

**Senate Executive Departments and Administration  
Committee**  
*Kevin Condict 271-7875*

SB 92-FN, relative to the collection of birth worksheet information.

**Hearing Date:** January 29, 2025

**Time Opened:** 9:00 a.m. **Time Closed:** 9:17 a.m.

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

**Members of the Committee Absent :** None

**Bill Analysis:** This bill updates certain language regarding information collected by hospitals on the birth worksheet. The bill also states that the division of vital records shall not include certain personally identifiable information in the birth information released to the CDC.

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**Sponsors:**

Sen. Rosenwald	Sen. Long	Sen. Fenton
Sen. Altschiller	Rep. Sorensen	Rep. Erf
Rep. Edwards	Rep. Lynn	Rep. Grote

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**Who supports the bill:** Sen. Cindy Rosenwald (SD 13), Rep. Bob Lynn (Rock. 17), Rep. Carrie Sorenson (Rock. 28), Sen. Donovan Fenton (SD 10), Sarah McCarthy, Sen. Debra Altschiller (SD 24), Krysten Evans, and Curtis Register.

**Who opposes the bill:** Daniel Richardson and Julie Smith.

**Who is neutral on the bill:** Iain Watt (DHHS), Kristin Martino (DVRA), and Erin Hennessey (DOS).

**Summary of testimony presented:**

**Senator Cindy Rosenwald, Senate District 13**

- Senator Rosenwald introduced Senate Bill 92.
- Sen. Rosenwald explained that she has been working on this issue for several years to protect the privacy of sensitive health information.

- Sen. Rosenwald said that when a woman gives birth in New Hampshire, the Division of Vital Records Administration (DVRA), which is in the Secretary of State's (SOS) office, collects information pertaining to the birth so that they can issue a birth certificate.
- Sen. Rosenwald said New Hampshire is the only state that does not locate the Division of Vital Records within the Department of Health and Human Services.
- Sen. Rosenwald said the form currently used by hospitals and birth centers collects and reports a vast amount of personal health information to the SOS and federal government. The SOS and DVRA do not use this information, but DHHS does in de-identified or aggregated form.
- Sen. Rosenwald highlighted some of the personal information facilities routinely sends to the State and federal government. This includes information on when the mother's last period was, if she has a sexually transmitted disease, if she is breastfeeding, if she used fertility treatments, and if it was a vaginal birth.
- She noted that all this information is linked to a specific individual. She said no names are attached when the information is transferred to the Centers for Disease Control (CDC), but it does include a birthday and other identifiable information.
- Sen. Rosenwald said that previous versions of this bill were met with opposition from the Public Health Division of DHHS. They were concerned about losing access to information. DHHS was also concerned about losing considerable grant money from the CDC. She said that SB 92 takes a step back from previous bills and does not limit the information that DVRA and DHHS receive that is linked to specific individuals.
- Sen. Rosenwald said that the bill prohibits four identifiers from being disclosed with the medical history to the CDC. These identifiers are name, medical record number, street address, and date of birth. The year of birth is to be provided instead.
- Sen. Rosenwald said that the baby's date of birth is to be shared with the CDC because on a video call with the CDC, DHHS, and DVRA that information was identified as a critical data point.
- Sen. Rosenwald explained that at the request of DVRA the bill changes maiden name to the name before the mother's first marriage or civil union.
- Sen. Rosenwald said the other change in the proposed amendment is to align the statutory requirement for reporting APGAR scores with current clinical practice. APGAR is a quick assessment tool used to evaluate the health of a newborn baby immediately after birth. It stands for appearance, pulse, grimace, and respiration. She explained that what is in statute now is not what hospitals have been reporting to the CDC for years. She said this bill brings everyone into legality.
- Sen. Rosenwald noted that as she worked with DHHS on this bill they expressed no discomfort this year.
- Sen. Rosenwald stated that at least one other state does not report all the required elements, and they receive no financial penalty.
- She said that state law has long made clear that the information in someone's medical record owns the information in their medical record. She noted that

seven years ago the New Hampshire Constitution was amended to include that Granite Staters have the right to be free from governmental intrusion on their private or personal information.

- Sen. Rosenwald noted the bill's effective date is far out. She said this was done on purpose to not force early reprinting of records to reduce the cost of the bill for DVRA.
- Sen. Rosenwald stated that it is the General Court's job to advocate for the rights of Granite States.
- Sen. Pearl asked if the amendment changes Section 1 and Section 3 of the original bill.
  - o Sen. Rosenwald confirmed that it does. She said that Section 3 of the amendment allows for the baby's date of birth to be included in the information released to the CDC.
- Sen. Rosenwald pointed to Section 2 of the bill. Current state law says that reporting should be done at one- and five-minute intervals but reporting of APGAR scores is done at five- and ten-minute intervals.

#### **Representative Bob Lynn, Rockingham 17**

- Rep. Lynn stated that he supports SB 92.
- Rep. Lynn said he has not gotten into the specifics of this bill the way Sen. Rosenwald has but that he is a strong privacy advocate. He said this bill makes appropriate changes to the law.
- Rep. Lynn stated that Sen. Rosenwald has been careful not to jeopardize crucial components needed on the other side of the process.

#### **Representative Carrie Sorenson, Rockingham 28**

- Rep. Sorenson said she believes she was the last legislator in New Hampshire to give birth. She gave birth last August.
- Rep. Sorenson stated that her personal health information should be hers, and that the government should not need to know more specifics.

#### **Erin Hennessey, Deputy Secretary of State**

#### **Kristin Martino, Director and Registrar of Vital Records**

- Ms. Hennessey noted the financial impact of the bill. She said that Sen. Rosenwald met with the Department of State (DOS) and the CDC. She said this bill's effect on DVRA funding will be about \$68 thousand per year. She said it is not known exactly what may happen to DVRA funding because of the bill.
- Sen. Pearl noted that the Committee have heard this bill before and that the previous concern was the financial impact. He asked if Ms. Hennessey and Ms. Martino feel the financial impact is down to around \$60 thousand.

- Ms. Hennessey said that future funding may be affected. She said they could not get a straight answer to that question from the CDC.

**Iain Watt and Abby Rogers, Division of Public Health Services**  
**Department of Health and Human Services**

- Mr. Watt stated the Division of Public Health Services is neutral on the bill.
- Mr. Watt said they recognize that the DVRA is the lead agency on this bill.
- Mr. Watt said DHHS takes its role in protecting sensitive and private data seriously. They are committed to using all Vital Records data, as authorized in current statute, to help prevent poor birth outcomes, prevent child abuse and neglect, ensure women and infants receive timely and appropriate care, and that New Hampshire residents have access to needed social services and assistance programs.
- Mr. Watt said that as a HIPPA-covered entity, DHHS safeguards all Vital Records data with protocols to secure personal identifiers and protect confidentiality and privacy.
- Mr. Watt said that they do not anticipate any fiscal impacts to DHHS from this bill.

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Date Hearing Report completed: January 31, 2025