

REGULAR CALENDAR

February 23, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 1460-FN,

AN ACT relative to minimum age requirements for certain occupational licenses. Having considered the same, report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. William Marsh

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 1460-FN
Title:	relative to minimum age requirements for certain occupational licenses.
Date:	February 23, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

People are issued occupational licenses in order to work in licensed professions. So long as the child labor law, remains in statute, it would be illegal for licensees under age 18 to practice their profession, and likely they would not be able to maintain either their skills or their licenses. There are also technical issues with the bill. It would be impossible to perform criminal background checks on under 18 year old licensees in professions that require criminal background checks for licensure. There is also the specific concern that repealing the age requirement for temporary massage therapists and for massage therapists would be likely to encourage human trafficking of minors and prostitution. For these various reasons, the committee recommends this bill inexpedient to legislate.

Vote 12-6.

Rep. William Marsh
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 1460-FN, relative to minimum age requirements for certain occupational licenses.
INEXPEDIENT TO LEGISLATE.

Rep. William Marsh for Executive Departments and Administration. People are issued occupational licenses in order to work in licensed professions. So long as the child labor law, remains in statute, it would be illegal for licensees under age 18 to practice their profession, and likely they would not be able to maintain either their skills or their licenses. There are also technical issues with the bill. It would be impossible to perform criminal background checks on under 18 year old licensees in professions that require criminal background checks for licensure. There is also the specific concern that repealing the age requirement for temporary massage therapists and for massage therapists would be likely to encourage human trafficking of minors and prostitution. For these various reasons, the committee recommends this bill inexpedient to legislate. **Vote 12-6.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1460-FN

BILL TITLE: relative to minimum age requirements for certain occupational licenses.

DATE: February 7, 2022

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS

Moved by Rep. T. Lekas

Seconded by Rep. Bailey

Vote: 6-12

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Marsh

Seconded by Rep. Schuett

Vote: 12-6

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk



2021 SESSION *MAR SUET*

Executive Departments and Administration

Bill #: *HB 1460* Motion: *ITL* AM #: _____ Exec Session Date: *2-7-22*

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
		X	
McGuire, Carol M. Chairman			
Roy, Terry Vice Chairman	X		
Sytek, John Clerk		X	
Pearson, Stephen C.	X		
Yakubovich, Michael		X	
Lekas, Tony		X	
Alliegro, Mark C.	X		
Bailey, Glenn		X	
Lanzara, Tom E.	X		
Santonastaso, Matthew		X	
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Judy, Jean L.	X		
Schmidt, Peter B.			
Schultz, Kristina M.	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:			

12-B

LEKAS MIN



2021 SESSION *USE BAN*

Executive Departments and Administration

Bill #: HB 1460 Motion: OTP AM #: _____ Exec Session Date: 2-7-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
	X		
McGuire, Carol M. Chairman			
Roy, Terry Vice Chairman <i>RHODES</i>		X	
Sytek, John Clerk	X		
Pearson, Stephen C.		X	
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.		X	
Bailey, Glenn	X		
Lanzara, Tom E.		X	
Santonastaso, Matthew	X		
Goley, Jeffrey P.		X	
Schuett, Dianne E.		X	
Jeudy, Jean L.		X	
Schmidt, Peter B.			
Schultz, Kristina M. <i>MARSH</i>		X	
Fellows, Sallie D.		X	
Fontneau, Timothy J.		X	
Grote, Jaci L.		X	
O'Brien, Michael B.		X	
TOTAL VOTE:			

6-12

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1460-FN

BILL TITLE: relative to minimum age requirements for certain occupational licenses.

DATE: February 1, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 2:15 p.m.

Time Adjourned: 2:30 p.m.

Committee Members: Reps. McGuire, Rhodes, Sytek, S. Pearson, Alliegro, Bailey, Lanzara, Santonastaso, Goley, P. Schmidt, Schuett, Fellows, O'Brien and Marsh

Bill Sponsors:

Rep. Yokela

TESTIMONY

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

Rep. Yokela introduced the bill and spoke in favor. He said that if an applicant meets licensing requirements that government ought not to discriminate on the basis of age. He referenced recent legislation granting rights to the emancipated. He took Committee questions, such as minors touching adults, liability issues with minors.

