

Bill as
Introduced

HB 79 - AS INTRODUCED

2021 SESSION

21-0037
06/04

HOUSE BILL

79

AN ACT

relative to town health officers.

SPONSORS:

Rep. Marsh, Carr. 8; Rep. Salloway, Straf. 5; Rep. Merchant, Sull. 4; Rep. Avellani, Carr. 5; Rep. Edwards, Rock. 4; Rep. Deshaies, Carr. 6; Sen. Bradley, Dist 3; Sen. Sherman, Dist 24

COMMITTEE:

Municipal and County Government

ANALYSIS

This bill modifies the law regarding town health officers by deleting the residency requirement, adding a training requirement and a criminal background check, and adding a reporting requirement.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 1 Town Health Officers; Appointment. RSA 128:1 is repealed and reenacted to read as follows:

2 128:1 Appointment. The commissioner of the department of health and human services shall
3 appoint as health officer for each town such person as the selectmen of the town recommend, and the
4 commissioner of the department of health and human services shall issue to the health officer a
5 certificate of appointment. The appointed officer shall provide the department with sufficient and
6 complete contact information to be readily accessible as needed. Upon the expiration of the officer's
7 term, or upon his or her removal, death, or resignation or the occurrence of a vacancy in the office for
8 any reason, the selectmen shall recommend a replacement as soon as reasonably practicable; but if
9 no recommendation is made within 15 days after notice, the commissioner may appoint a health
10 officer without such recommendation.

11 2 Town Health Officers; Residence. Amend RSA 128:2 to read as follows:

12 128:2 Residence. [~~Said health officer shall be a resident of the state.~~] The commissioner of the
13 department of health and human services may appoint any qualified person to act in unorganized
14 localities *as a health officer*.

15 3 Town Health Officers; Secretary of Local Board. Amend RSA 128:3 to read as follows:

16 128:3 Secretary of Local Board. The health officer shall be the secretary and executive officer of,
17 and, with the selectmen, shall constitute the local board of health for the town. *The local board of*
18 *health for each town shall meet at least once every year, and as frequently as needed, to*
19 *review the state of local public health issues and concerns and provide information, as*
20 *requested, to the department of health and human services, on the readiness to address*
21 *relevant public health threats at the local or regional levels.*

22 4 Town Health Officer; Deputy Health Officer. Amend RSA 128:5-b to read as follows:

23 128:5-b Deputy Health Officer. When a health officer has been appointed under the provisions
24 of RSA 128:1, such officer may, subject to the approval of the selectmen and the commissioner of the
25 department of health and human services, appoint a deputy health officer or officers who shall be
26 empowered to enforce public health laws and regulations and make such sanitation investigations as
27 the health officer may direct or as may be required by the department of health and human services.
28 *The term of the deputy health officer shall expire with that of the health officer, or may be*
29 *extended with the approval of the board of selectmen, in consultation with the*
30 *commissioner of the department of health and human services or designee, until the health*

1 *officer vacancy is filled.* The deputy health officer shall receive such compensation from the town
2 as the selectmen of the town shall fix.

3 5 Town Health Officers; Officer for Several Towns. Amend RSA 128:6 to read as follows:

4 128:6 *Health* Officer for Several Towns. Upon recommendation of the selectmen of each of
5 several towns the commissioner of the department of health and human services may, in the
6 commissioner's discretion, appoint any qualified person [~~resident of the state~~] as health officer for all
7 of said towns, and such health officer shall receive such compensation from each town as the
8 selectmen thereof or the town shall fix.

9 6 New Sections; Town Health Officers; Training and Qualifications. Amend RSA 128 by
10 inserting after section 7 the following new sections:

11 128:8 Training and Qualifications. Within one year of appointment every health officer shall
12 complete a minimum of 3 hours of training on topics related to the specific state laws that provide
13 authority to health officers. The training shall be administered at no cost to the municipality by the
14 department of health and human services in collaboration with the New Hampshire health officers
15 association (NHHOA). The curriculum shall cover, but not be limited to, duties and responsibilities
16 of the health officer as required on rental housing standards pursuant to RSA 48-A:3, I(c),
17 assessment and management of health nuisances pursuant to RSA 147, and duties pursuant to RSA
18 128:5. The required training may be taken in person, or through a remote learning platform as
19 provided by the department of health and human services. Municipalities shall cover reasonable
20 costs of attending the NHHOA training subject to the provisions of RSA 129:1.

