

HB 48-FN - AS INTRODUCED

2023 SESSION

23-0039

09/05

HOUSE BILL            ***48-FN***

AN ACT                relative to employee protections from COVID-19 in the workplace.

SPONSORS:           Rep. Horrigan, Straf. 6

COMMITTEE:          Labor, Industrial and Rehabilitative Services

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ANALYSIS

This bill establishes COVID-19 related workplace rights for employees.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT                      relative to employee protections from COVID-19 in the workplace.

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

1            1 New Section; Protective Legislation; Discrimination in the Workplace. Amend RSA 275 by  
2 inserting after section 41-d the following new section:

3            275:41-e Employee COVID-19 Rights. An employee shall have the right to be vaccinated against  
4 COVID-19 and the right to use personal protective equipment such as face masks and face shields  
5 while employed in the workplace. No employer shall discriminate in any way against an employee  
6 based on the employee exercising his or her rights under this section.

7            2 Effective Date. This act shall take effect 60 days after its passage.

**HB 48-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to employee protections from COVID-19 in the workplace.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☐ Local                    ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Restricted fund established in 273:1-b			

**METHODOLOGY:**

This bill establishes COVID-19 related workplace rights for employees. The Department of Labor does not expect this bill would have an appreciable impact on state, county or local expenditures. In terms of state costs, it is not anticipated that the bill would materially impact the Department's operational costs of administering RSA 275. The Department states it is unlikely that the bill would have a material impact on state, county or local revenue. It is possible that additional fines would be levied by the Department against employers acting in violation of the provision. The amount of such fine revenue is indeterminable.

The Judicial Branch assumes enforcement of the new employee right is intended to be under RSA 275:38, which authorizes the Commissioner of the Department of Labor “to enforce the provisions of this subdivision through appropriate actions in response to complaints.” The Branch assumes there could be an increase in civil enforcement complaints filed in Superior Court and appeals of decisions from the Department of Labor to the Supreme Court. While the number of such complaints and appeals is not expected to be significant, it is indeterminable. The potential impact on Judicial Branch expenditures is also indeterminable.

**AGENCIES CONTACTED:**

Department of Labor and Judicial Branch