



State of New Hampshire

GENERAL COURT

CONCORD

MEMORANDUM

DATE: November 10, 2021

TO: Honorable Sherman Packard, Speaker of the House
Honorable Chuck Morse, President of the Senate
Honorable Paul C. Smith, House Clerk
Honorable Tammy L. Wright, Senate Clerk
Honorable Chris Sununu, Governor
Michael York, State Librarian

FROM: Representative Timothy Lang, Chairman

SUBJECT: Final Report of the Committee to Examine the Policy for Medical Intervention including Immunizations.
RSA 141-C (HB 220, Chapter 131:1-3, Laws of 2021)

Pursuant to RSA 141-C (HB 220, Chapter 131:1-3, Laws of 2021), enclosed please find the Final Report of the Committee to Examine Policy on Medical Interventions including Immunizations.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

I would like to thank those members of the committee who were instrumental in this study. I would also like to acknowledge all those who testified before the committee and assisted the committee in our study.

Enclosures

cc: Members of the Committee

FINAL REPORT

COMMITTEE TO EXAMINE POLICY ON MEDICAL INTERVENTIONS INCLUDING IMMUNIZATIONS

RSA 141-C (HB 220, Chapter 131:1-3 Laws of 2021)

November 10, 2021

Representative Timothy Lang, Chair
Representative Erica Layon, Clerk
Senator Jeb Bradley

Representative Gary Woods
Representative Barbara Shaw
Senator Cindy Rosenwald

Committee Charge and Study Purpose:

The committee shall examine the policy for medical intervention including immunizations.

Process and Procedures:

The committee organized on October 27, 2021 and elected Timothy Lang as Chair. The Chair appointed Representative Erica Layon as clerk.

The committee met six times throughout the study period.

Findings:

The committee formed by HB-220 was charged with making recommendations about intersection of Federal and State policies regarding medical interventions including immunizations and NH Citizens. The committee received testimony from the NH Department of Health and Human Services, the NH Attorney General's Office, the NH Department of Education, NH health care organizations like the NH Hospital Associations, and the NH Medical Society as well as business organizations like NH Retail Association and BIA. The committee also heard extensive testimony from the general public over two sessions.

The committee recognizes that with at least 30 bills introduced in the 2022 legislative session on four topics, Mandates, Vaccines, COVID or Masks, it is unnecessary to request a committee LSR (Legislative Services Request) or late Drafting request on any of these subjects, as bills abound on topic. We do have several recommendations for possible amendments to existing bills.

The finding was clear in public testimony there was broad support for public health actions, including the availability of vaccines, the testimony clearly and vehemently opposed the Federal Vaccination Mandates via, Executive Order, OSHA regulations, Labor Department Rules or any state law or rules that would undermine a citizen's right to make their own medical decisions. Therefore, the committee strongly supports The State of NH actions in joining onto the federal

lawsuits opposing the proscribed mandatory vaccines in the Presidential Executive order, OSHA Rules, or Labor Department rules.

The federal mandate on businesses to require employees to be vaccinated or tested weekly will impact over 750 New Hampshire businesses as well as the adverse impact on 250,000 hard working women and men who will not be able to provide for their families. Furthermore, numerous other businesses and not-for-profit organizations are adversely impacted by the federal contractor requirement for mandatory vaccinations. The Committee supports entering this lawsuit also.

The Federal Lawsuit opposing the federal mandates have correctly identified that the mandatory vaccine mandates do not consider an individual's health circumstances. The Federal vaccine mandates are a one size fits all requirement that undermines the patient physician relationship.

The vaccine mandate will further and significantly exacerbate the shortage of workers in New Hampshire. The worker shortage is impacting all sectors of the New Hampshire economy ranging from first responders to health care, to manufacturing, to retail and hospitality. Worker shortages undermine public safety, worsen the supply chain issues gripping our state and nation and will cause accelerating inflationary pressures impacting Americans in all walks of life. The committee believes it is essential that the Legislature provide the necessary resources for the Attorney General's Office to fully pursue New Hampshire's interest in this litigation.

The committee supports and encourages the Department of Health and Human Services' decision not to pursue mandatory COVID vaccination of school age children. The committee recommends that any potential future expansion of vaccinations only occur after receiving full legislative approval.

We recognize that the state of medical informed consent in New Hampshire is lacking, as the Department of Public Health satisfies the informed consent requirement for their Covid-19 vaccine clinics merely by having people certify that they have read the relevant warnings when booking an appointment, and then being asked by the person administering the vaccine if they have any questions.

Given that longstanding medical ethics requires a free and voluntary informed consent from the patient being treated and considering the language of the World Medical Association Declaration of Helsinki which guides clinical research for worldwide publication addresses consent under duress, the point made several times in testimony is relevant. "When seeking informed consent ... the physician must be particularly cautious if the potential subject ... may consent under duress."

Therefore, to prevent potential ethical violation quagmire for healthcare workers providing vaccination to people who consent under financial or psychological duress like threats to discontinue employment, we encourage the legislature to move quickly to enact legislation to provide a blocking mechanism for the people and for businesses against the federal mandates and rules that create de facto mandates. According to testimony from the Attorney General's office, legislation that stands in the way of federal rules will benefit the State's position in the litigation currently enjoined.

Recommendations:

The committee recommends that all employers, public, not for profit or private offer flexible medical, religious, and conscientious objector receive exemptions from any federal or state vaccine mandate and that any exemption request be honored.

We urge the House and Senate to act expeditiously in moving bills on these topics, as the health and livelihoods of our neighbors are at stake.

Respectfully Submitted,

Representative, Timothy Lang, Chairman