

CHAPTER 42
SB 222 - FINAL VERSION

03/16/2017 0793s

2017 SESSION

17-0827
01/06

SENATE BILL **222**

AN ACT relative to the New Hampshire birth conditions program and relative to the administration of certain prescription medication for treatment of a communicable disease.

SPONSORS: Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Avard, Dist 12; Sen. Fuller Clark, Dist 21; Rep. Kotowski, Merr. 24; Rep. M. Griffin, Rock. 7; Rep. Lundgren, Rock. 5

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill clarifies the definition of "birth condition" for the purposes of the New Hampshire birth conditions program.

This bill authorizes health care professionals to prescribe certain medications for treatment or prevention of a communicable disease.

This bill is a request of the department of health and human services.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the New Hampshire birth conditions program and relative to the administration of certain prescription medication for treatment of a communicable disease.

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

1 42:1 Birth Conditions Program; Definitions. Amend RSA 141-J:2, I to read as follows:

2 I. "Birth condition" means one or more of the birth conditions [~~listed in the "Guidelines for~~
3 ~~Conducting Birth Defects Surveillance" established]~~ **recommended** by the National Birth Defects
4 Prevention Network **and/or the Centers for Disease Control and Prevention**.

5 42:2 New Section; Public Health; Communicable Disease; Administration of Certain
6 Prescription Medication for Treatment or Prevention of a Communicable Disease. Amend RSA 141-
7 C by inserting after section 15 the following new section:

8 141-C:15-a Administration of Certain Prescription Medication for Treatment or Prevention of a
9 Communicable Disease.

10 I. Notwithstanding the provisions of RSA 326-B:2, I-a, and RSA 329:1-c, a health care
11 professional authorized to prescribe prescription medication for the treatment or prevention of a
12 communicable disease may prescribe, dispense, or distribute directly or by standing order, an
13 antimicrobial medication to a patient he or she did not evaluate and with whom there is no
14 established health care provider-patient relationship to empirically treat for, or provide prophylaxis
15 to prevent, a communicable disease that poses a threat to public health. Any such prescription shall
16 be regarded as being issued for a legitimate medical purpose and in accordance with established
17 clinical practice guidelines, when available.

18 II. Communicable diseases that pose a threat to public health for the purposes of paragraph
19 I shall be limited to the following:

20 (a) *Bordetella pertussis*, *Chlamydia trachomatis*, *Neisseria gonorrhoea*, and *Neisseria*
21 *meningitidis*; or

22 (b) Diseases that constitute an immediate threat to public health and for which the
23 commissioner, or designee, issues clinical guidance that requests providers to consider prescribing,
24 dispensing, or distributing antimicrobial agents under paragraph I in order to control a disease
25 outbreak.

26 III. No health care professional who, acting in good faith and with reasonable care,
27 prescribes, dispenses, or distributes an antimicrobial medication for the treatment or prevention of
28 a communicable disease as described in paragraph I, shall be subject to any criminal or civil
29 liability, or any professional disciplinary action, for any action authorized by this section or any

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- 1 outcome resulting from an action authorized by this section.
- 2 42:3 Effective Date. This act shall take effect upon its passage.

Approved: May 09, 2017
Effective Date: May 09, 2017

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