REGULAR CALENDAR

February 3, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Judiciary to which was referred HB 1519-FN,

AN ACT defining "religious belief" and protecting it from discrimination. Having considered the same, report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Alexis Simpson

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Judiciary**
Bill Number:	**HB 1519-FN**
Title:	**defining "religious belief" and protecting it from discrimination.**
Date:	**February 3, 2022**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill would add the term "religious belief" to certain statutes regarding discrimination. In many of the places where it suggests adding "religious belief," the term religion is already present. The term religion encompasses more than just religious belief. Adding "religious belief" to the statutes where religion is already stated is redundant and unnecessary. In statutes regarding discrimination, singling out "religious belief" where religion is not stated explicitly is insufficient and exclusive since belief is not part of all religions. "Religious belief" fails to include "religious practice" which is a key component of the definition of religion. In addition, freedom from discrimination on the basis of religion is protected by the United States and New Hampshire Constitutions.

Vote 17-4.

Rep. Alexis Simpson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Judiciary

HB 1519-FN, defining "religious belief" and protecting it from discrimination. **INEXPEDIENT TO LEGISLATE.**

Rep. Alexis Simpson for Judiciary. This bill would add the term “religious belief” to certain statutes regarding discrimination. In many of the places where it suggests adding “religious belief,” the term religion is already present. The term religion encompasses more than just religious belief. Adding “religious belief” to the statutes where religion is already stated is redundant and unnecessary. In statutes regarding discrimination, singling out “religious belief” where religion is not stated explicitly is insufficient and exclusive since belief is not part of all religions. “Religious belief” fails to include “religious practice” which is a key component of the definition of religion. In addition, freedom from discrimination on the basis of religion is protected by the United States and New Hampshire Constitutions. **Vote 17-4.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1519-FN

BILL TITLE: defining "religious belief" and protecting it from discrimination.

DATE: February 3, 2022

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Simpson Seconded by Rep. M. Smith Vote: 17-4

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Kurt Wuelper, Clerk

1/22/2021 10:07:24 AM
Roll Call Committee Registers Report

2021 SESSION

Judiciary

Bill #: 1519 **Motion:** ITL **AM #:** _____ **Exec Session Date:** 2-3-22

Members	YEAS	Nays	NV
	✓		
Gordon, Edward M. Chairman			
McLean, Mark Vice Chairman	✓		
Sylvia, Michael J.		✓	
Wuelper, Kurt F. Clerk		✓	
Alexander, Joe H.	✓		
~~Rice, Kimberly A.~~ EDWARDS	✓		
~~Silber, Norman J.~~ MERNER	✓		
Greene, Bob J.		✓	
Kelley, Diane E.		✓	
Tausch, Lindsay ANDRUS	✓		
Trottier, Douglas R.	✓		
Smith, Marjorie K.	✓		
Berch, Paul S. WOODS	✓		
Horrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
Chase, Wendy	✓		
Kenney, Cam E.	✓		
Langley, Diane M.	✓		
McBeath, Rebecca Susan	✓		
Paige, Mark	✓		
Simpson, Alexis	✓		
	17	4	

Recorder

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1519

BILL TITLE: **defining "religious belief" and protecting it from discrimination**

DATE: **1-20-22**

LOB ROOM: 206/8 **Time Public Hearing Called to Order: 3:07 PM**
Time Adjourned: 3:31 PM

Committee Members: Reps. Gordon, ~~McLean~~, Wuelper, Sylvia, ~~Alexander Jr., Notter, Merner, Greene, D. Kelley, Andrus, Trottier, M. Smith, Berch,~~ Horrigan, DiLorenzo, ~~Chase~~, Kenney, Langley, ~~McBeath, Paige~~ and Simpson

Bill Sponsors:
Rep Foster, Hills. 5; Rep. Pauer, Hills. 26; Rep. G. Sanborn, Graf. 6; Rep. Deshaies, Carr. 6; Rep. Spillane, Rock. 2; Rep. Ammon, Hills. 40; Rep. Edwards, Rock. 4; Rep. T. Lekas, Hills. 37; Rep. Rollins, Sull. 6

