State of

New Hampshire

HOUSE RECORD

First Year of the 158th Session of the General Court

Calendar and Journal of the 2003 Session

Vol. 25 Concord N.H Thursday, January 30, 2003 No. 10A

Contains: Corrected Committee Reports and Additional Amendments for January 30

ADDENDUM TO HOUSE CALENDAR

CORRECTED COMMITTEE REPORTS

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 57, relative to the use of inhalers by pupils and campers with asthma **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: It is estimated that 5.3 million children in America have asthma. In NH 76,000 people are at risk with this scourge and the numbers have been growing at an alarming rate. Asthma is the most common cause of missed schools days. Although there is no known cause, there is a treatment that works and most often that treatment is the use of an inhaler prescribed by the patient's physician. What we have learned is that if an asthma sufferer has an asthmatic episode, many need the use of their prescribed inhaler as quickly as possible to enable them to breath properly. Any major delay in the use of the inhaler could put the child at mortal risk. Current administrative rules in NH require medications be dropped off at the nurses office in schools and camp offices. Dropping off this medication can put every asthmatic child at risk. This bill, with the signed approval of a physician and parent; allows the student or camper to possess and self administer their medication as instructed and trained by the physician and parent. Support for this bill comes from Dartmouth's primary pediatrician, Center for Disease Control in Atlanta, N.H. Medical Society, National Allergy and Asthma Network, N.H. Lung Assn., etc. The amendment simply eliminates several minor unnecessary steps in the bill that does not change the intent or the character of the original bill.

The floor amendment is the result of input received from members of the Judiciary Committee, which has jurisdiction over civil

immunity issues. While the intent remains the same as proposed by the Health and Human Services Committee, the amendments clarify the language in the immunity provisions in both bills by bringing them more in line with the language used in the other limited liability provisions throughout the New Hampshire statutes. The language provides immunity from civil liability when the standards for the use of inhalers by pupils or campers established in the bill are followed. **Vote 18 - 0** .

HB 92, relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: People with life threatening allergies are aware that the consequences of anaphylaxis have been heightened by increasing reports of death in the U.S. Symptoms usually are difficulty breathing; a sudden drop of blood pressure or shock etc., all of which are potentially fatal if not immediately treated through the use of an auto-injector. Allergies can be triggered by food, insect stings, etc. and come on suddenly. Time of treatment is key. Any delay puts the person at risk. Under current administrative rules the auto-injector must be dropped off by students or campers at the designated schools or camp nurses office (or designed place), leaving the student at considerable risk at getting the treatment on time during an attack. This bill allows the student or camper to possess and self-administer the needed medication as instructed by a physician and parent. Instructions and approval to possess and self-administer are verified by the signatures of the physician and parent. This bill is supported by the pediatric unit at Dartmouth, NH Medical Society, Center for Disease Control in Atlanta. There was no negative testimony but lots of professional support. The bill simply puts the physician and parent back in charge. The amendment simply eliminates several minor unnecessary steps in the bill that does not change the intent or the character of the original bill.

The floor amendment is the result of input received from members of the Judiciary Committee, which has jurisdiction over civil immunity issues. While the intent remains the same as proposed by the Health and Human Services Committee, the amendments clarify the language in the immunity provisions in both bills by bringing them more in line with the language used in the other limited liability provisions throughout the New Hampshire statutes. The language provides immunity from civil liability when the standards for the use of epinephrine auto-injectors by pupils or campers established in the bill are followed. **Vote 18 - 0** .

THURSDAY, JANUARY 30

ADDITIONAL AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2003-0087h

Floor Amendment to HB 57

Proposed by Reps. Batula and Mock

Amend RSA 200:43 as inserted by section 1 of the bill by replacing it with the following:

200:43 Immunity. No school district, member of a school board, or school district employee shall be liable in a suit for damages as a result of any act or omission related to a pupil's use of an inhaler if the provisions of RSA 200:42 have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a pupil.

Amend RSA 485-A:25-c as inserted by section 2 of the bill by replacing it with the following:

485-A:25-c Immunity. No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an inhaler if the provisions of RSA 485-A:25-b have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a child.

2003-0086h

Floor Amendment to HB 92

Proposed by Reps. Batula and Mock

Amend RSA 200:45 as inserted by section 1 of the bill by replacing it with the following:

200:45 Immunity. No school district, member of a school board, or school district employee shall be liable in a suit for damages as a result of any act or omission related to a pupil's use of an epinephrine auto-injector if the provisions of RSA 200:42 have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an epinephrine auto-injector by a pupil.

Amend RSA 485-A:25-e as inserted by section 2 of the bill by replacing it with the following:

485-A:25-e Immunity. No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if the provisions of RSA 485-A:25-b have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an epinephrine auto-injector by a child.

2003-0091h

Floor Amendment to HB 118

Proposed by Rep. Albert

Amend the title of the bill by replacing it with the following:

AN ACT requiring legislative approval prior to placing a memorial on state property.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; State Emblems, Flag, Etc.; Placement of Memorial on State Property; Legislative Approval Required. Amend RSA 3 by inserting after section 23 the following new section:

3:24 Placement of Memorial on State Property; Legislative Approval Required. No memorial or commemorative plaque may be placed on public property of the state without a majority vote of the house of representatives and the senate.

2 Powers of the Governor and Council; Portraits or Other Memorials; Legislative Approval Required. Amend RSA 4:9 to read as follows:

4:9 Portraits or Other Memorials. No portraits, busts, statues, or other memorial objects shall be placed in or on the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce homestead, Daniel Webster birthplace, or grounds connected with each without the consent of the governor and council ***and without a majority vote of the house of representatives and the senate***. The director, division of historical resources, shall be responsible for the location and care of such memorial objects at any of these sites.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires a majority vote of the house of representatives and the senate before placing a memorial on state property.

2003-0084h

Floor Amendment to HB 171

Proposed by Reps. Splaine, P. Sullivan and Davidson

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The commission shall consist of:

(a) One member of the governor's office, appointed by the governor.

(b) One member of the house of representatives, appointed by the speaker of the house of representatives.

(c) One member of the senate, appointed by the senate president.

(d) Five members appointed by the governor, at least 2 of whom shall be non-management, non-supervisory, state employees. (e) Five non-legislative members, appointed by the speaker of the house of representatives, at least 2 of whom shall be non-management, non-supervisory, state employees. (f) Five non-legislative members, appointed by the senate president, at least 2 of whom shall be non-management, non-supervisory, state employees.

(g) One academic in public administration from the state university system, appointed by the chancellor of the university system of New Hampshire.

(h) One representative of a non-governmental organization that is dedicated to effective energy-conservation measures, appointed by the governor.

(i) One representative of the State Employees' Association of New Hampshire, appointed by that organization.