,

Jenn Dafeldecker  
Swanzey , NH

**Archived:** Wednesday, March 17, 2021 3:14:53 PM  
**From:** [Canon Mark A. Pearson](#)  
**Sent:** Friday, January 29, 2021 12:33:42 PM  
**To:** [~House Health Human Services and Elderly Affairs](#)  
**Subject:** Amendment to HB 187  
**Importance:** Normal

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Good morning, Committee,

Rep. Marsh and I have worked on amending HB 187.

I am asking him to send you a copy since mine somehow disappeared from my computer.

It will be helpful to read it before our hearing on Monday because it makes a number of relevant changes.

The rules are,

YOU MAY: \*discuss this within your respective party caucuses

\*with a handful of other people of either party.

YOU MAY NOT discuss it with a majority of our committee. So, no hitting the hhsea@leg button.

Rep. Mark Pearson  
Chairman

**Archived:** Wednesday, March 17, 2021 3:14:53 PM  
**From:** [Deanne Sanville](#)  
**Sent:** Saturday, January 30, 2021 11:03:10 PM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** Bills of concern  
**Importance:** Normal

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Hello committee members,

I hear that a couple bills that will have a significant effect on the people of New Hampshire will be coming before you on Monday, February 1. I would like to express my concern and viewpoint on them for your consideration.

I **support** HB 187 which would help to limit the freedom-limiting power of the DHHS commissioner, which, as we have seen in the past year, has taken far too much control over individuals' rights to make basic decisions for themselves. I hope you will **vote in favor** of this bill.

As far as HB 604-FN, I can't believe this is even being considered in this state of supposedly "live free or die." People must have the liberty to make their own choices as to what to put in or on their bodies. I am incredulous that anywhere in this country, much less the state of New Hampshire, something so Orwellian would come before the legislature. Unbelievable. I plead with you to dismiss this piece of legislation as quickly as possible. It is appalling that anyone who considers himself or herself a free person and who presumably wants to choose what they eat and wear, the products they use and the car they drive, would presume that they could force other people to inject unknown and "unavoidably unsafe" (according to the U. S. Supreme Court) substances into their bodies, bypassing all the natural defenses we have to keep toxins and harmful substances from entering (skin, saliva, mucus, etc.). Since the early 1980s, the companies that concoct vaccines have not been liable for any damages they cause. The pharmaceutical companies have nothing to lose and a LOT OF MONEY to gain when vaccines are required. If you are interested in learning more, I highly recommend this debate about vaccines between Robert F. Kennedy Jr. and Alan Dershowitz: <https://m.youtube.com/watch?feature=youtu.be&v=IfnJi7yLKgE> Please **oppose** this bill with all the energy you have.

Breathe Free or Die,  
Deanne Sanville  
Acworth, New Hampshire

**Archived:** Wednesday, March 17, 2021 3:14:53 PM

**From:** JJ Smith

**Sent:** Monday, February 1, 2021 6:44:33 AM

**To:** ~House Health Human Services and Elderly Affairs

**Subject:** HB 187 relative to the emergency powers of the commissioner of health and human services

**Importance:** Normal

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Honorable members of the committee on Health, Human Services and Elderly Affairs,

I am writing on behalf of the NH Public Health Association with concerns about this bill. I do see some safeguards against rash action by the legislature in areas where swift action by the Division of Public Health Services is necessary. However, subjecting the staff, and the commissioner who oversees their essential work, to second guessing may be counterproductive in the face of new threats to the health and well-being of residents of NH. Perhaps a study committee (about whether such a bill is helpful to our common goals of safeguarding both the health of all people and the fear of unreasonable restrictions) would be the best possible outcome right now in this politically charged time when we are all weary and stressed from the current pandemic situation.

Thank you for your attention.

J. J. Smith, MD, MPH

Policy Advocacy lead at NHPHA

**Archived:** Wednesday, March 17, 2021 3:14:53 PM  
**From:** Jaime Gundy  
**Sent:** Sunday, January 31, 2021 9:43:05 PM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** HB 187 support  
**Importance:** Normal

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To Whom It May Concern:

I write in support of HB 187. There must be legislative oversight of DHHS on behalf of the taxpayers.

