

CHAPTER 128
HB 323 - FINAL VERSION

22Mar2023... 0934h

2023 SESSION

23-0424
05/04

HOUSE BILL

323

AN ACT relative to establishing a committee on emerging medical technologies.

SPONSORS: Rep. M. Pearson, Rock. 34; Rep. Edwards, Rock. 31; Rep. Merchant, Sull. 6; Rep. J. Murphy, Graf. 12

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill establishes a joint legislative committee on emerging medical technologies.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to establishing a committee on emerging medical technologies.

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

1 128:1 Statement of Purpose and Legislative Findings.

2 I. This act is established to honor the service of the late representative Katherine Rogers to the
3 state of New Hampshire.

4 II. During the 2022 legislative session, representative Katherine Rogers sponsored HB1290-FN,
5 an act establishing a task force on precision medicine and biomarker testing. The bill was heard by the
6 house committee on health, human services and elderly affairs and ultimately referred to the joint
7 oversight committee on health and human services, which appointed a subcommittee as a task force to
8 implement the goals of HB 1290-FN.

9 III. Medical technology is an advancing effort based on emerging science. As technology
10 advances, the state must assess its role in facilitating the development and distribution of preventive and
11 curative technologies. At the same time, the state has an obligation to provide oversight of activities
12 which have the potential to harm, mislead, or cheat vulnerable citizens. In furtherance of the state's
13 responsibility to both support and monitor emerging medical technologies, the general court establishes a
14 joint standing committee on emerging medical technologies.

15 128:2 New Section; Committee on Emerging Medical Technologies. Amend RSA 126-A by inserting
16 after section 15-a the following new section:

17 126-A:15-b Committee on Emerging Medical Technologies.

18 I. There is established the joint committee on emerging medical technologies.

19 II. The members of the committee shall be as follows:

20 (a) One member of the senate, appointed by the senate president. The senate president
21 also shall appoint one alternate member.

22 (b) Two members of the house of representatives and 2 alternates, with one member and
23 one alternate appointed by the speaker of the house of representatives and one member and one
24 alternate appointed by the minority leader. If the speaker of the house of representatives is a member of
25 the minority party, the second member and alternate shall be appointed by the majority leader.

26 (c) Alternate members may attend committee meetings but shall not serve as voting
27 members or count toward the committee's quorum unless a regular member is not in attendance.

28 (d) A quorum shall be defined as 2 members, and shall not be required except to vote on
29 recommendations.

30 III. The committee shall solicit information and testimony from the public, state agencies, the
31 attorney general, industry representatives with a special focus on medical and technical knowledge and

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1 challenges, health care providers and their associations, insurance companies, patient and consumer
2 advocacy groups and any others who have an interest in emerging medical technologies.

3 IV. Members of the committee shall receive mileage at the legislative rate when attending to the
4 duties of the committee.

5 V. The committee shall:

6 (a) Review topics of public interest surrounding the availability of emerging medical
7 technologies including but not limited to:

- 8 (1) Expanding access to clinical trials in both academic and community settings;
9 (2) The role of biomarkers;
10 (3) Pursuing access through compassionate care programs for medically appropriate
11 patients; and
12 (4) Removing barriers to access for emerging medical technologies.

13 (b) Review safety of emerging medical technologies including but not limited to:

14 (1) Working with the board of medicine to find appropriate ways to identify safety risks of
15 emerging technologies, and in particular implantable medical devices, including an early warning system
16 for surgeons or interventionalists who experience higher than expected adverse events or implant failures
17 in order to facilitate remediation or other efforts to protect the health and safety of the public;

18 (2) Identifying safety signals in available data which warrant investigation, and
19 identification of the appropriate body to conduct such an investigation; and

20 (3) Policies, laws or administrative rules which impact the public disclosure or
21 withholding of safety concerns surrounding emerging medical technologies.

22 (c) Study barriers to expanding the presence of emerging medical technology companies and
23 their suppliers in New Hampshire.

24 (d) Other issues surrounding emerging medical technology, as deemed relevant by the
25 committee.

26 (e) Make specific recommendations regarding legislation or investigation relative to emerging
27 medical technologies. The committee may make such recommendations as needed.

28 VI. The first meeting of the committee shall be called by the first named representative. The first
29 meeting of the committee shall be held within 60 days of the effective date of this section and the
30 members of the committee shall elect a chairperson of committee from the members. The committee
31 shall meet at least once a year and at such additional times as may be determined necessary by the
32 chairperson.

33 VII. Beginning October 1, 2023 and annually thereafter, the committee shall report its findings
34 and any recommendations for proposed legislation to the chairmen and vice chairmen of the house health
35 human services and elderly affairs committee, the senate health and human services committee, the
36 oversight committee on health and human services, the speaker of the house of representatives, the
37 president of the senate, the house clerk, the senate clerk, the governor, and the state library.

38 128:3 Repeal. RSA 126-A:15-b, relative to the committee on emerging medical technologies, is
39 repealed.

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- 1 128:4 Effective Date.
- 2 I. Section 3 of this act shall take effect October 1, 2028.
 II. The remainder of this act shall take effect upon its passage.

Approved: June 30, 2023

Effective Date:

I. Section 3 effective October 1, 2028

II. Remainder effective June 30, 2023