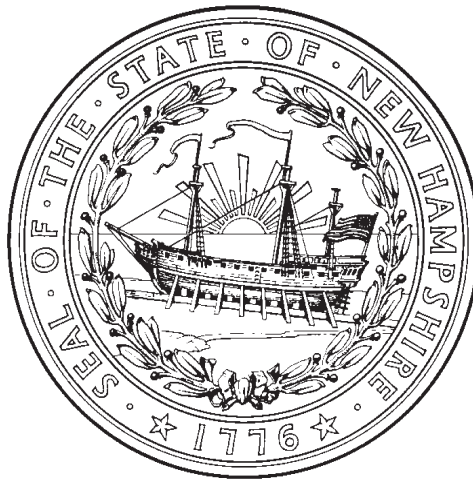


May 23, 2019
No. 24A

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



**First Year of the 166th Session of the
New Hampshire General Court**

SENATE CALENDAR ADDENDUM

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, MAY 30, 2019 AT 10:00 A.M.**

CONSENT CALENDAR REPORTS

COMMERCE

HB 577, relative to call blocking in an automated telephone dialing system.

Ought to Pass, Vote 5-0.

Senator French for the committee.

This bill clarifies the prohibition on automated telephone dialing systems using call blocking. The committee feels that this bill takes the necessary first steps to curtail the problem of fraudulent and deceitful phone calls. Through the passage of this legislation, New Hampshire's vulnerable populations' and consumers will be better protected.

HB 604, establishing a commission to assess benefits and costs of a "health care for all" program for New Hampshire.

Inexpedient to Legislate, Vote 5-0.

Senator Cavanaugh for the committee.

This bill establishes a commission to study the benefits and cost of a "health care for all" program for New Hampshire. The committee agrees that the rising cost of health care is an important issue that needs to be addressed, but believes that there are other pieces of legislation the state should currently pursue in order to remedy this problem.

HB 656, establishing a commission to study the impact of financial initiatives for commercially insured members by drug manufacturers on prescription drug prices and health insurance premiums.

Re-refer to Committee, Vote 5-0.

Senator Morgan for the committee.

This bill establishes a commission to study the impact of financial initiatives for commercially insured members by drug manufacturers on prescription drug prices and health insurance premiums. This session there have been many bills that address the rising costs of health care, and due to the increase of committees formed to solve this issue the Commerce committee feels that those committees will adequately address the issues brought forth in this bill.

ENERGY AND NATURAL RESOURCES

HB 466, relative to the capacity of electricity customer generators for eligibility for net energy metering.

Re-refer to Committee, Vote 5-0.

Senator Feltes for the committee.

This bill increases the apportionment for net energy metering provisions from electrical facilities with total generating capacity of 100 kilowatts to 500 kilowatts. The Public Utilities Commission, or PUC, is currently reviewing the effects of cost-shifting from net metering. The committee felt the bill should be re-referred to committee pending the outcome of the PUC's study.

HB 495, establishing a commission on drinking water.

Ought to Pass with Amendment, Vote 5-0.

Senator Watters for the committee.

This bill reestablishes the Seacoast Commission on Long Term Goals and Requirements for Drinking Water from HB 431 (2017). While the Commission met for two years, more work is required. Water quality is a major issue in seacoast communities. Reviving this Commission will help bring together various stakeholders to address water supply and water quality issues in the region. The Commission would be more inclusive and would conclude its work in 2029.

HB 617, establishing a committee to study recycling streams in New Hampshire.

Ought to Pass with Amendment, Vote 5-0.

Senator Fuller Clark for the committee.

This bill establishes a committee to study recycling programs and solid waste management in New Hampshire. The collapse of recycling markets, especially for plastics, mixed papers, and glass, has impacted recycling programs in New Hampshire. Some municipalities have chosen to end their programs and divert

all their waste to landfills. New Hampshire's landfills have a finite capacity. The addition of recyclable materials to landfills is not a feasible, long-term solution. This bill would create a study committee to examine the state of New Hampshire's recycling programs, the challenges to the state and municipalities in running these programs, and other related issues as the committee deems necessary.

