

SB 547 - AS INTRODUCED

2020 SESSION

20-3026
01/10

SENATE BILL **547**

AN ACT relative to an electronic prescription drug program.

SPONSORS: Sen. Morgan, Dist 23; Sen. Rosenwald, Dist 13; Sen. Fuller Clark, Dist 21

COMMITTEE: Health and Human Services

ANALYSIS

This bill requires electronic prescribing for controlled drugs under certain circumstances.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to an electronic prescription drug program.

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

1 1 New Paragraph; Pharmacists and Pharmacies; Prescriptions. Amend RSA 318:47-c by
2 inserting after paragraph II the following new paragraph:

3 III.(a) Notwithstanding any provision of law to the contrary, no person shall issue a
4 prescription for a controlled drug unless the prescription is made by electronic prescription from the
5 person issuing the prescription to a pharmacy and the electronic prescription contains the
6 information and signature required in paragraph II, except for prescriptions issued:

7 (1) By veterinarians.

8 (2) In circumstances where electronic prescribing is not available due to temporary
9 technological or electrical failure.

10 (3) By a practitioner to be dispensed by a pharmacy located outside of New
11 Hampshire.

12 (4) When the prescriber and dispenser are the same entity.

13 (5) That include elements that are not supported by the most recently implemented
14 version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface
15 SCRIPT Standard.

16 (6) By a practitioner for a drug that the federal Food and Drug Administration
17 (FDA) requires the prescription to contain certain elements that are not able to be accomplished with
18 electronic prescribing.

19 (7) By a practitioner allowing for the dispensing of a non-patient specific prescription
20 pursuant to a standing order, approved protocol for drug therapy, collaborative drug management, or
21 comprehensive medication management, in response to a public health emergency, or other
22 circumstances where the practitioner may issue a non-patient specific prescription.

23 (8) By a practitioner prescribing a drug under a research protocol.

24 (9) By practitioners who have received a waiver or a renewal thereof for a specified
25 period determined by the board, not to exceed one year, from the requirement to use electronic
26 prescribing, pursuant to a process established in rules of the board, due to economic hardship,
27 technological limitations that are not reasonably within the control of the practitioner, or other
28 exceptional circumstance demonstrated by the practitioner.

29 (10) By a practitioner under circumstances where, notwithstanding the
30 practitioner's present ability to make an electronic prescription as required by this paragraph, such
31 practitioner reasonably determines that it would be impractical for the patient to obtain substances

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1 prescribed by electronic prescription in a timely manner, and such delay would adversely impact the
2 patient's medical condition.

3 (b) A pharmacist who receives a written, oral, or faxed prescription shall not be required
4 to verify that the prescription properly falls under one of the exceptions under subparagraph (a).
5 Pharmacists may continue to dispense medications from otherwise valid written, oral, or faxed
6 prescriptions that are consistent with this section.

7 (c) Any person who violates this paragraph shall be guilty of a civil violation for which a
8 fine of \$250 per violation, not to exceed \$2,000 per calendar year, may be assessed. Notwithstanding
9 any provision of law to the contrary, the commissioner of the department of health and human
10 services shall enforce this paragraph pursuant to RSA 126-A:5, XXXIV.

11 2 New Paragraph; Commissioner of the Department of Health and Human Services; Duty
12 Added. Amend RSA 126-A:5 by inserting after paragraph XXXIII the following new paragraph:

13 XXXIV. The commissioner shall enforce the provisions of RSA 318:47-c, III pursuant to RSA
14 318:47-c, III(c).

15 3 Effective Date. This act shall take effect 60 days after its passage.