

# Committee Report

**CONSENT CALENDAR**

**February 17, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Health, Human Services and Elderly  
Affairs to which was referred HB 617,**

**AN ACT relative to food safety training for child care  
centers. Having considered the same, report the same  
with the following resolution: RESOLVED, that it is  
INEXPEDIENT TO LEGISLATE.**

**Rep. Mark Pearson**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>HB 617</b>
Title:	<b>relative to food safety training for child care centers.</b>
Date:	<b>February 17, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### **STATEMENT OF INTENT**

During the hearing on this bill, some committee members wondered if the goal of the bill could be better served by rule-making within the Department of Health and Human Services. The sponsor learned her goals could indeed be accomplished in this manner. Mission accomplished! As a result, she asked us to determine her bill Inexpedient to Legislate.

Vote 21-0.

Rep. Mark Pearson  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Health, Human Services and Elderly Affairs

**HB 617**, relative to food safety training for child care centers. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. During the hearing on this bill, some committee members wondered if the goal of the bill could be better served by rule-making within the Department of Health and Human Services. The sponsor learned her goals could indeed be accomplished in this manner. Mission accomplished! As a result, she asked us to determine her bill Inexpedient to Legislate. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

# 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 #: HB 617      Motion: ITL      AM #: \_\_\_\_\_      Exec Session Date: 2/16/2021

<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 #: HB 617 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2/16/2021

Merchant, Gary		20		
<b>TOTAL VOTE:</b>		21	0	0



# Hearing Minutes

**HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

**PUBLIC HEARING on Bill # HB 617**

**BILL TITLE:** An Act relative to food safety training for child care centers

**DATE:** 2/2/2021

**ROOM:** 206/8

**Time Public Hearing Called to Order:** 9:14 am

**Time Adjourned:** 10:05 am

**Committee Members Present:**

**Remote from home:**

**Reps. M. Pearson, Marsh, McMahon, Nelson, Acton, Gay, Cushman, Folsom, Kelsey, King, Kofalt, Weber, MacKay, Snow, Knirk, Salloway, Cannon, Nutter-Upham, Schapiro, Woods, Merchant**

**TESTIMONY**

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

**Representative Schmidt:**

- The sub-committee pointed out this needed change.
- Would be one class.
- Cost would be covered by the state.
- Not sure about CCU's
- This issue could be merged into other bills
- Requirement for day care facilities, unregulated care providers would be hard to monitor
- Conference for Food Protection is a non-profit that has been around for 30 years.
- Currently not required of each new employee.
- Serving food is encompass, meals, meals from home, snacks, et al.
- Best if each employee had training
- If it was a school, the school nurse could oversee handling.
- Childcare facilities do not have a "school nurse"
- Will send rules regarding handling food allergies to committee
- Child care facilities are required to fill out health forms for each child.
- Existing incidents - refer to next witness

**Heather Gass**

- Personal history, son had allergy action plan, filled out form with child care facility but still had an uncontrolled episode.
- All staff members were not aware of health status.
- Staff did not know where epi-pens were kept
- Epi-pens are required to be on site only if the parent has a doctor's prescription and has it filled by pharmacy and brings it to the facility.
- Every staff member could potentially be handling food.
- Bus Drivers are not required to have this training.
- Should have training on How to Prevent - How to Recognize - How to Treat allergic reactions and have a passing grade.
- All action plans posted in each classroom
- DHHS do not need statutory requirements to set new rules.

- Parents please report to DHHS any incidents and they will be followed up directly with the facility in question.
- Suggested rule that each child with allergy must have a plan