HB 707, relative to settlement money from actions pertaining to the contamination of groundwater or drinking water.

Re-refer to Committee, Vote 5-0.

Senator Feltes for the committee.

This bill requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund. The intent of this bill is to ensure that the drinking water and groundwater trust fund is maintained into the future. The fund is used to protect vital water sources and to advance water infrastructure projects. The language from this bill has already been addressed in other legislation like SB 169.

HEALTH AND HUMAN SERVICES

HB 522, establishing a commission to study the environmental and health effects of evolving 5G technology. Ought to Pass, Vote 5-0.

Senator Sherman for the committee.

HB 522 will establish a commission to study the environmental and health effects of evolving 5G technology. The committee heard compelling testimony from Granite Staters who are concerned about the emergence of 5G technology, and the potential unintended consequences that it could pose for the health of New Hampshire citizens. There are still many unanswered questions surrounding 5G technology, and the formation of this commission will allow the legislature to assess the positive and negative implications of this technology and determine if further legislative action is appropriate.

JUDICIARY

HB 154, prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.

Inexpedient to Legislate, Vote 5-0.

Senator French for the committee.

This bill would prohibit and render unenforceable the inclusion of a non-disparagement clause in a settlement agreement involving a governmental unit. The Committee believes that two parties engaging in a settlement negotiation should have the option to agree to a non-disparagement clause if they so choose.

REGULAR CALENDAR REPORTS

COMMERCE

HB 233, relative to the group and individual health insurance market.

Re-refer to Committee, Vote 3-2.

Senator Cavanaugh for the committee.

HB 277, establishing a commission to study a public option for health insurance.

Ought to Pass with Amendment, Vote 5-0.

Senator Morgan for the committee.

ENERGY AND NATURAL RESOURCES

HB 494, relative to removal or containment of contaminants from the Coakley Landfill.

Ought to Pass with Amendment, Vote 5-0.

Senator Fuller Clark for the committee.

HB 737, establishing a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield.

Ought to Pass with Amendment, Vote 4-1.

Senator Fuller Clark for the committee.

HEALTH AND HUMAN SERVICES

HB 393, establishing a committee to study child care in New Hampshire.

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

HB 587, relative to organ donation on a driver's license.
Ought to Pass with Amendment, Vote 4-1.
Senator Sherman for the committee.

JUDICIARY

HB 263, relative to department of health and human services family reunification practices involving convicted sex offenders.

Re-refer to Committee, Vote 3-1.

Senator Hennessey for the committee.

HB 349, relative to a second opinion on health care matters for state and county prisoners.

Ought to Pass with Amendment, Vote 4-1.

Senator Chandley for the committee.

HB 552-FN, relative to transparency and standards for acquisition transactions in health care.

Ought to Pass with Amendment, Vote 3-2.

Senator Levesque for the committee.

HB 608, expanding the law against discrimination based on gender identity to other areas of the law prohibiting discrimination.

Ought to Pass with Amendment, Vote 3-2.

Senator Hennessey for the committee.

AMENDMENTS

Commerce
May 28, 2019
2019-2343s
01/06

Amendment to HB 277

Amend the title of the bill by replacing it with the following:

AN ACT relative to mental health parity under the insurance laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, II to read as follows:

II. Notwithstanding any other provision of law, each insurer that issues or renews any policy of [group] accident or health insurance and each nonprofit health service corporation under RSA 420-A and health maintenance organization under RSA 420-B providing benefits for disease or sickness in the state of New Hampshire shall provide benefits for treatment and diagnosis of certain biologically-based mental illnesses under the same terms and conditions and which are no less extensive than coverage provided for any other type of health care for physical illness.

2 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, V to read as follows:

V. The commissioner ***shall have the authority to enforce the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (the Act), including any amendments thereto and any federal rules adopted thereunder, and*** may adopt rules, under RSA 541-A, as may be necessary to effectuate any provisions of the [Mental Health Parity Act of 2008] ***Act*** that relate to the business of insurance.