During the pandemic NH DHHS admitted to implementing multiple policies more restrictive than those recommended by the CDC. Particularly those for schools, which DHHS set as far more restrictive than those set by CDC for high risk populations. For example, when it comes to managing confirmed false positive covid-19 results within educational systems, the NH DHHS liaison to education, has stated to schools, tax payers and parents that a "positive equals a positive", in terms of exclusion from school. That restrictive requirement for exclusion from school trickles down to any close contacts and applies to both students and school staff. The education liaison's office at DHHS has a self described "unadvertised" policy for testing out of a positive test, when one has two negative tests spaced exactly 24 hours apart. Logically, this type of oversimplified messaging, (" a positive equals a positive.") would give school districts, like it did mine, the false impression that students cannot test out of a false positive. Also, by not "advertising" the policy it likely precluded anyone from doing so since the policy followed a rigid process health care practitioners did not have communicated to them and obtaining that info took as much time to access and execute as the potentially unnecessary exclusion from school.

When questioned on this policy, NH DHHS staff cited CDC guidance was in support of this policy. Those supportive references were requested, and promised by DHHS staff. After multiple failed follow up attempts, NH DHHS staff forwarded their own guidance in support of their guidance before external NH department commissioners had to be involved for DHHS staff to make good on their promise to provide referenced CDC support of their policy. Finally, the DHHS staff admitted that their policy was not based on CDC guidance as previously stated but was more "stringent". In fact, it is worth noting that CDC guidance for skilled nursing and long term care facilities (filled with high risk patients) does not impose this amount of restrictiveness, and follows a decision tree whereby one can test out of a false positive and it's communicated transparently to the medical community and public. Our state policies should be based on guidances from appropriate agencies and be the least restrictive. Policies by nature need to be transparent to the responsible parties they apply to. State agencies should not make false claims to taxpayers about federal agencies supporting their policies.

It is interesting to note that 2-1-1 covid information staff, (another dept DHHS manages) stated quickly and clearly that one can test out of false positive results. Sadly that is not communicated to schools by the education liaison branch of DHHS. NH DHHS should maintain consistent policy communication that does not unnecessarily burden certain sectors without appropriate evidence.

Families from all over the country are moving out of their states to states with less restrictive policies, decreasing the overall revenue for their state. Education experts have acknowledged the limitations of remote education and yet policies like this undoubtedly have restricted untold numbers of community members, students and our economy. This policy applies to staff as well as students. This is important to note because throughout the pandemic parents of students,

particularly our most disadvantaged IEP students, have heard that free and appropriate public education services cannot be provided to their student due to staffing issues that don't relate to the district management but rather to Covid-19 restrictions.

This is only one example but for these compelling reasons, I think it is abundantly clear that oversight is needed, especially where so many areas of NH citizen's quality of life may be impacted by the policies of NH DHHS.

Thank you in advance for consideration of these things when you vote to pass HB 187 and hopefully similar bills extending oversight to DHHS in the future.

Respectfully Submitted,  
Jaime Carter  
Resident



**Archived:** Wednesday, March 17, 2021 3:14:53 PM  
**From:** [Charles Chapin](#)  
**Sent:** Monday, February 1, 2021 8:24:17 AM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** HB 187  
**Importance:** Normal

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Dear Committee,

Please support HB 187.

There needs to be some oversight on the commissioner who can negatively control the activities of the citizens.

Thank you for your time.

Charles Chapin

Alexandria

**Archived:** Wednesday, March 17, 2021 3:14:53 PM  
**From:** [Paul Babb](#)  
**Sent:** Sunday, January 31, 2021 3:48:47 PM  
**To:** [~House Health Human Services and Elderly Affairs](#)  
**Subject:** HB 187  
**Importance:** Normal

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Dear Committee Members,

We are writing this to you to ask you to support HB 187. Power resting upon a single individual is never a sound approach for governance, especially during a time of crisis. This bill would provide some needed checks and balances which wisdom has shown us are of extreme importance. Thank you for your consideration.