**Rep. Rosemary Rung** - there is a training module available for aprx. \$200

Respectfully submitted,

Rep. Beth Folsom, Clerk

# House Remote Testify

## Health, Human Services and Elderly Affairs Committee Testify List for Bill HB617 on 2021-02-02

Support: 9 Oppose: 9 Neutral: 1 Total to Testify: 4

<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>
Rung, Rosemarie	rosemarie.rung@leg.state.nh.us	603.424.6664	An Elected Official	Myself	Support	Yes (5m)	2/1/2021 8:11 PM
Schmidt, Rep Jan	tesha4@gmail.com	603.880.6060	An Elected Official	Myself	Support	Yes (0m)	2/1/2021 2:32 PM
Schmidt, Jan	tesha4@gmail.com	603.880.6060	An Elected Official	Myself	Support	Yes (0m)	1/27/2021 2:51 PM
Gass, Heather	hbowman1211@gmail.com	603.769.9343	A Member of the Public	Myself	Support	Yes (0m)	1/27/2021 4:33 PM
Kirkpatrick, Larry	lck2247@yahoo.com	603.863.8354	A Member of the Public	Myself	Oppose	No	1/27/2021 8:37 PM
Cohen, Rep Bruce	bruce.cohen@leg.state.nh.us	603.417.6980	An Elected Official	Myself	Support	No	1/28/2021 9:36 AM
marshall, kathy	kathy.marshall10@gmail.com	802.281.9485	A Member of the Public	Myself	Oppose	No	1/28/2021 11:32 AM
Pucillo-Driscoll, Angella	Angellapucillo@gmail.com	603.793.4059	A Member of the Public	Myself	Oppose	No	1/29/2021 6:45 PM
mautz, c sue	sue@csuemautz.com	603.431.1769	A Member of the Public	Myself	Oppose	No	1/30/2021 4:56 PM
Gould, Rep. Linda	lgouldr@myfairpoint.net	603.472.3877	An Elected Official	Myself	Oppose	No	1/30/2021 4:02 PM
Carlo, Catherine	catherinecarlo1@gmail.com	704.617.1297	A Member of the Public	Myself	Oppose	No	1/30/2021 7:34 PM
Rayher, Kelsey	kelsey.rayher@gmail.com	203.747.2481	A Member of the Public	Myself	Oppose	No	1/30/2021 7:52 PM
Johnston-McWilliams, Patricia	patricia.m.johnston-mcwilliams@hitchcock.org	602.650.6099	A Member of the Public	Myself	Oppose	No	1/30/2021 8:37 PM
Chase, Wendy	wendy.chase@leg.state.nh.us	603.319.7259	An Elected Official	Myself	Support	No	1/31/2021 2:26 PM
Lawrence, Emily	Emily.L.Lawrence@childadvocate.nh.gov	603.848.8349	State Agency Staff	NH Office of the Child Advocate	Support	No	2/1/2021 11:41 AM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	2/1/2021 10:20 PM
Lally, Daniel	Dlally1978@gmail.com	603.401.1551	A Member of the Public	Myself	Oppose	No	2/2/2021 7:33 AM
Clement, Melissa	melissa.clement@dhhs.nh.gov	603.271.9004	State Agency Staff	Myself	Neutral	No	2/2/2021 8:42 AM
Duran, Carrie	carriemartinduran@gmail.com	603.219.6777	A Member of the Public	Myself	Support	No	2/2/2021 9:43 AM

# Testimony

**Archived:** Wednesday, March 17, 2021 1:26:47 PM  
**From:** [Webb942,Samantha](#)  
**Sent:** Sunday, March 7, 2021 8:52:01 PM  
**To:** ~House Health Human Services and Elderly Affairs  
**Cc:** [Diana Menard](#)  
**Subject:** Bill HB 617  
**Importance:** Normal

---

<https://www.cato.org/multimedia/cato-video/regressive-effects-childcare-regulations?queryID=8c7f053907fcd977205d3a1955f17f6a>

Dear Committee,

Testimony

HB617 would unnecessarily increase the cost of operating a childcare center. While providing extraordinarily little benefit to the children or their safety. These added educational costs would be passed down from the childcare business to the parents, there by increasing the price of childcare in New Hampshire. Parents often cite the high cost of childcare as a reason why children do not attend licensed childcare facilities. Furthermore, this bill does not differentiate between what type of food is being served and how. For example, this bill could require a staff member who opens a bag of goldfish to have attended a food prep course. It is apparent to me, having read this law that the crafters have not worked in a childcare center. The cost associated and regulations associated with running a childcare center are already burdensome. Adding to this burdensome regulation will only further increase this problem. Another reason why this training is not needed is because a food training course is already on the pro solutions training that all staff are required to take to work in a licensed childcare facility.

Above I have attached why I believe bills like this are hindering childcare centers.

Thank you for your time and thoughts.

Samantha Webb

**Archived:** Wednesday, March 17, 2021 1:26:48 PM  
**From:** Lawrence, Emily  
**Sent:** Monday, February 1, 2021 12:03:42 PM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** HB 617, relative to food safety training for child care centers  
**Importance:** Normal

---

Dear Chairman Pearson, Vice Chairman Marsh and Esteemed Members of the Health, Human Services and Elderly Affairs Committee,

I am writing to let you know that I signed-up to support HB 617, relative to food safety training for child care centers, but *not* to testify. However, when I went to finalize my online form, it stated that I had already signed-up to testify. I wanted to confirm that I do *not* intend to testify on this bill, and only intended to sign-up to support the bill.

Please let me know if you have any questions. Thank you very much.