V-a. Under examination authority in RSA 400-A:37, the commissioner shall periodically examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance with this chapter and with the Act. Such examination and evaluation shall include provider reimbursement practices. The result of such examinations and evaluations shall be made public to the fullest extent allowed under RSA 400-A:37.

3 Effective Date. This act shall take effect January 1, 2020.

2019-2343s

AMENDED ANALYSIS

This bill authorizes the insurance commissioner to enforce the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and requires the commissioner to examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance.

Senate Judiciary
May 28, 2019
2019-2328s
04/10

Amendment to HB 349

Amend the bill by replacing sections 1-2 with the following:

1 New Paragraph; Medical Services for County Prisoners. Amend RSA 623-C:1 by inserting after paragraph II the following new paragraph:

III. The superintendent of a county correctional facility shall, upon request of the prisoner, provide each prisoner the opportunity to arrange for a second medical consult from a licensed health care provider not employed or contracted by the county or the state. Unless the superintendent or his or her designee allows for other arrangements, the examination shall occur at the correctional facility. Correctional facility staff shall approve a visit by any health care provider licensed or credentialed by the state of New Hampshire. The correctional facility may charge an administrative fee of no more than \$35 to process the prisoner's second medical consult. The prisoner may request a specific health care provider only if the second medical consult is at the prisoner's expense, or at the expense of another person on behalf of the prisoner. The prisoner shall make payment arrangements in advance of the medical examination to cover the \$35 fee and the cost of the second medical consult. Expenses for the second medical consult shall be billed directly to the prisoner or to the responsible party designated by the prisoner. If the primary care provider and the secondary care provider present conflicting medical opinions, the county correctional facility's health care provider shall make the final determination regarding the medical treatment for the prisoner.

2 New Paragraph; Medical Services for State Prisoners. Amend RSA 623-C:2 by inserting after paragraph III the following new paragraph:

IV. The commissioner of the department of corrections shall, upon request of the prisoner, provide each prisoner the opportunity to arrange for a second medical consult from a licensed health care provider not employed or contracted by the county or the state. Unless the commissioner or his or her designee allows for other arrangements, the examination shall occur at the correctional facility. Correctional facility staff shall approve a visit by any health care provider licensed or credentialed by the state of New Hampshire. The prisoner may request a specific health care provider only if the examination is a second medical consult at the prisoner's expense, or at the expense of another person on behalf of the prisoner. The prisoner shall make payment arrangements in advance of the medical examination. Expenses for the second medical opinion shall be billed directly to the prisoner or to the responsible party designated by the prisoner. If the primary care provider and the secondary care provider present conflicting medical opinions, the department of corrections' chief medical officer or designated health care provider shall make the final determination regarding the medical treatment for the prisoner.

Health and Human Services
May 28, 2019
2019-2352s
05/10

Amendment to HB 393

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study child care in New Hampshire, relative to tuition waivers for children in state foster care or guardianship, relative to penalties for violations related to obtaining public assistance, and relative to designated receiving facilities.

Amend the bill by replacing all after section 5 with the following:

6 State College and University System; Tuition Waivers for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b, II(d) to read as follows:

(d) In an out-of-home placement under the supervision of the division for juvenile justice services at the time of his or her [~~17th~~] **18th** birthday.

7 State College and University System; Tuition Waivers for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b, III(a) to read as follows:

III.(a) Eligible individuals interested in a tuition waiver shall annually apply on forms provided and within the deadlines established by the university system of New Hampshire and the community college system of New Hampshire for their respective institutions. No more than ~~[10]~~ **15** tuition waivers per year shall be granted by the university system of New Hampshire and no more than ~~[10]~~ **15** tuition waivers per year shall be granted by the community college system of New Hampshire. The university system of New Hampshire and the community college system of New Hampshire shall have the authority to develop eligibility criteria for their respective institutions designed to give the children with the greatest financial need first priority in the tuition waiver program. Such eligibility criteria shall also include provisions for continuing eligibility based on continued full-time enrollment and satisfactory academic progress as defined by the institution

8 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Penalties. Amend RSA 167:17-c, I(a) to read as follows:

(a) A class A felony if the value of the monetary award or goods or services in question ~~[is]~~ **exceeds** \$1,500 ~~[or more]~~;

9 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations. Amend 2019, 41:3 to read as follows:

41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations.

