

SB 178 - AS INTRODUCED

2025 SESSION

25-0918

05/08

SENATE BILL **178**

AN ACT relative to the department of health and human services laboratory services for testing of water supplies.

SPONSORS: Sen. Gray, Dist 6

COMMITTEE: Executive Departments and Administration

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Five

AN ACT relative to the department of health and human services laboratory services for testing of water supplies.

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

1 1 Department of Health and Human Services; Laboratory Services; Reimbursements;
2 Rulemaking. RSA 131:4 is repealed and reenacted to read as follows:

3 131:4 Laboratory Services, Fees, and Rulemaking; Lab Equipment and Replacement Fund
4 Established.

5 I. The commissioner of the department of health and human services shall adopt rules
6 pursuant to RSA 541-A relative to a list of laboratory services to be provided under this chapter and
7 a schedule of fees for such services. The fees may be waived by the commissioner when the
8 commissioner determines it is in the best interests of the health of the public to do so.

9 II. Fees for analyses required by the federal Safe Drinking Water Act or offered as a service
10 shall be set by following the cost allocation method established for reimbursements to the state from
11 grants funded by the United States Environmental Protection Agency (EPA).

12 III. All such fees collected by the commissioner of the department of health and human
13 services from federal or state grants or from other state agencies shall be credited against the
14 operating costs of the laboratory. Fees collected from public or private clients shall be deposited in
15 the general fund, with the exception that 50 percent of every analysis fee shall be deposited in the
16 lab equipment and replacement fund, a special nonlapsing fund established in the state treasury and
17 kept separate and distinct from all other funds. The fund shall be continually appropriated to the
18 commissioner of the department of health and human services for the purchase or replacement of
19 laboratory equipment designed to improve service. The commissioner may, with prior approval of
20 the governor and council, use funds in the lab equipment and replacement fund for unanticipated
21 personnel or supply expenditures made necessary by unexpected changes in or additions to federal or
22 state required laboratory analyses or unusual volume of samples.

23 2 Application of Receipts; Lab Equipment and Replacement Fund; Reference Change. Amend
24 RSA 6:12, I(b)(125) to read as follows:

25 (125) Moneys deposited in the lab equipment and replacement fund under RSA
26 [~~131:3-a~~] **131:4**.

27 3 Swimming Pools and Bathing Places; Public Bathing Facilities; Reference Change. Amend
28 RSA 485-A:26, IV to read as follows:

29 IV. The department may take samples of the water of any such public bathing facility for
30 analysis to determine compliance with water quality requirements. The costs of such sampling and

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1 analysis shall be paid by the owner or operator of such facility. The costs recovered for such
2 sampling shall be deposited in the public bathing facility program fund. The costs recovered for
3 analysis shall be consistent with the fee structure established [~~in RSA 131:3-a]~~ **pursuant to RSA**
4 **131:4** and deposited as provided in RSA [~~131:3-a]~~ **131:4**. Any municipality which establishes a
5 program of sampling and analysis which is equivalent to the department's program shall not be
6 subject to additional sampling and analysis by the department.

7 4 Contingency. Sections 2, 3 and 5 of this act shall take effect when the commissioner of the
8 department of health and human services certifies in writing to the secretary of state and the
9 director of the office of legislative services that the department has adopted rules under RSA 541-A,
10 relative to laboratory services and fees pursuant to RSA 131:4, as amended by section 1 of this act.

11 5 Repeal. RSA 131:3-a, relative to testing of water supplies and fees required, is repealed.

12 6 Effective Date.

13 I. Sections 2, 3, and 5 of this act shall take effect as provided in section 4 of this act.

14 II. The remainder of this act shall take effect July 1, 2025.