Best regards,  
Emily Lawrence

Emily L. Lawrence, Associate Child Advocate and Counsel

*Personal pronouns she/her*

NH Office of the Child Advocate  
Governor Hugh Gallen Office Park  
Johnson Hall  
107 Pleasant Street  
Concord, New Hampshire 03301  
603-271-7773

Toll Free- 833-NHCHILD

603-271-7778 (Direct line)

603-848-8349 (Work Cell)

<https://childadvocate.nh.gov/>



**If you think a child is in immediate danger, please call 9-1-1. To report suspected abuse or neglect of a child, please call DCYF at 1-800-894-5533.**

***Statement of Confidentiality***

*The information contained in this electronic message and any attachments to this message may be confidential and legally privileged under applicable law, and are intended only for use by the addressee. Any disclosure, copying, distribution, communication, or action taken or omitted to be taken by an unintended recipient is prohibited and may be unlawful. If you have received this notification in error, please destroy all copies of this electronic message and any attachments, and immediately notify the Office of the Child Advocate at [ChildAdvocate@nh.gov](mailto:ChildAdvocate@nh.gov).*

**Archived:** Wednesday, March 17, 2021 1:26:48 PM  
**From:** [Heather Gass](#)  
**Sent:** Monday, February 1, 2021 9:31:23 PM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** Testimony for HB617  
**Importance:** Normal

---

Dear Committee Members of Health, Human Services, and Elderly Affairs,

Thank you for taking the time to hear and read testimony regarding HB 617 to require food safety training for child care centers.

According to the US Center for Disease Control and Prevention (CDC) 1 in 13 children or “about 2 children per classroom” has a food allergy (CDC., 2021). The CDC also indicates that “The body’s immune response can be severe and life threatening, such as anaphylaxis.” (CDC.gov, 2021). These are undisputed, scientifically supported facts. “Between 1997 and 2008, the prevalence of peanut or tree nut allergy appears to have more than tripled in U.S. children.” and “the prevalence of food allergy in children increased by 50 percent between 1997 and 2011” ([foodallergy.org](#) 2021).

Other important facts worth noting from [foodallergy.org](#) include:

- “Childhood hospitalizations for food allergy tripled between the late 1990s and the mid-2000s.”
- “More than 40 percent of children with food allergies have experienced a severe allergic reaction such as anaphylaxis.”
- “Medical procedures to treat anaphylaxis resulting from food allergy increased by 380 percent between 2007 and 2016.”
- “Most fatal food allergy reactions are triggered by food consumed outside the home.”

I share these facts with you because I have a 2.5 year old son with multiple life-threatening food allergies, and I personally have experienced severe anaphylaxis from a food allergen. It’s my worst nightmare that my son could have the same frightening, dangerous experience. As a working parent who relies on Monday-Friday child care, I have found the lack of food allergy and anaphylaxis training, and food allergy care plan implementation to be very troubling.

When you have a child with a life-threatening food allergy, seemingly benign things such as milk, eggs, peanuts, or even sesame seeds could send your child into anaphylaxis. My son was 7 months old when he experienced his first allergic reaction at a child care center here in New Hampshire. He had an allergy action plan in place from his physician because of his peanut allergy, and staff was instructed not to feed him anything other than what we brought in his lunch bag. One day, I came by the child care center after lunch, and noticed my son was having an allergic reaction. None of the staff had noticed, other than remarking that he seemed fussy. I immediately saw his mouth and chin were covered in hives. I administered Zyrtec according to his allergy action plan, and thankfully he was ok, I had caught the reaction in time before it could have progressed to anaphylaxis. After much questioning, we determined that he was fed another child’s yogurt by a staff member covering a break in his class room. I want to be clear, this happened even though they had been instructed to only give food and bottles from home, and had a specific allergy action plan in place for his other known allergies.



On another occasion, the two staff members who were in charge of caring for my son could not find his Epi-Pens when I asked about them. I had to instruct them on where to look. Imagine if my son had an allergic reaction, where every second without treatment is a chance for the reaction to progress, and they couldn't find his EpiPens.

These events left me angry, scared, and anxious every time I needed to leave my child in someone else's care.

While this bill, HB617, takes the first step of training child care staff in food safety and things like cross-contamination prevention, we need to do more to protect food-allergic children in child care programs, especially infants and toddlers who cannot advocate for themselves. I have read through the New Hampshire Child Care Licencing Rules [[dhhs.nh.gov](https://www.dhhs.nh.gov), 2021] many times as I fought to get a proper plan in place for my son. Here are the things that need to be addressed.

