

# Senate Health and Human Services Committee

*Sophie Walsh 271-3469*

**HB 1071**, repealing immunity afforded health care facilities when following directives adopted in response to the COVID-19 state of emergency.

**Hearing Date:** April 16, 2026

**Time Opened:** 1:32 p.m.

**Time Closed:** 1:39 p.m.

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

**Members of the Committee Absent:** Senators Avard and Birdsell

**Bill Analysis:** This bill repeals immunity afforded health care facilities when following directives adopted in response to the COVID-19 state of emergency.

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**Sponsors:**

Rep. Tom Mannion

Rep. Ankarberg

Rep. DeRoy

Rep. Wherry

Rep. McGrath

Rep. Perez

Rep. Drew

Rep. Tenczar

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**Who supports the bill:** 108 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](mailto:sophie.walsh@gc.nh.gov)).

**Who opposes the bill:** 80 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](mailto:sophie.walsh@gc.nh.gov)).

**Who is neutral on the bill:** No one.

**Summary of testimony presented:**

Representative Tom Mannion, Hillsborough – District 1

- As amended by the House, this bill repeals the immunity granted during the COVID-19 pandemic.
- Representative Mannion thinks it is important to not have RSA that could potentially be toggled on and off by an emergency related to this pandemic in the future.

Representative Yury Polozov, Merrimack – District 10

- Representative Polozov stated he is speaking in support of the bill. He referenced line 7 and explained that both supporters and opponents agree that the COVID-19 state of emergency is over.
- There are no current rules or orders that would be negatively affected by this bill.
- Representative Polozov referenced lines 8-11 of the bill, explaining that they ensure we are not litigating what happened in the past. This bill will not preclude the implementation of new measures for a new emergency.

Representative Lucy Weber, Cheshire – District 5

- Representative Weber stated that she is speaking in opposition to the bill.
- This bill repeals the protections enacted for health care facilities who changed their procedures to follow orders during the COVID-19 emergency.
- The bill also states that it is only applicable for actions taken now and going forward, yet the COVID-19 state of emergency has been over for years.
- Representative Weber believes we should leave these protections in place. They were enacted to protect health care facilities during a difficult time.

David Ross, New Hampshire Association of Counties

- Mr. Ross stated that he is speaking in opposition to the bill.
- During the COVID-19 emergency, the state's county nursing homes were on the front lines of an unprecedented health crisis. They implemented rapidly changing state and federal directives in an effort to protect residents and staff.
- The limited immunity provided recognized the extraordinary conditions in which these facilities were required to operate.
- The existing immunity granted to health care facilities does not protect reckless or intentional misconduct. It provides protection only when facilities act in accordance with official emergency directives, specifically in response to the state of emergency declared under state and federal law.
- Removing this protection would unfairly subject county nursing homes to litigation risk for following the rules they were legally required to implement. Any increase in liability exposure would directly impact local taxpayers and could strain the financial stability of these facilities.