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Foster sponsor Support Hb1519 is result of discussion with voters who were seeking religious exemptions from their employers who required long questionnaires to prove their qualification. Discrimination is already in law against "creed" or 'religion is "but I believe the definition in HB1519 aligns to the dictates of one's conscience as opposed to a doctrine or the words of a leader. I am trying to get the government out of deciding if the individual's beliefs are legitimate and into protecting them based on what they beliefs are. When I did this, I put in all the statutes where I thought it would apply, but I am happy for you to add others.
Q Simpson: How would a religion that believes in a set of actions fit into your definition?
Ans: I am trying to make the definition include all kinds of beliefs. I expect what you describe would fall under that.

Rep Jess Edwards Rock 4 Support As a nation founded on people fleeing religious persecution, this should be in our DNA. When our religious practice was prohibited during gthe emergency while you could go to Home Depot, I thought something needs to be done. HB1519 is that. If the committee is open to this bill, it should include the education section from HB2
Q Simpson: Please explain.
Ans: There was debate about divisive concepts, so we moved the intent into discrimination law. So, I would just add religious beliefs to that section 354A.

Q Horrigan: Any thoughts about religious belief and practice or practice?
Ans: I have nothing specific. The point is to be tolerant and inclusive and would appreciate a more flexible definition.

***Paula Minehan NH Hospital Association Opposed** This bill was confusing to us. This bill relates to vaccines. Our concern has to do with use of the term "conscience" or "conscientious" which can apply to a broad range of ideas and makes the bill too vague. The current law uses "creed" in the context of religion. There is little consistency in our statutes, and I believe putting "religious beliefs" in would add confusion.

Frank Knaack ACLU NH Neutral We are confused about the intent of this bill. Most of the laws amended in this bill have religious references. It is unclear how broadly this bill would apply when it comes to LGBTQ people or others
Q Wuelper: Please explain the confusion

Mike Tierney Self **Information** the language "dictates of his own conscience" comes directly from the NH constitution and, under the recent NH Supreme court Mack decision includes both religious belief and practice.

Rep Kurt Wuelper, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1519 Date 1/20/22

Committee Judiciary

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Diane Power	Brookline		self	✓	
CHET CLEM	WEST LEBANON			✓	
Rep Keith Ammon	New Boston		Hills 40	✓	
REP JESS EDWARDS	ROCK DIST 4			✓	

House Remote Testify

Judiciary Committee Testify List for Bill HB1519 on 2022-01-20

Support: 9 Oppose: 81 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/17/2022 10:42 AM
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Oppose	No	No	1/17/2022 11:49 AM
Podlipny, Ann	Chester, NH apodlipny57@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/17/2022 12:49 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/17/2022 12:51 PM
Burr, Emily	Canterbury, NH revemilyburr@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 1:29 PM
Hayward, Marcia	Laconia, NH mjhayward131@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 1:42 PM
Potucek, John	Derry, NH potucek1@comcast.net	An Elected Official	Myself	Support	No	No	1/17/2022 1:52 PM
Lynch, Chrisinda	Concord, NH cmmelynch@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/17/2022 3:34 PM
Davidson, Suellen	Hollis, NH suellendavidson@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 4:02 PM
Smith, Sara	Pembroke, NH sara.rose.ssmith@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 5:14 PM
Berk, Bruce	Pittsfield, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 5:21 PM
Tucker, Theresa	Thornton, NH Mrsrover@charter.net	A Member of the Public	Myself	Support	No	No	1/17/2022 7:51 PM
Weber, Jill	Mont Vernon, NH jill@frajilfarms.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 7:54 PM

