

Rep. Marsh, Carr. 8
Rep. P. Schmidt, Straf. 19
Rep. S. Pearson, Rock. 6
March 22, 2021
2021-0952h
06/10

Amendment to HB 187

1 Amend RSA 21-P:53, VIII as inserted by section 1 of the bill by replacing it with the following:

2
3 ***VIII. Except as provided in paragraph IX, an emergency order issued under this***
4 ***section shall be subject to review by the joint legislative oversight committee on health and***
5 ***human services, established in RSA 126-A:13. The committee may vote to sponsor a joint***
6 ***resolution rescinding the emergency order pursuant to RSA 21-P:53 X. The commissioner***
7 ***shall notify the ethics oversight advisory committee established in RSA 141-C:27 of any***
8 ***emergency order issued under this section, and the joint legislative oversight committee***
9 ***shall consider the input of the ethics committee, if provided, in any decision. If the***
10 ***emergency precludes either committee from meeting in person, they shall be authorized,***
11 ***notwithstanding any other provision of law, to meet remotely for this purpose.***
12

13 Amend RSA 21-P:53 as inserted by section 1 of the bill by inserting after paragraph IX the following
14 new paragraph:
15

16 X. If the committee votes to sponsor a joint resolution pursuant to subparagraph VIII, the
17 joint resolution shall be introduced in the house of representatives or senate within 20 business days
18 of such vote when the general court is in session and 20 business days of the start of the following
19 legislative session if such vote occurs when the general court is not in session. If a joint resolution is
20 introduced within this time frame, the commissioner shall be prevented from enforcing such
21 emergency order until final legislative action is taken on the resolution or the passage of 90
22 consecutive calendar days during which the general court shall have been in session, whichever
23 occurs first. The 90 calendar day period shall commence on the date such joint resolution has been
24 introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such
25 joint resolution has been introduced, then the commissioner shall be prevented from enforcing such
26 emergency order until 90 calendar days, beginning with the next session of the general court, have
27 passed.
28

29 Amend RSA 141-C:27, III as inserted by section 2 of the bill by replacing it with the following:
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1 III. The members of the committee shall be as follows:

2 (a) ***Two members of the house or representatives, one of whom shall be from the***
3 ***minority party, appointed by the speaker of the house of representatives.***

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

5 (c) The director of the ***department of health and human services***, division of public
6 health services.

7 ~~[(b)]~~ (d) The state epidemiologist.

8 ~~[(e)]~~ (e) The attorney general, or designee.

9 ~~[(d)]~~ (f) A representative of a public health network, appointed by the commissioner.

10 ~~[(e)]~~ (g) A representative from a college or university public health program, appointed
11 by the commissioner.

12 ~~[(f)]~~ (h) A chief of police or a police officer of a local police department, appointed by the
13 New Hampshire Association of Chiefs of Police.

14 ~~[(g)]~~ (i) A chief of a local fire department, appointed by the New Hampshire Association
15 of Fire Chiefs.

16 ~~[(h)]~~ (j) A physician, licensed under RSA 329, appointed by the New Hampshire Medical
17 Society.

18 ~~[(i)]~~ (k) The commissioner of the department of safety, or designee.

19 ~~[(j)]~~ (l) A member of a fire department with a minimum of EMT-B certification,
20 appointed by the Professional Firefighters of New Hampshire.

21 ~~[(k)]~~ (m) A representative of a hospital, appointed by the New Hampshire Hospital
22 Association.

23 ~~[(l)] A county representative, appointed by the New Hampshire Association of Counties.]~~

24 (n) ***The commissioner of the department of labor, or designee.***

25 (o) ***A representative of the Disability Rights Center of New Hampshire,***
26 ***appointed by the center.***

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AMENDED ANALYSIS

This bill makes various changes to the powers of the commissioner of the department of health and human services during a public health emergency; authorizes the joint legislative oversight committee on health and human services to review, and rescind by a 2/3 vote, emergency orders issued by the commissioner; gives a person subject to a treatment order for a communicable disease a right to a hearing on the order; and amends the membership and duties of the ethics oversight advisory committee. The bill also amends the house membership on the health and human services oversight committee.