

LEGISLATIVE COMMITTEE MINUTES

HB589

Bill as
Introduced

HB 589-FN - AS AMENDED BY THE HOUSE

6Jan2022... 2131h

2021 SESSION

21-0198
04/05

HOUSE BILL **589-FN**

AN ACT requiring workers' compensation to cover prophylactic treatment for critical exposure

SPONSORS: Rep. Cahill, Rock. 17; Rep. M. Pearson, Rock. 34; Rep. Goley, Hills. 8; Rep. Abrami, Rock. 19; Rep. Simpson, Rock. 36; Rep. S. Pearson, Rock. 6; Sen. Reagan, Dist 17

COMMITTEE: Labor, Industrial and Rehabilitative Services

AMENDED ANALYSIS

This bill amends the definition of "critical exposure" for the purpose of the workers' compensation law and provides for payment of testing and treatment by a medical provider.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring workers' compensation to cover prophylactic treatment for critical exposure

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

1 1 Workers' Compensation; Definitions. RSA 281-A:2, I-e is repealed and reenacted to read as
2 follows:

3 I-e. "Critical exposure" means contact of an employee's ruptured or broken skin or mucous
4 membranes, including the eyes or mouth, with a person's blood or body fluids.

5 2 Workers' Compensation; Medical, Hospital and Remedial Care. Amend RSA 281-A:23, VI-a to
6 read as follows:

7 VI-a. All expenses associated with the medical evaluation and recommended post-exposure
8 prophylaxis treatment for emergency response/public safety workers shall be paid by the employer's
9 insurance carrier or third-party administrator. ***Testing and treatment shall be determined by***
10 ***the medical provider taking into account the physical examination and incident details.***
11 Such medical evaluation and prophylaxis treatment shall be provided without prejudice as to the
12 issue of the causal relationship of any subsequently diagnosed bloodborne disease or airborne
13 disease to the emergency response/public safety worker's work and without prejudice to the
14 compensability of the bloodborne disease or airborne disease as an occupational disease or an
15 accidental injury for the purposes of this chapter.

16 3 Effective Date. This act shall take effect 30 days after its passage.

**HB 589-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring workers' compensation to cover prophylactic treatment for critical exposure

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General Government Funds	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Various

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill expands the definition of "critical exposure" under the workers' compensation law. The Municipal Associations states existing law requires a workers' compensation insurance carrier to pay all expenses associated with preventive medical treatment for emergency response and public safety workers who have experienced a critical exposure.

The New Hampshire Municipal Association indicates, by expanding the definition of critical exposure, the law may require workers' compensation to cover post-exposure treatment in more cases, but immediate post-exposure treatment may reduce long-term medical costs. A net increase or decrease in medical costs may affect workers' compensation rates paid by municipalities. The Association does not have sufficient information to determine what the fiscal impact on expenditures would be. The Association assumes there should be no effect on municipal revenues.

The Department of Labor indicates the proposed legislation would not impact state, county or local revenues. The Department states the adjusted definition could lead to an increase in expenditures at the state, county and local levels. The proposed definition of critical exposure could lead to added workers' compensation coverage and treatment costs. This assumes additional exposures (saliva, tears and perspiration) that could be covered even in the absence of noticeable blood contaminant. The Department has deemed these potential increases in expenditures as "indeterminable" because there is no way to credibly quantify the increase in claims (if any), or what the adjustment in premiums and coverage costs may be.

The Department of Safety is not able to determine the potential impact of the updated definition on the number of workers' compensation claims. Therefore, the Department cannot determine the fiscal impact on State, local or county expenditures.

AGENCIES CONTACTED:

New Hampshire Municipal Association, Departments of Labor and Safety

**HB 589-FN FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2021-2131h)**

AN ACT requiring workers' compensation to cover prophylactic treatment for critical exposure

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	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other Various Government Funds			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill expands the definition of "critical exposure" under the workers' compensation law. The Municipal Associations states existing law requires a workers' compensation insurance carrier to pay all expenses associated with preventive medical treatment for emergency response and public safety workers who have experienced a critical exposure.