Davidson, Stuart	Hollis, NH studavidso@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 9:21 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 9:58 PM
Falk, Cheri	Wilton, NH falk.cj@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:09 AM
Falk, Stephen	Wilton, NH Falkfinewoodworking@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:10 AM
Goggans, Ron	Campton, NH rongoggans@gmail.com	An Elected Official	Myself	Oppose	No	No	1/18/2022 10:38 AM
Cecchetti, Lynda	Strafford, NH lcecc92017@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:46 AM
Erickson, Amy	Wolfeboro, NH ableacres@outlook.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 11:15 AM
Burnap, Linda	Wolfeboro, NH 54able@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 11:57 AM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 2:07 PM
Saba, Robin	CANDIA, NH rbrooks230@hotmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 2:46 PM
Hurley, Paula	Concord, NH graffymanor@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 2:48 PM
Brenton, Anne	Atkinson, NH anne.berg1@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 4:03 PM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 4:21 PM
Zaenglein, Barbara	AMHERST, NH bzaenglein@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 4:59 PM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 5:04 PM
Grossi, Anne	Bedford, NH adgrossi7982@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 8:17 PM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 8:36 PM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 8:52 PM

Frost, Sherry	Dover, NH s.frost@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/19/2022 9:05 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 10:06 AM
Reed, Sarah	Concord, NH stubbs.saraha@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 10:50 AM
Reed, William	Concord, NH willie.b.reed@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 10:50 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 1:40 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	No	1/19/2022 3:57 PM
Broshek, Mary Anne	ANDOVER, NH mabandsadie@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 7:02 PM
Brough, J	New Hampton, NH mmiw@live.com	A Member of the Public	Myself	Support	No	No	1/19/2022 7:18 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 8:37 PM
Sinclair-pappas, Barbara	Chichester, NH bespappas@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 8:40 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:01 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:27 PM
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:36 PM
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:47 PM
Loveless, Eric	bedford, NH nassur34@protonmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 12:30 AM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 6:44 AM
Fraysse, Michael	Epsom, NH mikefraysse@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 7:34 AM
Hatch, Sally	Concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/20/2022 7:42 AM

Dewey, Karen	NEWPORT, NH pkdewey@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/20/2022 8:11 AM
perez, maria	milford, NH mariaeli63@gmail.com	An Elected Official	Myself	Oppose	No	No	1/20/2022 9:43 AM
Hayes, Randy	Canterbury, NH rcompostr@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 9:51 AM
Palm, Allison	Nashua, NH minister@uunashua.org	A Member of the Public	Myself	Oppose	No	No	1/20/2022 11:10 AM
Barschow, Caro	Cambridge, MA internminister@uunashua.org	A Member of the Public	Myself	Oppose	No	No	1/20/2022 12:06 PM
Heath, Rev. Heidi	Exeter, NH heidi@nhchurches.org	A Member of the Public	Myself	Oppose	No	No	1/20/2022 2:38 PM
Coley, Elizabeth	Thornton, NH libberon@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 5:44 PM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	1/20/2022 7:13 PM

Statement by Gilles Bissonnette, ACLU-NH Legal Director
House Judiciary Committee
ACLU-NH and GLAD Opposition to House Bill 1519
Hearing: January 20, 2022

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire ("ACLU-NH"), a non-partisan, non-profit organization working to protect civil liberties for over 50 years, and GLBTQ Legal Advocates & Defenders ("GLAD"), a legal advocacy non-profit organization supporting the rights of the LGBTQ across New England. Having now heard the full testimony concerning the intent of this bill, we now respectfully urge the Committee to vote *inexpedient to legislate* HB1519, which defines "religious belief" and adds it to various anti-discrimination laws.

At the outset, to the extent this bill aims to allow religious belief exemptions for employer vaccine mandates, it continues to be unclear to us why this bill is necessary. Under our Law Against Discrimination, "An employer who adopts a mandatory [vaccine] policy would … be required to make efforts to accommodate those employees *with religious objections* or disabilities that prevent them from becoming vaccinated."[1] Similarly, Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on religion, also requires employers to provide employees with a right for job applicants and employees to request an exception from a vaccine requirement—called a religious or reasonable accommodation—that conflicts with their sincerely held religious beliefs, practices, or observances. If an employer shows that it cannot reasonably accommodate an employee's religious beliefs, practices, or observances without undue hardship on its operations, the employer is not required to grant the accommodation. EEOC guidance also explains that "the definition of religion is broad and protects beliefs, practices, and observances with which the employer may be unfamiliar. Therefore, the employer should ordinarily assume that an employee's request for religious accommodation is based on a sincerely held religious belief, practice, or observance."[2] In other words, in New Hampshire, "religion" or "creed" are already protected.