### FOOD ALLERGY & ANAPHYLAXIS TRAINING

1. The Health and Safety Training provided through ChildCare Aware of New Hampshire and ProSolutions is lacking in 3 ways:
  - a. Does not review various types of epinephrine auto-injectors and how to use them
  - b. Does not provide hands-on training on how to position a child and inject epinephrine
  - c. Does not require a passing grade; participants can click through the slides to complete the training without reading any of the information. In comparison, First Aid & CPR training requires hands-on experience and a passing grade, anaphylaxis training should be the same.

**Recommendation:** All caregivers/teachers should receive training for, demonstrate competence in, and implement measures for:

- Preventing exposure to the specific food(s) to which the child is allergic
  - Recognizing the symptoms of an allergic reaction and anaphylaxis
  - Treating allergic reactions, including administration of injectable epinephrine
2. Food allergy training needs to be completed once within 90 days of employment as professional development hours ([Dhhs.nh.gov](https://www.dhhs.nh.gov), Child Care Licencing Rules: 2017-2027, He-C 4002.30 (a)(5)), but it does not appear to be *required* again thereafter. Just like First Aid & CPR, refresher training on preventing allergen exposure and responding to anaphylaxis should be renewed annually.

### FOOD ALLERGY CARE PLANS

1. There is no requirement for annual review of the child's allergy care plan in the current childcare licencing rules [[Dhhs.nh.gov](https://www.dhhs.nh.gov), 2021]. A child's allergy avoidance procedures need to change as they grow. For example, a toddler may need to avoid certain craft supplies containing their allergen, while an infant likely would not have these items in their classroom.

**Recommendation:** Require annual review of allergy care plans.

2. The rules require the allergy care plan to be posted ([Dhhs.nh.gov](https://www.dhhs.nh.gov), Child Care Licencing Rules: 2017-2027, He-C 4002.19 (h)), but do not require staff/teachers to review it.

**Recommendation:** Require that all care providers are educated in the child's allergy action plan and sign off on it before caring for the child. The plan shall be reviewed and signed again whenever the plan is updated.

3. The child care licensing rules [[Dhhs.nh.gov](https://www.dhhs.nh.gov), 2021] do not address having a plan for what to do for a child who **does not** have a known allergy but has a reaction while at the program.

**Recommendation:** All child care programs should have a written plan that outlines how emergency medical services will be obtained for allergic reactions, and where children will be taken for medical treatment, similar to He-C 4002.19 (i)(1-2). The plan should also list who on staff is qualified and responsible for administering medical treatment, like epinephrine injections.

4. In asking the child care licensing coordinator at DHHS what they consider to be an allergy care plan, they said it is the plan that the allergist or pediatrician gives the patient, (referenced here: <https://www.foodallergy.org/living-food-allergies/food-allergy-essentials/food-allergy-anaphylaxis-emergency-care-plan>) Please know, these plans **DO NOT** contain any steps required to AVOID the allergens and prevent a reaction, they only contain the steps to take during an allergic reaction. As 504 plans do not apply to child care programs, parents struggle with getting procedures in place to ensure their child avoids their allergen (i.e. not sitting with other toddlers at lunch to avoid having the child grab another child's food. Not participating in arts/crafts where there allergen may be present like in play-doh or egg cartons)

Please consider supporting HB 617 and amending it to include required food allergy & anaphylaxis training, and requiring more comprehensive food allergy care plans for state-licensed child care programs.

Regards,  
Heather Gass  
71 Peaslee Rd.  
Merrimack, NH 03054

#### References:

Cdc.gov. (2020). Food Allergies | Healthy Schools | CDC. [online] Available at: <https://www.cdc.gov/healthyschools/foodallergies/index.htm> [Accessed 01 Feb. 2021]

Foodallergy.org. (2020). Facts and Statistics | Food Allergy Research & Education. [online] Available at: <https://www.foodallergy.org/life-with-food-allergies/food-allergy-101/facts-and-statistics> [Accessed 01 Feb. 2021]

[Dhhs.nh.gov](https://www.dhhs.nh.gov) NH Child Care Licensing Rules 2017-2027 [Online] Available at: <https://www.dhhs.nh.gov/oos/cclu/documents/he-c4002.pdf> [Accessed 01 Feb 2021]

**Archived:** Wednesday, March 17, 2021 3:37:57 PM  
**From:** Jan Schmidt  
**Sent:** Monday, February 1, 2021 3:52:19 PM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** My testimony for HB617  
**Importance:** Normal

---

Thank you Mr. Chairman and honored members of the committee...

Last year a constituent asked me to help keep children with allergies safer.

So between OLS and us, we wrote a bill that would sweep all we wanted into one bill.

The Education Committee liked it, but testimony from school nurses told us that they already do this, and much of this is already in rules, a very appropriate place for requirements like this. So this bill went to interm study and we all learned a great deal.