The New Hampshire Municipal Association indicates, by expanding the definition of critical exposure, the law may require workers' compensation to cover post-exposure treatment in more cases, but immediate post-exposure treatment may reduce long-term medical costs. A net increase or decrease in medical costs may affect workers' compensation rates paid by municipalities. The Association does not have sufficient information to determine what the fiscal

impact on expenditures would be. The Association assumes there should be no effect on municipal revenues.

The Department of Labor indicates the proposed legislation would not impact state, county or local revenues. The Department states the adjusted definition could lead to an increase in expenditures at the state, county and local levels. The proposed definition of critical exposure could lead to added workers' compensation coverage and treatment costs. This assumes additional exposures (saliva, tears and perspiration) that could be covered even in the absence of noticeable blood contaminant. The Department has deemed these potential increases in expenditures as "indeterminable" because there is no way to credibly quantify the increase in claims (if any), or what the adjustment in premiums and coverage costs may be.

The Department of Safety is not able to determine the potential impact of the updated definition on the number of workers' compensation claims. Therefore, the Department cannot determine the fiscal impact on State, local or county expenditures.

AGENCIES CONTACTED:

New Hampshire Municipal Association, Departments of Labor and Safety

CHAPTER 15
HB 589-FN - FINAL VERSION

6Jan2022... 2131h

2022 SESSION

21-0198
04/05

HOUSE BILL **589-FN**

AN ACT requiring workers' compensation to cover prophylactic treatment for critical exposure.

SPONSORS: Rep. Cahill, Rock. 17; Rep. M. Pearson, Rock. 34; Rep. Goley, Hills. 8; Rep. Abrami, Rock. 19; Rep. Simpson, Rock. 36; Rep. S. Pearson, Rock. 6; Sen. Reagan, Dist 17

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CHAPTER 15
HB 589-FN - FINAL VERSION

6Jan2022... 2131h

21-0198
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT requiring workers' compensation to cover prophylactic treatment for critical exposure.

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

1 15:1 Workers' Compensation; Definitions. RSA 281-A:2, I-e is repealed and reenacted to read as
2 follows:

3 I-e. "Critical exposure" means contact of an employee's ruptured or broken skin or mucous
4 membranes, including the eyes or mouth, with a person's blood or body fluids.

5 15:2 Workers' Compensation; Medical, Hospital and Remedial Care. Amend RSA 281-A:23, VI-a
6 to read as follows:

7 VI-a. All expenses associated with the medical evaluation and recommended post-exposure
8 prophylaxis treatment for emergency response/public safety workers shall be paid by the employer's
9 insurance carrier or third-party administrator. ***Testing and treatment shall be determined by***
10 ***the medical provider taking into account the physical examination and incident details.***
11 Such medical evaluation and prophylaxis treatment shall be provided without prejudice as to the
12 issue of the causal relationship of any subsequently diagnosed bloodborne disease or airborne
13 disease to the emergency response/public safety worker's work and without prejudice to the
14 compensability of the bloodborne disease or airborne disease as an occupational disease or an
15 accidental injury for the purposes of this chapter.

16 15:3 Effective Date. This act shall take effect 30 days after its passage.

Approved: April 11, 2022
Effective Date: May 11, 2022

Committee Minutes

SENATE CALENDAR NOTICE
Commerce

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

Date: February 23, 2022

HEARINGS

Tuesday	03/08/2022	
(Day)	(Date)	
Commerce	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 207-FN	repealing the regulation of household goods carriers.
9:15 a.m.	HB 589-FN	requiring workers' compensation to cover prophylactic treatment for critical exposure

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 207-FN

Rep. Yokela

HB 589-FN

Rep. Cahill

Rep. Simpson

Rep. M. Pearson

Rep. S. Pearson

Rep. Goley

Sen. Reagan

Rep. Abrami

Aaron Jones 271-4063

Harold F. French
Chairman

**AMENDED
SENATE CALENDAR NOTICE
Commerce**

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

Date: February 23, 2022

HEARINGS

Tuesday	03/08/2022	
(Day)	(Date)	
Commerce	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 207-FN	repealing the regulation of household goods carriers.
9:15 a.m.	HB 589-FN	requiring workers' compensation to cover prophylactic treatment for critical exposure
9:30 a.m.	HB 1106	establishing a commission to study recruiting members of the armed forces.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 207-FN

Rep. Yokela

HB 589-FN

Rep. Cahill

Rep. Simpson

HB 1106

Rep. Lascelles

Rep. M. Pearson

Rep. S. Pearson

Rep. Goley

Sen. Reagan

Rep. Abrami

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee

Aaron Jones 271-4063

HB 589-FN, requiring workers' compensation to cover prophylactic treatment for critical exposure

Hearing Date: March 8, 2022

Time Opened: 9:15 a.m.

