

CHAPTER 61
HB 79 - FINAL VERSION

9Apr2021... 1336EBA

2021 SESSION

21-0037
06/04

HOUSE BILL **79**

AN ACT relative to town health officers.

SPONSORS: Rep. Marsh, Carr. 8; Rep. Salloway, Straf. 5; Rep. Merchant, Sull. 4; Rep. Avellani, Carr. 5; Rep. Edwards, Rock. 4; Rep. Deshaies, Carr. 6; Sen. Bradley, Dist 3; Sen. Sherman, Dist 24

COMMITTEE: Municipal and County Government

ANALYSIS

This bill modifies the law regarding town health officers by deleting the residency requirement, adding a training requirement and a criminal background check, and adding a reporting requirement.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to town health officers.

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

1 61:1 Town Health Officers; Appointment. RSA 128:1 is repealed and reenacted to read as
2 follows:

3 128:1 Appointment. The commissioner of the department of health and human services shall
4 appoint as health officer for each town such person as the selectmen of the town recommend, and the
5 commissioner of the department of health and human services shall issue to the health officer a
6 certificate of appointment. The appointed officer shall provide the department with sufficient and
7 complete contact information to be readily accessible as needed. Upon the expiration of the officer's
8 term, or upon his or her removal, death, or resignation or the occurrence of a vacancy in the office for
9 any reason, the selectmen shall recommend a replacement as soon as reasonably practicable; but if
10 no recommendation is made within 15 days after notice, the commissioner may appoint a health
11 officer without such recommendation.

12 61:2 Town Health Officers; Residence. Amend RSA 128:2 to read as follows:

13 128:2 Residence. [~~Said health officer shall be a resident of the state.~~] The commissioner of the
14 department of health and human services may appoint any qualified person to act in unorganized
15 localities **as a health officer**.

16 61:3 Town Health Officers; Secretary of Local Board. Amend RSA 128:3 to read as follows:

17 128:3 Secretary of Local Board. The health officer shall be the secretary and executive officer of,
18 and, with the selectmen, shall constitute the local board of health for the town. ***The local board of
19 health for each town shall meet at least once every year, and as frequently as needed, to
20 review the state of local public health issues and concerns and provide information, as
21 requested, to the department of health and human services, on the readiness to address
22 relevant public health threats at the local or regional levels.***

23 61:4 Town Health Officer; Deputy Health Officer. Amend RSA 128:5-b to read as follows:

24 128:5-b Deputy Health Officer. When a health officer has been appointed under the provisions
25 of RSA 128:1, such officer may, subject to the approval of the selectmen and the commissioner of the
26 department of health and human services, appoint a deputy health officer or officers who shall be
27 empowered to enforce public health laws and regulations and make such sanitation investigations as
28 the health officer may direct or as may be required by the department of health and human services.
29 ***The term of the deputy health officer shall expire with that of the health officer, or may be
30 extended with the approval of the board of selectmen, in consultation with the***

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1 *commissioner of the department of health and human services or designee, until the health*
2 *officer vacancy is filled.* The deputy health officer shall receive such compensation from the town
3 as the selectmen of the town shall fix.

4 61:5 Town Health Officers; Officer for Several Towns. Amend RSA 128:6 to read as follows:

5 128:6 **Health** Officer for Several Towns. Upon recommendation of the selectmen of each of
6 several towns the commissioner of the department of health and human services may, in the
7 commissioner's discretion, appoint any qualified person [~~resident of the state~~] as health officer for all
8 of said towns, and such health officer shall receive such compensation from each town as the
9 selectmen thereof or the town shall fix.

10 61:6 New Sections; Town Health Officers; Training and Qualifications. Amend RSA 128 by
11 inserting after section 7 the following new sections:

12 128:8 Training and Qualifications. Within one year of appointment every health officer shall
13 complete a minimum of 3 hours of training on topics related to the specific state laws that provide
14 authority to health officers. The training shall be administered at no cost to the municipality by the
15 department of health and human services in collaboration with the New Hampshire health officers
16 association (NHHOA). The curriculum shall cover, but not be limited to, duties and responsibilities
17 of the health officer as required on rental housing standards pursuant to RSA 48-A:3, I(c),
18 assessment and management of health nuisances pursuant to RSA 147, and duties pursuant to RSA
19 128:5. The required training may be taken in person, or through a remote learning platform as
20 provided by the department of health and human services. Municipalities shall cover reasonable
21 costs of attending the NHHOA training subject to the provisions of RSA 129:1.

22 128:9 Background Check. Each municipality shall request and obtain a criminal history record
23 information request from the department of safety, as a prerequisite to any nomination of a health
24 officer or deputy health officer, to be submitted to the commissioner of the department of health and
25 human services or his or her designee, in order to determine if there are any prior convictions that
26 may disqualify such person or interfere with the performance of his or her duties.

27 128:10 Administrative Rulemaking. The commissioner of the department of health and human
28 services may adopt administrative rules for implementation of this chapter pursuant to RSA 541-A.

29 128:11 Reporting Requirement. Beginning November 1, 2021, and annually thereafter, the New
30 Hampshire health officers association, in consultation with the department of health and human
31 services, shall report to the joint legislative oversight committee on health and human services,
32 established in RSA 126-A:13, and the state health assessment and state health improvement plan
33 advisory council, established in RSA 126-A:88, regarding the readiness of municipal health officers
34 to respond to potential public health threats in New Hampshire.

35 61:7 New Paragraphs; Communicable Disease; Health Officers. Amend RSA 141-C:5 by
36 inserting after paragraph II the following new paragraphs:

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1 III. After being informed of isolation and quarantine orders issued pursuant to RSA 141-
2 C:12 to persons in their jurisdiction, inform the commissioner if they identify any substantive non-
3 compliance with the order.

4 IV. In the event of a public health emergency declared pursuant to RSA 4:45, enforce orders
5 issued pursuant to RSA 4:47.

6 61:8 New Paragraph; Communicable Disease; Disclosure. Amend RSA 141-C:10 by inserting
7 after paragraph IV the following new paragraph:

8 V. The department may share information with town and city health officers acting in
9 accordance with their duties under RSA 141-C:5, provided the health officer has signed a
10 confidentiality agreement at the time of his or her appointment under RSA 128 and has presented
11 proof of successful completion of training on adherence to applicable confidentiality and security
12 laws and regulations required when assisting the department of health and human services under
13 RSA 141-C:5. All sharing of confidential information under this section shall be in accordance with
14 this section and pursuant to 45 C.F.R. 164.512(b).

15 61:9 Safety Regulations for Pools and Bathing Places; Injunction; Emergency Closures. Amend
16 RSA 485-A:27, II(b) to read as follows:

17 (b) If the department determines that a pool at the facility is not in compliance with the
18 standards and safety requirements specified in subparagraph (a) and that the deficiencies threaten
19 the health or safety of patrons of the facility, the department shall issue an emergency closure notice
20 to the owner of the facility or the owner's on-site representative ***and immediately provide a copy***
21 ***of the notice to the town or city health officer***. The notice shall identify which pool must be
22 closed and specify the reason for the emergency closure.

23 61:10 Effective Date.

24 I. Sections 7 and 8 of this act shall take effect 60 days after passage.

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

Approved: June 04, 2021

Effective Date:

I. Sections 7 and 8 shall take effect August 3, 2021.

II. Remainder shall take effect June 4, 2021