



## Division of Public Health Services (DPHS)

### General Duties, Powers, and Statutory Authority of Public Health

#### [RSA 125:9 Duties. –](#)

The commissioner of the department of health and human services shall:

- I. Take cognizance of the interests of health and life among the people.
- II. Make investigations and inquiries concerning the causes of epidemics and other diseases, the sources of morbidity and mortality, and the effects of localities, employments, conditions, circumstances, and the environment on the public health.

#### [RSA 125:15 Powers Generally. –](#)

The commissioner of the department of health and human services shall have authority:

- I. To receive and expend all funds made available to the department by the federal government, the state or its political subdivisions, or from other sources for general activities for health promotion, providing adequate facilities for promotion and administrative guidance of local health services, and the training of personnel employed or to be employed in the department or local health departments.
- II. To receive and expend any reimbursements for expenditures previously made for such purposes.
- III. To cooperate with the federal government, through its appropriate agencies or instrumentalities, and with other state and local agencies and organizations in developing and administering public health activities as provided for in this section.

#### [RSA 21-P:53 Public Health Powers and Duties. –](#)

During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have powers and duties, subject to the direction and control of the governor, which are in addition to those set forth in RSA 141-C; provided that such powers and duties shall be limited to the specific nature of the emergency, its geographic limits, and the conditions that brought it about, as specified in the declaration of the state of emergency:

#### [RSA 508:17-a Public Health Incident and Limited Liability for State Agents](#)

Public health or public safety incident means a specific incident that the commissioner of the department of health and human services or the commissioner of the department of safety has declared in writing poses a threat to the health and safety of the public and demands a response that will require the assistance of agents from outside the state system, but which does not rise to the level that would necessitate the declaration of a state of emergency by the governor under RSA 4:45.

#### [RSA 126-A:87 State Health Improvement Plan.](#)

The commissioner of the department of health and human services shall, in consultation with the state health assessment and state health improvement plan advisory council established in RSA 126-A:88, and others, develop a state health assessment and a state health improvement plan.

- **Public Health Laboratory**

- **[RSA 131: Laboratory Of Hygiene](#)** The department of health and human services may establish, equip, and operate a laboratory or laboratories with such expert assistants and such facilities as are necessary for routine examinations and analyses and for original investigations and research in matters affecting public health. **(This statute was originally developed in 1901- the oldest of all current public health statutes)**
  - **[RSA 131:3 Testing of Water Supplies.](#)** – They shall make periodic inspections and analyses of the public water supplies of the state and any special investigations thereof that may be called for; also, when requested or as may be deemed by them necessary or expedient in the interests of the public health, make inspections or analyses of sources furnishing water to institutions, schools, hotels, camps, other places of public resort and individuals, and advise in connection with the same; and they shall enforce the laws pertaining to water supply and to the sanitation of public waters.

- **Bureau of Infectious Disease Control**

- **[RSA 141-C: Communicable Disease](#)** The outbreak and spread of communicable disease cause unnecessary risks to health and life, interfere with the orderly workings of business, industry, government, and the process of education, and disrupt the day-to-day affairs of communities and citizens. Because the control of communicable disease may be attained by personal actions, the timely intervention of medical practices, and cooperation among health care providers, federal, state, and municipal officials, and other groups and agencies, it is hereby declared to be the policy of this state that communicable diseases be prevented, and that such occurrences be identified, controlled, and, when possible, eradicated at the earliest possible time by application of appropriate public health measures and medical practices.
  - **[141-C:3 Duties of Department.](#)**
  - **[141-C:4 Duties of Commissioner.](#)**
  - **[141-C:7 Reporting of Communicable Disease.](#)**
  - **[141-C:8 List of Diseases; Report Forms.](#)**
  - **[141-C:9 Investigations; Examinations.](#)**
  - **[141-C:18 Sexually Transmitted Disease.](#)**
  - **[141-C:20 Education.](#)**
  - **[141-C:20-a Immunization.](#)**
  - **[141-C:20-f Immunization Registry.](#)**
  - **[141-C:24 Mosquito Control Districts; Rulemaking.](#)**

