

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: July 13, 2022

FROM: Michael A. Morrell
Acting Administrative Rules Director

AT (OFFICE): Legislative Services

SUBJECT: Final Proposal 2022-65 NH Department of Health and Human Services Rules on Sanitary Production and Distribution of Food

To: File

Attached are Rebecca Ricard's comments on Final Proposal 2022-65 from the Department of Health and Human Services regarding the adoption, readoption, and readoption with amendment of various section of He-P 2300, rules on Sanitary Production and Distribution of Food.

There are substantive comments on pages 2, 3, 4, 6, 7, 10, and 13. In addition, there are two notes to JLCAR on page 12. The substantive comments all relate to the public interest due to lack of clarity and one, on page 10, also relates to legislative intent due to potential oral rulemaking in violation of RSA 541-A:3 and RSA 541-A:22, I. Additionally, there are several editorial comments made through out the proposal.

The notes to JLCAR relate to the agency having to develop and adopt a new form for the renewal of licenses to harvest, identify, or distribute classified wild mushrooms.

A conditional approval request was submitted to OLS prior to the June JLCAR meeting. The agency, however, asked for a postponement on the rule and filed an amended conditional approval request prior to the July JLCAR meeting. The amended conditional request addressed OLS's remaining comments and a consent was recommended.