In adding "religious belief," what additional protections is this bill intended to provide? Because of the existing protections, this addition of "religious belief" in this bill suggests that this bill is designed to be more expansive—an expansion which, as explained below, could have the consequence of allowing employees to use religious beliefs to create a discriminatory environment against customers and other employees.

First, this bill—particularly, sections 3 and 4—could be construed to force employers to accommodate employees who refuse to perform certain essential job duties on the basis of their "religious beliefs."

For example, it could be construed to cause employers to not timely provide certain medical care in the form of prescription drugs to persons, as employees potentially would have the ability to refuse to refill a prescription on the basis of "religious belief." In other words, under this bill, an employer plausibly may not be able to take action against an employee who refuses, on religious grounds, to provide/sell birth control, condoms, or fulfill medical prescriptions for reproductive medical care.

We do not believe that individual pharmacists with religious objections should be able to prevent women from accessing contraception. Pharmacies should honor individual pharmacists' religious beliefs wherever possible; however, the patient's right to obtain legally prescribed medication should always come first. Although the New Hampshire and United States Constitution protects individuals from government interference with their practice of religion, it does not confer an absolute right to disregard the rights or welfare of others. This bill could be construed as contravening this principle.

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[1] Anna B. Cole, "HR REPORT: To Mandate or Not to Mandate – The Vaccine Question on Everyone's Mind," N.H. Municipal Association Town & City Magazine (May/June 2021), https://www.nhmunicipal.org/town-city-article/hr-report-mandate-or-not-mandate-%E2%80%93-vaccine-question-everyone%E2%80%99s-mind (emphasis added).

[2] EEOC, "What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws," Section L entitled "Vaccinations – Title VII and Religious Objections to COVID-19 Vaccine Mandates," https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#L.

Second, as Mr. Frank Knaack—the ACLU-NH's Policy Director explained—this bill's provisions in sections 3 and 4 could also be construed to negatively impact the ability of private businesses to create safe and inclusive environments for LGBTQ+ employees and staff or members of the public. For example, employers may be unable to choose for themselves what environment they provide for their employees, clients, customers, etc. Indeed, the bill could prevent employers from being able to comply with nondiscrimination laws because a hypothetical employee may hold a competing protected "religious belief" that he must harass and not respect LGBTQ+ people, which in turn could create a hostile work environment for LGBTQ+ employees.

For these reasons, the ACLU-NH and GLAD oppose HB1519.

HB1519

My name is Laurie Ortolano. I live in Nashua. I am the Vice President of Right to Know New Hampshire. We support HB 1195 relative to amending public comment periods at a public meeting. We have amended the language and your copies reflect this language change.

We are supporting public comment becoming a part of open meetings. We support public comment at the beginning and end of a meeting. The initial comment period would allow the public to provide input on items being acted upon. Additionally, members of the public who cannot stay for the second period, as often meetings can run late, they would be assured of input. The second public comment period would allow comments for future agenda items or on motions made during the meeting.

I have attached Nashua's public comment ordinance. Speakers have a time limit of 3 minutes with a total public comment time of 15 minutes. This was enacted in Nashua approximate 2 years and adopted from the City of Manchester's public comment policy which also uses the same language

The amended language is as follows:

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to public comment periods at public meetings.