Sincerely,

Paul and Julie Babb  
Antrim, NH

Bill as  
Introduced

HB 187 - AS INTRODUCED

2021 SESSION

21-0173

04/05

HOUSE BILL **187**

AN ACT relative to the emergency powers of the commissioner of health and human services.

SPONSORS: Rep. Marsh, Carr. 8; Rep. Lang, Belk. 4; Rep. Baldasaro, Rock. 5; Rep. Edwards, Rock. 4; Rep. Craig, Coos 4; Rep. Prout, Hills. 37; Rep. J. Osborne, Rock. 4; Rep. Salloway, Straf. 5; Rep. Blasek, Hills. 21

COMMITTEE: Health, Human Services and Elderly Affairs

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ANALYSIS

This bill makes various changes to the powers of the commissioner of the department of health and human services during a public health emergency; authorizes the joint legislative oversight committee on health and human services to review, and rescind by a 2/3 vote, emergency orders issued by the commissioner; gives a person subject to a treatment order for a communicable disease a right to a hearing on the order; and amends the membership and duties of the ethics oversight advisory committee.

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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 One*

AN ACT relative to the emergency powers of the commissioner of health and human services.

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

1 1 Department of Safety; Public Health Emergency Management Powers. Amend RSA 21-P:53 to  
2 read as follows:

3 21-P:53 Public Health Powers and Duties. During the existence of a state of emergency under  
4 this chapter, the commissioner of health and human services shall have the following powers and  
5 duties, subject to the direction and control of the governor, which are in addition to those set forth in  
6 RSA 141-C; provided that such powers and duties shall be limited to the specific nature of the  
7 emergency, its geographic limits, and the conditions that brought it about, as specified in the  
8 declaration of the state of emergency:

9 I. The commissioner shall have the responsibility and authority to carry out all public health  
10 activities within the state in cooperation and collaboration with the division of homeland security  
11 and emergency management.

12 II. The commissioner may, without the approval of the ~~[governor's]~~ **executive** council or the  
13 legislative fiscal committee, and notwithstanding the provisions of RSA 4:45, 9:13-d, and 9:19, ~~[and~~  
14 ~~any other law to the contrary,]~~ purchase and distribute anti-toxins, serums, vaccines, immunizing  
15 agents, antibiotics, and other pharmaceutical agents that the commissioner deems to be in the  
16 interest of public health.

17 III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins,  
18 serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the  
19 commissioner may control, ~~[restrict]~~ **prioritize**, and ration the use, sale, dispensing, distribution, or  
20 transportation of such products as necessary to best protect the health, safety, and welfare of the  
21 people of this state. In making rationing or other supply and distribution decisions, the  
22 commissioner shall determine high risk or critical need groups that shall receive priority for such  
23 products.

24 ***III-a. The commissioner shall have no power to restrict the ability of a licensed***  
25 ***practitioner to prescribe pursuant to RSA 329 and RSA 326-B.***

26 ***III-b. If during a public health emergency, a treatment or vaccination should***  
27 ***become available which is anticipated to be in limited supply, the commissioner shall***  
28 ***develop, in consultation with the ethics oversight advisory committee, established in RSA***  
29 ***141-C:27, a plan for its distribution.***

1 IV. The commissioner may investigate any incident or imminent threat of any disease or  
 2 health condition that may be caused by a natural disaster, radiation or chemical exposure, or the  
 3 release of any microorganism, infectious substance, or naturally occurring or manufactured  
 4 biological product, that poses a risk of a significant number of human fatalities or incidents of  
 5 permanent or long-term disability. Such investigations may include requiring information from any  
 6 health care provider or other person affected by, or having information related to, the incident or  
 7 threat, inspections of buildings and conveyances and their contents, laboratory analysis of samples  
 8 collected during the course of such inspections, and requiring a physical examination and the  
 9 provision of specimens of body secretions, excretions, fluids, and discharges for laboratory  
 10 examination of any person having a disease or health condition that necessitates an investigation  
 11 under this paragraph.