I. The sum of ~~[\$4,400,000]~~ **\$3,000,000** is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of renovating existing hospital facilities for up to 3 new or expanded designated receiving facilities (DRF), as set forth in RSA 135-C:26, of no fewer than 8 beds per new DRF. In no event shall the total number of beds funded under this section exceed 30. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of health and human services shall allocate and disburse such funds through a request for applications (RFA) and shall prioritize the use of the funds to areas within the state of New Hampshire that are underserved for inpatient psychiatric treatment. Any hospital receiving such funding shall operate the new or expanded DRF beds for no less than 5 years. The RFA shall be issued no later than December 1, 2019 and the new or expanded DRF beds shall be operational by ~~[January 1, 2020]~~ **October 1, 2020**.

III. The sum of \$ 1,400,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for reimbursement rates for designated receiving facilities (DRFs). Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Reimbursement for Emergency Room Boarding. Amend RSA 417-F:4 to read as follows:

417-F:4 Reimbursement for Emergency Room Boarding. Following the completion of an involuntary admission certificate for a patient **meeting the criteria under RSA 135-C:27 and not rescinded under RSA 135-C:29-a**, the insurer shall pay the acute care hospital a per diem day rate required to board and care for the patient, to be contracted between the insurer and acute care hospital, for each day the insured is waiting in an acute care medical hospital located in the state for admission for psychiatric treatment at New Hampshire Hospital, a community-based designated receiving facility, or a voluntary admission. The day rate required to board and care for the patient may be billed for up to 21 consecutive days or discharge, whichever is sooner, and shall be renewed as needed for patient protection. The rate is deemed to cover all costs incurred by a hospital for the boarding and non-medical care of the insured and shall not be billed to the insured. This does not preclude a hospital from billing for other medically necessary services. Any qualified mental health worker employed by or contracted with the hospital, community mental health care center, or affiliate providing mental health services and supports to an insured in an emergency department in the hospital service areas while they are waiting for an inpatient or other psychiatric admission shall be reimbursed for those mental health services including diagnostic services by the insurer at the negotiated rate. ~~[No prior authorization shall be required by any insurer for mental health services deemed medically necessary provided in this setting under this section.]~~ **Mental health services provided in this setting under**

this section shall be deemed medically necessary and shall not require prior authorization by an insurer. This section shall apply to the Medicaid managed care organizations subject to contract and rate agreements between the state of New Hampshire and the managed care organizations. The reimbursement for emergency room board and care shall be incorporated into the capitated rate for managed care services.

11 Effective Date.

I. Section 9 of this act shall take effect June 30, 2019.

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

2019-2352s

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study child care costs, affordability, and accessibility in the state of New Hampshire.

II. Increases the number of tuition waivers for persons who are or were in state foster care or under guardianship.

III. Clarifies the penalties for violations related to obtaining public assistance.

IV. Revises the appropriation to the department of health and human services for expanded designated receiving facilities in 2019, 41 (SB 11-FN-A) and amends RSA 417-F:4, relative to reimbursement for emergency room boarding.

