

NEW HAMPSHIRE LAWS AND REGULATIONS FOR HEALTH OFFICERS

The following is a list of NH state laws related to municipal health officers, municipalities and the NH DHHS.

RSA Number	Title of Section – Hyperlinked to RSA text	Specific reference to health officers, town or DHHS.
Chapter 5	Vital Records Administration	5-C:67 Burial Permit. – I. A clerk of a town or city or a funeral director shall provide the following information for a burial permit: (I) The signature of the city or town board of health official, the city or town local health officer , or the funeral director.
Chapter 31	Powers and Duties of Towns	31:105 Indemnification for Damages. – A city, town, county, ... may hold a vote to indemnify and save harmless for loss or damage ... including but not limited to selectmen,... town and city health officers , ... from personal financial loss and expense including reasonable legal fees and costs.
Chapter 38	Municipal Electric, Gas or Water Systems	38:31 Discontinuance of Service. – V. The notice to tenants required by paragraph I of this section shall not be required when necessary to avoid danger to life or property, and upon the order of a duly constituted public authority such as police, firefighters, public health officer , and building inspectors.
Chapter 48-A	Housing Standards	48-A:3 Provisions of Ordinances, Codes and Bylaws. – (c) A minimum housing standards enforcement officer , under such title as the governing body shall prescribe, who <u>shall be qualified</u> by training or experience to interpret, administer, and enforce the provisions of such ordinance, code or bylaw, which shall be his or her principal duty and responsibility.
Chapter 48-A	Housing Standards: Bed Bugs	RSA 48-A:14 Minimum Standards Established. – No landlord... shall maintain those rented premises in a condition in which: I- a The premises are infested by bed bugs and the landlord is not conducting a periodic inspection and remediation program.
Chapter 49-C	Local Options- City Charters	49-C:20 Appointive Officers. – The charter shall provide for the appointment of a city clerk, a treasurer, one or more assessors, a fire chief, a police chief, a health officer , a city solicitor, a general assistance administrator, and such other officers as may be necessary to administer all departments which the elected body and the charter shall establish.
Chapter 91-A	Right to Know Law	No mention of health officers. All public employees may be required to provide records under this law.
Chapter 99-D	Indemnification of State Officers	No mention of health officers. RSA 99-D:1. 99-D:1 Statement of Policy. – It is the intent of this chapter to protect state officers, trustees, officials, employees, and members of the general court who are subject to claims and civil actions arising from acts committed within the scope of their official duty ...
Chapter 125	Public Health, General	125:9 Duties. – The commissioner of the DHHS shall: III. Advise and assist town health officers in making

NEW HAMPSHIRE LAWS AND REGULATIONS FOR HEALTH OFFICERS

	Provisions. Duties	investigations into sanitary matters in their towns. X. Investigate complaints of poor indoor air quality and conduct inspections of buildings and dwellings...
Chapter 125	Public Health, General Provisions. Duties	No mention of health officers. 125:11 Public Buildings. – The commissioner of the department of health and human services shall take cognizance of the sanitary condition of all public buildings, hospitals, penal institutions, and facilities for the detention of minors, whether state or county.
Chapter 125	Outdoor Wood-Fired Hydronic Heaters	125-R:8 Notice to Buyers. – I. Prior to the execution of a sale for an OWHH, the distributor/seller shall provide the prospective buyer with a copy of this chapter and a written notice which includes: II. The notice shall be signed and dated by the buyer ... III. A copy of the signed written notice ... shall be made available upon request for copying and/or inspection to the commissioner, the municipal health officer in the municipality in which the purchased OWHH is installed, and the commissioner of the department of health or human services.
Chapter 127	District Departments of Health	127:5 Health Officer – The board shall appoint some discreet person, possessing the qualifications hereinafter specified, to be health officer for such district.
Chapter 128	Town Health Officers	The town health officer : I. Shall enforce the public health laws and rules. II. Shall make such sanitary investigations as may be directed by the local board of health, or as may be required by the department of health and human services.
Chapter 129	Attendance at Meetings of the Health Officer Association	129:1 City and Town Health Officers Association. – Town and city health officers shall be entitled to receive the actual expenses incurred by them in attending the yearly meeting of the New Hampshire Health Officers Association...
Chapter 130-A	Lead Paint Poisoning Prevention & Control	130-A:1 Definitions. – VIII. "Health authority" means any health officer appointed under RSA 47:12 and RSA 128:1. II. Inspection. The findings of the inspection shall be provided to the owner, to the license holder, and to the health authority.
Chapter 140	Occupational Health	No mention of health officer. 140:4 Duties; Fees. – The (DHHS) commissioner shall, for the protection of the occupational and public health and safety: I. Develop and conduct comprehensive policies and programs for evaluation of hazards associated with the use of chemical or physical agents and for their amelioration.
Chapter 141-E	Asbestos Management and Control	141-E:3 Duties. – The commissioner shall: I. License contractors. XIII. Establish, in consultation with the department pursuant to RSA 125-H:3: (a) Measures for remediating asbestos disposal sites to prevent human exposure to asbestos at or from such sites; and (b) Best management practices for monitoring and

