

Senate Health and Human Services Committee

Sonja Caldwell 271-2117

HB 1584-FN, directing the department of health and human services to provide notice of medical and religious exemptions from immunization requirements and relative to the form of such exemption.

Hearing Date: April 2, 2026

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill directs the department of health and human services to provide notice of medical and religious exemptions from immunization requirements and provides that any written signed statement attesting to the religious objection shall be sufficient.

Sponsors:

Rep. Potenza

Rep. Kofalt

Rep. Layon

Rep. Mazur

Who supports the bill: 149 people signed in support of the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who opposes the bill: 328 people signed in opposition to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Kelley Potenza, Strafford – District 19

- Rep. Potenza stated that this bill was not about changing New Hampshire's immunization requirements, eliminating vaccines, or discouraging vaccination. She said it was about truthful disclosure, statutory clarity, and respect for existing rights.
- NH law has long recognized medical and religious exemptions from immunization requirements. What has changed is how those rights are communicated to parents and the public. This bill addresses that gap.

- The bill requires the Dept. of Health and Human Services, when promoting vaccination, to disclose that medical and religious exemptions are available under NH law. That notice must be prominent.
- The bill also clarifies that parents are not required to use a state-created form to claim a religious exemption. Any signed, written statement attesting to a religious exemption is sufficient per existing NH statute.
- She noted that the bill as introduced had penalties, but they were removed in the bill when amended by the House.
- Religious exemption statements are not used by any school or daycare center. What is used are the medical records one has to provide to the school.
- The bill also creates modest accountability to ensure compliance. DHHS already has a compliance department so there should not be any additional cost associated with this bill.
- This bill does not create any new exemptions or remove any immunization requirements.
- When parents receive complete information, they are more likely to engage responsibly with schools and healthcare providers.
- This respects religious liberty and parental rights, and reinforces legislative intent without interfering with public health operations.
- Some have said that this bill is not necessary. She showed an example of a back-to-school checklist that she said was provided at a Dartmouth pediatrician's office saying that NH law requires that middle schoolers be vaccinated against nine preventable, communicable diseases. It did not say that medical and religious exemptions were an option. She said it was a prime example of not showing choice.
- She wants any flyers put out by the DHHS to say that NH offers medical and religious exemptions.
- Sen. Rochefort stated that he thought the legislature fixed the religious exemption last year and said that it did not have to be on a specific form.
 - o Rep. Potenza said unfortunately it was not fixed last year. There was a bill but it was vetoed by the Governor; however, Rep. Potenza said she did not think we would have that problem this year. She added that no one should have to jump through any hoop to claim a religious exemption.
 - o She said there are things on the state-created form that are an invasion of privacy. There were questions about individual vaccines. She said medical paperwork that automatically goes to schools has all of that information on it.
 - o She said that her kids have attended public school so she is familiar with the process of religious exemptions and forms.

- We have to get back to the statement that people have signed for decades without any problems.
- Sen. Rochefort asked about the new paragraph in the 1st section, specifically lines 6-7. He said that her testimony sounded like she is targeting childhood vaccines, however there are other vaccines, like the shingles vaccine for example, that are elective and not mandated at all. He asked if it was her intention for promotional or public health material on a shingles vaccine to be required to contain disclose the option for a medical or religious exemption.
 - Rep. Potenza said no, it was only her intent for it to apply to mandated vaccines under RSA 141c.

Representative Jessica LaMontagne, Strafford – District 17

- This bill tells the Dept. of Health and Human Services to post on every communication involving vaccines that medical and religious exemptions are available under the law. It goes on to state that this statement must be in a large, prominent font. This is essentially telling public health professionals that they must remind people that they don't have to follow their own recommended, science-based guidelines.
- She said the bill is like DHHS having a poster saying that frequent handwashing is important to prevent the spread of diseases and then in equally large font, you don't really have to. She said it would also be like the DMV advertising a motorcycle safety course and then also saying you don't have to wear a helmet according to NH law.
- People can choose not to wear a helmet, or people can choose not to vaccinate their children, and this bill does not change that. What the bill does is force public health professionals to disavow and undermine their own positions.
- If this bill passes, it will result in declining vaccination rates because it is undermining public health messages that we have entrusted DHHS to deliver.
- Declining vaccination rates have brought back childhood disease that we once had under control.
- She said the bill is a waste of time for the department and would require a lot of reprinting of materials.