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB1460 on 2022-02-01

Support: 9 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
ploszaj, tom	Center Harbor, NH tom.ploszaj@gmail.com	An Elected Official	Myself	Support	No	No	1/21/2022 6:38 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/29/2022 7:15 PM
chapman, kevin	marlborough, NH denoct103@yahoo.com	A Member of the Public	Myself	Support	No	No	1/30/2022 11:56 PM
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 9:10 AM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	1/31/2022 11:30 AM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 6:27 PM
Axelman, Elliot	Hooksett, NH alu.axelman@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 7:57 PM
Ferrantello, Anthony	Keene, NH ajfnino@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 8:46 AM
Connolly, Ross	Merrimack, NH rconnolly@afphq.org	A Lobbyist	Americans for Prosperity-New Hampshire	Support	No	No	2/1/2022 11:37 AM

Archived: Thursday, May 19, 2022 9:57:08 AM
From: [Kristy Stellato](#)
Sent: Monday, January 31, 2022 11:16:13 PM
To: [~House Executive Departments and Administration](#)
Subject: HB1460-FN
Importance: Normal

"relative to minimum age requirements for certain occupational licenses" pertaining to one of the qualifications being of at least 18 for interpreters for the Deaf and hard of hearing.

Hi, my name is Kristy Stellato and I live in Hillsboro NH. I work with and represent the Deaf and hard of hearing community. We haven't had much chance to discuss this bill but the preliminary perspective on this is that it would be fine to remove the age minimum on the grounds that interpreters for the DHH, based on other state rules, would already be at least 18 when completing their interpreting programs.

I personally think it would be a good idea to include a clause that prohibits service providers from using the waiver process with minor interpreters. The waiver allows a consumer to choose an interpreter who is not licensed per NH's standards for a given session. Many service providers are still in the habit of allowing family members to interpret, and prohibiting the use of the waiver with minor interpreters would ensure no family dependent will be used if the age minimum is repealed with this bill.

Thank you,
Kristy

President

Wendy Piper
Grafton County Commissioner

Vice President

Tom Tombarello
Rockingham County Commissioner

At Large Member

Toni Pappas
Hillsborough County Commissioner

At Large Member

Cathy Stacey
Rockingham County Register of Deeds



Association of Counties

**46 Donovan Street, Suite 2
Concord, NH 03301**

**(603) 224-9222
(603) 224-8312 (fax)**

www.nhcounties.org

Immediate Past President

Chuck Weed
Cheshire County Commissioner

Treasurer

Suzanne Collins
Coos County Treasurer

Bylaws Chair

Chris Coates
Cheshire County Administrator

January 31, 2022

The Honorable Carol McGuire
Chair
House Executive Departments & Administration Committee
State House
Concord, NH 03031

Chairman McGuire and Members of the House Executive Departments & Administration Committee,

The NH Association of Counties would like to register its opposition to HB 1460, relative to minimum age requirements for certain occupational licenses.

While the Association appreciates the goals of the sponsor, we do have concerns with HB 1460. County Nursing Homes serve some of the most vulnerable populations in the state and to remove age minimums for providers who serve that population may become problematic. A level of maturity is needed to serve these populations and to completely remove the age minimums is a risk that the county providers are unwilling to take.

The Association asks you to oppose HB 1604. If you have any questions, please feel free to reach out to our Executive Director, Kate Horgan at khorgan@dupontgroup.com.

Sincerely,

Wendy Piper
President
NH Association of Counties

Archived: Thursday, May 19, 2022 9:57:09 AM
From: Sharon Clark
Sent: Monday, January 31, 2022 2:24:07 PM
To: ~House Executive Departments and Administration
Subject: Support HB1460
Importance: Normal

Dear Committee Members,

Unnecessary regulations like age requirements for licensing prevents people who need money from offering these services and people who need services from having full competition for them.

Please support HB 1460.