12 V. The commissioner may order a person to undergo such medical care as may be necessary  
 13 to treat or prevent an incident or threat of disease or other health condition prompting an  
 14 investigation pursuant to paragraph IV. Such care may include immunization of individuals as  
 15 necessary to prevent the spread of contagious disease, except that an individual may refuse  
 16 treatment or immunization pursuant to the provisions of ~~[RSA 141-C:15, VI]~~ ***RSA 141-C:16 and***  
 17 ***RSA 141-C:20-c.***

18 VI. Any order compelling an investigation, physical examination, the provision of specimens,  
 19 medical treatment or care, or immunization, and any other order of the commissioner under this  
 20 chapter, shall be subject to the due process requirements of RSA 141-C:14-a.

21 VII. The department of health and human services shall acquire and retain only the  
 22 minimum amount of information, specimens, and samples relating to individuals necessary to carry  
 23 out its obligations under this section. Any genetic testing of specimens and samples shall be limited  
 24 to the viruses, bacteria, fungi, or other microorganisms therein. Personally identifiable information  
 25 shall not be acquired or retained unless necessary for the department to carry out its responsibilities  
 26 under this section, RSA 141-C, or any other provision of law. Such information shall not be retained  
 27 beyond the duration of the state of emergency without the approval of the governor and executive  
 28 council, which information shall be subject to the confidentiality provisions of RSA 141-C:10.

29 ***VIII. Any emergency order issued under this section shall be subject to review by the***  
 30 ***joint legislative oversight committee on health and human services, established in RSA***  
 31 ***126-A:13, and may be rescinded by a 2/3 vote of that committee. The commissioner shall***  
 32 ***notify the ethics oversight advisory committee established in RSA 141-C:27 of any***  
 33 ***emergency order issued under this section, and the joint legislative oversight committee***  
 34 ***shall consider the input of the ethics committee, if provided, in any decision. If the***  
 35 ***emergency precludes either committee from meeting in person, they shall be authorized,***  
 36 ***notwithstanding any other provision of law, to meet remotely for this purpose.***

1           2 Communicable Disease; Treatment and Care of Sick. Amend RSA 141-C:15, VI to read as  
2 follows:

3           VI. When an individual subject to an order for treatment by the commissioner refuses to  
4 undergo such ordered treatment, the commissioner may issue a complaint, which shall be sworn to  
5 before a justice of the peace. Such complaint shall set forth the reasons for the order imposing  
6 treatment, the nature of the treatment to be provided, and the place or facility where the treatment  
7 shall be provided. Upon being presented with such an order, *the individual may petition the  
8 superior court in the county in which the person resides for a hearing on the order. If a  
9 hearing is granted, the superior court shall hear the matter within 48 hours of the date of  
10 the order, excluding weekends and holidays. The superior court shall issue a decision as  
11 soon as practicable after completion of the hearing. An aggrieved individual may petition  
12 the supreme court for an expedited appeal. If no appeal is granted or the commissioner's  
13 order is affirmed on appeal*, any law enforcement officer shall take such individual into custody  
14 and transport the individual to the place or facility where the treatment is to be provided.

15           3 Communicable Disease; Ethics Committee. Amend RSA 141-C:27 to read as follows:

16           141-C:27 Ethics ***Oversight Advisory*** Committee.

17           I. There is hereby established an ethics ***oversight advisory*** committee to offer advice to the  
18 commissioner relative to the ethical issues that may be identified in the course of planning for, and  
19 responding to, outbreaks of communicable disease that threaten to become epidemic or pandemic  
20 ***and to review and provide recommendations for investigations, orders, and treatment  
21 ordered by the commissioner.***

22           II. The committee shall:

23           ***(a)*** Consider the ethical implications of any of the powers that may be exercised by the  
24 commissioner under the provisions of this chapter including, but not limited to, the confiscation,  
25 distribution, and rationing of anti-toxins, serums, vaccines, immunizing agents, antibiotics, and  
26 other pharmaceutical agents, and mechanical equipment; the issuance and enforcement of orders of  
27 isolation, quarantine, medical examination, and medical treatment; issues relative to information  
28 sharing and confidentiality; and the provisions for due process for orders issued pursuant to this  
29 chapter.