Time Closed: 9:19 a.m.

Members of the Committee Present: Senators French, Gannon, Bradley, Soucy and Cavanaugh

Members of the Committee Absent : None

Bill Analysis: This bill amends the definition of "critical exposure" for the purpose of the workers' compensation law and provides for payment of testing and treatment by a medical provider.

Sponsors:

Rep. Cahill

Rep. M. Pearson

Rep. Goley

Rep. Abrami

Rep. Simpson

Rep. S. Pearson

Sen. Reagan

Who supports the bill: Representative Michael Cahill, Representative Tim Soucy, Elizabeth Sargent (NH Association of Chiefs of Police), Brian Ryll (Professional Fire Fighters of NH), Tara Laurent (NH Association of Chiefs of Police & Greenland Police Department), Glenn Brackett (NH AFL-CIO)

Who opposes the bill: Sandra Thomas

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative Tim Soucy

- On behalf of Representative Cahill, Representative Soucy introduced HB 589-FN.
- This bill would require workers' compensation to cover prophylactic treatment for critical exposure. Also, it would provide payment for testing and treatment from a medical provider. In addition, the definition of critical exposure would be amended.
- This bill was introduced because first responders in Representative Cahill's district had their workers' compensation claims denied despite being exposed to

meningitis. In another incident, a volunteer first responder was spit in the eye and their claim was denied.

- As a firefighter for 29 years, Representative Soucy said he knew how devastating it could be for a family to realize they have been exposed to something, which is then denied by workers' compensation.
- From his understanding, the denial of claims had been justified because saliva and bodily fluids were currently exempted from being covered.

Beth Sargent, representing the NH Association of Chiefs of Police

- Ms. Sargent submitted a letter from Newmarket Chief of Police Gregory Jordan.
 - Claims filed by first responders have been denied because saliva is exempted from the definition of critical exposure under existing statute. This bill would rectify this issue by removing "other than tears, saliva, or perspiration, unless these are visibly contaminated with blood, of a magnitude that can result in transmission of bloodborne disease."
 - Officer Jordan stated that first responders are often exposed to saliva intentionally in the course of their duties.
 - Officer Jordan asked the Committee to close the loophole in the law to help protect first responders.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

AJ

Date Hearing Report completed: March 9, 2022

Speakers

Senate Commerce Committee

SIGN-IN SHEET

Date: 03/8/2022

Time: 9:15 a.m.

HB 589-FN An ACT requiring workers' compensation to cover prophylactic treatment for critical exposure.

Name/Representing (please print neatly)

	Support	Oppose	Speaking?	Yes	No
Rep. Tim Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elizabeth Sargent, NH Assoc of Chiefs of Police	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

Senate Remote Testify

Commerce Committee Testify List for Bill HB589 on 2022-03-08

Support: 4 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Cahill, Michael	An Elected Official	Myself	Support
Thomas, Sandra	A Member of the Public	Myself	Oppose
Ryll, Brian	A Lobbyist	Professional Fire Fighters of NH	Support
Laurent, Tara	A Member of the Public	NH Chiefs Association & Greenland Police Department	Support
Brackett, Glenn	A Lobbyist	NH AFL-CIO	Support

Testimony



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

Representative Michael Cahill
Labor, Industrial and Rehabilitative Services
Rockingham 17
Newfields, Newmarket

March 4, 2022

Senate Commerce Committee
HB 589-FN

Senators,

I regret that due to medical appointments, I am unable to introduce HB 589-FN on March 8th. My colleague, Representative Tim Soucy has agreed to appear in my absence. As a retired firefighter Rep. Soucy is well acquainted with responding to emergencies and the risks they entail. They have training and procedures to guide them, hopefully home safely at the end of their shift. Sometimes, they require evaluation and treatment as a result of an injury or exposure to disease that occurred during the incident. Any costs incurred should be covered by Workers Comp as they were on duty whether a professional or volunteer serving their community.