- [RSA 126-Q New Hampshire Vaccine Association.](#) (m) Collect assessments from assessable entities as calculated under RSA 126-Q:4 and deposit said assessments less the association's administrative costs annually and reserves with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.
  - [RSA 141-F: Human Immunodeficiency Virus Education, Prevention, And Control](#) It is the purpose of this chapter to designate the department of health and human services as the state agency responsible for preparing information on the transmission and prevention of the human immunodeficiency virus (HIV) and the hepatitis B virus.
  - [RSA 142-A: Mosquito Control Policy For State Agencies](#) State agencies managing land are encouraged to participate in the development and implementation of local mosquito control plans whenever a public health threat declared by the commissioner pursuant to RSA 141-C includes lands held by that agency.
- **Bureau of Public Health Statistics and Informatics**
    - [RSA 126: Health Statistics- Bureau of Health Statistics and Data Management and Vital Records Privacy Board for Health-Related Research](#) The Bureau of health statistics and data management within the department is designated the health statistics center of New Hampshire in accordance with Public Law 95-623 section V(c)(1). The bureau is authorized to coordinate and disseminate health-related information for the purposes of protecting public health while adhering to privacy requirements. In carrying out its duties, the department shall use the minimum amount of information that is reasonably necessary to protect the health of the public.
    - [RSA 5-C Vital Records Administration](#) In conjunction with the department of health and human services, the procedures, conditions, and criteria for release of information regarding vital records data and statistics for health-related research pursuant to RSA 126:24-d.
    - [RSA 126-A:76 Data Sharing Between the Department of Environmental Services and the Department of Health and Human Services.](#)
    - [RSA 141-B:5 Cancer Registry Established.](#) There shall be established in the department a cancer registry for compilation and analysis of information relating to the incidence, diagnosis, and treatment of cancer

- **Bureau of Population Health and Community Services**

- **RSA 132: Protection For Maternity And Infancy** The department of health and human services may provide instruction, advice and such services as the commissioner may deem necessary for children with special health care needs, and to protect and promote the physical health of women in their child-bearing years and their infants and children.
  - **132:10-aa Newborn Screening; Pulse Oximetry Test Required. 132:10-a Newborn Screening Tests Required; Newborn Screening Advisory Committee.**
  - **132:10-e Development of a Plan of Safe Care.**
  - **132:30 Maternal Mortality Review Panel Established.**
  - **132:41 Child Fatality Review Committee Established.**
- **RSA 141-J: Birth Conditions Program** The department of health and human services may establish and maintain a statewide, population-based public health surveillance program on birth conditions, to be known as the New Hampshire birth conditions program
- **RSA 126-A:49 Poison Information and Treatment.** – The commissioner shall develop or designate a statewide program for poison information and treatment. In connection with this program, the commissioner shall be responsible for establishment or designation of a poison information and treatment center which shall make available to New Hampshire residents information and medical consultation on a daily, 24-hour basis.
- **RSA: 132:12-a Women, Infants, and Children (WIC) Program.** The commissioner of the department of health and human services shall develop and administer a women, infants, and children program within the state under the Child Nutrition Act of 1966, in accordance with federal regulations promulgated by the Department of Agriculture and subject to continued funding from the federal Department of Agriculture.
- **RSA 126-K: Youth Access To And Use Of Tobacco Products** The purpose of this chapter is to protect the citizens of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to persons under the age of 21.
- **RSA 155:64 Indoor Smoking Act** The purpose of this subdivision is to protect the health of the public by regulating smoking in enclosed workplaces and enclosed places accessible to the public
- **RSA 141-B: Chronic Disease Prevention, Assessment And Control** The purpose of this chapter is to authorize the establishment of activities for the prevention, assessment, and control of chronic diseases which may be attributed to the environment, individual lifestyle, or the workplace.
  - **141-B:5 Cancer Registry Established.**

