

HB 1022 - FINAL VERSION

16Mar2022... 0964h  
05/05/2022 1867s  
05/05/2022 1977s

2022 SESSION

22-2137  
05/08

HOUSE BILL

***1022***

AN ACT permitting pharmacists to dispense the drug Ivermectin by means of a standing order and establishing a commission to study the use of Ivermectin to treat COVID-19.

SPONSORS: Rep. Cushman, Hills. 2; Rep. Kofalt, Hills. 4; Rep. Sheehan, Hills. 23; Rep. Yakubovich, Merr. 24; Rep. Blasek, Hills. 21; Rep. Torosian, Rock. 14; Rep. Harley, Rock. 20; Rep. T. Lekas, Hills. 37

COMMITTEE: Health, Human Services and Elderly Affairs

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AMENDED ANALYSIS

This bill allows pharmacists to dispense Ivermectin pursuant to a standing order. The authority is repealed July 1, 2024. The bill also establishes a commission to study the use of Ivermectin to treat COVID-19 and to provide a recommendation regarding whether to make the standing order permanent.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

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

AN ACT                    permitting pharmacists to dispense the drug Ivermectin by means of a standing order and establishing a commission to study the use of Ivermectin to treat COVID-19.

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

1            1 New Section; Ivermectin; Dispensing. Amend RSA 318 by inserting after section 47-m the  
2 following new section:

3            318:47-n Ivermectin; Dispensing.

4            I. In this section, "standing order" means a written and signed protocol authored by one or  
5 more physicians licensed under RSA 329:12 or one or more advanced practice registered nurses licensed  
6 under RSA 326-B:18. Such agreement shall specify a protocol allowing the pharmacist licensed under  
7 RSA 318:18 to dispense Ivermectin under the delegated prescriptive authority of the physician or  
8 advanced practice registered nurse, specify a screening protocol for each patient, specify a requirement  
9 to document screening performed and the prescription in the patient's medical record, and include a plan  
10 for referring for evaluation and treatment of adverse events; provided that the standing order shall not be  
11 used if the patient is pregnant or under 18 years of age. Any such prescription shall be regarded as being  
12 issued for a legitimate medical purpose in the usual course of professional practice.

13            II. Licensed pharmacists following standing orders may dispense Ivermectin to persons in this  
14 state without a prior prescription. Pharmacies may charge a fee for consultation with the patient.

15            II-a. Any person who receives Ivermectin through a standing order shall sign an informed consent  
16 stating that there is no proven benefit to treating COVID-19 with Ivermectin.

17            III. A pharmacist, pharmacy, physician, advanced practice registered nurse, or a medical facility  
18 that employs a pharmacist, physician, or advanced practice registered nurse issuing or following standing  
19 orders shall be prohibited from seeking personal financial benefit by participating in any incentive-based  
20 program or accepting any inducement that influences or encourages therapeutic or product changes or  
21 the ordering of tests or services.

22            IV. A pharmacist, physician, or advanced practice registered nurse shall be held to the same  
23 standard of care as when prescribing and dispensing any other medication.

24            V. The pharmacist shall provide each recipient of Ivermectin pursuant to this section with an  
25 information sheet written in plain language, which shall include, but is not limited to, potential adverse  
26 effects, drug interactions, Food and Drug Administration-approved indications for Ivermectin use, the  
27 importance of follow-up care, and health care referral information.

28            VI. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary action  
29 against a physician based on a pharmacist's failure to follow standing orders provided the provisions of  
30 this section are satisfied. The board of nursing shall not deny, revoke, suspend, or otherwise take  
31 disciplinary action against an advanced practice registered nurse based on a pharmacist's failure to follow

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1 standing orders provided the provisions of this section are satisfied. The board of pharmacy shall not  
2 deny, revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing  
3 orders based on a defect in those standing orders provided the provisions of this section are satisfied.

4 2 New Section; Prescription and Administration of Ivermectin. Amend RSA 329 by inserting after  
5 section 1-h the following new section:

6 329:1-i Prescription and Administration of Ivermectin. The board of medicine shall not deny, revoke,  
7 suspend, or otherwise take disciplinary action against a physician based on a pharmacist's failure to  
8 follow standing orders provided the provisions of RSA 318:47-n are satisfied.