21 128:9 Background Check. Each municipality shall request and obtain a criminal history record
22 information request from the department of safety, as a prerequisite to any nomination of a health
23 officer or deputy health officer, to be submitted to the commissioner of the department of health and
24 human services or his or her designee, in order to determine if there are any prior convictions that
25 may disqualify such person or interfere with the performance his or her duties.

26 128:10 Administrative Rulemaking. The commissioner of the department of health and human
27 services may adopt administrative rules for implementation of this chapter pursuant to RSA 541-A.

28 128:11 Reporting Requirement. Beginning November 1, 2021, and annually thereafter, the New
29 Hampshire health officers association, in consultation with the department of health and human
30 services, shall report to the joint legislative oversight committee on health and human services,
31 established in RSA 126-A:13, and the state health assessment and state health improvement plan
32 advisory council, established in RSA 126-A:88, regarding the readiness of municipal health officers
33 to respond to potential public health threats in New Hampshire.

34 7 New Paragraphs; Communicable Disease; Health Officers. Amend RSA 141-C:5 by inserting
35 after paragraph II the following new paragraphs:

1 III. After being informed of isolation and quarantine orders issued pursuant to RSA 141-
2 C:12 to persons in their jurisdiction, inform the commissioner if they identify any substantive non-
3 compliance with the order.

4 IV. In the event of a public health emergency declared pursuant to RSA 4:45, enforce orders
5 issued pursuant to RSA 4:47.

6 8 New Paragraph; Communicable Disease; Disclosure. Amend RSA 141-C:10 by inserting after
7 paragraph IV the following new paragraph:

8 V. The department may share information with town and city health officers acting in
9 accordance with their duties under RSA 141-C:5, provided the health officer has signed a
10 confidentiality agreement at the time of his or her appointment under RSA 128 and has presented
11 proof of successful completion of training on adherence to applicable confidentiality and security
12 laws and regulations required when assisting the department of health and human services under
13 RSA 141-C:5. All sharing of confidential information under this section shall be in accordance with
14 this section and pursuant to 45 C.F.R. 164.512(b).

15 9 Safety Regulations for Pools and Bathing Places; Injunction; Emergency Closures. Amend
16 RSA 485-A:27, II(b) to read as follows:

17 (b) If the department determines that a pool at the facility is not in compliance with the
18 standards and safety requirements specified in subparagraph (a) and that the deficiencies threaten
19 the health or safety of patrons of the facility, the department shall issue an emergency closure notice
20 to the owner of the facility or the owner's on-site representative ***and immediately provide a copy***
21 ***of the notice to the town or city health officer.*** The notice shall identify which pool must be
22 closed and specify the reason for the emergency closure.

23 10 Effective Date.

24 I. Sections 7 and 8 of this act shall take effect 60 days after passage.

25 II. The remainder of this act shall take effect upon its passage.

CHAPTER 61
HB 79 - FINAL VERSION

9Apr2021... 1336EBA

2021 SESSION

21-0037
06/04

HOUSE BILL **79**

AN ACT relative to town health officers.

SPONSORS: Rep. Marsh, Carr. 8; Rep. Salloway, Straf. 5; Rep. Merchant, Sull. 4; Rep. Avellani, Carr. 5; Rep. Edwards, Rock. 4; Rep. Deshaies, Carr. 6; Sen. Bradley, Dist 3; Sen. Sherman, Dist 24

COMMITTEE: Municipal and County Government

ANALYSIS

This bill modifies the law regarding town health officers by deleting the residency requirement, adding a training requirement and a criminal background check, and adding a reporting requirement.

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.

