

LEGISLATIVE COMMITTEE MINUTES

SB454

Bill as Introduced

SB 454 - AS INTRODUCED

2022 SESSION

22-3125
07/05

SENATE BILL **454**

AN ACT establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet.

SPONSORS: Sen. Rosenwald, Dist 13; Sen. Giuda, Dist 2; Rep. Edwards, Rock. 4; Rep. Leishman, Hills. 24

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a committee to study the information collected as part of the live birth worksheet as required by the division of vital records administration under RSA 5-C:19 and 5-C:20.

.....

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet.

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

1 1 Committee Established. There is established a committee to study information collected as
2 part of the live birth worksheets under RSA 5-C:19 and RSA 5-C:20.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Two members of the senate, appointed by the president of the senate, one from the
6 majority party and one from the minority party.

7 (b) Two members of the house of representatives, appointed by the speaker of the house
8 of representatives, one from the majority party and one from the minority party.

9 II. Members of the committee shall receive mileage at the legislative rate when attending to
10 the duties of the committee.

11 3 Duties.

12 I. The committee shall study:

13 (a) The specific, individually identifiable information included on the worksheets;

14 (b) How that specific individually identifiable information is used by the department of
15 state's division of vital records administration and the department of health and human services;

16 (c) The process for de-identifying and aggregating the data for use in statistical
17 analyses;

18 (d) The specific privacy and security protections of individually identifiable data
19 applicable under state and federal law;

20 (e) To what extent the mother may elect to decline to share the data;

21 (f) Any federal requirements to share individually identifiable data; and

22 (g) Any other related information the committee believes relevant.

23 II. In completing the study, the committee shall solicit input from the department of state's
24 division of vital records administration and the department of health and human services, as well as
25 any other entity the committee finds relevant.

26 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
27 among the members at the first meeting. The first meeting of the committee shall be called by the
28 first-named senate member. The first meeting of the committee shall be held within 30 days of the
29 effective date of this section. Three members of the committee shall constitute a quorum.

SB 454 - AS INTRODUCED

- Page 2 -

1 5 Report. The committee shall report its findings and any recommendations for proposed
2 legislation to the president of the senate, the speaker of the house of representatives, the senate
3 clerk, the house clerk, the governor, and the state library on or before October 15, 2022.

4 6 Effective Date. This act shall take effect upon its passage.

SB 454 - AS AMENDED BY THE SENATE

03/17/2022 0835s

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CHAPTER 180
SB 454 - FINAL VERSION

03/17/2022 0835s

2022 SESSION

22-3125
07/05

SENATE BILL

454

AN ACT

establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet.

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Sen. Rosenwald, Dist 13; Sen. Giuda, Dist 2; Rep. Edwards, Rock. 4; Rep. Leishman, Hills. 24

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CHAPTER 180
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03/17/2022 0835s

22-3125
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

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

1 180:1 Committee Established. There is established a committee to study information collected
2 as part of the live birth worksheets under RSA 5-C:19 and RSA 5-C:20.

3 180:2 Membership and Compensation.

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CHAPTER 180
SB 454 - FINAL VERSION

- Page 2 -

1 180:5 Report. The committee shall report its findings and any recommendations for proposed
2 legislation to the president of the senate, the speaker of the house of representatives, the senate
3 clerk, the house clerk, the governor, and the state library on or before October 15, 2022.

180:6 Effective Date. This act shall take effect upon its passage.
Approved: June 07, 2022
Effective Date: June 07, 2022

Amendments

Amendment to SB 454

1 Amend the bill by replacing section 2 with the following:

2

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

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Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: February 11, 2022

HEARINGS

Wednesday

02/23/2022

(Day)

(Date)

Executive Departments and Administration

State House 103

9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.

SB 454

establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 454

Sen. Rosenwald

Sen. Giuda

Rep. Edwards

Rep. Leishman

Chantell Wheeler 271-1403

Sharon M Carson
Chairman

Senate Executive Departments and Administration Committee

Chantell Wheeler 271-1403

SB 454, establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet.

Hearing Date: February 23, 2022

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill establishes a committee to study the information collected as part of the live birth worksheet as required by the division of vital records administration under RSA 5-C:19 and 5-C:20.

