

LEGISLATIVE COMMITTEE MINUTES

# **HB1272**

# Bill as Introduced

HB 1272 - AS AMENDED BY THE HOUSE

15Mar2022... 0679h

2022 SESSION

22-2167  
10/05

HOUSE BILL            **1272**

AN ACT                limiting the authority of town health officers.

SPONSORS:            Rep. Harvey-Bolia, Belk. 4; Rep. Blasek, Hills. 21; Rep. Berezhny, Graf. 9; Rep. Post, Hills. 4; Rep. Renzullo, Hills. 37; Rep. Binford, Graf. 15; Rep. Littlefield, Belk. 3; Rep. Pauer, Hills. 26

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill limits the authority of local health officers in making bylaws or ordinances relating to public health matters.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT limiting the authority of town health officers.

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

- 1           1 Local Health Officers; Regulations on Public Health. Amend RSA 147:1, I to read as follows:  
2           I. The health officers of towns may make regulations for the prevention and removal of  
3 nuisances~~[- and such other regulations relating to the public health as in their judgment the health~~  
4 ~~and safety of the people require]~~ ***such as garbage, insects, unsanitary living conditions, septic,***  
5 ***rodents, and safe drinking water inspections,*** which shall take effect when approved by the  
6 selectmen, recorded by the town clerk, and published in some newspaper printed in the town, or  
7 when copies thereof have been posted in 2 or more public places in the town.  
8           2 Effective Date. This act shall take effect 60 days after its passage.

# 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 6, 2022

### HEARINGS

Monday

04/11/2022

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Election Law and Municipal Affairs

State House 100

1:00 p.m.

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1:00 p.m.	<b>HB 1070</b>	relative to the default budget in official ballot jurisdictions.
1:10 p.m.	<b>HB 1082</b>	prohibiting certain state officers from forming political action committees.
1:20 p.m.	<b>HB 1194</b>	relative to the procedure for overriding a local tax cap.
1:30 p.m.	<b>HB 1268</b>	limiting the authority for city council bylaws and ordinances.
1:45 p.m.	<b>HB 1272</b>	limiting the authority of town health officers.
2:00 p.m.	<b>HB 1496-FN</b>	requiring political subdivisions to make voter checklists available in spreadsheet form to any resident.
2:15 p.m.	<b>HB 1393</b>	relative to the adoption of school district budget caps.

### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

#### **HB 1070**

Rep. Boehm

#### **HB 1082**

Rep. Prudhomme-O'Brien

#### **HB 1194**

Rep. Pauer

Rep. Yakubovich

#### **HB 1268**

Rep. Harvey-Bolia

Rep. Yakubovich

#### **HB 1272**

Rep. Harvey-Bolia

Rep. Renzullo

#### **HB 1496-FN**

Rep. Love

#### **HB 1393**

Rep. Pauer

Rep. Hobson

Sen. Gannon

Rep. Berezny

Sen. Avard

Rep. Abramson

Rep. Blasek

Rep. Binford

Rep. Ammon

Rep. Post

Rep. Baxter

Rep. Potucek

Rep. Berezny

Rep. Littlefield

Rep. Greene

Rep. Silber

Rep. Silber

Rep. Renzullo

Rep. Post

Rep. Pauer

Rep. Hill

Rep. Andrus

Tricia Melillo 271-3077

James P. Gray  
Chairman

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

**HB 1272**, limiting the authority of town health officers.

**Hearing Date:** April 11, 2022

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

**Members of the Committee Absent :** None

**Bill Analysis:** This bill limits the authority of local health officers in making bylaws or ordinances relating to public health matters.

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**Sponsors:**

Rep. Harvey-Bolia  
Rep. Post  
Rep. Littlefield

Rep. Blasek  
Rep. Renzullo  
Rep. Pauer

Rep. Berezhny  
Rep. Binford

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**Who supports the bill:** 76 people signed up in support of the bill. The full sign in sheet is available upon request.