CHAPTER 61
HB 79 - FINAL VERSION

9Apr2021... 1336EBA

21-0037
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to town health officers.

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

1 61:1 Town Health Officers; Appointment. RSA 128:1 is repealed and reenacted to read as
2 follows:

3 128:1 Appointment. The commissioner of the department of health and human services shall
4 appoint as health officer for each town such person as the selectmen of the town recommend, and the
5 commissioner of the department of health and human services shall issue to the health officer a
6 certificate of appointment. The appointed officer shall provide the department with sufficient and
7 complete contact information to be readily accessible as needed. Upon the expiration of the officer's
8 term, or upon his or her removal, death, or resignation or the occurrence of a vacancy in the office for
9 any reason, the selectmen shall recommend a replacement as soon as reasonably practicable; but if
10 no recommendation is made within 15 days after notice, the commissioner may appoint a health
11 officer without such recommendation.

12 61:2 Town Health Officers; Residence. Amend RSA 128:2 to read as follows:

13 128:2 Residence. [~~Said health officer shall be a resident of the state.~~] The commissioner of the
14 department of health and human services may appoint any qualified person to act in unorganized
15 localities *as a health officer*.

16 61:3 Town Health Officers; Secretary of Local Board. Amend RSA 128:3 to read as follows:

17 128:3 Secretary of Local Board. The health officer shall be the secretary and executive officer of,
18 and, with the selectmen, shall constitute the local board of health for the town. *The local board of
19 health for each town shall meet at least once every year, and as frequently as needed, to
20 review the state of local public health issues and concerns and provide information, as
21 requested, to the department of health and human services, on the readiness to address
22 relevant public health threats at the local or regional levels.*

23 61:4 Town Health Officer; Deputy Health Officer. Amend RSA 128:5-b to read as follows:

24 128:5-b Deputy Health Officer. When a health officer has been appointed under the provisions
25 of RSA 128:1, such officer may, subject to the approval of the selectmen and the commissioner of the
26 department of health and human services, appoint a deputy health officer or officers who shall be
27 empowered to enforce public health laws and regulations and make such sanitation investigations as
28 the health officer may direct or as may be required by the department of health and human services.
29 *The term of the deputy health officer shall expire with that of the health officer, or may be
30 extended with the approval of the board of selectmen, in consultation with the*

CHAPTER 61
HB 79 - FINAL VERSION
- Page 2 -

1 *commissioner of the department of health and human services or designee, until the health*
2 *officer vacancy is filled.* The deputy health officer shall receive such compensation from the town
3 as the selectmen of the town shall fix.

4 61:5 Town Health Officers; Officer for Several Towns. Amend RSA 128:6 to read as follows:

5 128:6 *Health* Officer for Several Towns. Upon recommendation of the selectmen of each of
6 several towns the commissioner of the department of health and human services may, in the
7 commissioner's discretion, appoint any qualified person [~~resident of the state~~] as health officer for all
8 of said towns, and such health officer shall receive such compensation from each town as the
9 selectmen thereof or the town shall fix.

10 61:6 New Sections; Town Health Officers; Training and Qualifications. Amend RSA 128 by
11 inserting after section 7 the following new sections:

12 128:8 Training and Qualifications. Within one year of appointment every health officer shall
13 complete a minimum of 3 hours of training on topics related to the specific state laws that provide
14 authority to health officers. The training shall be administered at no cost to the municipality by the
15 department of health and human services in collaboration with the New Hampshire health officers
16 association (NHHOA). The curriculum shall cover, but not be limited to, duties and responsibilities
17 of the health officer as required on rental housing standards pursuant to RSA 48-A:3, I(c),
18 assessment and management of health nuisances pursuant to RSA 147, and duties pursuant to RSA
19 128:5. The required training may be taken in person, or through a remote learning platform as
20 provided by the department of health and human services. Municipalities shall cover reasonable
21 costs of attending the NHHOA training subject to the provisions of RSA 129:1.