Energy and Natural Resources

May 28, 2019

2019-2334s

08/06

Amendment to HB 494

Amend the bill by replacing all after section 1 with the following:

2 Remedy. The general court concurs with the New Hampshire department of environmental services that the migration of contaminants from the site groundwater at the Coakley Landfill superfund site to the headwaters of Berry's Brook is unacceptable and that actions need to be implemented to provide additional removal or containment of the contamination in the surface water bodies that flow through all seacoast towns, including but not limited to Hampton, North Hampton, Rye, Greenland, and Portsmouth, and to public and private drinking water in the towns of Hampton, North Hampton, Rye, and Greenland. Therefore, by November 1, 2019, the department of environmental services, working with the Coakley Landfill Group and the Environmental Protection Agency (EPA), shall propose, under the applicable consent decree involving the Coakley Landfill superfund site, an appropriate remedy including a design solution and associated costs to ensure the substantial reduction of the contaminants entering Berry's Brook from the Coakley Landfill superfund site. By January 1, 2020, if there is no written agreement among the department of environmental services, the Coakley Landfill Group and the EPA as to an acceptable remedy and implementation schedule, the office of the attorney general shall seek such a remedy through any means appropriate, consistent with the consent decree.

3 Effective Date. This act shall take effect upon its passage.

2019-2334s

AMENDED ANALYSIS

This bill directs the department of environmental services to pursue a remedy regarding the substantial reduction of certain contaminants from the Coakley Landfill.

Energy and Natural Resources

May 28, 2019

2019-2353s

08/06

Amendment to HB 495

Amend RSA 485-F:6, IV(e)-(g) as inserted by section 1 of the bill by replacing them with the following:

(e) Encourage coordination between towns and cities.

(f) Establish working subgroups as needed.

(g) Monitor and review the work of state agencies regarding possible new emerging contaminant threats.

Senate Judiciary

May 28, 2019

2019-2335s

01/10

Amendment to HB 552-FN

Amend RSA 7:19-b, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Due diligence has been exercised in selecting the acquirer, in engaging and considering the advice of expert assistance, in negotiating the terms and conditions of the proposed transaction, and in determining that the transaction is in the best interest of the health care charitable trust and the community ***or communities*** which it serves, ***including the community's or communities' need to access to quality and affordable physical and mental health care services***;

Amend RSA 17:19-b, II(e)-(g) as inserted by section 2 of the bill by replacing them with the following:

(e) The assets of the health care charitable trust and any proceeds to be received on account of the transaction shall continue to be devoted to charitable purposes consistent with the charitable objects of the health care charitable trust and the needs of the community ***or communities*** which it serves, ***including the community's or communities' need to access quality and affordable physical and mental health care services***;

(f) If the acquirer is other than another New Hampshire health care charitable trust, control of the proceeds shall be independent of the acquirer; and

(g) Reasonable public notice of the proposed transaction and its terms has been provided to the community ***or communities*** served by the health care charitable trust, ***including, but not limited to, transaction documents and an analysis of how the transaction will meet the community's or communities' need for access to quality and affordable physical and mental health care services***, along with reasonable and timely opportunity for such community, through ***well-noticed*** public ~~hearing or~~ ***hearings*** ***and*** other similar methods, to inform the deliberations of the governing body of the health care charitable trust regarding the proposed transaction.

Amend RSA 7:19-b, III as inserted by section 3 of the bill by replacing it with the following:

III. Notice of a proposed acquisition transaction shall be given to the director of charitable trusts in writing to be received by the director no less than ~~[120]~~ **180** days before consummation of the transaction. Such notice shall identify all parties to the transaction; shall set forth all material terms thereof, including, without limitation, any changes in control or ownership of assets, any acquisition price, any change in the capital structure and management, and any and all compensation paid or to be paid in connection therewith; shall include a copy of the minutes and other documents evidencing the decision of the governing body of the health care charitable trust, including documentation of steps taken to comply with paragraph II(g) of this section and any changes in the proposed transaction resulting therefrom, any relevant community needs assessment developed by the health care charitable trust, ***data and analysis demonstrating how the transaction will meet the community's or the communities' need for access to quality and affordable physical and mental health care services***, and a copy of the acquisition agreement and financial statements of all parties; and shall include a certification signed by those members of the governing body or other person approving the acquisition on behalf of the health care charitable trust that the standards set forth in paragraph II of this section have been considered in good faith and complied with, together with such explanations and other documentation as may be necessary to demonstrate such compliance. The notice shall also include a statement from the acquirer specifying the manner in which it proposes to continue to fulfill the charitable objects of the health care charitable trust. Any information submitted pursuant to this section shall be subject to RSA 91-A.

