



# Common Cents

New Hampshire Fiscal Policy Institute Blog

## Legislature Finishes Historic Session, Sends Omnibus Bills to Governor's Desk

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With an abbreviated timeline that prevented further deliberation, the Legislature combined legislation left on the agenda since March and sent both single-issue and omnibus bills to Governor Sununu. The Senate compiled both bills originating in the Senate and the House into larger bill packages, and the House's schedule only permitted concurrence or rejection of bills relayed to it by the Senate, rather than an amendment process through Committees of Conference. The result was a series of bills covering a wide variety of topics, including future COVID-19 vaccines, expanded dental benefits for Medicaid recipients, raising the minimum wage, unemployment compensation for COVID-19-related reasons, paid family and medical leave, protections for renters behind on payments during the pandemic, telehealth services, New Hampshire Employment Security's computer systems, and importation of prescription drugs from Canada.

### Health, COVID-19, Education, and Other Omnibus Bills

The State Senate bundled many House bills that otherwise may not have been addressed into large, multi-part omnibus bills. Although they covered a wide variety of topics, several of the omnibus bills were thematically organized.

[House Bill 1639](#) was an omnibus bill that incorporated many provisions having to do with health care, and would:

- substantially raise the income eligibility threshold for a portion of the Medicaid program related to those identified as medically needy and participating in [In and Out Medical Assistance](#), which can help individuals pay for medical bills on a limited-term basis
- establish the Opioid Abatement Trust Fund to hold all opioid-related legal settlement funds, with the administration and management of the funding to be guided by an advisory council

- require the DHHS to develop a state health assessment and a state health improvement plan, and establish an advisory council to assist with this planning
- remove the requirement for certain [prior authorizations](#) for emergency services to screen and stabilize individuals, and grant automatic extensions of prior authorizations for those that would have expired during the initial period of the pandemic
- require health insurance cover long-term antibiotic therapy for tick-borne illness for residents of the state
- add requirements for substance use disorder treatment and mental health treatment reimbursements for health insurance
- establish a commission to review information related to drug overdose fatalities
- modify statutes governing physicians' assistants and extending their license renewal periods
- permit pharmacists to administer a COVID-19 vaccine, if it is available
- remove the ability of the [New Hampshire Granite Advantage Health Care Trust Fund](#) to accept gifts, grants, and donations
- expand certain terminally ill visitation rights to unmarried partners

A multi-part bill, [House Bill 1246](#), focused on COVID-19-related health and human services topics and would:

- require the New Hampshire Department of Health and Human Services (DHHS) to report on any reductions to State Budget appropriations monthly, starting July 15, 2020
- establish the COVID-19 Nursing Home and Long-Term Care Fund, with \$25 million in [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act Coronavirus Relief Fund](#) appropriations
- require the DHHS to assess the needs of long-term care facilities and provide recommendations relative to COVID-19
- modify requirements for the information hospitals and certain other health care institutions report relative to infections
- augment child care scholarships for working families with \$10 million in federal CARES Act funds and expand eligibility up to 275 percent of the federal poverty guidelines
- authorize pharmacists to administer a COVID-19 vaccine when one becomes available
- require the DHHS to amend the State Medicaid Plan to reimburse the costs for training nursing assistants in an effort to remove barriers to their licensure and training

Most additional legislation specific to the COVID-19 crisis was passed as a part of [House Bill 1166](#), which would make key changes to the statutes governing unemployment compensation. The bill would:

- waive certain requirements for unemployment compensation for all individuals applying for reasons related to the COVID-19 crisis
- extend unemployment compensation in statute for self-employed individuals impacted by the COVID-19 crisis and as directed by a medical provider
- extend benefits to include situations where an employer is shutting down temporarily due to the pandemic where the individual is expected to return upon restart, an individual is quarantined by a medical professional or government directive and is expected to return to work after quarantine, an individual leaves employment due to a reasonable risk of exposure or infection, or an individual leaves employment to care for a family member and either does not intend to return or is not permitted to return
- transfer \$50 million in federal CARES Act funds to New Hampshire Employment Security to upgrade computer systems to help code and account for expanded COVID-19 eligibility factors
- require zero-cost provision of personal protective equipment to employers with 15 or fewer employees
- alter statute so that insurers would not be permitted to charge any cost-sharing for New Hampshire residents for COVID-19 testing or treatment
- extend certain provisions of the federal Family and Medical Leave Act of 1993 to all employees or covered family members in quarantine due to COVID-19 working for organizations with 15 or more employees

The Legislature also passed an omnibus bill primarily related to education, [House Bill 1558](#), which would:

- modify the kindergarten funding formula to provide funding in the first year of full-day kindergarten in a district
- delay the prospective repeal of the [Economic Revitalization Zone Tax Credit](#) against the [Business Profits](#) and [Business Enterprise](#) Taxes
- change the statutes governing student suspension and expulsion
- permit school districts to retain higher levels of unspent surplus funds at the end of a year
- reduce the portion of the vote needed in some municipalities for bonds or notes from a two-thirds majority vote to a three-fifths majority vote

Another omnibus bill, [House Bill 1494](#), focused primarily on workers, and includes the establishment of an occupational safety and health standards advisory board, as well as an expansion of death benefits for public employees to include public works employees.