30           ***(b)*** *Review investigations initiated pursuant to RSA 141-C:9, orders issued  
31 pursuant to RSA 141-C:12, and treatment ordered pursuant to RSA 141-C:15.*

32           ***(c)*** *Review orders issued by the commissioner pursuant to RSA 141-C:16-a and  
33 RSA 141-C:16-b not appealed to the superior court. If the committee should determine any  
34 such orders to be inappropriate, they may by majority vote direct the commissioner to  
35 rescind the order. When meeting for this purpose, and when discussing protected health  
36 information obtained for public health purposes pursuant to 45 C.F.R. 164.512(b)(1)(i), as  
37 provided by RSA 91-A:5 IV, the committee's proceedings shall be exempt from RSA 91-A.*

1           ***(d) Consider the competing rights of disabled persons who might be unable to***  
2 ***comply with certain orders, health care workers who are entitled to a safe workplace, and***  
3 ***the need to protect the public from communicable disease, and may recommend***  
4 ***modification of orders to address specific concerns.***

5           ***(e) Consider both the need to protect the most vulnerable members of society as***  
6 ***well as the need for the most efficacious means to control a public health emergency when***  
7 ***consulting with the commissioner pursuant to RSA 21-P:53, III-b in developing a plan for***  
8 ***the distribution of a new treatment or vaccination.***

9           III. The members of the committee shall be as follows:

10           ***(a) Two members of the house or representatives, one of whom shall be from the***  
11 ***minority party, appointed by the speaker of the house of representatives.***

12           ***(b) One member of the senate, appointed by the senate president.***

13           ***(c) The director of the department of health and human services, division of public***  
14 ***health services.***

15           ~~[(b)]~~ ***(d) The state epidemiologist.***

16           ~~[(e)]~~ ***(e) The attorney general, or designee.***

17           ~~[(d)]~~ ***(f) A representative of a public health network, appointed by the commissioner.***

18           ~~[(e)]~~ ***(g) A representative from a college or university public health program, appointed***  
19 ***by the commissioner.***

20           ~~[(f) A chief of police or a police officer of a local police department, appointed by the New~~  
21 ~~Hampshire Association of Chiefs of Police.~~

22           ~~\_\_\_\_\_ (g) A chief of a local fire department, appointed by the New Hampshire Association~~  
23 ~~of Fire Chiefs.]~~

24           ***(h) A physician, licensed under RSA 329, appointed by the New Hampshire Medical***  
25 ***Society.***

26           ***(i) The commissioner of the department of safety, or designee.***

27           ~~[(j) A member of a fire department with a minimum of EMT-B certification, appointed by~~  
28 ~~the Professional Firefighters of New Hampshire.~~

29           ~~\_\_\_\_\_ (k) A representative of a hospital, appointed by the New Hampshire Hospital~~  
30 ~~Association.~~

31           ~~[(l) A county representative, appointed by the New Hampshire Association of Counties.]~~

32           ***(k) A representative of the Disability Rights Center of New Hampshire,***  
33 ***appointed by the center.***

34           ***(l) The commissioner of the department of labor, or designee.***

35           IV. ~~[The commissioner shall appoint a member of the committee to act as chairperson.]~~ ***The***  
36 ***committee shall elect one of the legislative members as chairperson. Legislative member of***  
37 ***the committee shall receive mileage at the legislative rate when attending to the duties of***



1 ***the committee.*** The committee shall meet initially within 30 days of the effective date of this  
2 section and then as regularly as the chairperson shall direct.

3 V. The commissioner may at any time direct questions to the committee or request guidance  
4 on ethical issues.

5 VI. The committee [~~shall be solely advisory in nature and any guidance, guidelines, or~~  
6 ~~protocols issued by the committee shall not be binding on the commissioner~~] ***may issue advisory***  
7 ***opinions, guidance, guidelines, or protocols at any time, which shall not be binding on the***  
8 ***commissioner.***

9 4 Effective Date. This act shall take effect upon its passage.