Representative Lucy Weber, Cheshire – District 5

- Rep. Weber said the bill has a 30-day effective date, meaning DHHS will only have 30 days to change every single thing they have ever issued that has immunization references. That is a waste of already scarce resources.
- The existing religious exemption has nothing intrusive. The part about vaccinations is discretionary and says so on the form.
- She stated that the penalty section is still in the bill and creating a misdemeanor or felony for an error in typography seems to be overkill.

Megan Heddy & Iain Watt, Department of Health and Human Services

- The Department of Health and Human Services is opposed to the bill.
- Section 1 would require the department to display the message that medical and religious exemptions are available under NH law. This would be required in all forms of communication related to immunizations. The bill does not differentiate between the types of communication, the target audience, or the specific topic or issue being addressed by the department's communications.
- For example, annual communications to healthcare providers about respiratory virus immunizations, none of which are school or childcare requirements, would still need to provide the statement about exemptions under this bill.
- That required statement would not apply to the majority of communications that the department provides about immunizations, which reach different populations and age groups.
- This may lead to confusion about medically relevant health information. Currently, information regarding school and child care exemptions is available on the Division of Public Health website, the Dept. of Education website, and child care licensing web pages.
- Section 2 would allow parents to submit any written, signed statement for religious exemptions rather than utilizing the standard DHHS form that is currently in use and has been in use since March of 2023, after being approved by JLCAR.
- This form is a useful administrative tool that provides a clear and uniform process for schools and families seeking those religious exemptions. The department has heard from school nurses and families that it is helpful to them.
- The form also allows the school to share important information with families of those unvaccinated children in the event that an outbreak of a vaccine-preventable disease occurs for which an immunization is required. The student may need to be excluded from school attendance per RSA 141-C:20-d if the situation warrants it for their health and safety.
- No data goes to DHHS. The form is kept at the school.
- Similar legislation, HB358, was brought forward in 2025 that was vetoed and sustained.
- The department is also concerned about the penalties in section 3 of the bill. HB1584 is unclear on who will be responsible for the evaluation of possible violations and will lead to increased costs for staff time for the department's legal staff.
- The department has determined the need for a part-time position estimated at \$43,000 in fiscal year 2027 to support the needs of the activities associated with this bill.

- They requested that the effective date of the bill be extended by an additional 9 months to comply.
- Sen. Rochefort asked if there was legislation that instructed that the form be created or if the department did it on their own.
 - o Ms. Heddy responded that the current legislation says that a form will need to be provided. Lines 16-17 of the bill state that a parent or legal guardian shall sign a form stating that the child has not been immunized. The Department worked through administrative rules in 2023 to create that form.
- Sen. Rochefort said it sounded like the legislation may have been open-ended and asked if that is how DHHS decided what to put on the form.
 - o They said there were no specifications of exact detail.
 - o The content of the form is largely to inform what school nurses and others told them is necessary. The department does not receive any of this information.
 - o There is no required information on the form. The information listed is largely just identifiable to the individual. It is completely optional to list which immunizations you are referring to in your exemption.
- Sen. Rochefort asked about the new paragraph in lines 1-9 and asked if there is anywhere on the department's website that is easily found and understood that discusses exemptions and how to obtain one.
 - o The department's website has 2 sections where this can be found, and she provided the committee with copies. Information on exemptions can be found on the child care web page and the school web page. One does not even have to scroll down to see the information.
 - o The DOE website also has it.
- Sen. Avard asked if the form that had been provided to the committee was JLCAR approved.
 - o Ms. Heddy said yes.
- Sen. Avard stated that the form says in bold letters that the information is voluntary.
 - o Ms. Heddy said that was correct.
- Sen. Avard stated that the form is not complicated.
- Sen. Avard asked if the governor vetoed similar language.
 - o HB 358 was similar and the Governor vetoed that bill and the veto was upheld
- Sen. Prentiss asked about the enforcement language in the bill, and if she was correct that the commissioner would be responsible.

- They said that was their interpretation as well. The commissioner would be responsible for some version of disciplinary action, which isn't specified.

Dr. Julie Kim, American Academy of Pediatrics

- Dr. Kim is a retired pediatric oncologist and is opposed to the bill because in her experience, the current system is working.
- As a pediatric oncologist, all of her patients need medical exemptions for vaccinations because they cannot get vaccinated while they are immunocompromised. That system works very well.
- When she brings this up to her patient's families, many of the parents are already aware of the exemptions because the information exists on the DHHS website.
- Most of the time they have already filled out the form.
- It is a one-page form that does not need notarization.
- The process is working as it is and does not need any changes.

