**HB 444 - AS INTRODUCED**

2021 SESSION

21-0565
10/05

HOUSE BILL ***444***

AN ACT relative to the board of pharmacy.

SPONSORS: Rep. Merchant, Sull. 4; Rep. Massimilla, Graf. 1

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill makes various technical changes to the laws governing pharmacies regulated by the pharmacy board.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

21-0565
10/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the board of pharmacy.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Definitions; Collaborative Pharmacy Practice Agreement. Amend RSA 318:1, XXVII to read as follows:

XXVII. "Collaborative pharmacy practice agreement" means a written and signed specific agreement between a pharmacist[, an ~~attending~~] ***and the patient's*** practitioner,[~~ and the patient or patient's authorized representative who has granted his or her informed consent,~~] that provides for collaborative pharmacy practice for the purpose of medication therapy management for the patient.

2 Prescriptions; Inspections. Amend RSA 318:8-a to read as follows:

318:8-a Inspection and Regulation of Certain Users of Prescription Drugs. All physicians, veterinarians, dentists, advanced registered nurse practitioners, physician assistants, and clinics under contract to the department of health and human services and agricultural, technical, or industrial users of prescription drugs shall be subject to inspection [~~and regulation~~] by the board of pharmacy with regard to the ***safe*** storage, ***handling,*** labeling, distribution, and disposal of prescription drugs. ***The board of pharmacy shall adopt and enforce standards for the safe storage, handling, labeling, distribution, and disposal of prescription drugs. The board of pharmacy shall report to the responsible agency or licensing board infractions found during an inspection, and that agency or board shall review the infractions for appropriate action.***

3 Compounding; Standards. Amend RSA 318:14-a, I to read as follows:

I. Products that are not commercially available may be compounded for hospital or office use but shall not be resold or dispensed. Nonprescription items may be compounded upon order by a practitioner for sale as long as the labeling complies with RSA 318:47-a and the product is not a copy of, or similar to, prescription or nonprescription products. Except as provided in rules adopted under paragraph V for veterinarians, all compounding shall be done [~~in compliance with the~~] ***based on*** United States Pharmacopeia ***standards*** as defined by board of pharmacy rules.

4 Pharmacy Permit. Amend RSA 318:38, I to read as follows:

I. The board shall, upon application and hearing, issue a permit to maintain and operate a pharmacy to such persons, firms, or corporations as they deem qualified to conduct a pharmacy. The permit shall be issued to the pharmacy in the name of the corporation or the owner of the pharmacy. This permit, to be known as a pharmacy permit, shall certify that the designated pharmacist-in-charge [~~has~~] ***and the permit holder have jointly and equally*** accepted the responsibility for the safe, effective operation of a pharmacy and compliance with all pharmacy and drug laws or

regulations; that the premises named in the permit are a fit place to practice pharmacy including, but not limited to, the compounding and dispensing of medicines upon prescriptions and for the manufacture, sale, and distribution of drugs, medicines, and poisons; and that such premises and acts shall be under the direct supervision of a licensed pharmacist. The holder of a pharmacy permit may keep this pharmacy open at all hours for the compounding, dispensing, and sale of drugs and medicines provided that a pharmacist is present and on duty; except that in an institutional setting, in the absence of a pharmacist, a registered nurse, designated by the institution for this purpose, may enter and obtain from an institutional pharmacy such drugs as are needed in an emergency situation or as may otherwise be provided for in this chapter. The applicant for a pharmacy permit or a renewal thereof shall provide the board with all information it deems necessary for determining the applicant's qualifications to own and operate a pharmacy in the public interest.

5 Prescription Labels. Amend RSA 318:47-a to read as follows:

318:47-a Prescription Labels. Whenever a [~~pharmacist dispenses a noncontrolled~~] drug ***is dispensed to a patient*** pursuant to a prescription, [~~he or she shall affix~~] ***a label shall be affixed*** to the container in which such drug is dispensed[~~, a label~~] showing at least the name and address of the pharmacy [~~and the name or initials of the dispensing pharmacist or pharmacist-in-charge~~]; the prescription identification number assigned by the pharmacy; the date dispensed; any directions as may be stated on the prescription; the name of the prescribing practitioner; the name of the patient; all pertinent auxiliary labels; and, unless otherwise indicated by the prescribing physician, dentist, veterinarian, or advanced practice registered nurse, the name, strength, and quantity of the drug dispensed. All drugs dispensed to a patient that have been filled using a centralized prescription processing system shall bear a label containing an identifiable code that provides a complete audit trail of the dispensing of the drug and pharmaceutical care activities. A biological product, as defined in RSA 318:47-dd, I, shall also be labeled as provided in RSA 318:47-dd, VII. No person shall alter, deface, or remove any label so affixed. A compounded drug product shall also be labeled as provided in RSA 318:14-a, II. The compound drug product shall bear the label of the pharmacy responsible for compounding and dispensing the product directly to the patient for administration, and the prescription shall be filed at that pharmacy. Compounded prescription labels shall include the phrase "compounded per subscriber request" or a similar statement on the prescription label or through the use of an auxiliary label attached to the prescription container.

6 Effective Date. This act shall take effect 60 days after its passage.