Sincerely,

Sharon Clark
Town of Grafton
sharonclark411@gmail.com

Archived: Thursday, May 19, 2022 9:57:09 AM
From: [Kate Horgan](#)
Sent: Monday, January 31, 2022 11:24:51 AM
To: ~House Executive Departments and Administration
Subject: HB 1460
Importance: Normal

Chair McGuire and members of the House Executive Departments and Administrative Committee, attached please find a letter in opposition to HB 1460 from the NH Association of Counties. Please let me know if you have any questions.

-Kate

Kathryn Horgan
The Dupont Group
29 School St. | Ste. 200 | Concord, NH 03301
603-228-3322 x111
khorgan@dupontgroup.com



signature_100425927
8

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HB 1460-FN - AS INTRODUCED

2022 SESSION

22-2395

11/05

HOUSE BILL ***1460-FN***

AN ACT relative to minimum age requirements for certain occupational licenses.

SPONSORS: Rep. Yokela, Rock. 33

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill repeals minimum age requirements for certain occupational licenses.

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 Two

AN ACT relative to minimum age requirements for certain occupational licenses.

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

1 1 Architects; Minimum Age for Licensure. Amend RSA 310-A:38, I(a) to read as follows:

2 (a) Applicant ~~[shall be at least 21 years of age and]~~ shall have graduated from an
3 approved high school or its equivalent; and

4 2 Attorneys and Counselors; Minimum Age. Amend RSA 311:2 to read as follows:

5 311:2 Admission to Practice. Any citizen ~~[of the age of 18 years,]~~ of good moral character and
6 suitable qualifications, on application to the supreme court shall be admitted to practice as an
7 attorney.

8 3 Barbering, Cosmetology, and Esthetics; Minimum Age Requirements for Operators. Amend
9 RSA 313-A:1, XI-a to read as follows:

10 XI-a. "Operator" means a person ~~[age 18 or older]~~ who has received training through a
11 program approved by the board in the safe operation of tanning devices, operates the tanning device,
12 controls the length of the exposure to UV light, and instructs the consumer in the proper use of the
13 device. A person ~~[age 16 or older]~~ who, prior to January 1, 2005, has been certified by a program
14 that was subsequently approved by the board shall be an operator under this paragraph.

15 4 Dentists and Dentistry; Minimum Age Requirements for Licensure. Amend RSA 317-A:8, I to
16 read as follows:

17 I. Applications for licensure shall be made to the board in writing or online and shall be
18 accompanied by a fee established in rules adopted under RSA 541-A by the board and by satisfactory
19 proof that the applicant is a graduate of a school that is recognized by the Commission on Dental
20 Accreditation (CODA). The applicant shall be of good professional character ~~[and 18 years of age or
21 older]~~.

22 5 Interpreters for the Deaf and Hard of Hearing; Qualifications. Amend RSA 326-I:9, I(a) to
23 read as follows:

24 (a) ~~[Be at least 18 years of age and]~~ Make application to the board, upon a form
25 prescribed by the board.

26 6 Optometry; Qualifications. Amend RSA 327:6 to read as follows:

27 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
28 practice optometry without a license. The board shall not issue a license to any applicant until the
29 person has passed an examination approved by the board, and has presented satisfactory evidence in
30 the form of affidavits properly sworn to, that the person is ~~[over 18 years of age and]~~ of good moral
31 character, has completed a minimum of 2 years at a college of arts and sciences and has graduated

HB 1460-FN - AS INTRODUCED

- Page 2 -

1 from a school or college of optometry approved by the board, maintaining a minimum of 4 years in
2 optometric training. Persons who submit an application which demonstrates that they meet the
3 eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A,
4 and pay the \$300 licensing fee, shall be licensed by the board.

5 7 Reflexologists; Structural Integrators; and Asian Bodywork Therapists; Reference Deleted.
6 Amend RSA 328-H:17 to read as follows:

7 328-H:17 Temporary Authority to Practice. Any person who meets the requirements of RSA
8 328-H:8, [~~I(a), (d),~~] **I(d)** and (e) may practice his or her respective profession immediately upon
9 passage of this chapter. Such authority to practice shall be valid for no more than one year from the
10 effective date of this chapter, or no more than 60 days of adoption of the administrative rules,
11 whichever occurs first, by which time the person shall apply for and receive a license issued by the
12 executive director in accordance with RSA 328-H:8 in order to continue legally practicing.

