

SB 140-FN – AS AMENDED BY THE SENATE

03/07/13 0521s

2013 SESSION

13-0921

01/05

SENATE BILL

140-FN

AN ACT

requiring a pharmacy to substitute generically equivalent drugs for any prescription paid for by state funds.

SPONSORS:

Sen. Woodburn, Dist 1

COMMITTEE:

Commerce

AMENDED ANALYSIS

This bill requires a pharmacy to substitute generically equivalent drugs for any prescription paid for by state funds unless the legend drug is less expensive.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring a pharmacy to substitute generically equivalent drugs for any prescription paid for by state funds.

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

- 1 1 Pharmacies; Generic Drugs Paid for by the State. Amend RSA 318:47-d to read as follows:
2 318:47-d Pharmacies; Substituting Generic Drugs. Pharmacies, including mail-order
3 pharmacies, may substitute generically equivalent drug products for all legend and non-legend
4 prescriptions unless the prescribing practitioner handwrites “medically necessary” on each paper
5 prescription, or uses electronic indications when transmitted electronically, or gives instructions
6 when transmitted orally that the brand name drug product is medically necessary.
7 ***Notwithstanding any provision of law to the contrary, pharmacies, including mail order***
8 ***pharmacies, shall substitute generically equivalent drugs for all legend and non-legend***
9 ***prescriptions when all or part of the payment for such prescription is state funds, unless***
10 ***the prescribing practitioner handwrites “medically necessary” on each paper prescription,***
11 ***or uses electronic indications when transmitted electronically, or gives instructions when***
12 ***transmitted orally that the brand named drug is medically necessary; provided that in***
13 ***cases where the legend drug is less expensive, the legend drug shall be used. Prescription***
14 ***refills shall not require the reissuance of the “medically necessary” indication.***
15 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
13-0921
Amended 03/18/13

SB 140 FISCAL NOTE

AN ACT requiring a pharmacy to substitute generically equivalent drugs for any prescription paid for by state funds.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as amended by the Senate (Amendment #2013-0521s)**, as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.