

SB 559-FN - AS AMENDED BY THE SENATE

03/07/2024 0985s

2024 SESSION

24-3113

05/08

SENATE BILL

***559-FN***

AN ACT

relative to the New Hampshire vaccine association.

SPONSORS:

Sen. Prentiss, Dist 5; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Altschiller, Dist 24; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Chandley, Dist 11; Rep. Merchant, Sull. 6

COMMITTEE:

Health and Human Services

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AMENDED ANALYSIS

This bill defines biological products for purposes of the assessment determination by the New Hampshire vaccine association.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT relative to the New Hampshire vaccine association.

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

1       1 New Hampshire Vaccine Association; Definitions; Definition of Biological Product Added.  
2 Amend RSA 126-Q:1, III - X to read as follows:

3       III. "Assessable lives" means all children under 19 years of age residing in the state who  
4 have assessable coverage written or administered by an assessable entity, with the exception of  
5 children whose vaccines **or biological products** are paid for under the federal Vaccines for  
6 Children program, established under 42 U.S.C. section 1396s.

7       IV. "Assessment" means the assessable entity's liability with respect to childhood vaccines  
8 **or biological products** determined in accordance with this chapter. For purposes of rate setting  
9 and medical loss ratio calculations, all association assessments are considered pharmaceutical or  
10 medical benefit costs and not regulatory costs. In the event of any insolvency or similar proceeding  
11 affecting any payer, assessments shall be included in the highest priority of obligations to be paid by  
12 or on behalf of such payer.

13       V. "Association" means the New Hampshire vaccine association.

14       ***V-a. "Biological product" means any biological product, including monoclonal***  
15 ***antibody products, that has been approved by the federal Food and Drug Administration***  
16 ***and recommended by the Advisory Committee on Immunization Practices of the Centers for***  
17 ***Disease Control and Prevention to be added to the Vaccines for Children program and has***  
18 ***been authorized by the commissioner of the department of health and human services for***  
19 ***administration to children of the state of New Hampshire under the age of 19 years for the***  
20 ***purposes of protecting against diseases caused by infectious pathogens.***

21       VI. "Board" means the board of directors of the New Hampshire vaccine association.

22       VII. "Commissioner" means the commissioner of the department of health and human  
23 services.

24       VIII. "Estimated vaccine cost" means the estimated cost to the state over the course of a  
25 state fiscal year of the purchase, distribution, and administration of vaccines **and biological**  
26 ***products*** purchased at the federal discount rate by the department of health and human services.

27       IX. "Provider" means a person licensed by this state to provide health care services to  
28 persons or a partnership or corporation made up of those persons.

29       X. "Total non-federal program cost" means the estimated vaccine **and biological products**  
30 cost less the amount of federal revenue available to the state for the purchase, distribution, and  
31 administration of vaccines.

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1       2 New Hampshire Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, II(c)  
2 to read as follows:

3               (c) Add a reserve of up to 10 percent of the anticipated cost under subparagraph (a) for  
4 unanticipated costs associated with providing vaccines *and biological products* to children  
5 covered; and

6       3 New Hampshire Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, V to  
7 read as follows:

8               V. The board may determine an interim assessment for new vaccines, *new biological*  
9 *products*, or unanticipated shortfalls in the association's ability to meet childhood vaccine funding  
10 needs. The board shall calculate the interim assessment in accordance with paragraph II, and the  
11 interim assessment is payable the calendar quarter that begins no less than 30 days following the  
12 establishment of the federal contract price. The board shall not impose more than one interim  
13 assessment per year, except in the case of a public health emergency declared in accordance with  
14 state or federal law.

15       4 Effective Date. This act shall take effect 60 days after its passage.

**SB 559-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2024-0985s)

AN ACT                    relative to the New Hampshire vaccine association.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☐ Local                    ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$717,000 - \$1,700,000	\$746,000 - \$1,768,000	\$776,000 - \$1,839,000
Revenue Fund(s)	Assessments collected by the NH Vaccine Association			
Expenditures	\$0	\$717,000 - \$1,700,000	\$746,000 - \$1,768,000	\$776,000 - \$1,839,000
Funding Source(s)	Assessments collected by the NH Vaccine Association			
Appropriations	\$0	\$0	\$0	\$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ See Below
- Does this bill authorize new positions to implement this bill? ☒ No

**METHODOLOGY:**

This bill adds a definition of "biological product" to RSA 126-Q, the statute governing the NH Vaccine Association (NHVA). The Department of Health and Human Services states that there is one immunization, nirsevimab (Beyfortus™), which is not currently eligible for procurement with NHVA funds that would immediately become eligible if the bill is enacted. The immunization in question has been approved and recommended by various federal entities (Food and Drug Administration, Centers for Disease Control and Prevention) for the prevention of severe disease caused by respiratory syncytial virus (RSV). The Department notes that the current contracted price for nirsevimab is \$395. If it became eligible for purchase with NHVA funds, the following annual increases in revenue (in the form of an assessment on commercial insurers under the mechanism described in RSA 126-Q) and expenditures may occur, depending on the immunization uptake rate:

- If 30 percent uptake: \$717,000
- If 50 percent uptake: \$1,200,000
- If 70 percent uptake: \$1,700,000

The Department assumes that the purchase price of the immunizations will increase by approximately 4 percent per year. The Department further assumes that an unknown number of future immunizations may also become eligible for NHVA purchase under the new definition contained in the bill.

The Insurance Department states that the bill's fiscal impact is indeterminable.

**AGENCIES CONTACTED:**

Department of Health and Human Services and Insurance Department