

**Legislative Update
NH Pharmacists Association
October 21, 2020**

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It was another busy legislative session for pharmacy legislation here in the Granite State. Many initiatives were put on hold because of COVID-19.

Here are some of the top bills the Association followed in 2020.

Pharmacists authorized to administer a COVID-19 Vaccine

HB 1639-FN - (New Title) Relative to health care.

Among other things, this bill authorizes pharmacists to administer a COVID-19 vaccine if one is available.

39:58 Pharmacist Administration of Vaccines. Amend RSA 318:16-b to read as follows:

318:16-b Pharmacist Administration of Vaccines. A pharmacist or pharmacy intern under the direct supervision of an immunizing pharmacist may administer influenza vaccines to the general public and a pharmacist or pharmacy intern may administer pneumococcal and varicella zoster vaccines to individuals 18 years of age or older, provided all of the criteria in this section have been met. ***A pharmacist or pharmacy intern under the direct supervision of an immunizing pharmacist may administer a COVID-19 vaccine, if available, provided that all applicable criteria in this section have been met. The pharmacist or pharmacy intern administering a COVID-19 vaccine shall notify the patient's primary care physician.*** The pharmacist and pharmacy intern shall:

- I. Hold a current license to practice as a pharmacist or be registered as a pharmacy intern under RSA 318:15-b in New Hampshire.
- II. Possess at least \$1,000,000 of professional liability insurance coverage.
- III. In order to administer influenza, pneumococcal, and varicella zoster vaccines, have completed training specific to the administering of the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.
- IV. Provide to the board evidence of compliance with paragraphs I-III.
- V. Provide notice to the primary care provider, when designated by the patient, of the administration of the pneumococcal and varicella zoster vaccines.
- VI. Maintain a record of administration of pneumococcal and varicella zoster vaccinations for each individual as required by state and federal law.

Signed by the Governor on July 29, 2020

Chapter 39

This section of the bill is effective January 1, 2021.

Provider Status

HB 1600-FN-A (New Title) relative to smoking cessation therapy and pharmacist reimbursement under Medicaid and making an appropriation therefor and relative to insurance coverage for pharmacist cognitive services.

Sponsored by Rep. Marsh, this bill authorizes pharmacists to dispense smoking cessation therapy pursuant to a standing order from a physician or APRN and to be reimbursed under Medicaid.

***House Health, Human Services and Elderly Affairs Committee
Passed the House with Amendment; voice vote
Referred to House Finance Committee Public Hearing was held on January 14, 2020
The bill was recommended to be killed
No action taken because of COVID.***

Limited Immunity of Pharmacists

HB 1294 - Relative to the limited immunity of pharmacists.

Sponsored by Rep. Jess Edwards, this bill provides for limited immunity from civil liability in class action litigation for actions of pharmacists. A pharmacist acting in good faith and without gross negligence, shall not be subject to civil liability for injury, death, or loss to person or property in class action litigation where the pharmacist's only actions were in compliance with the laws and rules adopted by the board pertaining to the practice of pharmacy and in effect at the time the actions occurred.

***House Judiciary Committee
Killed in the House on March 11, 2020; voice vote***

Prescription Drug Monitoring Program

HB 1332 – Relative to an electronic prescription drug program.

Sponsored by Rep. Gary Merchant, this bill requires electronic prescribing for controlled drugs under certain circumstances. Notwithstanding any provision of law to the contrary, no person shall issue a prescription for a controlled drug unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy.

***House Health, Human Services and Elderly Affairs Committee
Passed the House with Amendment on March 11, 2020; voice vote
Introduced in the Senate
Laid on the Table in June because of COVID***

Pharmacy Board Changes

HB 1536 – Relative to pharmacists-in-charge, the inspection and regulation of prescription drugs by the pharmacy board, and disciplinary actions by the pharmacy board.

Sponsored by Rep. Gary Merchant, this bill modifies the duties and responsibilities of a pharmacist-in-charge, clarifies the inspection services provided by the board of pharmacy, and repeals a provision on requirements for written orders for schedule II controlled drugs. The bill also adds disciplinary authority for the pharmacy board in the controlled drug act.

*House Executive Departments and Administration Committee
Referred for Interim Study on March 11, 2020*

Drug Take-Back Programs

HB 1223 – Relative to schedule I and unscheduled drug take-back programs.

Sponsored by Rep. Dolan, This bill authorizes municipalities, governmental entities, and private entities to establish take-back programs for schedule I and unscheduled drugs

*House Health, Human Services and Elderly Affairs Committee
Killed in the House on March 12, 2020; division vote 163-137*

HB 1610-FN – Establishing the manufacturer pharmaceutical drug take-back program.

Sponsored by Rep. Loughman, this bill establishes the manufacturer pharmaceutical drug take-back program. The department of health and human services shall operate the program and adopt rules for its administration. This bill would require manufacturers to pay for additional sites to drop off unwanted medication. This bill is based on the Washington state model.

*House Health, Human Services and Elderly Affairs Committee
Referred for Interim Study on March 11, 2020; voice vote*

Prescription Drug Prices

HB 1280-FN - (New Title) Relative to copayments for insulin, establishing a wholesale prescription drug importation program, establishing a New Hampshire prescription drug affordability board, establishing the prescription drug competitive marketplace, relative to the pricing of generic prescription drugs, relative to prior authorization for prescription drug coverage, and requiring insurance coverage for epinephrine auto-injectors.

This bill does the following:

- I. Requires insurers to cap the total amount paid for insulin for covered persons.
- II. Establishes a wholesale importation program for prescription drugs from Canada by or on behalf of the state. This bill requires the department of health and human services to design the program and obtain federal approval for the program.

III. Establishes a prescription drug affordability board to determine annual public payor spending targets for prescription drugs, develop and implement policies and procedures for the collection of prescription drug price data, implement a register of drug manufacturers for drug pricing data, and establish funding for the board by reasonable user fees and assessments.

IV. Clarifies the pricing of generic prescription drugs under the law governing consumer protection.

V. Clarifies the procedure for prior authorization for prescription drugs on the formulary under the managed care law.

VI. Requires insurance coverage for epinephrine autoinjectors.

VII. Establishes the prescription drug competitive marketplace.

The drug importation section of the bill was introduced as SB 685 earlier in the legislative session but added to HB 1280. Sponsored by Senator Dan Feltes and supported by Governor Sununu, this bill establishes a wholesale importation program for prescription drugs from Canada by or on behalf of the state. This bill requires the department of health and human services to design the program and obtain federal approval for the program. The bill seeks to alleviate sky-rocketing health care costs in NH by importing prescription drugs from Canada. The effective date of this section of the bill is September 14, 2020

Signed by Governor Sununu 07/16/2020

There are several effective dates

The effective date of this section of the bill is September 14, 2020