Sponsors:

Sen. Rosenwald

Sen. Giuda

Rep. Edwards

Rep. Leishman

Who supports the bill: Senators Rosenwald and Giuda, Representative Edwards

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented in support:

Senator Rosenwald

- This bill establishes a committee to study the information collected as part of the live birth worksheet as required by the division of vital records administration under RSA 5-C:19 and 5-C:20.
- The proposed committee will study the information collected by the Division of Vital Records at the time of birth.
- NH is the only state that does not house vital records in the Department of Health and Human Services (DHHS) as of 2003 when it was moved to the Secretary of State (SOS) as part of a budget trailer bill to combine vital records with other records maintained by the state.
- At the time, the ACLU expressed privacy concerns, but there was no discussion.
- The move was made prior to HIPPA enactment; DHHS is covered by HIPPA privacy requirements, but the SOS is not.

- Vital records issues a birth certificate that contains certain birth details such as when/where the birth occurred and name of parents and it makes sense that this information is housed at the Secretary of State.
- However, additional information is collected from the hospital or birthing center and mother that is later transferred to the SOS, that is eventually used in de-identified form by the Division of Public Health which is located at DHHS.
- The worksheet used to collect this information is not publicly available but can be viewed privately.
- Mother is required to provide information that includes her medical record number, height and weight (pre and post pregnancy), alcohol and smoking use. Mother is not given the opportunity to opt-out and is told that lying is a class b felony. The facility also sends confidential information about the mother that includes the date of last period, whether or not she is breast feeding, medical procedures during child birth, her conditions and risks, and drug use.
- Senator Rosenwald is concerned about this private information being housed in a location that is not covered by HIPPA.
- Breaches of protected health information can and do occur in NH and it is almost impossible to undue.
- There are options to consider including moving vital records back to DHHS and changing how birthing facilities transfer information.

Senator Reagan asked about committee membership. Senator Rosenwald has no issue if the committee changes the committee composition.

Senator Reagan asked why the study committee was suggested instead of a bill that made the changes.. Senator Rosenwald explained that this is more than a policy decision and that there are cost factors to consider.

Representative Jesse Edwards is in favor of this bill. He participated in a HHS oversight review and privacy audit and reports that DHHS was very open to participating in the audit.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

Speakers

Voting Sheets

**Senate Executive Departments and
Administration Committee
EXECUTIVE SESSION RECORD
2022 Session**

Bill # SB 454

Hearing date: _____

Executive Session date: _____

Motion of: amendment reduce Senate house increase Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTR A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<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. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Carson

Notes: _____

Amendment

reduce senate members to 1

increase hours from 2 to 3

Sen. Carson

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, March 1, 2022

THE COMMITTEE ON Executive Departments and Administration

to which was referred SB 454

AN ACT

establishing a committee to study the information
collected by the division of vital records
administration as part of the live birth worksheet.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0835s

Senator Sharon Carson
For the Committee

This bill, as amended, establishes a committee to study the information collected by the division of vital records administration as part of the live birth worksheet. The committee shall, in part, study the specific, identifiable information included in the worksheet and how that information is used in vital records administration and the Department of Health and Human Services.

Chantell Wheeler 271-1403

General Court of New Hampshire - Bill Status System

Docket of SB454

Docket Abbreviations

Bill Title: establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet.

Official Docket of SB454.:

Date	Body	Description
1/28/2022	S	Introduced 01/05/2022 and Referred to Executive Departments and Administration; SJ 2
2/11/2022	S	Hearing: 02/23/2022, Room 103, SH, 09:00 am; SC 8
3/8/2022	S	Committee Report: Ought to Pass with Amendment #2022-0835s, 03/17/2022; Vote 5-0; CC; SC 11
3/17/2022	S	Committee Amendment #2022-0835s, AA, VV; 03/17/2022; SJ 5
3/17/2022	S	Ought to Pass with Amendment 2022-0835s, MA, VV; OT3rdg; 03/17/2022; SJ 5
3/23/2022	H	Introduced 03/17/2022 and referred to Health, Human Services and Elderly Affairs
3/29/2022	H	Public Hearing: 04/05/2022 10:45 am LOB 205-207
4/8/2022	H	Executive Session: 04/05/2022 10:00 am LOB 205-207
4/27/2022	H	Committee Report: Ought to Pass (Vote 21-0; CC)
5/4/2022	H	Ought to Pass: MA VV 05/04/2022 HJ 11
5/27/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
5/27/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
6/8/2022	S	Signed by the Governor on 06/07/2022; Chapter 0180; Effective 06/07/2022

NH House

NH Senate

Other Referrals