22 128:9 Background Check. Each municipality shall request and obtain a criminal history record
23 information request from the department of safety, as a prerequisite to any nomination of a health
24 officer or deputy health officer, to be submitted to the commissioner of the department of health and
25 human services or his or her designee, in order to determine if there are any prior convictions that
26 may disqualify such person or interfere with the performance of his or her duties.

27 128:10 Administrative Rulemaking. The commissioner of the department of health and human
28 services may adopt administrative rules for implementation of this chapter pursuant to RSA 541-A.

29 128:11 Reporting Requirement. Beginning November 1, 2021, and annually thereafter, the New
30 Hampshire health officers association, in consultation with the department of health and human
31 services, shall report to the joint legislative oversight committee on health and human services,
32 established in RSA 126-A:13, and the state health assessment and state health improvement plan
33 advisory council, established in RSA 126-A:88, regarding the readiness of municipal health officers
34 to respond to potential public health threats in New Hampshire.

35 61:7 New Paragraphs; Communicable Disease; Health Officers. Amend RSA 141-C:5 by
36 inserting after paragraph II the following new paragraphs:

CHAPTER 61
HB 79 - FINAL VERSION
- Page 3 -

1 III. After being informed of isolation and quarantine orders issued pursuant to RSA 141-
2 C:12 to persons in their jurisdiction, inform the commissioner if they identify any substantive non-
3 compliance with the order.

4 IV. In the event of a public health emergency declared pursuant to RSA 4:45, enforce orders
5 issued pursuant to RSA 4:47.

6 61:8 New Paragraph; Communicable Disease; Disclosure. Amend RSA 141-C:10 by inserting
7 after paragraph IV the following new paragraph:

8 V. The department may share information with town and city health officers acting in
9 accordance with their duties under RSA 141-C:5, provided the health officer has signed a
10 confidentiality agreement at the time of his or her appointment under RSA 128 and has presented
11 proof of successful completion of training on adherence to applicable confidentiality and security
12 laws and regulations required when assisting the department of health and human services under
13 RSA 141-C:5. All sharing of confidential information under this section shall be in accordance with
14 this section and pursuant to 45 C.F.R. 164.512(b).

15 61:9 Safety Regulations for Pools and Bathing Places; Injunction; Emergency Closures. Amend
16 RSA 485-A:27, II(b) to read as follows:

17 (b) If the department determines that a pool at the facility is not in compliance with the
18 standards and safety requirements specified in subparagraph (a) and that the deficiencies threaten
19 the health or safety of patrons of the facility, the department shall issue an emergency closure notice
20 to the owner of the facility or the owner's on-site representative *and immediately provide a copy*
21 *of the notice to the town or city health officer*. The notice shall identify which pool must be
22 closed and specify the reason for the emergency closure.

23 61:10 Effective Date.

24 I. Sections 7 and 8 of this act shall take effect 60 days after passage.

 II. The remainder of this act shall take effect upon its passage.

Approved: June 04, 2021

Effective Date:

I. Sections 7 and 8 shall take effect August 3, 2021.

II. Remainder shall take effect June 4, 2021

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: April 7, 2021

HEARINGS

Monday

04/12/2021

Election Law and Municipal Affairs	REMOTE	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. HB 64-LOCAL	relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.	
9:15 a.m. HB 79	relative to town health officers.	
9:30 a.m. HB 88	relative to the city of Claremont police commission.	
9:50 a.m. HB 101	relative to the close of a county's books of records.	
10:15 a.m. HB 284	relative to the restoration of involuntarily merged lots.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/93269591456>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 93269591456# or 16465588656, 93269591456#
4. Webinar ID: [932 6959 1456](https://www.zoom.us/j/93269591456)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 64-LOCAL

Rep. Aron
Rep. McGhee

HB 79

Rep. Marsh
Rep. Edwards

HB 88

Rep. O'Hearne

HB 101

Rep. J. MacDonald
Rep. Avellani

HB 284

Rep. McBeath

Rep. Porter

Rep. Salloway
Rep. Deshaies

Rep. Merchant

Rep. Marsh
Rep. Deshaies

Rep. Steven Smith

Rep. Merchant
Sen. Bradley

Rep. Stapleton

Rep. Crawford

Sen. Ward

Rep. Avellani
Sen. Sherman

Rep. Cloutier

Rep. Nelson

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 79, relative to town health officers.