Dr. Christine Arsnow, American Academy of Pediatrics

- Dr. Arsnow is a pediatrician in Concord and is President of the NH Chapter of the American Academy of Pediatrics. She urged the committee to oppose HB1584.
- It does feel contradictory to recommend a vaccine and immediately say in bold print that you don't have to.
- To find out how easy it is to find the form, she Googled 'how can I avoid vaccinations in NH,' and the religious exemption form came right up.
- This language would have a cost to DHHS and it seems like an unnecessary use of funds given that the process works well as it is.
- This would just create confusion and would make important public health information harder for families to understand and find.

Rich Gulla, New Hampshire State Employee's Association

- Mr. Gulla stated strong opposition to HB1584.
- Mr. Gulla stated that this is not a vaccine policy bill, but rather a state workforce governance bill, and in that respect, it is deeply flawed.
- Section 3 of the bill requires that a state employee who is deemed non-compliant shall be reported and the commissioner shall ensure appropriate disciplinary or corrective action. This is not guidance or general policy direction. It is a statutory mandate tied directly to employee discipline.
- They are concerned that this bill interferes with existing statutes and regulations specifically crafted to address state employee accountability and undermines well-established precedent and well-understood standards.

- NH already has a comprehensive framework governing employee discipline in RSA 21-I. These laws establish and ensure due process.
- This bill undermines, and conflicts with RSA 21-I, especially section 43-I, which gives the director of personnel the sole authority to adopt rules pertaining to employee discipline. This bill seeks to deprive the director of that authority.
- It would also limit the authority of the personnel appeals board and cause confusion by dictating disciplinary mechanisms outside of RSA 21-I and the personnel rules.

Kate Frey, New Futures

- Ms. Frey expressed opposition to HB1584.
- This bill mandates the department to clearly notice that there are medical and religious exemptions available under NH law.
- They are opposed to the bill because it is an attempt to weaken immunization requirements.
- When children receive all recommended immunizations on time, the whole community benefits.
- High childhood vaccination rates help create community immunity.
- These policies help ensure all children get the opportunity to grow healthy. Parents are less likely to miss days of work due to sick children.
- A strong and healthy community is good for the economy.
- Recently all states, including NH, have seen a dip in vaccination rates, which is concerning. A bill like this would just lead to further dips and exemptions.
- Public health achievements like vaccines are a victim of their own success. Because of vaccines, we have eliminated many diseases we don't see anymore.

Larisa Trexler

- Ms. Trexler is a registered nurse and supports HB1584.
- As a mom, nurse, and advocate she wanted the committee to know the process is not working as it is. It was working well until the DHHS made the new form. She said they created the form when the only legislative ask was to remove the notarization requirement.
- Prior to July 2022, parents could submit a simple statement that the child has not been immunized because of religious beliefs. It did not expire and did not have vaccination specificity. It did not require the student's grade level.
- She expressed concern that requiring the student's grade level could lead to the expiration of the form.
- School nurses have demanded the new form and she said they look for it annually.
- The religious exemption is a protected religious right. There should be no hoops.

- She said a box checked on the form would not indicate a child's actual vaccination status.
- Many parents do not know about the religious exemption. She did not know about it before she worked in pediatrics.

Alyson Fava, New Hampshire Families for Vaccines

- They are opposed to the bill because it would not require the standardized religious exemption form which provides the clarity, consistency and accountability needed to accurately track exemption rates and respond quickly to outbreaks.
- Having a standardized process protects families and communities, ensures exemptions are informed and intentional, and helps schools keep classrooms safe and prevent the spread of disease.
- Without the form, filing and tracking exemptions would create an administrative burden. Maintaining the requirement ensures exemptions are properly documented and supports safe public health practices.

Pam DiNapoli, New Hampshire School Nurses Association

- Ms. DiNapoli is a school nurse in the Manchester School District.
- The School Nurses Association believes HB1584 is unnecessary.
- Several years ago, there was a bill that requested the creation of a form. Any form that has the state symbol on it has to be approved by JLCAR. She said they didn't approve the content of the form, just the form itself. All schools are allowed to use it and most do.
- The benefit of the form is that it is simple and easily available on the DHHS website.
- Two years ago, there was a requirement that the form be notarized, however, that requirement has been eliminated. All parents have to do is simply complete the form.
- School nurses don't ever question the form.
- Most parents don't check the boxes indicating which immunizations they already have or are exempting from.
- The form helps school nurses stay organized as part of their administrative processes.
- This bill is unnecessary. The current system works and does not cause undue hardship.
- The information on the form is kept within the school and used by the school nurse. It is helpful in the event of a vaccine-preventable disease when a child must be excluded from the school during that time.