HB1682 -FN-L Session Year 2020 Bill Text[ <a href="#">HTML</a> ]	<b>Title:</b> requiring schools to maintain food allergy plans to address food allergy safety and training.
--	---

This bill requires all school districts, charter public schools, and non-public schools, to which a student with severe food allergies is enrolled, to develop and maintain a food allergy management and prevention plan to address food allergy safety and training. It is unknown how many schools may need to adopt such a plan, or the costs associated, therefore this bill's impact on local expenditures is indeterminable. Also, this bill establishes a waiver process for school districts, through the Department of Education, to avoid all the requirements of this bill if they prove their existing food allergy management plan substantially meets the bill's requirements. The Department is unable to estimate how many districts may seek such a waiver, nor the waiver processes' impact on Department expenditures.

From a member of the subcommittee: "It was pointed out that 200:44a covers everything in the bill but day care, and that would go the health and human services."

So we have HB617

"Any person employed by and serving food at a licensed child day care shall pass a food safety class meeting the standards of the Conference for Food Protection."

Now, I have an allergy to peppers. One bite of the seeds or skin and within hours I have a volcano brewing inside. But I know what I need to know to avoid this. With no nurse onsite, children in daycare rely on those adults caring for them to ensure their safety. This small change could mean a big difference in the confidence we have in the folks who care for our smallest neighbors.

Thank you, and I ask that you find HB617 OTP and I will answer any questions I can.

Attached, please find a letter received last year on this subject:

White, Cheri <cheri.f.white@doe.nh.gov>

October 12, 2020 at 6:53 AM



RE: Food Allergy Plans .

[Details](#)

To: Jan Schmidt <Jan.Schmidt@leg.state.nh.us> Cc: & 2 more



Good morning,

I read your email yesterday, but took some time to think about your question overnight. If I recall the issue was that there was already an RSA that spoke to the matter brought forth for schools. Daycare entities are governed by licensing regulations through Childcare licensing at NH DHHS. I am wondering if that is the entity that might be able to move forward with a potential requirement for a plan for Food Allergy Management?

The NH DOE administers the child nutrition programs. We and the sponsoring organizations have a requirement to follow federal civil rights laws for special dietary needs. These laws are contingent upon direction from any outside information from a medical professional that is received by foodservice for the provision of meals to any particular child. The plan for how the information gets to the foodservice and how the foodservice meets the special dietary needs rules is handled by the administration of any organization offering a child nutrition program. In the case of daycares, it is not only the organization's administration, but also the state licensing rules and regulations that govern activities of the organization, which is why I am wondering if the requirement for the need of a plan would come from that entity. I say this because the NH DOE only has a small fraction of the day cares in NH that are under the child nutrition program called the Child and Adult Care Food Program (CACFP). NH DHHS Child Care Licensing administers licensing for all day cares and also has professional development standards and classes that day care workers take. They have the ability to impact all day care entities. I do not remember if your constituent's child was in one of the few day cares that offered CACFP, but I vaguely remember asking the question and thought I remembered the answer to be no.

I hope this helps.

Cheri White, MS, SNS  
Administrator, Office of Nutrition Programs and Services  
NH Dept. of Education  
603-271-3860

Regards,

Representative Jan Schmidt  
Proud Chair of the Nashua Delegation

At [Home: Tesha4@gmail.com](mailto:Tesha4@gmail.com)  
11 Pope Circle, Nashua NH 03063  
Hillsborough District 28, Ward 1 Nashua

In Concord: [Jan.Schmidt@leg.state.nh.us](mailto:Jan.Schmidt@leg.state.nh.us)  
NH House of Representatives  
Labor, Industrial, and Rehabilitative Services Committee  
Room 307 Legislative Office Building



**Archived:** Wednesday, March 17, 2021 1:26:47 PM  
**From:** [Jan Schmidt](#)  
**Sent:** Wednesday, February 3, 2021 8:17:36 AM  
**To:** [Mark Pearson](#)  
**Cc:** ~[House Health Human Services and Elderly Affairs](#)  
**Subject:** Re: In re your #617 - chairman M. Pearson  
**Importance:** Normal

---

Honorable Committee Members,

Thank you for your kind attention, and even more your questions which lead to a very positive conversation with the person who can make changes and additions to the Rules on our children's health.

Everything Heather Gass has asked us for can be accomplished without changing law - which I believe is the very best outcome we could have.