**Who opposes the bill:** 17 people signed in opposed to the bill. The full sign in sheet is available upon request.

**Summary of testimony presented in support:**

**Representative Juliet Harvey Bolia**

- To pass a bylaw that has to do with public health, the health officer introduces the bill and then works in conjunction with the board of selectmen.
- The board of selectmen acts as the board of health according to statute and they can pass mask mandates or other mandates that have to do with communicable disease and anything else.
- This is another bill with the intent of clearing up vague language.
- It makes a definitive list of nuisances and strikes out “that they may make up any other such regulations relating to the public health as in their judgment the people require.”
- This bill puts in there instead a definitive list of common things that health officers deal with all the time.
- The list is garbage, insects, unsanitary living conditions, septic, rodents and safe drinking water inspections.
- In towns you can have as little as two elected officials making health mandates for the whole town.
- The health officer is an employee and their paychecks are signed by the board of selectmen.
- In effect, mask mandates and any other kind of public health mandate, no matter how broad, is being decided by as few as two selectmen.
- Some small towns have three select board members.
- There is no provision about a public hearing, it just says the bylaw shall be enacted and shall take effect when approved by the selectmen.
- Again, there is no redress.
- This bill was passed on consent by the committee and was placed in the consent calendar and passed without debate in the house.
- The law as written is very vague and is an unfair burden to a health officer.

- When she served as a health officer, vague languages, giving broad sweeping powers was more of a burden than a help.
- A code enforcement type of employee wants specific language that will help guide their decisions.
- She passed out guidance from DHHS about communicable disease and all over it says that the health officer is to provide a supporting role and to answer to DHHS about communicable disease.
- She believes that is what makes the most sense.
- They want to have a unified approach, allow state agencies to take the lead role on this and eliminate vague language.
- Senator Perkins Kwoka asked if under this proposal, someone came to a restaurant in Portsmouth would they have any assurance that the food they were consuming was safe.
  - Rep. Harvey-Bolia replied that would be under the public food safety bylaws and they are already in statute. This would not impact food safety and it doesn't take away the ability for health officers to do their jobs or even for the towns to pass their own ordinance. Towns can still at annual meeting can create public health laws if they wish and then it would be something that the whole town votes on and would have a say in which is very important. She does not believe one employee should have the authority to make laws.
- Senator Perkins Kwoka asked if she would believe that the existing language of the statute says, "health officers of towns may make regulations" and then continues on to say, "which shall take effect when approved by the selectmen," so it appears that this employee can only act pursuant to regular legislative authority.
  - Rep. Harvey-Bolia stated she did not.
- Senator Gray asked Representative Harvey-Bolia to go back and look at the language that talks about nuisances and where she put in the word septic she may want to use seepage. Additionally, the language about safe drinking water inspections is not really a nuisance

**Summary of testimony presented in opposition:**

**James Murray**

- He has been the health officer for the town of Exeter for about five years.
- He conducts inspections of food establishments, addresses concerns over housing standards, investigates new nuisance complaints, and ensures that Exeter is a safe healthy place for people to live, work and visit.
- As a local health officer, he has concerns with the proposed legislation to limit the authority of town health officers.
- HB 1272 proposes new criteria for how a health officer and the town itself can make local health regulations under RSA 147.
- The unintended consequences of limiting local codes to these specific nuisances, is that towns will no longer have the ability to decide how to best protect their public health interest against unnamed nuisances.
- The current form of this bill would preclude towns like Exeter from making health codes pertaining to sanitation practices that can directly impact the health and safety of residents and visitors.
- RSA 147:1, in its current form, has allowed towns throughout New Hampshire to best decide how to ensure the health and safety of the public.
- The proposed bill would limit the town's ability to decide for themselves what is best for their situation and for nuisances they may face in the future.
- He urged the committee to keep RSA147:1 in its current form.