Hearing Date: April 12, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward and Perkins Kwoka

Members of the Committee Absent : Senator Soucy

Bill Analysis: This bill modifies the law regarding town health officers by deleting the residency requirement, adding a training requirement and a criminal background check, and adding a reporting requirement.

Sponsors:

Rep. Marsh
Rep. Avellani
Sen. Bradley

Rep. Salloway
Rep. Edwards
Sen. Sherman

Rep. Merchant
Rep. Deshaies

Who supports the bill: Senator Tom Sherman, Senator Jeb Bradley, Representative William Marsh, Natch Greyes, Matthew Cahillane

Who opposes the bill: Eric Pauer

Summary of testimony presented in support:

Representative William Marsh

- He has been the Health Officer in the town of Brookfield since 2002.
- This legislation began as a request from the NH Health Officers Association.
- It is a key piece in the effort to strengthen the public health system in NH.
- Section 1 updates the appointment of Health Officers and requires them to provide contact information to DHHS.
- Section 2 removes the requirement that a Health Officer be a state resident.
- Section 3 requires local boards of health to meet at least once a year and report to DHHS on their readiness to address public health threats.
- Section 4 allows Deputy Health Officers to continue to serve when the Health Officer position becomes vacant.
- Section 5 allows a single person to be the Health Officer for several towns.
- Section 6 adds training of Health Officers by DHHS, background checks, and rulemaking.
- This section also requires the Health Officers Association to report to various state health agencies and advisory boards on NH's readiness for the next pandemic.
- Section 7 give Health Officers new duties and authority in the event of a public health emergency.

- Section 8 allows data sharing between Health Officer's and DHHS. This is necessary to make NH's public health system a system where local officials can work together with state officials.
- Section 9 requires DES to provide a copy of notices closing pools to local health officers and was a request of the Littleton Health Officer.
- Senator Perkins Kwoka asked if there were any advocacy organizations involved in drafting Sections 6 and 7.
 - Representative Marsh replied there was not, he drafted them.
- Senator Ward asked what the current qualifications for a Health Officer are.
 - Representative Marsh replied that there have been minimal qualifications required so far but one of the objectives of this bill is to increase the training for Health Officers. Currently there is no training required.
- Senator Ward asked if the Deputy Health Officer is required to live in the area.
 - Representative Marsh replied that he does not believe so, but he will look at the statute. The issue that this bill hopes to address is if a Health Officer moves away or leaves the job for some other reason, currently the Deputy Health Officer is required to leave as well. This leaves the town with nobody in charge. This bill will allow the Deputy to take over the position if appropriate.
- Senator Ward commented that in order to do the job, it would seem that the Health Officer needs to be close to the area they serve.
 - Representative Marsh replied that he agrees with that, but some towns do not have qualified people. Many have hired someone out of state if they are close to the border.

Natch Greyes - NH Municipal Association

- There are a number of local Health Officers who have pushed for these changes.
- COVID has taught us that we do need better communication between the local and state level in the area of Health Officers and this bill will provide that.
- Senator Perkins Kwoka asked if there were any drafting points that NHMA worked on with the prime sponsor.
 - Mr. Greyes replied that they provided some feedback but did not help draft it.

Matthew Cahillane - NH DHHS - Division of Public Health Services

- DHHS has worked with Representative Marsh to develop the language for this bill.
- They believe the proposed changes will assist Health Officers to become more competent and better protect local public health.
- COVID-19 has provided many opportunities for DHHS to assess and identify areas for improvement and further collaboration with local health officials.
- Gaps identified include the need to improve communication, clarify local public health readiness, and support for basic training of local Health Officers.
- The provisions in Sections 1 and 2 will allow more flexibility for municipalities to recruit qualified officers.
- In section 3 the local board of health will be required to meet with DHHS one per year to review public threats and readiness to respond to them.
- Public health threats can include communicable diseases, sanitary conditions in housing, pest or rodent infestations, health nuisances in the form of waste, noise, and odors, and hoarding possessions or animals.