Grateful and appreciative,  
Jan

Representative Jan Schmidt  
Proud Chair of the Nashua Delegation

At [Home: Tesha4@gmail.com](mailto:Tesha4@gmail.com)  
11 Pope Circle, Nashua NH 03063  
Hillsborough District 28, Ward 1 Nashua

In Concord: [Jan.Schmidt@leg.state.nh.us](mailto:Jan.Schmidt@leg.state.nh.us)  
NH House of Representatives  
Labor, Industrial, and Rehabilitative Services Committee  
Room 307 Legislative Office Building



On Feb 2, 2021, at 3:59 PM, Canon Mark A. Pearson <[canonpearson@yahoo.com](mailto:canonpearson@yahoo.com)> wrote:

Good afternoon, Representative,

We decided to hold exec'ing your bill 617 regarding food safety training for child care centers.

I am very much in favor of such training. As one who needed an epi on one occasion because of food allergies, and as one with young friends who live in dread of accidentally eating the wrong thing, I know the need.

Melissa Clement of DHHS, however, testified that they have the rules in place regarding what you (and I) desire. I don't know if that's true or not.

I do know that if a statute doesn't authorize certain rule making, it doesn't get done.

So, I suggest you call Melissa at DHHS and list everything you'd like and see if they have rules for it already. If not, do they need a law to make sure they can write the rules. Would your bill cover it or does it need an amendment?

Second, one thing I've learned in bill writing is be specifically general (!). Too general and you're giving platitudes. Too specific ("you must hire ABC Clown Trainers to train all clowns in NH") what happens when that group goes out of business. So, committee members wonder if your line 4 should be changed. Meet the standards of \_\_\_\_\_ (generally accepted training organization in this field ??) ??

I can tell you that my sense of the committee is that everyone is favorable to the general purpose but are not sure the bill has it right. If I exec'd it today, it would fail. I don't want that to happen. So, talk with Melissa Clement and see exactly what law is needed, and what broad category should be listed instead of the Conference for Food Protection. Find a friendly person in our committee (I'd help but being chairman has swamped me!) and ask that person to sponsor the amendment. (Remember, once the bill has been referred to a committee, the bill no longer belongs to you but to them.)

Maybe we can get an amended bill that will make a positive difference and is something we can all happily vote for.

Rooting for you!

Rep. Mark Pearson  
Chairman, House HHS&EA

**Archived:** Wednesday, March 17, 2021 1:26:47 PM  
**From:** [Canon Mark A. Pearson](#)  
**Sent:** Wednesday, February 3, 2021 8:30:08 AM  
**To:** [Jan Schmidt](#)  
**Cc:** ~House Health Human Services and Elderly Affairs  
**Subject:** Re: In re your #617 - chairman M. Pearson  
**Importance:** Normal

---

Good morning, Rep. Schmidt,

To quote a character from television's "The A Team," "I love it when a plan comes together.

Sounds like your conversation will lead to whatever additions to the rules needed to enhance the safety of children in Child Care facilities.

So, looks like we can ITL your bill. ITL, however, with the declaration of victory; ITL because it's mission accomplished, yes? (I once moved ITL on a bill of mine because we learned it was no longer needed.)

Rep. Mark Pearson  
HHS&EA Chairman

On Wednesday, February 3, 2021, 8:17:39 AM EST, Jan Schmidt <[jan.schmidt@leg.state.nh.us](mailto:jan.schmidt@leg.state.nh.us)> wrote:

Honorable Committee Members,

Thank you for your kind attention, and even more your questions with lead to a very positive conversation with the person who can make changes and additions to the Rules on our children's health.

Everything Heather Gass has asked us for can be accomplished without changing law - which I believe it the very best outcome we could have.

Grateful and appreciative,  
Jan

Representative Jan Schmidt  
Proud Chair of the Nashua Delegation

At [Home: Tesha4@gmail.com](mailto:Tesha4@gmail.com)  
11 Pope Circle, Nashua NH 03063  
Hillsborough District 28, Ward 1 Nashua

In Concord: [Jan.Schmidt@leg.state.nh.us](mailto:Jan.Schmidt@leg.state.nh.us)  
NH House of Representatives  
Labor, Industrial, and Rehabilitative Services Committee  
Room 307 Legislative Office Building



On Feb 2, 2021, at 3:59 PM, Canon Mark A. Pearson <[canonpearson@yahoo.com](mailto:canonpearson@yahoo.com)> wrote:

Good afternoon, Representative,

We decided to hold executing your bill 617 regarding food safety training for child care centers.

I am very much in favor of such training. As one who needed an epi on one occasion because of food allergies, and as one with young friends who live in dread of accidentally eating the wrong thing, I know the need.

Melissa Clement of DHHS, however, testified that they have the rules in place regarding what you (and I) desire. I don't know if that's true or not.

I do know that if a statute doesn't authorize certain rule making, it doesn't get done.