## **Matthew Cahillane – NH DHHS Division of Public Health**

- Ad written, the department does have significant concerns and opposes the proposed legislation.
- HB 1272 proposes to add and remove links from RSA 147 in order to restrict the criteria of how municipal health officers may make and enforce local health regulations.
- It actually limits the ability of municipalities to decide if new regulations are needed to protect health and address nuisances.
- HB 1272 proposes to remove the broad authority of health officers by deleting a section of law that reads “and such regulations related to public health that in their judgment the health and safety of the people require.”
- The removal of this section would limit municipalities in the protection of local health and safety.
- The department realizes that one of the reasons for removing this section would be to eliminate the authority of pandemic related restrictions and mask requirements.
- It is their understanding that RSA 147:1 wasn't used in many of those local health ordinances and he believes it's being addressed by other legislation at this time.
- HB 1272 proposes to replace the broad authority of municipalities with a list of six specific nuisances that do not cover a wide range of health and sanitary problems that affect the public.
- The department believes that these six items are very limited and will make it more difficult or impossible for municipalities to address important issues such stagnant water that breeds mosquitoes and other nuisances such as noises and odor.
- They want to remind the committee that in the last session HB 79 was passed out of this committee at 5-0 and was signed into law in June 2021.
- That bill made the changes that provided greater flexibility for local government to nominate health officers and improve the ability of health officers to fulfill their duties.
- The department has identified some areas to improve, including further collaboration with local health authorities.
- Some of the gaps they identified were the need to improve communication, clarify public health readiness, which they are working on and support for the basic training of local health officers.
- The department does not want to see any rollback of statutory authority currently given to health officers in order to carry out their duties and protect public health.

## **Natch Greyes – NH Municipal Association**

- They think that replacing the broad local authority with a limited list of authority is not going to meet the needs of the citizens of New Hampshire.
- Realistically, a few areas that they need to deal with, may or may not be covered under the language that's captured here.
- Part of the intent of the broad language is to assure that regulations that are clearly targeted at specific issues are enforceable.
- The definitive list of powers in the bill would include insects, but it's not clear whether that would cover something like standing water that breeds insects that carry disease.
- This has been an issue in the Bow area so some towns around there have issued local regulations regarding standing water to try to prevent the continued breeding of mosquitoes or at least limit them in populated areas.
- It is not clear if that would fall under just the general term insects.
- It is going to be very hard to capture all of these little things that are done by each and every town.
- One of the prior individuals testifying indicated that towns can pass their own public health laws or ordinances at town meeting but he is not aware of where that is in the statutes.
- Towns in New Hampshire can only pass ordinances that they're allowed to pass based on the authority that the legislature gives them.

- He is not aware of any authority given to them by the legislature to pass general public health laws at the town meeting.

**Bob Quinn – NH Association of Realtors**

- The chairman has already identified their concerns.
- The bill as written indicates that health officers would be granted permission to regulate for the prevention or removal of nuisances such as septic.
- They are not sure if that meant septage or if the intent is to allow health officers to require the removal of a septic system.
- The state of new Hampshire requires licensing for both septic evaluators as well as septic designers.
- There are procedures in RSA 485 for dealing with existing septic systems.
- They would have less of a concern with that language if it was septage
- The language indicating safe drinking water inspections they certainly would not consider to be nuisances.
- If the intent is to allow health officers to test for private drinking well water, that is something that neither the state nor towns currently have authority to do.
- They do not understand why that would be considered to be a nuisance so they would ask for both of those points at the very least to be removed from the bill.

