

Sen. Sherman, Dist 24  
Sen. Bradley, Dist 3  
March 29, 2022  
2022-1254s  
05/04

Floor Amendment to SB 450

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Hampshire Prescription Drug Affordability Board; Definition of Manufacturer and  
4 Pricing Unit. Amend RSA 126-BB:1, IV and V to read as follows:

5 IV. "Manufacturer" means a manufacturer of prescription drugs that are distributed in the  
6 state. A manufacturer excludes a packager, repackager, labeler, and relabeler ***unless the***  
7 ***packager, repackager, labeler, or relabeler sets the price or controls the price of a***  
8 ***prescription drug.***

9 V. "Pricing unit" means the smallest ~~[dispensable amount of a prescription drug that could~~  
10 ~~be dispensed]~~ ***available package that can be used to dispense the smallest amount of a***  
11 ***prescription drug.***

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13 Amend RSA 126-BB:8, II as inserted by section 7 of the bill by replacing it with the following:

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15 II. The aggregate level of annual assessments under subparagraphs (c) and (e) shall be an  
16 amount sufficient to meet the board's expenditures authorized; ***provided that such amount shall***  
17 ***not exceed 125 percent of the board's annual operating costs.*** The board may waive  
18 assessments otherwise due under subparagraphs (c) and (e) when a waiver is determined to be in the  
19 interests of the board and the parties to be assessed.

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AMENDED ANALYSIS

This bill clarifies the definition of manufacturer and pricing unit for purposes of the prescription drug affordability board; expands the ability of alternates to sit on the prescription drug affordability board; changes the executive director position from a classified to unclassified position; clarifies the board's authority to assess fees; establishes a dedicated fund to support the board; and establishes a criminal penalty for violation of confidentiality requirements.