

# Senate Executive Departments and Administration Committee

*Kevin Condict 271-7875*

**SB 178**, relative to the department of health and human services laboratory services for testing of water supplies.

**Hearing Date:** February 5, 2025

**Time Opened:** 9:00 a.m.

**Time Closed:** 9:07 a.m.

**Members of the Committee Present:** Senators Pearl, McGough, Gannon, Altschiller and Reardon

**Members of the Committee Absent :** None

**Bill Analysis:** This bill directs the department of health and human services to adopt administrative rules regarding laboratory services and fees for testing of water supplies.

The bill transfers fees for such services from statute to administrative rule. The bill is a request of the department of health and human services.

---

**Sponsors:**  
Sen. Gray

---

**Who supports the bill:** Senator James Gray (SD 6), Dr. Fengxiang Gao (DHHS), Abby Rogers (DHHS), Janet Lucas, and Daniel Richardson.

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of testimony presented:**

**Senator James Gray, Senate District 6**

- Sen. Gray introduced Senate Bill 178.
- He asked how many people wish we did not have fees in state law. He said the laboratory testing fees are set in statute. The Department of Health and Human Service (DHHS) came to him with this issue.
- This bill will allow the fees to be set by rules, which is how other fees are set in this state.

**Dr. Fengxiang Gao and Abby Rogers**  
**Department of Health and Human Services**

- Dr. Gao, Director for the Department of Health and Human Services Public Health Laboratories, supported the bill. He noted the mission of Public Health Laboratories is to protect public health in the state of New Hampshire through unbiased, responsive and high-quality laboratory testing. To fulfill the mission, they need to develop and maintain core laboratory functions such as laboratory response for critical incidents, food safety insurance, infectious disease control, and water quality testing.
- Dr. Gao said this bill was requested by DHHS. In RSA 131:3 the labs provide testing for public water sources in the event of water emergency or enforcement action under the Safe Drinking Water Act.
- He said there are a wide range of testing services offered, including for sea water, fresh water, lake assessment programs and more.
- In 2024, the water lab conducted tests on 16,590 water centers that include 2,560 tests on private wells.
- Currently, the water testing fees are in RSA 131:3-a. This was originally instituted as a statute from the Department of Environmental Services (DES). In 2011, DHHS took over the authority of the water lab from DES and incurred the fee that was already in statute. All public health lab fees are in rulemaking except water testing fees.
- Dr. Gao said this legislation would bring all fees into the rulemaking process and allow for a consistent and unified approach for setting public health and laboratory fees.
- Ms. Rogers noted that the other rules in the Public Health Laboratories will be updated in 2026, so it would be helpful to have the water testing fees placed into rules.
- Sen. Pearl asked why these fees were placed in statute and not in administrative rules.
  - o Ms. Rodgers noted that this was originally a DES statute, so DHHS just inherited them.