

JUSTIA

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2022 New Hampshire Revised Statutes Title X - Public Health Title 141-C - Communicable Disease Section 141-C:1-a - Medical Freedom in Immunizations.

Universal Citation: NH Rev Stat § 141-C:1-a (2022)

141-C:1-a Medical Freedom in Immunizations. –

I. Every person has the natural, essential, and inherent right to bodily integrity, free from any threat or compulsion by government to accept an immunization. Accordingly, no person may be compelled to receive an immunization for COVID-19 in order to secure, receive, or access any public facility, any public benefit, or any public service from the state of New Hampshire, or any political subdivision thereof, including but not limited to counties, cities, towns, precincts, water districts, school districts, school administrative units, or quasi-public entities.

II. Paragraph I shall not:

(a) Limit the commissioner's authority to order treatment pursuant to RSA 141-C:15 or RSA 141-C:18, nor to order quarantine pursuant to RSA 141-C:11 or RSA 141-C:18.

(b) Supersede the requirement for vaccination as a prerequisite for admission to a school or child care agency pursuant to RSA 141-C:20-a, II.

(c) Supersede the involuntary emergency admission process pursuant to RSA 135-C:27-33; the revocation of conditional discharge process under RSA 135-C:51; or involuntary treatment of patients compliant with RSA 135-C:57, III.

(d) Limit treatment authorized by a guardian over a person; or short term treatment of a personal safety emergency declared by a licensed physician or nurse practitioner in a

psychiatric care setting, or authorized by a surrogate decision maker or durable power of attorney for health care delegated by the person while competent to make decisions for them during periods when they are not competent, pursuant to RSA 137-J.

(e) Apply to a county nursing home, the New Hampshire state hospital, or any other medical facility or provider operated by the state of New Hampshire or any political subdivision identified in paragraph I, which is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a vaccination requirement. Such facilities or providers shall, upon the request of an individual for whom vaccination is required under federal regulations promulgated by the Centers for Medicare and Medicaid Services, grant such exemption on medical or religious grounds, subject to the conditions established in subparagraphs (1) and (2).

(1) The written request for a religious exemption shall simply state: "I, (insert requestor's name), hereby attest that I sincerely hold religious beliefs and/or engage in religious practices or observances that dictate the refusal to accept the required vaccination(s). (Insert requestor's signature and date.)" With the assistance of the employee, the employer shall document and evaluate the request to ensure that the individual submitting the request is covered under the organization's vaccine policy, that the request is submitted on the appropriate form, and that the requestor has properly signed and dated the form. The employer shall record the date upon which the request was received in accordance with company policy. The employer shall maintain the request in organization records for a period of not less than one year. The employer may deny the request for a religious exemption in cases in which there is a compelling rationale or evidence to believe the employee is acting fraudulently.

(2) The written request for a medical exemption shall include documentation as required under federal regulations promulgated by the Centers for Medicare and Medicare Services. The employer shall evaluate the request to ensure that the individual submitting the request is covered under the organization's vaccine policy, that the request is submitted on the appropriate form, and that the requestor has properly signed and dated the form. The employer shall record the date upon which the request was received in accordance with company policy. The employer shall maintain the request in organization records for a period of not less than one year.

III. The department of corrections may mandate medical treatment or immunization for inmates when a direct threat exists as defined in 28 CFR section 36.208.

Source. 2021, 131:1, eff. July 23, 2021. 2022, 269:1, eff. Aug. 23, 2022.

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