NEW HAMPSHIRE LAWS AND REGULATIONS FOR HEALTH OFFICERS

		maintaining covered asbestos disposal sites, for the purpose of assisting property owners and local health officers to minimize the risk of human exposure to asbestos at or from such sites.
Chapter 141-C	Communicable Disease	141-C:5 Duties of Health Officers. – Health officers shall: I. Assist the commissioner, when requested to do so, in the establishment and maintenance of isolation and quarantine in their respective cities and towns, and enforce all rules adopted by the commissioner relative to isolation and quarantine. II. Attend meetings with the commissioner, when requested, for consultation on matters relating to public health, the restriction and prevention of communicable diseases, or the consideration of other important sanitary matters related to preventing or controlling the spread of communicable diseases.
Chapter 142	Mosquito Control Policies for State Agencies	RSA 142-A established a mosquito control policy for all NH state agencies with land management responsibilities. VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect,
Chapter 143	Sanitary Production and Distribution of Food	143:4 Inspections. – The department of health and human services or its inspectors, or special agents , shall have full power and authority at all times to enter and inspect every building, room, or other place occupied or used for the production, storage, sale, or distribution of food...
Chapter 143-A	Food Service Licensure	143-A:5 Exemptions. The following establishments and events shall be exempt ... I. Food service establishments and retail food stores licensed by city health officers under RSA 47:17. II. Food service establishments and retail food stores licensed by town health officers under RSA 147:1.
Chapter 147	Nuisances; Toilets; Drains; Rubbish and Waste	147:1 Local Regulations. I. The health officers of towns may make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require...
Chapter 147:3	Investigations and Complaints	147:3 Investigations and Complaints. – Health officers of towns, and each of them, shall inquire into all nuisances and other causes of danger to the public health, and for the purpose of such investigations, or whenever they shall know or have cause to suspect that any nuisance or other thing injurious to the public health is in any building, vessel, or enclosure they may obtain an administrative inspection warrant under RSA 595-B, including authority to forcibly enter therein and make such search, pursuant to RSA 595-B:5.
Chapter 147:16	Outdoor Wood-Fired Hydronic	147:16-b Outdoor Wood-Fired Hydronic Heaters. – If the owner or operator of an outdoor wood-fired hydronic heater (OWHH),

NEW HAMPSHIRE LAWS AND REGULATIONS FOR HEALTH OFFICERS

	Heaters	as defined under RSA 125-R, operates the OWHH in a manner which causes a nuisance or is injurious to the public health, the health officers may , in writing, order that use of the OWHH be discontinued. The department of environmental services shall provide technical assistance...
Chapter 151	Health Care Facilities	No specific mention of health officers, although the NH DHHS Office of Health Care Facility Licensing may request that a health officer confirm that the facility is in compliance with all local codes.
Chapter 155: 66	Indoor Smoking Act	No mention of municipal HO. Enforced by NH DHHS, DPHS Tobacco Prevention and Cessation Program.
Chapter 155-A	NH Building Code	No mention of health officers. Relevant to municipalities and code enforcement officers.
Chapter 155-B	Hazardous and Dilapidated Buildings	No mention of health officer. 155-B:2 Repair or Removal of Hazardous Building. – The governing body of any city or town may order the owner of any hazardous building within the municipality to correct the hazardous condition of such building or to raze or remove the same.
Chapter 163-B	Litter Control Law	163-B:6 Enforcement. – All law enforcement agencies and officers and officials of said agencies of this state or any political subdivision thereof are hereby authorized, empowered, and directed to enforce with this chapter.
Chapter 170-E	Child Day Care, Residential Care & Child Placing Agencies	170-E:10 Record of Licenses and Investigatory and Monitoring Visits. I. The department shall keep in a central depository records of licenses issued under this subdivision and all investigatory and monitoring reports, and final decisions relative to licensure that have been made relative to licensees. When a license is issued to a child day care agency, the department shall give notice to the health officer and fire department...
Chapter 200	Health and Sanitation (School Health)	200:11-a Investigation of Air Quality. – I. The school principal, or designee shall annually investigate the air quality of any schoolhouse or building used for school purposes using a checklist provided by the department of education... The completed checklist shall be filed after the annual inspection with the department of education, the local school board, and the local health officer .
Chapter 281	Worker's Compensation	281-A:64 Workers Compensation, "Every employer shall provide employees with a safe employment."
Chapter 289	Cemeteries	No mention of health officers. 289:16 Reinternment. – The governing body may, at the expense of the municipality, disinter all the remains of persons buried in such cemetery...
Chapter 290	Burials and Disinterment	290:5 Burial Permit Required. –No disinterment, except as otherwise provided in this chapter, of the dead body of a human being shall be made without a permit from the department of state, countersigned by the local health officer ,