So, I suggest you call Melissa at DHHS and list everything you'd like and see if they have rules for it already. If not, do they need a law to make sure they can write the rules. Would your bill cover it or does it need an amendment?

Second, one thing I've learned in bill writing is be specifically general (!). Too general and you're giving platitudes. Too specific ("you must hire ABC Clown Trainers to train all clowns in NH") what happens when that group goes out of business. So, committee members wonder if your line 4 should be changed. Meet the standards of \_\_\_\_\_ (generally accepted training organization in this field ??) ??

I can tell you that my sense of the committee is that everyone is favorable to the general purpose but are not sure the bill has it right. If I executed it today, it would fail. I don't want that to happen. So, talk with Melissa Clement and see exactly what law is needed, and what broad category should be listed instead of the Conference for Food Protection. Find a friendly person in our committee (I'd help but being chairman has swamped me!) and ask that person to sponsor the amendment. (Remember, once the bill has been referred to a committee, the bill no longer belongs to you but to them.)

Maybe we can get an amended bill that will make a positive difference and is something we can all happily vote for.

Rooting for you!

Rep. Mark Pearson  
Chairman, House HHS&EA



**Archived:** Wednesday, March 17, 2021 1:26:47 PM  
**From:** [Jan Schmidt](#)  
**Sent:** Saturday, February 13, 2021 10:55:55 AM  
**To:** [Mark Pearson](#)  
**Cc:** [~House Health Human Services and Elderly Affairs](#)  
**Subject:** HB 617 - please ITL  
**Importance:** Normal

---

Honorable Members of the HHSEA Committee,

Thank you for your patience and understanding concerning HB617. We have been in contact with the Department and firmly believe that our bill is not necessary as Rules can accomplish what we see as important changes.

I ask then that you find it ITL and know that it was with your help that we have achieved our goal collaboratively and we are on our way to success.

Regards,  
Representative Jan Schmidt  
Proud Chair of the Nashua Delegation

At [Home: Tesha4@gmail.com](mailto:Tesha4@gmail.com)  
11 Pope Circle, Nashua NH 03063  
Hillsborough District 28, Ward 1 Nashua

In Concord: [Jan.Schmidt@leg.state.nh.us](mailto:Jan.Schmidt@leg.state.nh.us)  
NH House of Representatives  
Labor, Industrial, and Rehabilitative Services Committee  
Room 307 Legislative Office Building



Begin forwarded message:

**From:** "Canon Mark A. Pearson" <[canonpearson@yahoo.com](mailto:canonpearson@yahoo.com)>  
**Subject:** **From Chairman Pearson of HHS&EA**  
**Date:** February 11, 2021 at 3:14:39 PM EST  
**To:** Jan Schmidt <[jan.schmidt@leg.state.nh.us](mailto:jan.schmidt@leg.state.nh.us)>

Good afternoon, Jan,

We heard your bill 617 relative to food safety training for child care workers in my committee on February 2.

You may remember that while everyone in the committee believes that people who work with the public -- especially people of tender age -- with food involved need appropriate training. You will recall we had a few questions.

Might Melissa Clement from DHHS talk with you? And Heather Gass (I think it was). Does DHHS have all they --NEED-- to write (new) rules. But if they need some more legislative statutory language so they can write some rules that they cannot write otherwise, might they help you with an amendment that will empower them? RSA200:44A covers all except licensed day care centers. Would your bill be better placed there instead of at 170-E:23-a? I don't have an answer to that, just that question.

On line 4 might you want some broader language than to single out Conference for Food Protection? What if they go out of business? Are there other equally suitable groups.

Anyway, my committee is full of fix it people -- retired or active physicians, social workers, clergy, therapists, health care administrators. We like to fix people and fix bills.

I'll hold onto the bill for a couple more weeks before I have to exec it (cross over day looms). I think the sentiment in the committee is ITL ... but if you can address the concerns raised and bring us an amendment as soon as possible, it might just pass.

Rep. Mark Pearson  
Chairman, HHS&EA

**Archived:** Wednesday, March 17, 2021 1:26:47 PM  
**From:** [Jan Schmidt](#)  
**Sent:** Saturday, February 13, 2021 10:55:55 AM  
**To:** [Mark Pearson](#)  
**Cc:** ~House Health Human Services and Elderly Affairs  
**Subject:** HB 617 - please ITL  
**Importance:** Normal

---

Honorable Members of the HHSEA Committee,

Thank you for your patience and understanding concerning HB617. We have been in contact with the Department and firmly believe that our bill is not necessary as Rules can accomplish what we see as important changes.