TJM

Date Hearing Report completed: April 17, 2022

# Speakers



## Senate Remote Testify

### Election Law and Municipal Affairs Committee Testify List for Bill HB1272 on 2022

Support: 71    Oppose: 11

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Hansen, Lorraine	A Member of the Public	Myself	Oppose
Kudlik, Cindy	An Elected Official	Myself	Oppose
Post, Lisa CM	An Elected Official	Myself	Support
Hatcher, Phil	A Member of the Public	Myself	Oppose
almeida, zulmira	A Member of the Public	Myself	Oppose
Pauer, Diane	An Elected Official	Myself	Support
Pouliot, Cheryl	A Member of the Public	Myself	Support
Smith, Julie	A Member of the Public	Myself	Support
Doughty, Patrick	A Member of the Public	Myself	Support
grustein, alan	A Member of the Public	Myself	Support
Brown, Phyllis	A Member of the Public	Myself	Support
Nadeau, Eileene	A Member of the Public	Myself	Support
Brown, Stephen	A Member of the Public	Myself	Support
Foss, Tyler	A Member of the Public	Myself	Support
Sweeney, Margaret	A Member of the Public	Myself	Support
Bryan, Anne	A Member of the Public	Myself	Support
Jensen, Jean	A Member of the Public	Myself	Support
Verschueren, James	A Member of the Public	Myself	Oppose
Andrus, Rep Louise	An Elected Official	Myself	Support
Slack, Michelle	A Member of the Public	Myself	Support
Gladders, Barbara	A Member of the Public	Myself	Support
Kantor, Crissy	A Member of the Public	Myself	Support
Mason, Richard	A Member of the Public	Myself	Support
Lozito, Patrick	A Member of the Public	Myself	Support
Lozito, Viola Marie	A Member of the Public	Myself	Support
Freedman, Aubrey	A Member of the Public	Myself	Support
chapman, kevin	A Member of the Public	Myself	Support
Millman, Linda	A Member of the Public	Myself	Support
Moschetto, Grace	A Member of the Public	Myself	Support
Stefanile, Tom	A Member of the Public	Myself	Support
Martin, Katie	A Member of the Public	Myself	Support
Surman, Elizabeth	A Member of the Public	Myself	Support
Marvin, Kurt	A Member of the Public	Myself	Support
Lambert, Tricia	A Member of the Public	Myself	Support
Maillet, Brenda	A Member of the Public	Myself	Support
Maillet, Ivan	A Member of the Public	Myself	Support
Kras, Krzysztof	A Member of the Public	Myself	Support
Guyen, Taci	A Member of the Public	Myself	Support
Aiello-Cunha, Candice	A Member of the Public	Myself	Support
Lucas, Janet	A Member of the Public	Myself	Oppose
Huntress, Susanne	A Member of the Public	Myself	Support
Hand, Cathy	A Member of the Public	Myself	Support
Huntress, Roy	A Member of the Public	Myself	Support
Meszynski, Edwin	A Member of the Public	Myself	Support
Geremia, Peter	A Member of the Public	Myself	Support
Jorgensen, Patricia	A Member of the Public	Myself	Support

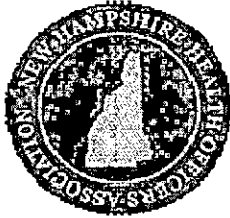
Diggins, Margie	A Member of the Public	Myself	Support
Economakis, Melissa	A Member of the Public	Myself	Support
Tetrault, Leslie	A Member of the Public	Myself	Support
Sommese, Cheryl	A Member of the Public	Myself	Support
Hoell, JR	A Member of the Public	Myself and RebuildNH as a founder	Support
Johnson, Debra	A Member of the Public	Myself	Support
Schreier, Lori	A Member of the Public	Myself	Support
Cumbee, Lydia	A Member of the Public	Myself	Support
DeBourke, Sheana	A Member of the Public	Myself	Support
Leavitt, Deborah	A Member of the Public	Myself	Oppose
Sylvain, Barbara	A Member of the Public	Myself	Support
Richardson, Katherine	A Member of the Public	Myself	Support
Brocius, Susan	A Member of the Public	Myself	Support
Gragg, Debbie	A Member of the Public	Myself	Support
Kriese, Clay	A Member of the Public	Myself	Support
Lawrence, Johanna	A Member of the Public	Myself	Support
Griffin, Amy	A Member of the Public	Myself	Support
Roy, Lucy	A Member of the Public	Myself	Support
Rousseau, Michael	A Member of the Public	Myself	Support
Bary, Liam	A Member of the Public	Myself	Support
QUISUMBING-KING, Cora	A Member of the Public	Myself	Oppose
Murphy, Kevin	A Member of the Public	Myself	Support
Avallon, Jim	A Member of the Public	Myself	Support
Howland, Curtis	A Member of the Public	Myself	Support
SKIDMORE, CLARENCE	A Member of the Public	Myself	Support
Howes, Debrah	A Lobbyist	American Federation of Teachers - NH	Oppose
Vaughan, Nancy	A Lobbyist	American Heart Association	Oppose
Taku, Fumio	A Member of the Public	Myself	Support
Torosian, Peter	An Elected Official	Rockingham County District # 14	Support
Russell, Leslie	A Member of the Public	Myself	Support
LaPointe, Susan	A Member of the Public	Myself	Support
Petrusewicz, Carol	A Member of the Public	Myself	Support
kirsch, walter	A Member of the Public	Myself	Support
thompson, julia	A Member of the Public	Myself	Oppose
Hitchcock, Elizabeth	A Member of the Public	Myself	Support
Cornier, Jennifer	A Member of the Public	Myself	Support

