

**Legislative Update**  
**July 9, 2018**

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It was another busy session for pharmacy legislation here in the Granite State.

**Biological Products and Lowering Prescription Costs**

**HB 1791-FN - Allowing pharmacists to disclose information relative to lower cost drugs under the managed care law and relative to biological products dispensed by pharmacists.**

Sponsored by Rep. Butler, this bill declares that a contract between an insurance carrier or pharmacy benefit manager and a contracted pharmacy shall not contain a provision prohibiting the pharmacist from providing certain information to an insured or the insurance department.

This bill also establishes requirements for dispensing and substituting biological products by pharmacists and establishes an annual education program relative to biological products.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=1698&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1698&txtFormat=html)

*Signed by the Governor on June 7, 2018*

*Section 5, the education portion of the bill, is effective June 7, 2018*

*The remainder of the bill is effective January 1, 2019*

**Compounding of Drugs**

**SB 581-FN - Relative to compounding of drugs and establishing a committee to study rulemaking authority for reconstituted drugs.**

Sponsored by Senator Sanborn, this bill amends the definition of compounding for the purposes of the law regulating pharmacists and pharmacies.

An amendment was introduced by Anthem and others who expressed concerns about the NH Board of Pharmacy's position on sterile compounding, and they requested statutory changes to the definition of compounding. The main concerns expressed by certain healthcare providers and insurers included the use of USP 797 as the standard for sterile compounding, the inclusion of reconstitution under the sterile compounding definition, and the potential reduction of where sterile compounding could be performed.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=1771&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1771&txtFormat=html)

*Signed by the Governor on June 12, 2018*

*Effective Date: June 12, 2018*

## Drugs

### **SB 376-FN - Relative to the sale of certain cold medications.**

In response to the opioid crisis in NH, Senator Carson introduced this bill which would regulate the sale and possession of products containing ephedrine and pseudoephedrine.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=1730&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1730&txtFormat=html)

*Signed by the Governor on May 30, 2018*

*Effective Date: January 1, 2019*

### **SB 483 - Relative to procedures for dispensing controlled drugs.**

Sponsored by Senator Martha Fuller Clark, this bill establishes a procedure for patients or their authorized representatives to pick up a prescription for a schedule II-IV controlled drug at a pharmacy.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=2040&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=2040&txtFormat=html)

*Passed the Senate with Amendment*

*Referred for Interim Study*

*House Health, Human Services and Elderly Affairs Committee*

## Immunization Bills

There were four immunization bills introduced, one deleting the requirement for Hepatitis B, one removing tetanus, and two more amending current definitions.

They were all found Inexpedient to Legislate

## Medication Synchronization

### **SB 332 - Relative to medication synchronization.**

Sponsored by Senator Gray, this bill requires insurers offering health insurance policies with prescription drug coverage to allow covered persons to synchronize the dispensing dates of their prescription drugs.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=1739&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1739&txtFormat=html)

*Signed by the Governor on May 25, 2018*

*Effective Date: January 1, 2019*

## Oral Contraceptives

### **House Bill 1822-FN - Making hormonal contraceptives available directly from pharmacists by means of a standing order.**

Sponsored by Representative Mariellen MacKay, this bill allows pharmacists to dispense hormonal contraceptives pursuant to a standing order entered into by health care providers.

**Language allowing the pharmacy to charge for an initial screening was added to the definition of outpatient contraceptive services.** This bill is the result of a 2017 study commission.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=2046&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=2046&txtFormat=html)

*Signed by the Governor on June 8, 2018*

*The insurance sections are effective January 1, 2019*

*The remainder of the bill is effective August 7, 2018*

### **Senate Bill 421 - Relative to insurance coverage for prescription contraceptives.**

Sponsored by Senator Soucy, this bill clarifies insurance coverage for prescription contraceptive drugs and prescription contraceptive devices and for contraceptive services. Coverage would allow for a 12-month supply.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=2009&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=2009&txtFormat=html)

*Signed by the Governor on July 2, 2018*

*There are multiple effective dates*

## Pharmacy Benefit Manager Bills

There were seven bills introduced around the Pharmacy Benefit Manager (PBM) issue

In the end, two bills were passed, HB 1746 and SB 481.

### **HB 1746-FN - Relative to the practices of pharmacy benefit managers.**

Sponsored by Rep. Hennessey, this bill, as amended, prohibits certain practices of pharmacy benefit managers until June 30, 2020.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=1175&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1175&txtFormat=html)

*Signed by the Governor on May 25, 2018*

*Effective Date: May 25, 2018*

### **SB 481 – Establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs.**

Sponsored by Senator Soucy, this bill establishes a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=1920&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1920&txtFormat=html)

*Signed by the Governor on May 30, 2018*

*Effective Date: May 30, 2018*

*The Commission will begin to meet 45 days from the effective date*

## Syringe Service Programs

**SB 357 – Relative to safe school zones and relative to syringe service programs.**

Sponsored by Senator Reagan, this bill was amended to allow school boards to grant certain exceptions to the prohibition on locating syringe service programs in a drug-free zone.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=1940&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1940&txtFormat=html)

*Signed by the Governor on June 12, 2018*

*Effective Date: August 11, 2018*

**Telemedicine**

**HB 1471-FN – Relative to telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth.**

Sponsored by Rep. Migliore, this bill clarifies the law relating to telemedicine services and also establishes a committee to study health care reimbursement for telemedicine and telehealth.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=1412&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1412&txtFormat=html)

*Signed by the Governor on June 18, 2018*

*Effective Date: August 17, 2018*

*The Commission will begin to meet 45 days after June 18, 2018*

**Vaccinations**

**Senate Bill 333 - Relative to pharmacy interns and vaccinations.**

Sponsored by Senator Soucy, this bill allows a pharmacy intern under the supervision of a pharmacist to administer hepatitis A, hepatitis B, Tdap, MMR, and meningococcal vaccines. This was a request of the students at Massachusetts College of Pharmacy and Health Sciences, Manchester, New Hampshire campus. Last year, pharmacy interns were granted the authority to immunize, under the direction of a pharmacist, but there was a glitch, and they were not granted authority to administer all that are allowed under NH statute. This is an effort to correct that.

[http://www.gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2018&id=1742&txtFormat=html](http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1742&txtFormat=html)

*Signed by the Governor on May 25, 2018*

*Effective Date: July 24, 2018*