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

1 New Paragraph; Access to Governmental Records and Meetings; Meeting Open to the Public; Public Comment. Amend RSA 91-A:2 by inserting after paragraph III the following new paragraph:
IV. All meetings of a public body open to the public under this chapter shall include a period of public comment at the beginning and end of the ~~agenda for~~ the meeting. The individual public comment time shall not be less that 3 minutes with a total public comment time for each period of not less than 15 minutes. The content of the public comment shall not be limited or censored. ~~The chairperson may determine the length of time, for both total time and individual time, for the public comment but shall not limit or censor the content of the public comment; provided, however, that the period of public comment shall not be limited to a total time period of less than 15 minutes unless no further public comment is offered.~~
2 Effective Date. This act shall take effect 60 days after its passage.

Please support this amendment and add public comment to public meetings.

Sincerely,
Laurie Ortolano
41 Berkeley St
Nashua, NH

Dear members of the House Judiciary Committee,

My name is Rev. Allison Palm. I am a Unitarian Universalist minister serving the Unitarian Universalist Church of Nashua and a resident of Nashua. I am writing to express my opposition to HB 1519.

While I deeply believe in freedom of religion, this bill is misguided and could have dire consequences for LGBTQ folks in NH. The existing language in the non-discrimination laws for "religion" and "creed" are sufficient to protect people of faith from discrimination in our state. The definition of religious belief as "spiritual worship in the manner and season most agreeable *to the dictates of an individual's own conscience*" is unnecessary and can be interpreted in ways that could be incredibly harmful to the LGBTQ community. For example, with the updated language in HB 1519, if a public employee refuses to serve a transgender citizen because trans identity is disagreeable to their personal conscience, the public employee may be protected by state anti-discrimination laws.

To add *personal religious belief* to virtually every non-discrimination clause in the state lawbooks would turn back the progress NH has made to recognize the rights and dignity of the LGBTQ community, particular those with diverse gender identities.

As a faith leader, I am confident that the protections for freedom of religion already exist in our state anti-discrimination clauses and concerned that HB 1519 would undermine hard-fought protections for LGBTQ citizens. Please protect the rights of all New Hampshire citizens and oppose this bill.

Sincerely,
Rev. Allison Palm
Unitarian Universalist Church of Nashua

Thursday, January 20, 2022

Greetings to the members of the Judiciary Committee. My name is Caro Barschow. I serve the Unitarian Universalist Church of Nashua as Intern Minister. As a person of faith, I offer testimony in opposition to HB1519. I fear that the changes posed by HB1519 will erode protections from discrimination instead of enhance them.

The language changes proposed in HB1519 would open the door for individuals to discriminate against others in the name of a personal religious belief. Who would be most impacted by this? Members of the LGBTQ+ community and religious minorities. I shudder to imagine a public employee refusing to serve a transgender individual or Muslim individual and defending this discrimination in the name of "religious belief." It is profoundly dangerous for democracy to add this language to the state's non-discrimination laws. Please oppose HB1519 to protect the rights of all of New Hampshire's citizens to be free from harm in the name of religious belief.

Unitarian Universalists deeply value freedom of religion and expression of individual conscience. At the same time, we value justice and equity in community relationships. Existing non-discrimination laws all ready broadly protect New Hampshire's citizens from discrimination based on an individual's professed religion or creed.

Thank you for considering my testimony in opposition to HB1519.

Archived: Wednesday, March 16, 2022 10:38:57 AM
From: Paula Minnehan
Sent: Friday, January 21, 2022 6:03:13 PM
To: ~House Judiciary Committee
Subject: RE: NHHA Opposed to HB 1519 - heard on 1/20/22
Importance: Normal

Sorry – previous email had the wrong bill number referenced in the subject line.

Good Afternoon Mr. Chairman and members of the House Judiciary Committee,

As I stated in my verbal testimony yesterday during the HB 1519 Hearing, the New Hampshire Hospital Association is opposed to HB 1519. My written testimony was revised (not submitted) upon hearing the introduction of the bill by Representative Foster, the prime sponsor. The bill is confusing and the definition of "religious beliefs" is too broad and vague. We contend that the bill is actually not necessary. Existing laws protects individuals from discrimination based on religion.
Thank you for the opportunity to share our comments
We do urge the committee to find HB 1519 Inexpedient to Legislate.