# Testimony

**Tricia Melillo**

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**From:** Wayne Whitford <outlook\_6FAA4F7606252A47@outlook.com>  
**Sent:** Friday, April 8, 2022 1:30 PM  
**To:** James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo  
**Cc:** sophia.L.Johnson@dhhs.nh.gov; ngreyes@nhmunicipal.org; John.L.Williams@dhhs.nh.gov  
**Subject:** House Bill 1272



## New Hampshire Health Officers Association

April 8, 2022

Subject: - House Bill 1272

The New Hampshire State Senate  
Senate Election Law and Municipal Affairs  
State House Room 100  
107 North Main Street  
Concord, NH 03301

Dear Senator Gray and Members of the Committee:

The New Hampshire Health Officers Association (NHHOA) is providing this testimony relative to HB 1272, a bill proposing to limit the authority of town health officers. NHHOA is a state-wide professional organization that provides training and assistance to local health officers at the town and city levels. We have over 200 members and offer training to health officers in every municipality. As Health Officers, we also strive to be recognized as, and regarded by, members and other organizations as an effective, professional group representing and advocating for local public and environmental health.

NHHOA has concerns with the proposed legislation regarding the authority of Health Officers. HB 1272 proposes three new criteria for how a health officer may make local health regulations under RSA 147:1.

The first item states that The Health Officers of towns may make regulations for the prevention and removal of nuisances such as garbage, insects, unsanitary living conditions, septic, rodents, and safe drinking water inspections which may take effect when approved by the selectmen, recorded by the town clerk, and published in some newspaper printed in the town or when copies thereof have been posted in 2 or more public places in the town.

HB1272 proposes to limit the authority of local Health Officers under RSA 147:1 to make local health codes, except for specific nuisances listed in the bill. There are, however, several public health hazards that fall under local ordinances health officers must address as part of their municipal responsibilities. This bill appears to restrict the health officer from enforcing these ordinances. The needs for a local health code may be recommended by the health officer to the selectboard, but it is the selectboard with advice from the town attorney that would pass a town ordinance once it is introduced and debated in a public meeting.



There are a number of individual town ordinances currently in place that could be impacted by HB 1272. Examples of these ordinances not falling in the above list are those that deal with dumpsters and offensive matter, special events, junk yards and stormwater.

In closing, the proposed bill appears to add in more confusion than clarification for health officers. The main role of health officers is to ensure that communities are safe and sanitary by monitoring and maintaining health and safety standards. On a daily basis, Health Officers deal with a variety of issues involving food safety, safe housing, water quality, septic systems, odors, noise, rodent control, and arboviral issues of mosquito control. RSA 147:1, as presently constructed, provides the authority for local communities to make reasonable rules and regulations to address these and other issues.

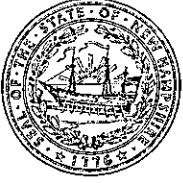
NHHOA urges the member of this committee to vote to recommend HB 1272 as Inexpedient to Legislate.

We wish to thank you for the opportunity to comment on this proposed bill and please feel free to contact us if you have any questions.

Sincerely,

Wayne Whitford, President  
NH Health Officers Association

Sent from [Mail](#) for Windows



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

Lori A. Shihinette  
Commissioner

Patricia M. Tilley  
Director

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Testimony for HB 1272, An ACT limiting the authority of health officers  
Senate Election Law and Municipal Affairs  
State House Room 100  
Monday, April 11, 2022

Dear Senator Gray and Members of the Committee,

The New Hampshire Department of Health and Human Services ("The Department") is providing information relative to HB 1272, *An ACT limiting the authority of town health officers*. The Department appreciates the opportunity to discuss the role of local health officers. As written, the Department does have significant concerns with the proposed legislation as outlined below.

