

HB 1022 - VERSION ADOPTED BY BOTH BODIES

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

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 The authority is repealed July 1, 2024.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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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
6 licensed under RSA 326-B:18. Such agreement shall specify a protocol allowing the pharmacist
7 licensed under RSA 318:18 to dispense Ivermectin under the delegated prescriptive authority of the
8 physician or advanced practice registered nurse, specify a screening protocol for each patient, specify
9 a requirement to document screening performed and the prescription in the patient's medical record,
10 and include a plan for referring for evaluation and treatment of adverse events; provided that the
11 standing order shall not be used if the patient is pregnant or under 18 years of age. Any such
12 prescription shall be regarded as being issued for a legitimate medical purpose in the usual course of
13 professional practice.

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

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

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

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

26 V. The pharmacist shall provide each recipient of ivermectin pursuant to this section with
27 an information sheet written in plain language, which shall include, but is not limited to, potential

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1 adverse effects, drug interactions, Food and Drug Administration-approved indications for
2 ivermectin use, the importance of follow-up care, and health care referral information.

3 VI. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary
4 action against a physician based on a pharmacist's failure to follow standing orders provided the
5 provisions of this section are satisfied. The board of nursing shall not deny, revoke, suspend, or
6 otherwise take disciplinary action against an advanced practice registered nurse based on a
7 pharmacist's failure to follow standing orders provided the provisions of this section are satisfied.
8 The board of pharmacy shall not deny, revoke, suspend, or otherwise take disciplinary action against
9 a pharmacist who follows standing orders based on a defect in those standing orders provided the
10 provisions of this section are satisfied.

11 2 New Section; Prescription and Administration of Ivermectin. Amend RSA 329 by inserting
12 after section 1-h the following new section:

13 329:1-i Prescription and Administration of Ivermectin. The board of medicine shall not deny,
14 revoke, suspend, or otherwise take disciplinary action against a physician based on a pharmacist's
15 failure to follow standing orders provided the provisions of RSA 318:47-n are satisfied.

16 3 New Section; Prescription and Administration of Ivermectin. Amend RSA 326-B by inserting
17 after section 37 the following new section:

18 326-B:37-a Prescription and Administration of Ivermectin. The board of nursing shall not deny,
19 revoke, suspend, or otherwise take disciplinary action against an advanced practice registered nurse
20 based on a pharmacist's failure to follow standing orders provided the provisions of RSA 318:47-n are
21 satisfied. .

22 4 New Section; Prescription and Administration of Ivermectin. Amend RSA 318 by inserting
23 after section 16-f the following new section:

24 318:16-g Prescription and Administration of Ivermectin. The board of pharmacy shall not deny,
25 revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing
26 orders based on a defect in those standing orders provided the provisions of RSA 318:47-n are
27 satisfied.

28 5 New Subdivision; Commission to Study the Use of Ivermectin to Treat Covid-19 Established.
29 Amend RSA 126-A by inserting after section 97 the following new subdivision:

30 Commission to Study the Use of Ivermectin to Treat Covid-19

31 126-A:98 Commission to Study the Use of Ivermectin to Treat Covid-19. There is established a
32 commission to study use of Ivermectin to treat Covid-19.

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

34 (a) Three members of the house of representatives, appointed by the speaker of the
35 house of representatives, at least one of whom shall be a member of the house health, human
36 services and elderly affairs committee and one of whom shall be a member of the executive
37 departments and administration committee.

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- 1 (b) One member of the senate, appointed by the president of the senate.
2 (c) The commissioner of the department of health and human services, or designee.
3 (d) A representative of the New Hampshire board of pharmacy, appointed by the board.
4 (e) A representative of the board of nursing, appointed by the board.
5 (f) A representative of the board of medicine, appointed by the board.
6 (g) A representative of the New Hampshire Medical Society, appointed by the society.
7 (h) A representative of the New Hampshire Hospital Association, appointed by the
8 association.
9 (i) A representative of the New Hampshire Nurse Practitioners Association, appointed
10 by the association.
11 (j) A representative of the New Hampshire Pharmacist Association, appointed by the
12 association.
13 (k) Two members of the public, one of whom shall be appointed by the senate president
14 and one of whom shall be appointed by the speaker of the house of representatives.

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

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

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

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

29 6 Repeal. The following are repealed:

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

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

34 7 Effective Date.

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

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

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

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