Thank you,
Paula

Paula M. Minnehan
Senior Vice President, State Government Relations
New Hampshire Hospital Association
125 Airport Road
Concord, NH 03301
(603) 415-4254 (direct dial)
(603) 496-1047 (cell)
pminnehan@nhha.org
www.nhha.org

find us on facebook and twitter



Archived: Wednesday, March 16, 2022 10:38:57 AM
From: Rev. Heidi Carrington Heath
Sent: Friday, January 21, 2022 10:38:05 AM
To: ~House Judiciary Committee
Subject: Testimony on HB1519
Importance: Normal

Dear Members of the House Judiciary Committee,

We write to ask you to vote HB1519 Inexpedient to Legislate.

Briefly, the Council of Churches believes this bill is a solution in search of a problem. Religion is already a protected class in our state statutes. Broadly speaking, "Religious Belief" is not a helpful framework, or category we would use when speaking about people's religious practices. It feels redundant.

If the sponsors of this bill are seeking to more deeply engage the rising antisemitism in NH (and across the nation), or experiences of Islamophobia in New Hampshire? The Council of Churches would be glad to assist in connecting them to applicable communities, or speaking further from our perspective as allies in that work. However, we do not believe this bill to be helpful, or necessary at this time. We appreciate the committee's work, and hope you will move this bill inexpedient to legislate.

Thank you.

Blessings,

The Rev. Heidi Carrington Heath

--

Rev. Heidi Carrington Heath
Pronouns: she/her/hers
Executive Director
New Hampshire Council of Churches
PO Box 1087
Concord, NH 03302
Phone (call or text): (603) 460-5447
Website: www.nhchurches.org
Email: heidi@nhchurches.org

I am consistently in the office Tuesday-Thursday. If your email, or message falls outside those working hours, there may be a delay in my response. It is not atypical for me to take more than 24 hours to respond to email. My working hours and your working hours may not coincide. Please do not feel obligated to reply outside of your normal working hours. I encourage your sabbath practice.

HB 1519-FN - AS INTRODUCED

2022 SESSION

22-2469
08/05

HOUSE BILL ***1519-FN***

AN ACT defining "religious belief" and protecting it from discrimination.

SPONSORS: Rep. Foster, Hills. 5; Rep. Pauer, Hills. 26; Rep. G. Sanborn, Graf. 6; Rep. Deshaies, Carr. 6; Rep. Spillane, Rock. 2; Rep. Ammon, Hills. 40; Rep. Edwards, Rock. 4; Rep. T. Lekas, Hills. 37; Rep. Rollins, Sull. 6

COMMITTEE: Judiciary

ANALYSIS

This bill defines "religious belief" and protects it from discrimination.

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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.

22-2469
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT defining "religious belief" and protecting it from discrimination.

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

1 New Paragraph; Religious Belief. Amend RSA 354-A:2 by inserting after paragraph XIV-e the following new paragraph:

XIV-f. “Religious belief” means spiritual worship in the manner and season most agreeable to the dictates of an individual's own conscience.

2 State Commission for Human Rights; Unlawful Discriminatory Practices in Public Accommodations. Amend RSA 354-A:17 to read as follows:

354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, because of the age, sex, gender identity, race, creed, ***religious belief,*** color, marital status, physical or mental disability or national origin of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of age, sex, gender identity, race, creed, ***religious belief,*** color, marital status, physical or mental disability or national origin; or that the patronage or custom thereat of any person belonging to or purporting to be of any particular age, sex, gender identity, race, creed, ***religious belief,*** color, marital status, physical or mental disability or national origin is unwelcome, objectionable or acceptable, desired or solicited. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

3 Department of Administrative Services; Division of Personnel. Amend RSA 21-I:42, XVI to read as follows:

XVI. Developing and implementing an equal employment opportunity program that will ensure the employment of all qualified people regardless of age, sex, gender identity, race, color, sexual orientation, ethnic background, ***religious belief,*** marital status, or physical or mental disability. This program shall include a review and revision of the job classification process and testing process to ensure that they are free from either conscious or inadvertent bias.