Amend RSA 7:19-b, IV(b) as inserted by section 3 of the bill by replacing it with the following:

(b) The director shall seek input and advice from the commissioner of the department of health and human services and the insurance commissioner and may obtain from them confidential health care data and information in performing his or her functions under this section.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect January 1, 2020.

Health and Human Services
May 28, 2019
2019-2348s
11/06

Amendment to HB 587

Amend the bill by replacing section 1 with the following:

1 Uniform Anatomical Gift Act; Honoring an Individual's Decision to Donate. Amend RSA 291-A:23 to read as follows:

291-A:23 Honoring an Individual's Decision to Donate. A person's decision to make a donation of that person's own body, organ, or tissue after death shall be honored ***and shall not be amended by anyone, including any agent with authority to make health care decisions under an advanced directive or any person who otherwise serves as a guardian or proxy for the donor, other than the donor prior to or after the donor's death unless pursuant to RSA 291-A:8, VII.*** In the absence of a revocation or amendment ***by the individual prior to death,*** health care providers and procurement organizations shall act in accordance with the donor's decision and may take appropriate actions to effect the anatomical gift.

Senate Judiciary
May 28, 2019
2019-2333s
08/04

Amendment to HB 608

Amend RSA 354-A:17 as inserted by section 2 of the bill by replacing it with the following:

354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, because of the age, sex, gender identity, race, creed, color, marital status, physical or mental disability or national origin of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of age, sex, ***gender identity,*** race, creed, color, marital status, physical or mental disability or national origin; or that the patronage or custom thereat of any person belonging to or purporting to be of any particular age, sex, ***gender identity,*** race, creed, color, marital status, physical or mental disability or national origin is unwelcome, objectionable or acceptable, desired or solicited. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

Amend RSA 354-B:1, I as inserted by section 8 of the bill by replacing it with the following:

I. All persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, ***[gender] sex, gender identity,*** or disability. "Threatened physical force" and "threatened damage to or trespass on property" is a communication, by physical conduct or by declaration, of an intent to inflict harm on a person or a person's property by some unlawful act with a purpose to terrorize or coerce.

Amend RSA 415-C:7, I(h) as inserted by section 17 of the bill by replacing it with the following:

(h) Unfairly discriminate based solely on age, place or area of residence, race, color, creed, national origin, ancestry, marital or civil union status, lawful occupation including military service, ***[-gender] sex, gender identity,*** sexual orientation, religion, or blindness or other disability.

Amend the bill by replacing all after section 18 with the following:

19 Accident and Health Insurance; Discrimination. Amend RSA 415:15 to read as follows:

415:15 Discrimination. Discrimination between individuals of the same class in the amount of premiums or rates charged for any policy of insurance covered by this chapter, or in the benefits payable thereon, or in any of the terms or conditions of such policy, or in any other manner whatever, is prohibited. ***Discrimination on the basis of gender identity with respect to the availability of any covered services, medications, supplies, or durable medical equipment is specifically prohibited.***

20 Unfair Insurance Trade Practices; Unfair Methods, Acts, and Practices Defined. Amend RSA 417:4, VIII(b) to read as follows:

(b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatsoever. ***Discrimination on the basis of gender identity with respect to the availability of any covered services, medications, supplies, or durable medical equipment is specifically prohibited.***

21 Jurors; Prohibition of Discrimination. Amend RSA 500-A:4 to read as follows:

500-A:4 Prohibition of Discrimination. A citizen of this state shall not be excluded from jury service on account of race, color, religion, sex, ***gender identity***, national origin or economic status.

