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Revised Statutes Annotated of the State of New Hampshire [Currentness](#)

Title X. Public Health

▢ [Chapter 125. General Provisions \(Refs & Annos\)](#)

▢ [Department of Health and Human Services \(Refs & Annos\)](#)

→ **125:9 Duties.**

The commissioner of the department of health and human services shall:

- I. Take cognizance of the interests of health and life among the people.
- II. Make investigations and inquiries concerning the causes of epidemics and other diseases, the sources of morbidity and mortality, and the effects of localities, employments, conditions, circumstances, and the environment on the public health. Investigations authorized under this paragraph shall also include an extended rabies surveillance effort which shall be conducted with assistance from the department of agriculture, markets, and food and the fish and game department.
- III. Advise and assist town health officers in making investigations into sanitary matters in their towns.
- IV. Take measures to communicate such information as necessary on the improvement and preservation of health.
- V. Recommend to the director of motor vehicles the procedures necessary under [RSA 125:9-a](#).
- VI. Recognize the public health aspects relating to drugs and food under [RSA 125:10](#).
- VII. Verify sanitary conditions of public buildings under [RSA 125:11](#).
- VIII. Equip and maintain a first-aid room under [RSA 125:13-a](#).
- IX. Develop or designate a statewide program for poison information and treatment under [RSA 126-A:49](#).
- X. Investigate complaints of poor indoor air quality and conduct inspections of buildings and dwellings, upon request, for the presence of radon or other health hazards present in indoor air; and provide education, technical

consultation, and recommendations for abatement of such health hazards in conjunction with the University of New Hampshire cooperative extension.

XI. Consult with and assist the executive director, department of fish and game in the review and approval of off highway recreational vehicle safety training courses.

XII. Nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state physician epidemiologist who shall receive a salary in accordance with [RSA 94:1-a](#). Upon appointment, the physician epidemiologist shall serve for a term of 4 years and until a successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of [RSA 21:33-a](#) shall not apply to appointments made under this paragraph.

XIII. Nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state senior physician/dentist who shall receive a salary in accordance with [RSA 94:1-a](#). Upon appointment, the senior physician/dentist shall serve for a term of 4 years and until a successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of [RSA 21:33-a](#) shall not apply to appointments made under this paragraph.

XIV. [Repealed.]

HISTORY

Source. 1881, 64:6. PS 107:3. PL 125:5. RL 147:5. RSA 125:9. 1983, 291:1, I. 1986, 198:2. 1988, 118:1; 264:9. 1992, 206:2. 1994, 284:2; 403:3. 1995, 130:4; 134:23; 310:7, 182, 197. 2003, 319:97, II, eff. Jan. 1, 2004.

Amendments--2003. Paragraph XIV: Repealed.

--1995. Chapter 310:182 substituted “commissioner of the department of health and human services” for “director, division of public health services” in the introductory paragraph.

Paragraph II: Chapter 130 substituted “department of agriculture, markets, and food” for “department of agriculture”.

Paragraph IX: Chapter 310:7 substituted “[RSA 126-A:49](#)” for “[RSA 126-A:61](#)”.

Paragraph X: Chapter 134 deleted “service” following “cooperative extension”.

Paragraphs XII to XIV: Amended generally by ch. 310:197.

--1994. Paragraph X: Amended generally by ch. 284.

Paragraphs XII to XIV: Added by ch. 403.

--1992. Paragraph II: Added the second sentence.

--1988. Paragraph X: Added by ch. 118.

Paragraph XI: Added by ch. 264.

--1986. Amended section generally.


--1983. Substituted “department of health and human services” for “department of health and welfare” in the introductory paragraph.

CROSS REFERENCES

Rulemaking by commissioner of department of health and human services, see [RSA 125:15-a](#).

LIBRARY REFERENCES

West Key Number

[Health](#)  367.

Westlaw Topic

Westlaw Topic No. [198H](#).

ANNOTATIONS

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[1](#). In general

In determining whether to grant permission to city to extend sewer line, Water Supply and Pollution Control Commission should not consider complaints of residents and elected officials except as they tended to show ex-

tension would endanger public health. [Roy v. Water Supply and Pollution Control Commission \(1972\) 112 N.H. 87, 289 A.2d 650](#). [Health](#) 376

Finding that sanitary and storm sewer extension applied for by city to service apartment complex would endanger public health was reasonable where uncontradicted evidence showed that approximately once a year there was overflowing of the sewer in a low area served by it, flooding the land, that it was getting worse and that the extension would increase the dry weather flow of sewage at three points measured in the area by 14, 16 and 30 percent. [Roy v. Water Supply and Pollution Control Commission \(1972\) 112 N.H. 87, 289 A.2d 650](#).

2. Construction and application

The orders and regulations of State Board of Health directing the Town of Meredith which is located on Lake Winnepesaukee which is a public water supply for other towns, to install a suitable public system of sewerage in the village section of Meredith are within the powers conferred by statute upon the State Board of Health. [Town of Meredith v. State Board of Health \(1946\) 94 N.H. 123, 48 A.2d 489](#). [Environmental Law](#) 371; [Waters And Water Courses](#) 196

3. Discretion of commission

Water Supply and Pollution Control Commission had authority to disapprove extension of sewer line and determination of whether to grant or disapprove extension must be made by broad criteria of whether extension was harmful to public health and life. [Roy v. Water Supply and Pollution Control Commission \(1972\) 112 N.H. 87, 289 A.2d 650](#). [Health](#) 369

Water Supply and Pollution Control Commission has broad discretion in determining whether to grant permission for extension of sewer line but its discretion is not without limit. [Roy v. Water Supply and Pollution Control Commission \(1972\) 112 N.H. 87, 289 A.2d 650](#). [Health](#) 369; [Health](#) 376

N.H. Rev. Stat. § 125:9, NH ST § 125:9

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