As introduced, HB 1272 proposes to add and remove language to RSA 147:1 in order to restrict the criteria for how a municipality and its health officer may make and enforce local health regulations. The bill is titled as an act to limit the authority of health officers, although it actually limits the ability of municipalities to decide if new regulations are needed to protect health. Only after passage by the selectmen can a health officer then address or enforce the new town ordinance. Currently, RSA 147:1 provides municipalities with authority "*to make regulations for the prevention and removal of health or environmental nuisances.*" Examples of common nuisances include: household or commercial garbage; biological waste from people, pets, livestock, and wild animals; pest infestations such as bed bugs; and nuisances such as noise, odor, or light pollution. The failure of approved and sometimes makeshift septic systems is another common nuisance that may spread from one property to another creating a health hazard that can effect water quality, air quality, and health.

HB 1272 proposes to remove the broader authority of health officers by deleting a section of the law that reads "... *and such other regulations relating to the public health as in their judgment the health and safety of the people require.*" The removal of this section would limit municipalities in their protection of local health and safety. The Department realizes that one of the reasons for removing this section would be to eliminate authority for pandemic-related restrictions and mask requirements. It is our understanding that most city and town councils did not use RSA 147:1 in order to create local health and safety ordinances during the pandemic and some of these concerns are being addressed in other bills moving through the legislature this session.

HB 1272 proposes to replace the broader authority of municipalities with a list of six (6) specific nuisances that do not cover the wide range of health and sanitation problems that affect the public. The bill adds a new sentence that say the health officers of towns may make regulations for the prevention and removal of nuisances "...*such as garbage, insects, unsanitary living conditions, septic, rodents, and safe drinking*

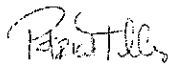
Chairman Gray  
April 11, 2022  
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*water inspections.*” The Department believes that these six items are very limiting and will make it more difficult or impossible for municipalities to address important issues such as hoarding of junk and animals, stagnant water that breeds mosquitos, as well as, nuisance odors, noise, and light.

I would like to remind the Committee that last session HB 79, relative to health officers, passed out this Committee 5-0 and was signed into law in June 2021. This bill made the changes that provided greater flexibility for local government to nominate health officers and improve the ability of health officers to fulfill their duties under specific state laws. During the past two years, the pandemic has provided many opportunities on how to best assess threats and manage public health emergencies at the state and local level. The Department 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.

The Department does not want to see any rollback of statutory authority currently given to local health officers to carry out their duties and protect public health.

Respectfully Submitted,



Patricia Tilley, MS Ed  
Director  
Division of Public Health Services  
New Hampshire Department of Health and Human Services

# COMMUNICABLE OR INFECTIOUS DISEASES

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## PUBLIC HEALTH ISSUES

A communicable or infectious disease is one which is spread from one person to another or from an animal to a person. These diseases can be spread via the air, blood, intestinal tract, or by direct contact. The control and prevention of communicable diseases is a major focus of the Infectious Disease Control Program of the New Hampshire Department of Health & Human Services, Division of Public Health Services (DPHS). Access to health care and education are two important issues in the control of communicable diseases. The local health officers support this vital public health role with the provision of current information about the occurrence, transmission, and prevention of communicable diseases in their towns.

## LAWS AND REGULATIONS

- **RSA 141-C:1-8, Communicable Disease** - <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-X-141-C.htm>

## ROLE OF THE HEALTH OFFICER:

- Under RSA 141-C:7, any Health Officer having under his observation a person afflicted with a communicable disease or who has reason to believe that a person was or might have been afflicted with a communicable disease (as listed in RSA 141-C:8) at the time of death, shall report to the commissioner the communicable disease.
- Under RSA 141-C:5, assist with the commissioner of DHHS, when requested to do so, in the establishment and enforcement of isolation and quarantine in their respective cities and towns.
- May assist the DPHS Infectious Disease Control Program with educational information for their community.
- May assist the DPHS Infectious Disease Control Program with the control of an identified illness in their community. (i.e. posting signs regarding swimming in a contaminated public beach.)