9 3 New Section; Prescription and Administration of Ivermectin. Amend RSA 326-B by inserting after  
10 section 37 the following new section:

11 326-B:37-a Prescription and Administration of Ivermectin. The board of nursing shall not deny,  
12 revoke, suspend, or otherwise take disciplinary action against an advanced practice registered nurse  
13 based on a pharmacist's failure to follow standing orders provided the provisions of RSA 318:47-n are  
14 satisfied.

15 4 New Section; Prescription and Administration of Ivermectin. Amend RSA 318 by inserting after  
16 section 16-f the following new section:

17 318:16-g Prescription and Administration of Ivermectin. The board of pharmacy shall not deny,  
18 revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing orders  
19 based on a defect in those standing orders provided the provisions of RSA 318:47-n are satisfied.

20 5 New Subdivision; Commission to Study the Use of Ivermectin to Treat COVID-19 Established.  
21 Amend RSA 126-A by inserting after section 97 the following new subdivision:

22 Commission to Study the Use of Ivermectin to Treat COVID-19

23 126-A:98 Commission to Study the Use of Ivermectin to Treat COVID-19. There is established a  
24 commission to study use of Ivermectin to treat COVID-19.

25 I. The members of the commission shall be as follows:

26 (a) Three members of the house of representatives, appointed by the speaker of the house of  
27 representatives, at least one of whom shall be a member of the house health, human services and elderly  
28 affairs committee and one of whom shall be a member of the executive departments and administration  
29 committee.

30 (b) One member of the senate, appointed by the president of the senate.

31 (c) The commissioner of the department of health and human services, or designee.

32 (d) A representative of the New Hampshire board of pharmacy, appointed by the board.

33 (e) A representative of the board of nursing, appointed by the board.

34 (f) A representative of the board of medicine, appointed by the board.

35 (g) A representative of the New Hampshire Medical Society, appointed by the society.

36 (h) A representative of the New Hampshire Hospital Association, appointed by the  
37 association.

38 (i) A representative of the New Hampshire Nurse Practitioners Association, appointed by the  
39 association.

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1           (j) A representative of the New Hampshire Pharmacist Association, appointed by the  
2 association.

3           (k) Two members of the public, one of whom shall be appointed by the senate president and  
4 one of whom shall be appointed by the speaker of the house of representatives.

5           II. Legislative members of the commission shall receive mileage at the legislative rate when  
6 attending to the duties of the commission.

7           III. The commission shall examine national data on the use of Ivermectin to treat COVID-19,  
8 relevant studies around the use of Ivermectin and work already being conducted by other states standing  
9 orders. The commission shall review implementation of RSA 318:47-n, permitting pharmacists to  
10 dispense Ivermectin by means of a standing order, and provide a recommendation as to whether such  
11 authority should be made permanent.

12           IV. The members of the study commission shall elect a chairperson from among the members.  
13 The first meeting of the commission shall be called by the senate member. The first meeting of the  
14 commission shall be held within 45 days of the effective date of this section. A majority of commission  
15 members shall constitute a quorum.

16           V. The commission shall report its findings and any recommendations for proposed legislation to  
17 the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk,  
18 the governor, and the state library on or before November 1, 2023.

19           6 Repeal. The following are repealed:

20           I. RSA 126-A:98 and the subdivision heading preceding RSA 126-A:98, relative to a commission  
21 to study the use of Ivermectin to treat COVID-19.

22           II. RSA 318:47-n, authorizing pharmacists to dispense Ivermectin by means of a standing order.

23           7 Effective Date.

24           I. Paragraph I of section 6 of this act shall take effect December 31, 2023.

25           II. Paragraph II of section 6 of this act shall take effect July 1, 2024.

26           III. Sections 1-4 of this act shall take effect 60 days after its passage.

27           IV. The remainder of this act shall take effect upon its passage.

28 VETOED June 24, 2022

29 SUSTAINED September 15, 2022