- In section 4, the legislation would require that health officers and deputy health officers share the same appointment term of office yet allows for more flexibility for deputies should the health officer position become vacant during the term.
- The bill provides for an extension of the deputy's term until such time as the vacant health officer position is filled.
- They believe this would allow municipalities greater continuity at the local level until a new health officer is appointed.
- Section 5, would allow, in RSA 128:2, communities more hiring opportunity with recruitment and expand the pool of eligible applicants for health officer positions.
- Section 6 of HB 79 would require newly appointed health officers to attend a three-hour training to understand the state laws that protect or improve sanitary conditions.
- DHHS finds that much of the technical advice provided to health officers relates to interpreting and correctly enforcing existing health laws.
- The bill includes a requirement for a criminal history record check for health officers by the Department of Safety to ensure that they have no prior convictions that might affect their ability to carry out their duties and ensure public safety.
- The inclusion of an annual reporting requirement to both the Health and Human Services Oversight Committee and to the State Health Assessment (SHA) and State Health Improvement Plan (SHIP) Advisory Council will ensure that important information on readiness and capacity of local health officials is shared with the legislature.
- In Section 7, the bill provides that health officers can enforce orders pursuant to RSA 4:47 and inform the Commissioner of any substantive noncompliance with those orders during a declared public health emergency.
- In Section 8, the bill would add language that the Department may share information, as necessary, with town and city health officers acting in accordance with their duties under RSA 141-C:5.
- Sharing of information will only happen provided that the Health Officer has proof of completion of training on confidentiality and security laws and regulations and has signed a confidentiality agreement. This proposed change would apply to both town and city governments.
- In section 9, the bill would require that the NH DES inform local health officers of any emergency closure notices for public pools.
- DHHS acknowledges that the changes included in the bill will provide greater flexibility for local government to nominate Health Officers and improve the ability of Health Officers to fulfill their duties under specific state laws.

Summary of testimony presented in opposition: None

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB79 on 2021.
 Support: 4 Oppose: 1 Neutral: 0 Total to Testify: 3

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Notes</u>
Cahillane, Matthew	matthew.cahillane@dhhs.nh.gov	603.271.4072	State Agency Staff	NH DHHS, Public Health Services	Support	Yes	✓
Greyes, Natch	ngreyes@nhmunicipal.org	2247447	A Lobbyist	New Hampshire Municipal Association	Support	Yes	✓
Marsh, William	wmarshmd@gmail.com	603.569.6382	An Elected Official	Myself	Support	Yes	✓
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Oppose	No	✓
Bradley, Jeb	jeb.bradley@leg.state.nh.us	603.271.4151	An Elected Official	SD3	Support	No	✓

Testimony

Good Morning! For the record I am Rep William Marsh, representing 7 towns in southern Carroll County. Relevant to this bill, I have been the Health Officer of the Town of Brookfield since 2002.

I am pleased today to offer for your consideration HB79, relative to town health officers. This bill began as a request of the NH Health Officers Association. We worked on it over the summer, and I want to especially thank the Town of Tamworth, and their Selectman and Health Officer Becky Mason, who hosted a meeting last summer to work on the bill. My top priority for this legislative session is strengthening the public health system in NH. This bill is a key piece of that effort.

Let me walk you through the bill and hit the highlights.

Section 1 updates the appointment of health officers, and requires the health officers to provide contact information to DHHS.

Section 2 removes the requirement that a health officer be a state resident.

Section 3 requires local boards of health to meet at least once a year and report to DHHS on their readiness to address public health threats. Draft templates are in development and will be shared.

Section 4 allows deputy health officers to continue to serve when the health officer position becomes vacant.

Section 5 allows a single person to be the health officer for several towns.

Section 6 adds training of health officers by DHHS, background checks, and rule making. Most importantly, regarding NH's readiness for the next pandemic, is a requirement for the Health Officers Assn to report to the HHS Oversight Committee and the State Health Assessment and State Health Improvement Plan Advisory Council.