## BACKGROUND INFORMATION

Communicable or infectious diseases spread from one person to another or from an animal to a person. The spread often happens via airborne viruses or bacteria, but also through blood or other bodily fluid. Because communicable diseases can have so much impact on the population, the surveillance and control of such diseases is an important part of protecting the public's health here in

New Hampshire. Examples of communicable diseases that you may be familiar with through the local media are Hepatitis, Salmonellosis, Influenza, West Nile Virus and Rabies.

#### **REPORTING OF COMMUNICABLE DISEASE**

In New Hampshire, under RSA 141-C:1-8, any physician or other health care provider who assesses, diagnoses, or treats a person believed by him to be a case or suspect case of a reportable disease shall immediately report the same to the DPHS Communicable Disease Control Program by telephone, mail or electronic transmission on forms provided by the commissioner.

When no physician or other health care provider is in attendance, the person in charge, which could be a Health Officer, of any institution, public or non - public school, child care agency, hotel, restaurant, boarding house, labor camp or other camp, vessel, workplace, hospital, dispensary, pharmacy, or charitable, penal, or other institution or place of detention in which there is a case or suspect case of a reportable disease, shall report the same immediately to the Bureau of Infectious Disease Control.

Local Boards of Health shall report immediately to the DPHS Communicable Disease Control Program those cases or suspect cases of reportable diseases of which they have knowledge. Reports provided pursuant to (3) above shall include: The full name, age, sex, race, ethnicity, address, telephone number, occupation, and place of occupation of the patient; the name of the disease; the date of onset; and, the name of the person reporting.

#### **ISOLATION AND QUARANTINE**

Under (RSA 141-C:2, XII), certain terms, such as isolation and quarantine are clearly defined.

##### **Isolation is defined as:**

“the separation, for the period of communicability, of infected persons from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent from those infected to those who are susceptible or who may spread the agent to others.”

##### **Quarantine is defined in the law as:**

“the restriction of activities of well persons who have been exposed to a case of communicable disease, during its period of communicability, to prevent disease transmission during the incubation period if infection should occur.”

The DPHS Communicable Disease Control Program per order of the Commissioner of Health & Human Services or his agent is the only agency that can issue a legal order of isolation or quarantine. The DPHS may

ask the Health officer for assistance in helping the individual or group of individuals with compliance and helping them fulfill their everyday needs. In most instances people who are infected with a disease that requires isolation will remain isolated on a voluntary basis.

#### **COMMUNICATION WITH PUBLIC HEALTH**

While the DPHS Infectious Disease Control Program makes every effort to keep the Health Officer informed when it comes to illness in their town, it is typically not necessary to inform a Health Officer regarding a single case of a communicable disease. Decisions about whether or not to inform the Health Officer about individual cases are made on a case-by-case basis. A Health Officer may be notified in situations that involve an outbreak or cluster of illness.

For more information:

Department of Health & Human Services  
Division of Public Health Services  
Communicable Disease Control Program  
29 Hazen Drive  
Concord, NH 03301

1-800-852-3345 ext. 4496 (NH only), or 603-271-4496

NH Public Health Laboratories  
1-800-852-3345 ext. 4496, or 271-4496

Disease Reports Emergency  
603-271-5300 (24 hours)

NH State Veterinarian  
603-271-2404

NH Fish and Game Department  
1-800-852-3411, or 271-3361 (nights/weekends)



American Heart Association.

You're the Cure

April 11, 2022

Re: HB 1272, An act limiting the authority of town health officers

To: Chairman Gray and members of the Senate Election Law and Municipal Affairs Committee

As Government Relations Director for the American Heart Association, I am providing testimony in opposition to passage of HB 1272, which seeks to limit the authority of town health officers to just the prevention and removal of nuisances.

The American Heart Association's mission is to be a relentless force for a world of longer, healthier lives; in part by advocating for public policies to create environments where people can easily make healthy choices, have active lifestyles, access to nutritious foods and beverages, and live tobacco-free. We also advocate for access to affordable quality healthcare, strengthen systems of care for heart attack and stroke, and remove barriers to equitable health and well-being.