NEW HAMPSHIRE LAWS AND REGULATIONS FOR HEALTH OFFICERS

		and only in accordance with such permit.
Chapter 313-A	Barbering, Cosmetology, and Esthetics	No mention of health officers. Some municipalities may choose to regulate.
Chapter 314-A	Body Art (Tattoo Parlors)	No mention of health officers. Some municipalities may choose to regulate.
Chapter 328	MASSAGE THERAPISTS	No mention of health officers. Some municipalities may choose to regulate.
Chapter 339	Commerce and Mattress Sanitation	No mention of health officers, yet may relate to bed bugs and reuse of mattresses. 339:56 Labels; Use of Un-disinfected Secondhand Materials Prohibited. Provided, that no secondhand materials, the use of which is not prohibited under RSA 339:59 and which may be deemed by the department of health and human services suitable for reuse, shall be used unless the same have been disinfected by a method or methods approved by the said department.
Chapter 431	Soil Conditioners	431:35 Improper Manure Handling. – I. The commissioner (Agi) shall investigate complaints of improper handling of manure, agricultural compost, and commercial fertilizer, ... II. If the person responsible fails to implement the recommended changes, the commissioner shall notify the health officer ...
Chapter 436	Disease of Domestic Animals (Rabies Control)	No mention of health officers. 436:77 Making. – Any person who kills a bovine, sheep or swine, ... having reason to believe at the time of said killing, ... that it is infected with a contagious or infectious disease, shall immediately notify the board of health of the city or town ...
Chapter 485	Public Water Supply Protection Program	485:18 Removal of Polluting Substance. – The health officer of the town, or the water commissioners having charge of the water supply, or the proprietors of the water supply, may remove such material, substance, or fluid and may recover the expense of removal from the person who placed the same, or caused it to be placed, in or near the water, in a court of competent jurisdiction.
Chapter 485-A	Water Pollution and Waste Disposal	485-A:26 Swimming Pools and Bathing Places. – I. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, Nothing in this section shall be deemed to affect the powers of local health officers or the department of health and human services, with respect to nuisances.
Chapter 485-C	Groundwater Protection Act	485-C:15 Investigation and Inspection. – The department, any authorized representative... or any town or city health officer may enter any land or establishment for the purpose of administering the provisions of this chapter... 485-C:16 Cease and Desist Orders. – I. The department may issue a written cease and desist order against any violation of

NEW HAMPSHIRE LAWS AND REGULATIONS FOR HEALTH OFFICERS

		this chapter or rule adopted under this chapter. Local health officers shall have concurrent power to issue such orders.
Chapter 485	Water Pollution and Waste Disposal	485-A:34 Soil Testing; Inspections. – I. The department (DES) shall require soil data ... III. In all cases involving inspection of sewage or waste disposal systems in cities or towns which employ a full time health officer and/or building inspector , the department may delegate to such officer or inspector the responsibility for inspecting the proposed...
Chapter 540	Actions Against Tenants	No mention of health officer, yet this statute includes definitions of infestation, remediation, and clarifies the liability for bed bug costs for rental tenants and landlord.
Chapter 540-A	Prohibited Practices and Security Deposits	No mention of health officer, yet this statute is relevant to bed bugs and clarifies emergency entry to control the pest, with roles and responsibility of tenant and landlord.
Chapter 553	HOTELS, TOURIST CABINS, ETC.	No mention of health officers, yet may relate to local health codes in lodging. 553:3-bb, Hotels, Tourist Cabins, Etc. (c) .. limit on the number of persons who may occupy any particular guest room in the hotel or lodging house... For purposes of this subparagraph, the limit represents the number permitted by local ordinances or reasonable standards of the hotel, lodging house, or campground relating to health, safety, or sanitation .
Chapter 595-B	Administrative Inspection Warrants	595-B:1-a Scope. – The uniform procedures set forth in this chapter shall be applicable to all persons authorized by law to act in the name of the state to conduct any inspection, testing or sampling... including but not limited to officials or employees of state agencies, municipal fire departments, building inspectors, or other code enforcement officials, health officers , members of local land use boards, and assessing officials. This law provides police powers.
Chapter 635	UNAUTHORIZED ENTRIES (of livestock)	No mention of health officer. 635:3 Trespassing Stock or Domestic Fowl. – If any person having the charge or custody of any sheep, goats, cattle, horses, swine, or domestic fowl shall knowingly, recklessly, or negligently suffer or permit the same to enter upon ... land of another... the person shall be guilty of a violation. Complaints shall be made to <u>law enforcement</u> officials or local animal control officers...
Chapter 676	Administrative & Enforcement Procedures	676:8 Issuing Approval for Building Permits. – The historic district commission shall review applications for building permits... I. Requesting reports and recommendations regarding the feasibility of the applicant's proposal from the planning board, fire chief, building inspector, health officer ... concerning the impact of the proposal on the historic district.

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References: State of New Hampshire Revised Statutes Online.

<http://gencourt.state.nh.us/rsa/html/indexes/default.html>