

Senate Health and Human Services Committee

Sophie Walsh 271-3469

HB 358, relative to exemption from immunization requirements on the basis of religious belief.

Hearing Date: April 9, 2025

Time Opened: 12:34 p.m.

Time Closed: 12:57 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill provides that a parent or legal guardian may claim an exemption from childhood immunization requirements on the basis of religious belief by providing a signed statement to that effect. The bill removes the statutory reference to a form used for such purpose.

Sponsors:

Rep. Kofalt

Rep. Comtois

Rep. DeVito

Rep. Layon

Rep. Wheeler

Rep. Wherry

Sen. Avard

Sen. Innis

Who supports the bill: 244 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: 446 people signed in opposition of 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: 1 person signed in neutral to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (Sophie.Walsh@gc.nh.gov).

Summary of testimony presented in support:

Representative Jim Kofalt, Hillsborough – District 32

- This bill is aimed at correcting a problem that arose. Several years ago, the legislature passed a bill that was aimed at simplifying the religious exemption process for parents. At that time the process required a parent to make a written statement and to get it notarized.

- HB1035 was submitted in 2022 to remove the notarization requirement. Unfortunately, that bill contained the word “form,” which created an unintended consequence whereby HHS created a form, and many schools are now requiring that form to be filled out. There have been two versions of that form, one of which required parents to acknowledge certain risks.
- The new form asks parents to disclose which vaccine their child has not received. Rep. Kofalt stated that Sen. Lang expressed concern that this violates the state constitution and also that the information could be used to bring neglect charges against parents.
- To their credit, DHHS has revised that form and removed some of the warnings, which is a step in the right direction.
- This bill clarifies the legislative intent to remove the notarization requirement.
- Sen. Rochefort stated that he did not see anything in RSA141-C:20 that empowered the department to develop a form. He thought there was some ambiguity there and asked Rep. Kofalt to expound on that.
- Rep. Kofalt agreed that there are times when the legislature passes legislation with ambiguity, however this was not the legislative intent, and he felt it was clear through all the testimony given. The purpose of this legislation is simply clarification to say that it was not the legislature’s intent, and the intent is just to remove the notarization requirement.

Representative Yury Polozov, Merrimack – District 10

- Rep. Polozov stated that he has three children. He said that the form is relatively short, but he found it confusing at first.
- He stated that the original intent of the statute was not to have a form.
- He said it felt like the department and the pharmacy industry are using this notification to further debate the benefits of these medications.
- He thinks information on side effects of both receiving vaccines and religious benefits of not receiving vaccines should be included.
- He thinks parents are bullied into consenting to vaccinations by receiving information that children can die without them, but he said they don’t receive information stating that children can die from receiving vaccines.
- He asked the committee to support the bill.

Laura Condon

- Ms. Condon spoke in support of the bill.
- Ms. Condon stated that this was a simple bill that would relieve an administrative burden.
- This bill protects the religious exemption from vaccination.

- It was never intended that DHHS require a form and although they dispute requiring the form, she has heard from many parents that schools are demanding this form.
- Any written statement from a parent would fulfill the law.
- There is no form required for a doctor to assert a medical exemption.
- She understands that nurses have requirements to fulfill to the state regarding the percentage of children vaccinated but stated that they can take whatever information they get and put it into a spreadsheet to share those percentages data with the state.
- The form should never leave the nurse's office, and it should not go to DHHS.
- This is a good bill that corrects an error.

Summary of testimony presented in opposition:

Angela Boyle, New Hampshire Chapter of the American Academy of Pediatrics

- That chapter is opposed to this bill.
- With regard to Sen. Rochefort's earlier question about broadening the terms to include other providers, Ms. Boyle stated they also represent nurse practitioners, and they do often support broadening language to include them.

Amy Watson, MD

- Dr. Watson was opposed to this bill.
- This bill would eliminate helpful information for schools about which vaccines have been declined.
- Excluding unvaccinated children from school during outbreaks is not punitive, it is a public health measure to protect them and others.
- Medical exemptions should always be honored but declining vaccines for personal or religious reasons is not without risks and does affect the community.
- In NH we value personal freedom, but it comes with responsibility. When a child is unvaccinated, it seems like a reasonable expectation to provide that information to safeguard others, and this bill removes that minimum standard of accountability.
- People are free to make their own decisions and the goal of this is not to limit the decision-making of parents to vaccinate or not vaccinate their children. When these decisions have public health consequences it is important to have data that can help them make evidence-based decisions. Without it, they lack the critical information needed to respond effectively.

Pam DiNapoli, New Hampshire School Nurses Association

- Ms. DiNapoli is a school nurse from Manchester. The Association views this as unnecessary and irrelevant. This does not violate any patient rights, and it does not infringe on parental control.

- This is only really relevant to school nurses.
- In a district as large as Manchester, if they did not have a standardized form to help them understand vaccination coverages in their schools it would be very inefficient and unreliable.
- The form is not required. It was sent to them as a recommended form. Most schools have adopted it because it is so convenient.
- Parents are used to getting a series of forms at the beginning of the school year, so this is consistent with the process for school entry.
- Once the form is filled out, it does not have to be filled out again.
- In Manchester, students move from school to school, and they need a reliable system for understanding what the child's vaccination status is.
- The form is the same one they have been using; the only difference is that now it does not have to be notarized.
- Since dropping that notarization requirement in the 2023-24 school year, exemptions have increased by 0.7%. If we continue to diminish the process of documenting religious exemptions reliably, we can expect that those exemptions will go up. While it is fine if the exemptions go up, they do not want to make the process so easy that it becomes unreliable.

Neutral Information Presented:

Dr. Ben Chan and Colleen Smith, Department of Health and Human Services

- Ms. Smith stated the Department had concerns about this bill and submitted copies of the form for the committee's reference.
- Ms. Smith stated that this form is a tool for school nurses to collect information about children claiming a religious exemption; it is not collected by the department.
- Ms. Smith explained that the form is a tool to collect information in a standardized way and that is important in the event of an outbreak where a child would need to remain at home during the outbreak because they were not immunized for that particular disease.
- It is important to have accurate information about who would be impacted, and the department believes this form does that by collecting very minimal information.
- Ms. Smith emphasized that it is a tool for school administrators. If there is confusion regarding the department's ability to create this form, she would be happy to work on clarifying language.
- Dr. Chan emphasized that this form is not a requirement for the Department; it was created to be used by schools and is just a signed statement by parents in a consistent way.

- Sen. Rochefort read from line 5 of the bill specifically referencing the use of the word “physician,” and asked if that language should be more inclusive of other providers who provide care in a variety of medical settings.
- Dr. Chan clarified that Sen. Rochefort was referring to the medical exemption process and confirmed that they accept medical exemptions from other providers; they don’t have to be an MD.
- Sen. Rochefort asked if it was correct that this form is more for the schools and that HHS does not keep a record of who is claiming an exemption. He added that it sounded like HHS did a service to the schools but asked if it was necessary that it has to be this form.
- Ms. Smith said it would not have to be this form if they collected the same information. The current bill proposes just a signed, written statement, which could be vague and lead to confusion. Collecting consistent information in a standardized way is the goal of the form.
- Sen. Avard stated that the form has the state seal on it and JLCAR never approved it.
- Ms. Smith said JLCAR did approve it, and the form is in the department’s administrative rules.
- Sen. Avard asked what law this was based on.
- Ms. Smith explained that there was a requirement for a notarized form and the legislation that was mentioned previously removed the term “notarized,” however the word “form” remained. They had the previous form in rule and just continued that without the notarization requirement. There was no opposition in JLCAR to indicate they did not have the authority to continue with that form.
- Sen. Avard asked if this bill gets rid of the form.
- Ms. Smith said yes it would get rid of the form and the option would be a signed, written statement, which Sen. Avard then stated was the original intent. Ms. Smith confirmed that is what she heard in the previous testimony.
- Sen. Long asked if the language on line 12 of the bill would complicate the process given that it no longer requires a parent to disclose which vaccinations their child did not get due to claiming a religious exemption.
- Ms. Smith said it could complicate things in the event of an outbreak where Public Health was working with a school to identify which children had been fully immunized and which had not.
- Dr. Chan said that was part of the reason why the original form asked for which vaccines a child might be exempt from. He also pointed out that information was optional on the form, so it did not have to be filled out, but that was the purpose of the vaccines being listed.