22 Unlawful Discriminatory Practices. Amend RSA 354-A:7, III to read as follows:

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, ***gender identity***, race, color, marital status, physical or mental disability, religious creed or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

23 Effective Date.

I. Sections 19 and 20 of this act shall take effect January 1, 2020.

II. The remainder of this act shall take effect 60 days after its passage.

Energy and Natural Resources

May 28, 2019

2019-2344s

08/05

Amendment to HB 617

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study recycling streams and solid waste management in New Hampshire.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study recycling programs and solid waste management in New Hampshire.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall study:

I. The state of recycling programs in New Hampshire in light of changing market conditions.

II. Challenges faced by the state and municipalities in running recycling programs and solid waste management.

III. Such other related issues as the committee deems necessary, including potential legislation.

2019-2344s

AMENDED ANALYSIS

This bill establishes a committee to study recycling streams and solid waste management in New Hampshire.

Energy and Natural Resources

May 28, 2019

2019-2341s

08/10

Amendment to HB 737

Amend RSA 126-A:78, II and III as inserted by section 1 of the bill by replacing it with the following:

II.(a) The members of the commission shall be as follows:

(1) Five members of the house of representatives, 3 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the house minority leader.

(2) Two members of the senate, appointed by the president of the senate.

(3) The program manager from the department of health and human services environmental public health tracking program, or designee.

(4) The commissioner of the department of environmental services, or designee.

(5) The director of the university of New Hampshire Institute for Health Policy and Practice, or designee.

(6) A representative from the New Hampshire Medical Society, appointed by the society.

(7) Two citizens with backgrounds in environmental science and/or public health, recommended by the senators appointed to the commission and appointed by the president of the senate.

(8) A representative from each of the affected towns of Merrimack, Bedford, and Litchfield, appointed by the governing body of such town.

(9) Three residents, one from each of the affected towns of Merrimack, Bedford, and Litchfield, who are members of drinking water related environmental advocacy citizen organizations which are not affiliated with any government or state agency, recommended by the senators appointed to the commission and appointed by the president of the senate.

(10) A hydrogeologist, appointed by the New Hampshire chapter of the United States Geological Survey.

(11) A toxicologist, epidemiologist, or environmental health professor from the University of New Hampshire, appointed by that institution.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III.(a) The commission's study shall include, but not be limited to:

(1) Obtaining information necessary to delineate the extent of PFAS drinking water contamination from airborne, soil, and groundwater releases.

(2) Assessing and implementing steps necessary to investigate public health impacts from PFAS exposures to air, soil, and drinking water.

(3) Assessing sources and impacts to surface water from wastewater and other discharges from the Merrimack, New Hampshire Saint Gobain plant.

(4) Assessing whether soil regulations are sufficient to contain contaminated materials.

(5) Receiving updates at each commission meeting from the department of environmental services and the department of health and human services on matters including but not limited to, scientific findings and related materials, enforcement actions, and regulatory status.

(6) Receiving ongoing copies of all correspondence between state and federal agencies and responsible parties; including but not limited to, documents related to scientific findings, interim progress and regulatory or enforceable matters from the department of environmental services and the department of health and human services.

(7) Developing prioritized governmental and community actions.

(8) Reviewing the progress made by state and federal agencies, if appropriate, and their partners.

(9) Delineating the potential roles and responsibilities for municipalities, state agencies, and their partners.

(10) Communicating to the public about the environmental and public health impacts of the PFAS exposure investigation and analysis.

(11) Assessing whether current rules or regulations are sufficiently protective of public health and propose legislation, as necessary, to protect public health.

(12) Recommending legislation, as necessary, to carry out the charge of the commission or resulting from any commission findings.

(13) Assessing whether current penalties and regulatory controls are sufficiently protective of the environment and public health and recommend changes necessary.

(14) Assessing agreements between the state and Saint Gobain and propose additional actions necessary to achieve the charge of the commission and,

(b) The commission shall solicit information from any person or entity the commission deems relevant to its study. The commission may, with input from a state agency or agencies, decide whether additional appropriations are necessary to complete the work of the commission.