

Amendment to HB 1072

1 Amend the bill by replacing section 1 with the following:

2

3 1 Inspections. Amend RSA 273:9 to read as follows:

4 273:9 Inspections. The commissioner shall, at such times as ~~he~~ **the commissioner** shall deem
5 it necessary, ~~and without notice~~ **pursuant to this section**, visit the manufacturing, mechanical,
6 and mercantile establishments in the state, so far as practicable, for the purpose of ascertaining
7 whether the laws with reference to employment are complied with, and for the further purpose of
8 ascertaining if reasonable sanitary and hygienic conditions are maintained, calculated to promote
9 the health and welfare of the working people.

10 ***I. The commissioner shall provide notice of a visit or inspection to the owner of an***
11 ***establishment no less than 30 days prior to the visit. The notice shall state the specific***
12 ***lawful purpose of the visit, identify whether the visit or inspection is related to a***
13 ***complaint, and describe any alleged violation.***

14 ***II. The commissioner shall allow an establishment that is subject to a request or***
15 ***demand for documents, written responses, or interviews, regardless of whether the request***
16 ***is based on a complaint, no less than 30 days from the date of the demand or response, to***
17 ***respond to such a request or demand.***

18 ***III. The commissioner may conduct visits or inspections with less than 30 days'***
19 ***notice, or make a request or demand for documents, responses, or interviews sooner than 30***
20 ***days from the date of the request or demand for one of the following reasons:***

21 ***(a) The establishment was found to be in violation by the commissioner in the***
22 ***previous 36 months.***

23 ***(b) The commissioner believes, based on substantial evidence, that a specific***
24 ***alleged violation poses an imminent risk to the health or safety of employees, consumers, or***
25 ***the public.***

26 ***(c) The commissioner believes, based on substantial evidence, that complying***
27 ***with these requirements may result in the destruction of evidence or other interference on***
28 ***the part of the establishment.***

29 ***(d) The commissioner is enforcing the provisions of RSA 157-A, relative to***
30 ***boilers and pressure vessels.***

31 ***(e) The commissioner is enforcing the provisions of RSA 157-B, relative to***
32 ***elevators and accessibility lifts.***

1 *(f) The commissioner is enforcing the provisions of RSA 276-A:4, I, relative to the*
2 *prohibition against youth being employed or permitted to work in any hazardous*
3 *occupation.*

4 *(g) The commissioner is enforcing the provisions of RSA 277, relative to public*
5 *workplace safety.*

6 *(h) The owner or owner's representative has had an opportunity to review the*
7 *notice document required by paragraph I and has provided written consent to waive the 30*
8 *day deadline.*