4 Department of Administrative Services; Classified Employees; Appeals. Amend RSA 21-I:58, I to read as follows:

I. Any permanent employee who is affected by any application of the personnel rules, except for those rules enumerated in RSA 21-I:46, I and the application of rules in classification decisions appealable under RSA 21-I:57, may appeal to the personnel appeals board within 15 calendar days of the action giving rise to the appeal. The appeal shall be heard in accordance with the procedures provided for adjudicative proceedings in RSA 541-A. If the personnel appeals board finds that the action complained of was taken by the appointing authority for any reason related to politics, religion, ***religious belief,*** age, sex, gender identity, race, color, ethnic background, marital status, or disabling condition, or on account of the person's sexual orientation, or was taken in violation of a statute or of rules adopted by the director, the employee shall be reinstated to the employee's former position or a position of like seniority, status, and pay. The employee shall be reinstated without loss of pay, provided that the sum shall be equal to the salary loss suffered during the period of denied compensation less any amount of compensation earned or benefits received from any other source during the period. "Any other source" shall not include compensation earned from continued casual employment during the period if the employee held the position of casual employment prior to the period, except to the extent that the number of hours worked in such casual employment increases during the period. In all cases, the personnel appeals board may reinstate an employee or otherwise change or modify any order of the appointing authority, or make such other order as it may deem just.

5 Residential Care and Health Facility; Patients' Bill of Rights. Amend RSA 151:21, XVI to read as follows:

XVI. The patient shall not be denied appropriate care on the basis of race, religion, ***religious belief,*** color, national origin, sex, gender identity, age, disability, marital status, or source of payment, nor shall any such care be denied on account of the patient's sexual orientation.

6 Residential Care and Health Facility; Patients' Bill of Rights. Amend RSA 151:21-b, II(b) to read as follows:

(b) Receive appropriate and professional care without discrimination based on race, color, national origin, religion, ***religious belief,*** sex, gender identity, disability, or age, nor shall any such care be denied on account of the patient's sexual orientation.

7 Civil Rights Act; Enforcement. Amend RSA 354-B:1, I to read as follows:

I. All persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, ***religious belief,*** national origin, ancestry, sexual orientation, sex, gender identity, or disability. "Threatened physical force" and "threatened damage to or trespass on property" is a communication, by physical conduct or by

declaration, of an intent to inflict harm on a person or a person's property by some unlawful act with a purpose to terrorize or coerce.

8 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(f) to read as follows:

(f) Was substantially motivated to commit the crime because of hostility towards the victim's religion, race, creed, ***religious belief,*** sexual orientation as defined in RSA 21:49, national origin, sex, or gender identity as defined in RSA 21:53;

9 Franchising and Regulation of Cable Television Systems; Rights of Individuals. Amend RSA 53-C:3-g to read as follows:

53-C:3-g Rights of Individuals. No cable television system operator shall deny service, deny access, or otherwise discriminate against subscribers, channel users, or any other citizens on the basis of age, race, religion, ***religious belief,*** sex, gender identity, sexual orientation, physical disability, or country of natural origin.

10 New Hampshire Mental Health Services System; Discrimination Prohibited. Amend RSA 135-C:13 to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, ***religious belief,*** sex, gender identity, or inability to pay. Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

11 New Hampshire Mental Health Services System; Fundamental Rights. Amend RSA 135-C:56, IV to read as follows:

IV. No person receiving mental health services shall be discriminated against in any manner because of race, color, sex, gender identity, sexual orientation, religion, ***religious belief,*** national origin, age, disability, or degree of disability.

12 New Hampshire Employment Program and Family Assistance Program; Administrative Duties; Rulemaking. Amend RSA 167:83, III(e) to read as follows:

(e) To not be discriminated against because of gender, race, creed, color, sex, gender identity, sexual orientation, age, disability, political affiliation or beliefs, religion, ***religious belief,*** or national origin.