After learning of Workers Comp claims being denied for first responders' prophylactic treatment, in 2018 Rep. Andy White I and I sponsored HB 407 which added exposure to airborne disease.

Stephen Robbins - Director of Emergency Medical Services in Woodsville Fire District
Responded to a patient requiring helicopter transport to Dartmouth Hitchcock. D-H found bacterial meningitis and recommended anyone within 3 feet be treated, 12 members were sent to the emergency room. When Primex denied, the roughly \$500 bills were sent to each employee. The went through an appeal process, which did not succeed. Eventually, the municipality negotiated with the Hospital to pay directly (~\$1500 total).

The reason for the denial was that they were not "injured" but exposed to disease. Bacterial meningitis is very serious - not something to wait and see if they became ill. I believe the carrier would have been liable for significant costs had one or more of the first responders become ill. Their families and other close contacts would also be at risk of exposure.

Bacterial Meningitis

Bacterial meningitis is serious. Some people with the infection die and death can occur in as little as a few hours. However, most people recover from bacterial meningitis. Those who do recover can have permanent disabilities, such as brain damage, hearing loss, and learning disabilities.

Typically, symptoms of bacterial meningitis develop within 3 to 7 days after exposure; note, this is not true for TB meningitis, which can develop much later after exposure to the bacteria.

People with bacterial meningitis can have seizures, go into a coma, and even die. For this reason, anyone who thinks they may have meningitis should see a doctor as soon as possible.

Diagnosis

If a doctor suspects meningitis, they will collect samples of blood or cerebrospinal fluid (fluid near the spinal cord). A laboratory will test the samples to see what is causing the infection. Knowing the specific cause of meningitis helps doctors treat it.

Treatment

Doctors treat bacterial meningitis with a number of antibiotics. It is important to start treatment as soon as possible.

Prophylaxis

When someone has bacterial meningitis, a doctor may recommend antibiotics to help prevent people around the patient from getting sick. Doctors call this prophylaxis. CDC recommends prophylaxis for:

Household members of someone with a serious Hib infection when the household includes one or more people at increased risk of Hib based on age, vaccination status, and/or immunocompromising conditions

Doctors or local health departments recommend who should get prophylaxis.

HB 407 was passed in House Labor, by the full House and referred to House Finance where it was amended:

I-e. "Critical exposure" means contact of an employee's ruptured or broken skin or mucous membrane with a person's blood or body fluids, **other than tears, saliva, or perspiration, unless these are visibly contaminated with blood, of a magnitude that can result in transmission of bloodborne disease.**

This is problematic as illustrated in two incidents that occurred in Newmarket involving saliva and potential exposure to bloodborne diseases. With saliva spit into the eyes/mouth it's impossible for the first responder to see if blood is present. The magnitude sufficient to transmit disease is not defined.

My goal with HB 589-FN is to allow our first responders to be evaluated and provided treatment they need without worrying about themselves or their community being billed for it. We purchase Workers Comp with the expectation that they will cover these expenses. This can be accomplished with the removal of "other than tears, saliva, or perspiration, unless these are visibly contaminated with blood, of a magnitude that can result in transmission of bloodborne disease."

...in their face and mouth and workers

The Town of Newmarket utilizes volunteers for its ambulance and firefighting. During an ambulance call, one of our volunteer EMT's was spit in the eye by a patient with Hepatitis C. The volunteer went to the local hospital's emergency room to be checked out, not knowing whether he was exposed to the disease. He then filed a workers' compensation claim that was eventually denied. The denial was based upon past Labor Dept. decisions and RSA 281-A:2 I-e.

Under the statute, saliva is specifically exempted from the definition of "critical exposure."

Offending Statute:

Under the workers' compensation definitions found at RSA 281-A:2, "-e. "Critical exposure" means contact of an employee's ruptured or broken skin or mucous membrane with a person's blood or body fluids, other than tears, saliva, or perspiration, of a magnitude that can result in transmission of bloodborne disease."