I ask then that you find it ITL and know that it was with your help that we have achieved our goal collaboratively and we are on our way to success.

Regards,  
Representative Jan Schmidt  
Proud Chair of the Nashua Delegation

At [Home: Tesha4@gmail.com](mailto:Tesha4@gmail.com)  
11 Pope Circle, Nashua NH 03063  
Hillsborough District 28, Ward 1 Nashua

In Concord: [Jan.Schmidt@leg.state.nh.us](mailto:Jan.Schmidt@leg.state.nh.us)  
NH House of Representatives  
Labor, Industrial, and Rehabilitative Services Committee  
Room 307 Legislative Office Building



Begin forwarded message:

**From:** "Canon Mark A. Pearson" <[canonpearson@yahoo.com](mailto:canonpearson@yahoo.com)>  
**Subject:** **From Chairman Pearson of HHS&EA**  
**Date:** February 11, 2021 at 3:14:39 PM EST  
**To:** Jan Schmidt <[jan.schmidt@leg.state.nh.us](mailto:jan.schmidt@leg.state.nh.us)>

Good afternoon, Jan,

We heard your bill 617 relative to food safety training for child care workers in my committee on February 2.

You may remember that while everyone in the committee believes that people who work with the public -- especially people of tender age -- with food involved need appropriate training. You will recall we had a few questions.

Might Melissa Clement from DHHS talk with you? And Heather Gass (I think it was). Does DHHS have all they --NEED-- to write (new) rules. But if they need some more legislative statutory language so they can write some rules that they cannot write otherwise, might they help you with an amendment that will empower them? RSA200:44A covers all except licensed day care centers. Would your bill be better placed there instead of at 170-E:23-a? I don't have an answer to that, just that question.

On line 4 might you want some broader language than to single out Conference for Food Protection? What if they go out of business? Are there other equally suitable groups.

Anyway, my committee is full of fix it people -- retired or active physicians, social workers, clergy, therapists, health care administrators. We like to fix people and fix bills.

I'll hold onto the bill for a couple more weeks before I have to exec it (cross over day looms). I think the sentiment in the committee is ITL ... but if you can address the concerns raised and bring us an amendment as soon as possible, it might just pass.

Rep. Mark Pearson  
Chairman, HHS&EA

**Archived:** Wednesday, March 17, 2021 1:26:47 PM  
**From:** [Webb942,Samantha](#)  
**Sent:** Sunday, March 7, 2021 8:52:01 PM  
**To:** ~House Health Human Services and Elderly Affairs  
**Cc:** [Diana Menard](#)  
**Subject:** Bill HB 617  
**Importance:** Normal

---

<https://www.cato.org/multimedia/cato-video/regressive-effects-childcare-regulations?queryID=8c7f053907fcd977205d3a1955f17f6a>

Dear Committee,

Testimony

HB617 would unnecessarily increase the cost of operating a childcare center. While providing extraordinarily little benefit to the children or their safety. These added educational costs would be passed down from the childcare business to the parents, there by increasing the price of childcare in New Hampshire. Parents often cite the high cost of childcare as a reason why children do not attend licensed childcare facilities. Furthermore, this bill does not differentiate between what type of food is being served and how. For example, this bill could require a staff member who opens a bag of goldfish to have attended a food prep course. It is apparent to me, having read this law that the crafters have not worked in a childcare center. The cost associated and regulations associated with running a childcare center are already burdensome. Adding to this burdensome regulation will only further increase this problem. Another reason why this training is not needed is because a food training course is already on the pro solutions training that all staff are required to take to work in a licensed childcare facility.

Above I have attached why I believe bills like this are hindering childcare centers.

Thank you for your time and thoughts.

Samantha Webb

Bill as  
Introduced

HB 617 - AS INTRODUCED

2021 SESSION

21-0710  
08/05

HOUSE BILL           **617**

AN ACT               relative to food safety training for child care centers.

SPONSORS:         Rep. J. Schmidt, Hills. 28; Rep. Rung, Hills. 21; Rep. Cohen, Hills. 28

COMMITTEE:       Health, Human Services and Elderly Affairs

---

ANALYSIS

This bill requires persons employed by and serving food at a child day care center to take a food safety class.

-----

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.

**HB 617 - AS INTRODUCED**

21-0710

08/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                   relative to food safety training for child care centers.

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

1           1 New Section; Child Day Care Licensing; Food Safety. Amend RSA 170-E by inserting after  
2 section 23 the following new section:

3           170-E:23-a Food Safety. Any person employed by and serving food at a licensed child day care  
4 shall pass a food safety class meeting the standards of the Conference for Food Protection.

5           2 Effective Date. This act shall take effect July 1, 2021.