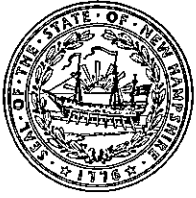
Section 7 gives health officers the new duty to communicate with the commissioner about non-compliance with quarantine and enforcement orders. It also gives health officers enforcement authority in the event of a public health emergency, the same enforcement authority extended to health officers by provision 5 of emergency order 65. I believe these provisions need to be in statute to enable lifting the current state of emergency.

Section 8 allows data sharing between health officers and DHHS, thereby enabling health officers to inform local officials when actions are advisable to protect the public. In my town, this would have been most helpful when we had a sudden covid outbreak shortly after the November election. This is necessary to make our public health system into a true system where local officials can work together with state officials.

Section 9 requires DES to provide a copy of notices closing pools to local health officers, a request of the Littleton health officer. The contact information in section 1 will allow this to happen without burdening DES.

HB 79 passed M&CG on a 17-1 vote and passed the House on consent.

I thank you for your consideration, and I will be glad to take questions.



Lori A. Shibinette
Commissioner

Lisa M. Morris
Director

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES
BUREAU OF PUBLIC HEALTH PROTECTION

29 HAZEN DRIVE, CONCORD, NH 03301
603-271-4524 1-800-852-3345 Ext. 4524
Fax: 603-271-8705 TDD Access: 1-800-735-2964
www.dhhs.nh.gov

Testimony on HB 79, an act relative to health officers
Senate Committee on Election Law and Municipal Affairs
April 12, 2021

Good Morning Chairman Gray and members of the Election Law and Municipal Affairs:

My name is Matthew Cahillane, and I am a Program Manager at the Department of Health and Human Services (DHHS), Division of Public Health Services (DPHS). Over the past four years, I have managed a state program for the appointment, training and technical support of local health officers. I am pleased to have the opportunity to provide information today to the Senate Committee on Election Law and Municipal Affairs on House Bill 79. DHHS has worked with Representative Marsh during the process of developing the language for this bill. We are supportive of the bill and we believe the proposed changes will assist health officers to become more competent and better protect local public health.

During the past year, the COVID-19 response has provided many opportunities on how to best assess threats and manage public health emergencies at the state and local level. As part of its response to the COVID-19 pandemic, DHHS has identified some areas for improvement and for further collaboration with local health authorities. Some of the gaps identified include the need to improve communication, clarify local public health readiness, and support for basic training of local health officers.

I will provide a brief overview of what House Bill 79 proposes to do:

In section 1 and 2, the proposed legislation would require the provision of contact information from health officers and remove a residency requirement allowing more flexibility for municipalities to recruit qualified officers. It should be noted that these items under RSA 128 only apply to New Hampshire towns, and not to cities.

In section 3, the bill would require the local board of health to meet once per year to review public health threats and readiness to respond to them. This provision will allow the local municipality and the Department to better understand the types of public health threats and readiness of New Hampshire communities. Public health threats can include communicable diseases, sanitary conditions in housing, pest or rodent infestations, health nuisances in the form of waste, noise and odors, and hoarding of possessions or animals.

In section 4, the legislation would require that health officers and deputy health officers share the same appointment term of office, yet allows for more flexibility for deputies should the health officer position become vacant during the term. The bill provides for an extension of the deputy's term until such time

as the vacant health officer position is filled. We believe this would allow municipalities greater continuity at the local level until a new health officer is appointed. In section 5, again related to the residency requirement, would allow in RSA 128:2 communities more hiring opportunity with recruitment and expand the pool of eligible applicants for health officer positions.

In section 6, HB 79 would require newly appointed health officers to attend a three-hour training to understand the state laws that protect or improve sanitary conditions. DHHS finds that much of the technical advice provided to health officers relates to interpreting and correctly enforcing existing health laws.

The bill includes a requirement for a criminal history record check for health officers by the Department of Safety to ensure that they have no prior convictions that might affect their ability to carry out their duties and ensure public safety.