13 8 New Hampshire Veterinary Practice Act; Qualifications. Amend RSA 332-B:9 to read as
14 follows:

15 332-B:9 Application for License; Qualifications. Any person desiring a license to practice
16 veterinary medicine in this state shall make written application to the board. The application shall
17 show that the applicant is [~~18 years of age or more,~~] a graduate of an AVMA accredited school of
18 veterinary medicine or other veterinary school acceptable to the board, or the holder of an ECFVG
19 certificate or a PAVE certificate, a person of good professional character, and such other information
20 and proof as the board may require by rule. The application shall be accompanied by a fee in the
21 amount established and published by the board.

22 9 New Section; General Administration of Regulatory Boards and Commissions; Qualifications;
23 Rulemaking. Amend RSA 332-G by inserting after section 14 the following new section:

24 332-G:15 Qualifications for Licensure, Registration, or Certification; Rulemaking. No board,
25 commission, or council shall establish by administrative rule any minimum age requirements for
26 licensure.

27 10 Repeal. The following are repealed:

- 28 I. RSA 310-A:170, III(a), relative to minimum age requirements for court reporters.
29 II. RSA 310-A:190, I(d), relative to minimum age requirements for home inspectors.
30 III. RSA 310-A:210, I(c), relative to minimum age requirements for septic system evaluators.
31 IV. RSA 311-B:5, I, relative to minimum age requirements of auctioneers.
32 V. RSA 313-A:24, II(a), relative to minimum age requirements for barbering and
33 cosmetology apprenticeships.
34 VI. RSA 318:18, I(b)(1), relative to minimum age requirements for pharmacists.
35 VII. RSA 325:13, I, relative to minimum age requirements for embalmers.
36 VIII. RSA 326-C:5, I(a), relative to minimum age requirements for occupational therapists.
37 IX. RSA 326-J:5, I(a), relative to minimum age requirements for recreational therapists.

HB 1460-FN - AS INTRODUCED

- Page 3 -

- 1 X. RSA 326-K:3, III, relative to minimum age requirements for genetic counselors.
- 2 XI. RSA 328-B:5-a, I(a), relative to minimum age requirements for temporary massage
3 therapists licenses.
- 4 XII. RSA 328-B:6, I(b), relative to minimum age requirements for massage therapists.
- 5 XIII. RSA 328-G:9, II(a), relative to minimum age requirements for acupuncturists.
- 6 XIV. RSA 328-H:8, I(a), relative to minimum age requirements for reflexologists, structural
7 integrators, and Asian bodywork therapists.
- 8 XV. RSA 328-J:11, I(a), II(a), III(a), IV(a), V(a), VII(a), VIII(a), IX(a), and X(a), relative to
9 minimum age requirements for certain medical imaging and radiation therapists.
- 10 XVI. RSA 329:12, I(d)(1), relative to minimum age requirements for physicians and
11 surgeons.
- 12 XVII RSA 331-A:10, I(a) and II(a), relative to minimum age requirements for real estate
13 salespersons and brokers, respectively.
- 14 11 Effective Date. This act shall take effect 60 days after its passage.

**HB 1460-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to minimum age requirements for certain occupational licenses.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Office of Professional Licensure and Certification Agency Fund			

METHODOLOGY:

This bill repeals minimum age requirements for occupational licenses for architects, attorneys, barbers/cosmetologists/estheticians, dentists, optometrists, deaf interpreters, reflexologists, and veterinarians, among others. The Office of Professional Licensure and Certification (OPLC) assumes there is an insignificant number of applicants for licensure that are under the age of eighteen. Eliminating a requirement to be eighteen to obtain a license would not result in a significant increase in qualified applicants seeking licensure. OPLC states the fiscal impact would be indeterminable as they are unable to quantify or estimates the amount of individual who would seek licensure under the proposed.

It is assumed the fiscal impact would not occur until FY 2023.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification