

HB 1358 - AS INTRODUCED

2022 SESSION

22-2789

04/11

HOUSE BILL

1358

AN ACT requiring public and private employers to establish procedures and exceptions for the use of mandatory intrusive testing as a condition of new or continued employment.

SPONSORS: Rep. Foster, Hills. 5; Rep. Rollins, Sull. 6; Rep. Comtois, Belk. 7; Rep. Sylvia, Belk. 6; Rep. Johnson, Belk. 3; Rep. Silber, Belk. 2; Rep. Ulery, Hills. 37; Rep. Alliegro, Graf. 7; Rep. Notter, Hills. 21; Rep. Greeson, Graf. 16

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

 This bill requires any public or private employer in the state to allow an employee an exemption from intrusive testing requirements.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT requiring public and private employers to establish procedures and exceptions for the use of mandatory intrusive testing as a condition of new or continued employment.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Legislative Intent. The general court finds that:

2 I. The state of New Hampshire has affirmed in statute the natural, essential, and inherent
3 right to individual bodily integrity. Decisions in regard to each individual's physical body shall be,
4 whenever possible, the free choice of the individual in a manner most agreeable to the dictates of
5 their own conscience and reason.

6 II. Our state constitution proclaims that "no subject shall be hurt, molested, or restrained, in
7 his person, liberty, or estate, for worshiping God in the manner and season most agreeable to the
8 dictates of his own conscience."

9 2 New Section; Labor; Protective Legislation; Discrimination in the Workplace. Amend RSA 275
10 by inserting after section 41-d the following new section:

11 275:41-e Discrimination Based on Testing Exemption Status Prohibited.

12 I. Any public or private employer in this state that mandates intrusive testing as a condition
13 of new or continued employment shall, upon the employee's request for a religious or conscientious
14 objector exemption, grant such exception. Any public or private employer in this state that
15 mandates intrusive testing as a condition of new or continued employment, using an emergency use
16 or experimental product shall, upon an employee's request, grant an exemption.

17 II. Any public or private employer in this state that mandates intrusive testing as a
18 condition of new or continued employment shall establish policies and procedures to ensure that no
19 employee is harassed or discriminated against due to such employee's testing exemption status. The
20 policy shall include zero-tolerance treatment of bullying, harassment, or discrimination of an
21 employee based on the employee's testing exemption status.

22 III. In this section, "intrusive testing" means any medical testing that requires the
23 penetration or invasion of an individual's body through their skin or penetration of any bodily orifice.

24 3 Effective Date. This act shall take effect 60 days after its passage.