The eye of the volunteer is included within the definition of critical exposure, where Britannica defines mucous membrane as "Mucous membrane, membrane lining body cavities and canals that lead to the outside, chiefly the respiratory, digestive, and urogenital tracts. Mucous membranes line many tracts and structures of the body, including the mouth, nose, eyelids, trachea (windpipe) and lungs, stomach and intestines, and the ureters, urethra, and urinary bladder." <http://www.britannica.com/science/mucous-membrane>

Although the Town has no obligation to intervene and pay for the volunteer's medical bills, we have determined this position shows we do not support our front-line emergency workers.

On the next page, there is an email I received from our police chief (now retired) following another incident where the officer's Workers Comp claim was denied.

Good evening Michael,

I hope all is well with you. I want to bring to your attention a matter of concern that I have with the current language of RSA 281-A, Workers Compensation, specifically I-e "Critical exposure". According to its definition "Critical exposure" means contact of an employee's ruptured or broken skin or mucous membrane with a person's blood or body fluids, other than tears, saliva, or perspiration, of a magnitude that can result in transmission of blood borne disease.

Here is my concern. This month, two of my police officers were violently assaulted while trying to place a domestic abuser under arrest. One of the officers was punched several times in the face and head. The defendant, a known drug user, intentionally spit several times in the face and open mouth of the officer during the struggle. In essence, the drug users saliva was intentionally projected into the mouth of my officer. After the defendant was secured in handcuffs and shipped to the jail, the officer was brought to the hospital to be checked for concussion and blood testing as the defendant was a known drug user. Workers' comp is refusing to pay for any blood testing (regardless if its baseline testing) for this exposure and sent the denied \$600 bill to the officers house with a copy of RSA 281-A:2 with the definition of "Critical exposure" in bold lettering.

It is my belief that if we ask our police officers to put themselves in harm's way on a daily basis and subject them to vial exposures such as someone intentionally spitting in their face and mouth then workers compensation should pay for the testing even if its "baseline testing". Now clearly I'm not going to make this officer pay this bill as I will find money in my budget to pay for his care. But I shouldn't have to budget extra money every year when communities pay for a workers compensation plan.

Just last week, I had another officer who was stuck with hypodermic needle of a known drug user so obviously she needed to go to the hospital to be checked out. According to RSA 281-A, hypodermic needles are not even mentioned in the statute and there is no language in place for an officer to receive a "baseline test" that will be paid for by workers' compensation. I'm concerned that smaller agencies or even some police officers may refuse to have themselves checked out after such an exposure as they may fear being left with an unpaid \$600 bill that should be covered by workers comp. I encourage you to have discussions with your colleagues in Concord and fix this loophole in this statute.

I have cc'd my boss, Town Administrator Steve Fournier in this email as he too, shares my concern.

Regards,

Kyle

Kyle True

Police Chief

Newmarket Police Department

70 Exeter Street

Newmarket, NH 03857

(603) 659-6636

"Serving the people with pride and integrity"

NEWMARKET POLICE DEPARTMENT



GREGORY JORDAN

Chief of Police

Administration • (603) 659-8505

Fax • (603) 659-8507

John Andrew Gordon
Memorial Building

70 Exeter Street
Newmarket, NH 03857

Police Services • (603) 659-6636

Gregory Jordan
Chief of Police
Town of Newmarket, NH 03857

March 7, 2022
Senate Commerce Committee
HB-589-FN

Senators,

I am writing in support of HB-589-FN. As submitted by Representative Cahill, the Town of Newmarket and its emergency services have had two specific examples in recent years where this issue has affected first responders. In both instances claims filed by first responders were denied based on the fact Saliva is exempted from the definition of "critical exposure" under the statute. HB-589-FN will help fix this issue by removing other than tears, saliva, or perspiration, unless these are visibly contaminated with blood, of a magnitude that can result in transmission of bloodborne disease.

First responders are asked daily to put themselves in harm's way. This has never been more apparent than during the recent Covid-19 Pandemic. Last year 458 law enforcement officers lost their lives in the line of duty; 301 reportedly due to Covid-19. During the pandemic we asked everyone to wear masks as a way to reduce transmission of this deadly virus.

-The reasons for wearing a mask – "If worn properly, a mask is meant to help block **large-particle droplets, splashes, sprays, or splatter that may contain germs (viruses and bacteria)**, keeping it from reaching your mouth and nose. Masks may also help reduce exposure of your **saliva and respiratory secretions** to others".

