

Senate Health and Human Services Committee

Sophie Walsh 271-3469

HB 1219, relative to immunization requirements in foster family homes.

Hearing Date: April 16, 2026

Time Opened: 1:40 p.m.

Time Closed: 2:03 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 provides that vaccination requirements for adults residing in foster homes shall not exceed the vaccination requirements of RSA 141-C:20-a, either in type of vaccination, quality of doses, or authorization for exemption.

Sponsors:

Rep. Litchfield

Rep. Layon

Rep. L. Miner

Rep. McGrath

Rep. Drew

Rep. Granger

Rep. Wherry

Rep. DeVito

Rep. DeRoy

Rep. Polozov

Sen. Gannon

Sen. Murphy

Sen. Lang

Who supports the bill: 155 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: 23 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 Robert Wherry, Hillsborough – District 13

- Representative Wherry stated that the purpose of this legislation is to expand the restriction on immunization requirements in foster family homes.
- Children are currently protected under statute, and this bill would expand that exemption to household members under the criteria set forth.
- Under the administrative rules for foster family homes, there are requirements for the immunization of household members that go beyond the current childhood immunization requirements.

- The administrative rules include national model of foster family home licensing standards, which has a guide potentially allowing broad immunization requirements for household members. He noted it contains vague language and terms.
- Representative Wherry explained that there is an annual influenza vaccine requirement, noting that there is no guarantee the vaccine will target the correct strains of the year.
- The purpose of this effort is to target this at the immunizations currently required for children and extend it to household members with customary exemptions in place.
- Representative Wherry stated that these additional requirements are causing some families to back out on the opportunity of fostering children. He emphasized that this is a problem in New Hampshire that needs to be addressed, especially considering the child care crisis. By removing this barrier, we are opening up more opportunities for families to apply and participate in the foster care program.

Representative Lucy Weber, Cheshire – District 5

- Representative Weber explained that it is the state's highest duty to preserve the health and safety of children in the state's care.
- Children in foster care often move around before finding a permanent placement, so it is important we do our best to ensure the safety of these children and those around them.
- Representative Weber said it is her understanding that the only extra requirement is the influenza vaccine for homes certified to take children under the age of 1 year old.
- Representative Weber believes this is a minimally invasive requirement for families that provides a major protection for children.

Representative Yury Polozov, Merrimack – District 10

- Representative Polozov stated that he is speaking in support of the bill.
- He noted that if the only objective is to protect foster children under the age of 1 year old, families would not be letting them out of their home in case they encounter an unvaccinated individual.
- Representative Polozov said there needs to be a constant balance, and we should not create excessive barriers for foster homes.
- He emphasized that while there may not be a public list of the families who have decided not to foster due to this requirement, he personally knows such families.

Michele Slafksoky, Families Fighting Flu

- Ms. Slafksoky stated that she is speaking in opposition to the bill.
- She works with families who have lost loved ones to influenza and with survivors suffering from severe complications every day.
- At it's core, this bill would eliminate vaccination requirements for foster parents, putting these families and children at unnecessary risk for a preventable disease.
- Children in the foster care system are among the most medically vulnerable. Many infants are too young to be fully vaccinated and there are children with underlying health conditions that put them at a high risk of severe illness.
- These children depend on the adults around them for protection, and vaccinations are one of the simplest and most effective ways to create that protection.
- When caregivers are vaccinated, they reduce the chance of bringing disease home.
- 293 children were lost during the 2024-2025 flu season, 90% of whom were unvaccinated.
- 130 children have been lost to date in the current flu season, 85% of whom were unvaccinated. 70 deaths have occurred in New Hampshire, including 2 children.
- A majority of pediatric deaths occur in unvaccinated children or those exposed to environments where vaccination coverage is low, especially in rural areas.
- Ms. Slafksoky emphasized that this is not about limiting personal choice, but rather ensuring that children placed in state care are as safe as possible.
- Senator Long asked if Ms. Slafksoky would have an issue with requiring that children be vaccinated, but not parents.
- Ms. Slafksoky said it is important that parent protect children, as everyone is exposed to the disease. By protecting ourselves, we also protect the vulnerable of all ages.

Alyson Fava, New Hampshire Families for Vaccines

- Ms. Fava stated that she is speaking in opposition to the bill.
- Current Department of Health and Human Services (DHHS) rules require that household members caring for infants and children with special medical needs must be up to date on annual influenza vaccinations. This rule includes a medical exemption.
- This is a targeted health safety standard applied in licensed foster homes for highly vulnerable children. For such children, influenza can lead to hospitalization and other worse outcomes. Many of these children cannot fully protect themselves through vaccination and thus depend on the adults around them to reduce exposure.

- Foster care is a voluntary, licensed responsibility. When caring for medically fragile children, it is reasonable to expect that basic precautions be taken to reduce preventable health risks.
- Senator Rochefort asked if Ms. Fava would believe that he had a conversation with the Assistant Secretary of the U.S. DHHS, who said finding foster families is a big need currently in light of this obstacle.
- Ms. Fava said she would believe they said that, but her concern is for the infants and children with underlying conditions in these situations.

North Saunders, American Families for Vaccines

- Mr. Saunders expressed concern that this bill would remove the important safeguard that adults in a foster household be immunized against the flu.
- Many children in foster care are already more vulnerable than their peers. About half of them have chronic health conditions, and roughly 10% are considered medically complex or medically fragile.
- In New Hampshire, 5% of foster children are under 1 year old and 26% are between the ages of 1 and 5 years old. Babies under 6-months old cannot be vaccinated against the flu themselves, so they face the highest risk of severe illness and death.
- When these children enter foster care, they depend on the adults around them for protection against preventable disease.
- Mr. Saunders emphasized there is a foster care access crisis. While we need more people to be participating, that does not mean we should remove these needed protections.

Representative Jim Kofalt, Hillsborough – District 32

- Representative Kofalt stated that he is speaking in support of the bill.
- This requirement goes far beyond what most states require of foster caregivers and household members. Very few states impose broad caregiver vaccination mandates.
- The existing rule contains no provision for religious exemptions, while the statewide general immunization requirements explicitly allow for both medical and religious exemptions.
- These requirements discourage qualified families from serving as foster families. Representative Kofalt believes this lessens the pool of available homes to foster children. He has spoken with families who say they will not foster or will stop fostering due to this requirement.
- The Administration for Children and Families within the U.S. DHHS has been clear about not having the authority to mandate specific licensing standards for foster family homes. They explicitly call out that funding is not tied to mandates such as this.

- Senator Rochefort asked if Representative Kofalt would believe that he had a conversation with U.S. DHHS Administration for Children and Families and was assured money would not be withheld and no funding would be restricted if this bill passed. They only asked that they be notified.
- Representative Kofalt confirmed that it aligns with the research he has done.
- Senator Long asked if there is a number of qualified parents who are not serving in the New Hampshire foster care system.
- Representative Kofalt explained that while he does not have that information, he has spoken with families who have been involved with the program in the past, but no longer participate because of these requirements.
- Senator Long asked if families are made aware of this during the qualification process, and Representative Kofalt said he does not know. He noted a specific individual he knows who is a foster parent and leads a group of other foster parents. This individual has told Representative Kofalt that this is a big concern for that group of foster parents.