Two additional omnibus bills covered a wide range of topics. [House Bill 1234](#) covers a broad array of topics, including compliance payments to the Renewable Energy Fund, capital reserve fund uses by local governments, modifications to the Meals and Rentals Tax to include internet-based facilitators of motor vehicle renters, and requiring the formula used by the New Hampshire Department of Revenue Administration to assist the Current Use Board in their determination of current use tax rates be made public. A second omnibus bill, [House Bill 1245](#), includes provisions that would:

- increase the legal age for sale and possession of tobacco products to 21 years old, which would match federal law
- establish a framework for certification of recovery housing residences for individuals with substance use disorders
- shorten sentences for prisoners for earning certificates of apprenticeship or a master's certificate in a correctional industries job
- establish an offshore wind commission
- repeal several boards, committees, commissions and task forces in law and set up a framework for reviewing others for potential elimination

### Telemedicine and Other Health

The Legislature also passed non-omnibus bills specific to certain topics. Several key individual bills were passed related to health care, including [House Bill 1623](#). This bill would support telemedicine by requiring Medicaid, to the extent permitted under federal law, and private insurance carriers pay health care providers on the same basis for telemedicine services as an in-person service. The bill would also establish a Commission to Study Telehealth Services, and define both terms related to telemedicine and circumstances in which a health care provider does not have to establish care with an in-person meeting. This bill would enable a continuation of some of the temporary measures that have allowed health care providers to reach more of their patients remotely and afford to do so in the long term.

[House Bill 1280](#) would cap the amount an insurer can require a person to pay for insulin at \$30 for a 30-day supply, establish a board to review the prescription drug affordability information and make recommendations to optimize spending by public entities for pharmaceuticals and determine spending targets, establish a competitive

marketplace for prescription drugs, and create a State program to import drugs from Canada and provide prescription drugs wholesale.

Critical for long-term costs, improved access to dental care can avoid costly procedures in the future. [House Bill 250](#) would establish a dental benefit for individuals age 21 years and older in Medicaid, with the benefits to be managed by the Medicaid managed care organizations or a dental managed care organization. The DHHS would have to enter a contract and start implementation of services by April 1, 2021. Dental services would be required to include annual oral exams, necessary x-rays or other imaging, prophylaxis, topical fluoride, oral hygiene instruction, comprehensive restorative treatment and treatment to eliminate infection or prevent tooth loss, necessary prosthodontic coverage, and other services.

A key public health concern in New Hampshire, the safety of drinking water, has also been addressed in one of the bills passed by the Legislature this session. [House Bill 1264](#) would set maximum amounts of certain perfluorochemicals in drinking water. It would also establish a fund to provide low interest loans to community water systems to help keep these chemical levels in compliance, with opportunities for limited loan forgiveness. The fund would receive a \$50 million appropriation, with the State Treasurer authorized to borrow these funds to support the loans and payments for that borrowing coming from the General Fund, unless and until funding is available from related lawsuit settlements.

To support those with long-term medical issues or family members needing care over a period of weeks, the Legislature also passed [House Bill 712](#), which would establish a Family and Medical Leave Insurance program. This program would provide employees with up to 12 weeks of insurance payments for any employee with at least six months of payments into the system, and with 60 percent of recent employee wages, within certain parameters. This bill is similar to prior paid [Family and Medical Leave Insurance proposals](#) drafted in 2019.

### **Housing, Broadband, and Minimum Wage**

Housing security has become more precarious for many as [incomes have dropped](#) and a [moratorium on most evictions and foreclosures](#) has been lifted. [House Bill 1247](#) tries to reduce the impacts of overdue payments on renters and ease access to assistance. The bill would:

- forbid landlords from filing a possessory action for nonpayment of rent during the COVID-19-related State of Emergency unless there is a written offer

permitting the tenant to pay the unpaid rents in partial payments over a six-month period

- remove the ability of local welfare offices to require an eviction notice before providing rental assistance, although eviction notices may be required for certain other subsequent processes and documentation
- create a duty of good faith and fair dealing for mortgages

Several shorter bills focused on single key topics. One additional bill related to public health, [House Bill 1230](#), would provide \$375,000 for substance use disorder services in Nashua. [House Bill 1111](#) would permit the establishment of Communications Districts, entities that allow cities and towns to cooperate to help develop and improve [broadband internet infrastructure](#), a key component of commerce both during and after the pandemic. Finally, a potentially very significant change for low wage workers, [House Bill 731](#) would raise the minimum wage in New Hampshire, which at \$7.25 is [well below all other New England states](#), to \$10 starting in 2021 and \$12 in 2023, with a minimum wage for certain tipped employees set to \$4 per hour.

Many of the policy changes passed at this end to an unusual and historic legislative session were already under consideration early in the year, while others were crafted in reaction to the COVID-19 crisis. The Legislature does not yet have a scheduled day to fully reconvene, although committees have been meeting frequently during the pandemic and some may meet again over the summer. Depending on action relative to the Governor's emergency orders or the State Budget, the full Senate or House may not reconvene again until the fall. With many of these bills helping provide and maintain access to services and stability for New Hampshire's residents, including housing, health services, and unemployment compensation, the Legislature's efforts include several possible and critical supports for Granite Staters recovering from the COVID-19 crisis.

- *Phil Sletten, Senior Policy Analyst*