13 Loan Corporations; Administration of Loans; No Discrimination. Amend RSA 195-E:14, I to read as follows:

I. The foundation, a qualified educational institution and a loan corporation shall have the full power and authority and be subject to all rights, responsibilities and liabilities for the administration of a loan program and for the distribution and collection of loans to qualified students or their parents, including the determination of who is eligible to receive loans, the amounts of the loans, repayment schedules and interest rates to be charged; provided that the terms are in accordance with law and do not discriminate against any person on account of race, creed, ***religious belief,*** national origin, sex, gender identity, sexual orientation, or age. In the case of student loans made to eligible students or the parents of such students who attend educational institutions that are not qualified educational institutions, the foundation shall have primary responsibility for the administration of such portion of the loan program and the servicing of such loans; provided, however, that this sentence shall not prohibit the foundation from contracting with another entity for assistance in such administration and servicing as agent for the foundation.

14 Housing Finance Authority; Definitions. Amend RSA 204-C:1, X to read as follows:

X. "Eligible persons and families" shall mean a person or persons, and families of 2 or more persons, irrespective of race, creed, ***religious belief,*** national origin, sex, or gender identity, determined by the authority to require assistance under this chapter on account of insufficient personal or family income taking into consideration, without limitation, such factors as follows: (a) the amount of the total income of such persons and families available for housing needs; (b) the size of the family; (c) the cost and condition of housing facilities available; (d) the ability of such persons and families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing; and (e) if appropriate, standards established for various federal programs determining eligibility based on income of such persons and families.

15 Dog and Horse Racing Employees, Elections. Amend RSA 273-C:10, VI(b) to read as follows:

(b) The board shall decertify any employee organization which is found in a judicial proceeding to discriminate with regard to membership, or with regard to the conditions thereof, because of age, sex, gender identity, sexual orientation, race, color, creed, ***religious belief,*** marital status or national origin; or has systematically failed to allow its membership equal participation in the affairs of the employee organization.

16 Consumer Guaranty Contracts; Prohibited Acts and Terms. Amend RSA 415-C:7, I(h) to read as follows:

(h) Unfairly discriminate based solely on age, place or area of residence, race, color, creed, national origin, ancestry, marital or civil union status, lawful occupation including military service, sex, gender identity, sexual orientation, religion, ***religious belief,*** or blindness or other disability.

17 Preferred Provider Agreements; Discrimination Prohibited. Amend RSA 420-C:5 to read as follows:

420-C:5 Discrimination Prohibited. No health care insurer shall discriminate against any provider on the basis of religion, ***religious belief,*** race, color, national origin, age, sex, gender identity, sexual orientation, or marital status. Reasonable terms and conditions including, but not limited to, those based on economic or geographic considerations, certain affiliations, or professional privileges shall not be prohibited under this section.

18 Jurors; Prohibition of Discrimination. Amend RSA 500-A:4 to read as follows:

500-A:4 Prohibition of Discrimination. A citizen of this state shall not be excluded from jury service on account of race, color, religion, ***religious belief,*** sex, gender identity, national origin or economic status.

19 Unlawful Discriminatory Practices. Amend RSA 354-A:7, III to read as follows:

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed***, religious belief,*** or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed***, religious belief,*** or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

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

LBA
22-2469
Redraft 12/2/21

HB 1519-FN- FISCAL NOTE
AS INTRODUCED

AN ACT defining "religious belief" and protecting it from discrimination.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill defines "religious belief" and protects it from discrimination in various State statutes. These statutes include provisions for possible complaints, investigations, hearings, administrative fines, appeals to the superior court, civil actions, misdemeanors and extended terms of imprisonment. There is no method to determine how many, if any, actions would be brought as a result of the changes contained in this bill to determine the fiscal impact on State expenditures.

The Human Rights Commission indicates this bill would expand RSA 354-A to include a person's religious belief as a protected class for anti-discrimination protections regarding public accommodations. The Commission states the fiscal impact is indeterminable because it is unknown how many new cases may result from the bill. Therefore, the Commission has no information at present to determine if additional resources or staff will be needed.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Human Rights Commission