The inclusion of an annual reporting requirement to both the Health and Human Services Oversight Committee and to the State Health Assessment (SHA) and State Health Improvement Plan (SHIP) Advisory Council will ensure that important information on readiness and capacity of local health officials is shared with the legislature.

In Section 7, the bill provides that health officers can enforce orders pursuant to RSA 4:47 and inform the Commissioner of any substantive noncompliance with those orders during a declared public health emergency. In Section 8, the bill would add language that the Department may share information, as necessary, with town and city health officers acting in accordance with their duties under RSA 141-C:5 provided that the health officer has proof of completion of training on confidentiality and security laws and regulations and has signed a confidentiality agreement. This proposed change would apply to both town and city governments.

In section 9, the bill would require that the NH DES inform local health officers of any emergency closure notices for public pools.

In conclusion, DHHS acknowledges that the changes included in the bill will provide greater flexibility for local government to nominate health officers, and improve the ability of health officers to fulfill their duties under specific state laws.

Thank you for the opportunity to provide testimony about how we can support local communities to address sanitation and improve public health competency.

Sincerely,

Matthew Cahillane, MPH
NH DHHS/DPHS/Bureau of Public Health Protection
29 Hazen Drive, Concord, NH 03301-6504
Phone: 603.271.4072
Email: matthew.j.cahillane@dhhs.nh.gov

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill HB 79

Hearing date: 4-12-2021

Executive Session date: 4-15-2021

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. P.K.

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, April 15, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 79**

AN ACT

relative to town health officers.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Rebecca Perkins Kwoka
For the Committee

This bill is an effort by the NH Health Officers Association to strengthen the public health system in New Hampshire and to incorporate numerous measures to achieve that goal. It modifies the law regarding town health officers by deleting the residency requirement, adding a training requirement and a criminal background check, and adding a reporting requirement. In collaboration with the Department of Health and Human Services, these changes will give Health Officers the tools they need to be better prepared should another public health emergency arise.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB79

Docket Abbreviations

Bill Title: relative to town health officers.*Official Docket of HB79.:*

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Municipal and County Government HJ 2 P. 34
1/27/2021	H	Public Hearing: 02/08/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/96815613466 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/2/2021	H	Executive Session: 02/09/2021 02:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93215390740
2/25/2021	H	Committee Report: Ought to Pass (Vote 17-1; CC) HC 18 P. 19
4/7/2021	H	Ought to Pass: MA VV 04/07/2021 HJ 5 P. 42
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50
4/7/2021	S	Introduced 04/01/2021 and Referred to Election Law and Municipal Affairs; SJ 11
4/7/2021	S	Remote Hearing: 04/12/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; SC 19
4/16/2021	S	Committee Report: Ought to Pass, 04/22/2021; Vote 5-0; CC; SC 20
4/22/2021	S	Ought to Pass: RC 23Y-1N, MA; OT3rdg; 04/22/2021; SJ 12
5/6/2021	S	Enrolled Bill Amendment #2021-1336e RC 23Y-0N, AA, (In recess of 05/06/2021); SJ 15
5/13/2021	H	Enrolled Bill Amendment #2021-1336e: AA VV (in recess of) 04/09/2021 HJ 7 P. 103
5/26/2021	S	Enrolled Adopted, VV, (In recess 05/20/2021); SJ 17
5/26/2021	H	Enrolled (in recess of) 04/09/2021 HJ 7 P. 104
6/9/2021	H	Signed by Governor Sununu 06/04/2021; Chapter 61; I. Sec. 7 & 8 Eff: 08/03/2021 / II. Rem. Eff: 06/04/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 79

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s) 1336

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office 

May 6, 2021
2021-1336-EBA
08/10

Enrolled Bill Amendment to HB 79

The Committee on Enrolled Bills to which was referred HB 79

AN ACT relative to town health officers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 79

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 79

Amend RSA 128:9 as inserted by section 6 of the bill by replacing line 5 with the following:

may disqualify such person or interfere with the performance of his or her duties.