

Amendment to HB 1466

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Paragraph; Physicians and Surgeons; Disciplinary Action; Off-Label Use of Prescription
4 Drug. Amend RSA 329:17 by inserting after paragraph VI-a the following new paragraph:

5 VI-b. The state of New Hampshire confirms its strong support for shared decision making
6 between healthcare professionals and their patients. A licensee may lawfully prescribe an FDA
7 approved drug product for an off-label indication where there is sound scientific medical evidence or
8 when the licensee has provided and documented informed consent for the patient including a
9 disclosure that a prescription is for an off-label indication. The standardized form for informed
10 consent shall be approved by the board of medicine. A licensee shall be held to the same standard of
11 care as when prescribing for on-label indications.

12 2 New Paragraph; Nurse Practice Act; Advanced Practice Registered Nurse; Disciplinary Action;
13 Off-label Use of Prescription Drug. Amend RSA 326-B:37 by inserting after paragraph III the
14 following new paragraph:

15 III-a. The state of New Hampshire confirms its strong support for shared decision making
16 between healthcare professionals and their patients. A licensee may lawfully prescribe an FDA
17 approved drug product for an off-label indication where there is sound scientific medical evidence or
18 when the licensee has provided and documented informed consent for the patient including a
19 disclosure that a prescription is for an off-label indication. The standardized form for informed
20 consent shall be approved by the board of nursing. A licensee shall be held to the same standard of
21 care as when prescribing for on-label indications.

22 3 New Section; Physician Assistant; Disciplinary Action; Off-label Use of Prescription Drug.
23 Amend RSA 328-D by inserting after section 6 the following new section:

24 328-D:6-a Off-label Use of Prescription Drugs; When Permitted. The state of New Hampshire
25 confirms its strong support for shared decision making between healthcare professionals and their
26 patients. A licensee may lawfully prescribe an FDA approved drug product for an off-label indication
27 where there is sound scientific medical evidence or when the licensee has provided and documented
28 informed consent for the patient including a disclosure that a prescription is for an off-label
29 indication. The standardized form for informed consent shall be approved by the board of medicine.
30 A licensee shall be held to the same standard of care as when prescribing for on-label indications.

31 4 New Section; Pharmacists and Pharmacies; Prescriptions. Amend RSA 318 by inserting after
32 section 13 the following new section:

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1 318:13-a Filling of Prescriptions. No licensed pharmacist shall face non-disciplinary or
2 disciplinary action by the pharmacy board for filling a valid prescription for an off-label use.

3 5 Construction of Chapter. Nothing in this chapter shall be construed to legalize, constitute,
4 condone, authorize, or approve suicide, assisted suicide, mercy killing, or euthanasia, or permit any
5 affirmative or deliberate act or omission to end one's own life or to end the life of another other than
6 to permit the natural process of dying.

7 6 Effective Date. The act shall take effect upon its passage.