Current law permits town health officers make regulations related to the public health regarding health and safety of town residents, but only with the approval of town selectmen, who are elected by town residents. If the health or safety issue brought forward by the town health officer is approved as a regulation by the selectmen, who know the unique needs of their community and who are accountable to residents, that locally made decision is best decided by the community and not the state.

The change to statute sought through HB 1272, would negatively impact local authority for addressing other public health and safety issues particular to a community and best solved with local decision-making. I urge you to vote Inexpedient to Legislate on HB 1272.

Thank you for your consideration of these comments.

Submitted By:

Nancy Vaughan  
Director of Government Relations, New Hampshire  
American Heart Association  
2 Wall Street, Manchester NH 03101

[nancy.vaughan@heart.org](mailto:nancy.vaughan@heart.org); 603-566-5658

## Tricia Melillo

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**From:** MICHAEL O'BRIEN <obie6\_7@msn.com>  
**Sent:** Monday, April 11, 2022 9:13 AM  
**To:** James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo  
**Subject:** SUPPORT— HB 1272,

☆ 1:45 p.m. —SUPPORT— HB 1272, limiting the authority of town health officers. This bill limits local community health officials from imposing unconstitutional or unlawful orders. The House amendment improved the bill drastically and it is now ready for prime time.

Michael O'Brien. Sunapee



**Tricia Melillo**

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**From:** David St. Lifer <upstreamnh@outlook.com>  
**Sent:** Monday, April 11, 2022 11:37 AM  
**To:** Tricia Melillo  
**Subject:** HB 1272

Dear Ms. Mellilo:

Please relay my message to the Senate Election Law & Municipal Affairs Committee>  
My concern is that they should support HB 1272 limiting the authority of town health officers. This bill limits local community health officials from imposing unconstitutional or unlawful orders.

Thank you,

David St. Lifer

Marlborough, NH

April 11, 2022

# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee  
EXECUTIVE SESSION RECORD  
2022 Session**

Bill 14B1272

Hearing date: 4/11/22

Executive Session date: 4/18/22

Motion of: ITL 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 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 checked="" 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. Birdsell

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Monday, April 18, 2022

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred HB 1272

AN ACT limiting the authority of town health officers.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

Senator Regina Birdsell  
For the Committee

This bill would have limited the authority of local health officers in making bylaws or ordinances relating to public health matters. The unintended consequence of this legislation is that it would limit municipalities ability to protect local health and safety when unfamiliar circumstances arise. Additionally, all cities and towns in New Hampshire are not one size fits all, each have needs that are specific and the language in this bill disregards that.

Tricia Melillo 271-3077

## General Court of New Hampshire - Bill Status System

**Docket of HB1272**

Docket Abbreviations

**Bill Title:** limiting the authority of town health officers.*Official Docket of HB1272.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
11/19/2021	H	<b>Introduced</b> 01/05/2022 and referred to Municipal and County Government
1/20/2022	H	Public Hearing: 01/20/2022 11:30 a.m. LOB301-303
2/28/2022	H	Executive Session: 02/28/2022 9:00 a.m. LOB301-303
3/4/2022	H	Committee Report: Ought to Pass with Amendment <b>#2022-0679h</b> (Vote 17-1; CC)
3/16/2022	H	Amendment <b>#2022-0679h</b> : AA VV 03/15/2022 <b>HJ 6</b>
3/16/2022	H	<b>Ought to Pass with Amendment</b> 2022-0679h: MA VV 03/15/2022 <b>HJ 6</b>
3/22/2022	S	Introduced 03/17/2022 and Referred to Election Law and Municipal Affairs; <b>SJ 6</b>
4/6/2022	S	<b>Hearing:</b> 04/11/2022, Room 100, SH, 01:45 pm; <b>SC 15</b>
4/20/2022	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 04/28/2022; <b>SC 17</b>
4/28/2022	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 04/28/2022; <b>SJ 10</b>

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 1272 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
- N/A 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)
- 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:

Tricia Muello  
Committee Aide

6/22/22  
Date

Senate Clerk's Office AK