- **Bureau of Public Health Protection**

- [RSA 130-A: Lead Paint Poisoning Prevention And Control](#) Establishes required clinical and environmental health functions for childhood lead poisoning prevention and environmental inspections. The commissioner may, as part of an investigation conducted under RSA 130-A:5, conduct an inspection of any leased or rented dwelling or dwelling unit during business hours, or at a time mutually agreed upon with the owner or the owner's agent, for the purposes of identifying the presence of lead base substances.
- [RSA 141-A:1 Critical Health Problems Reporting Act](#) – oversees the reporting and storage of blood lead data within the department
- [RSA 143: Sanitary Production And Distribution Of Food; RSA 143-A: Food Service Licensure](#) Establishes a comprehensive regulatory program for food safety and inspection
- [RSA 146-Purity And Branding Of Foods And Drugs](#) Pertains to the adulteration or misbranding of food, drugs or cosmetics and authorities to condemn or embargo food, drugs or cosmetics
- [RSA 184 Inspection and Sale of Dairy Products](#) The commissioner of the department of health and human services shall adopt rules pursuant to RSA 541-A, relative to:
  - III. Licensing under RSA 184:85.
  - IV. Denial and revocation of licenses under RSA 184:86.
  - V. Producer permits required by RSA 184:88.
  - VI. Application and issue of producer permits under RSA 184:89.
  - VII. Denial and revocation of producer permits under RSA 184:90.
  - VIII. Receiving station permits under RSA 184:60-a.
  - IX. Fees for permits and fines for licenses under RSA 184:76-a
- [RSA 130 Sanitary Inspectors](#) For the purpose of carrying out the provisions of this chapter and of other statutes the enforcement of which rests with the department of health and human services, said department may employ persons to be known as inspectors, sanitarians, sanitary engineers and other agents - includes food inspection
- [RSA 128: Town Health Officers](#) The commissioner of the department of health and human services shall appoint as health officer for each town such person as the selectmen of the town recommend, and the commissioner of the department of health and human services shall issue to the health officer a certificate of appointment. The appointed officer shall provide the department with sufficient and complete contact information to be readily accessible as needed.
- [RSA 125-F Radiologic Health Program](#) To institute and maintain a regulatory program for sources of radiation to provide (a) compatibility and consistency with the standards and regulation within the state, and (b) a system consonant insofar as possible with those of other states;

- **Bureau of Public Health Policy, Access and Equity**

- [RSA 126-A:91 Controlled Drug Prescription Health and Safety Program](#) The department shall develop a system of registration for all prescribers and dispensers of schedule II-IV controlled substances within the state. The system of registration shall be established by rules adopted by the department, pursuant to RSA 541-A.
- [RSA 126-X: Use Of Cannabis For Therapeutic Purposes](#) Establishes the Therapeutic Cannabis Program
- [RSA 126-A:18 Primary Preventative Health Services.](#) The commissioner shall: I. (a) Develop primary preventive health services for low-income and underserved populations.(b) Establish a network of primary care and family support services for children with chronic illness.(c) Recruit and establish retention of primary care practitioners in rural communities and areas of high primary care needs.(d) Provide technical assistance to communities, health care agencies, and primary care providers developing comprehensive care services.

- **Bureau of Emergency Preparedness, Response & Recovery**

- [RSA 21-P:53 Public Health Powers and Duties. RSA 508:17-a](#)
- [RSA21-P:41- Emergency Worker Immunity and Exemption](#) All functions under this subdivision and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the state nor any of its political subdivisions nor any agency of the state or political subdivision, nor any private corporations, organizations, or agencies, nor any emergency management worker complying with or reasonably attempting to comply with this subdivision...shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity.
- [141-C:15-a Administration of Certain Prescription Medication for Treatment or Prevention of a Communicable Disease.](#) Notwithstanding other provisions, a health care professional authorized to prescribe prescription medication for the treatment or prevention of a communicable disease may prescribe, dispense, or distribute directly or by standing order, drugs and testing to a patient he or she did not evaluate and with whom there is no established health care provider-patient relationship to empirically treat for, or provide an agent or prophylaxis to prevent, a communicable disease that poses a threat to public health.
- [RSA 125-F:10 Authority of the Commissioner in Cases of \(Radiological\) Emergency.](#) Whenever the commissioner finds that an emergency exists requiring immediate action to protect the public health or welfare, he may issue an order reciting the existence of such an emergency and requiring that such action be taken as necessary to meet the emergency.