The community, as a whole, worried enough during the pandemic about particles or droplets that could transmit a virus or disease that we ordered entire communities to wear masks or other protective devices to help reduce transmission. However we have a law that specifically exempts "saliva, or perspiration, unless these are visibly contaminated with blood, of a magnitude that can result in transmission of bloodborne disease" from being considered a critical exposure. It does not make sense to me. More and more first responders are exposed to saliva in the course of their duties, often times intentionally.

I believe we owe it to our first responders and others to change this "loophole" in the law and help protect them. I believe it sends a strong message of support and recognition for the health and wellbeing of our responders. Please support HB-589-FN.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Jordan', with a long horizontal flourish extending to the right.

Gregory Jordan
Chief of Police
Town of Newmarket, NH 03857
(603)659-6636

Voting Sheets

Senate Commerce Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # HB 589-FN

Hearing date: 3/8/22

Executive Session date: 3/8/22

Motion of: OTP Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen Bradley

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, March 8, 2022

THE COMMITTEE ON Commerce

to which was referred **HB 589-FN**

AN ACT

requiring workers' compensation to cover
prophylactic treatment for critical exposure

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Jeb Bradley
For the Committee

This bill would require workers' compensation to cover payment for testing or prophylactic treatment from a medical provider for critical exposure. Further, the definition of critical exposure would be amended. Exposure to saliva, for example, is exempted under existing statute unless it is visibly contaminated with blood in a magnitude that could result in the transmission of a bloodborne disease. As a result of this definition, claims filed by first responders have been denied.

Aaron Jones 271-4063

FOR THE CONSENT CALENDAR

COMMERCE

**HB 589-FN, requiring workers' compensation to cover prophylactic treatment for critical exposure
Ought to Pass, Vote 5-0.**

Senator Jeb Bradley for the committee.

This bill would require workers' compensation to cover payment for testing or prophylactic treatment from a medical provider for critical exposure. Further, the definition of critical exposure would be amended. Exposure to saliva, for example, is exempted under existing statute unless it is visibly contaminated with blood in a magnitude that could result in the transmission of a bloodborne disease. As a result of this definition, claims filed by first responders have been denied.

Docket of HB589

Docket Abbreviations

Bill Title: requiring workers' compensation to cover prophylactic treatment for critical exposure*Official Docket of HB589.:*

Date	Body	Description
1/13/2021	H	Introduced (in recess of) 01/06/2021 and referred to Labor, Industrial and Rehabilitative Services HJ 2 P. 55
2/3/2021	H	Public Hearing: 02/11/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/98476278055 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/4/2021	H	Executive Session: 03/04/2021 09:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/92992494588
3/4/2021	H	Retained in Committee
8/4/2021	H	==ROOM CHANGE== Full Committee Work Session: 09/16/2021 11:00 am LOB 201-203
9/23/2021	H	Executive Session: 09/23/2021 03:00 pm LOB 305-307
11/1/2021	H	Committee Report: Ought to Pass with Amendment #2021-2131h 10/12/2021 (Vote 16-6; CC) HC 48 P. 37
1/9/2022	H	Amendment #2021-2131h : AA VV 01/06/2022 HJ 1
1/9/2022	H	Ought to Pass with Amendment 2021-2131h: MA DV 211-133 01/06/2022 HJ 1
1/18/2022	S	Introduced 01/05/2022 and Referred to Commerce; SJ 2
2/23/2022	S	Hearing: 03/08/2022, Room 100, SH, 09:15 am; SC 9
3/8/2022	S	Committee Report: Ought to Pass, 03/17/2022; Vote 5-0; CC; SC 11
3/17/2022	S	Ought to Pass: MA, VV; OT3rdg; 03/17/2022; SJ 5
4/1/2022	S	Enrolled Adopted, VV, (In recess 03/31/2022); SJ 8
4/4/2022	H	Enrolled (in recess of) 03/31/2022 HJ 9
4/12/2022	H	Signed by Governor Sununu 04/11/2022; Chapter 15; 05/11/2022

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 589-FN

Senate Committee: Commerce

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)

___ 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:

AARON JONES
Committee Aide

7/7/22
Date

Senate Clerk's Office AK