

Bill as Introduced

HB 426 - AS INTRODUCED

2011 SESSION

11-0813

01/10

HOUSE BILL

426

AN ACT

adding certain entities to the unused prescription drug program.

SPONSORS:

Rep. Case, Rock 1; Rep. Bulis, Graf 1; Rep. S. Keans, Straf 1

COMMITTEE:

Health, Human Services and Elderly Affairs

ANALYSIS

This bill adds certain entities to the unused prescription drug program.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT adding certain entities to the unused prescription drug program.

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

1 1 Unused Prescription Drug Program; Donation. Amend RSA 318:58, I to read as follows:

2 I. Any patient, or other person [~~licensed pursuant to RSA 318:42, II and acting on behalf of~~
3 ~~the patient~~] **or entity authorized to possess prescription drugs and medical devices pursuant**
4 **to RSA 318 or other law, including any nursing home or long-term care facility licensed**
5 **under RSA 151 or any correctional facility**, may donate unused prescription drugs and medical
6 devices to the program.

7 2 Unused Prescription Drug Program; Acceptance of Unused Drugs or Devices. Amend
8 RSA 318:58, III(c) and (d) to read as follows:

9 (c) New Hampshire hospital, Glenclyff home, New Hampshire veterans home, and the
10 state and county correctional facilities; [~~and~~]

11 (d) Any licensed prescriber of prescription drugs pursuant to RSA 318:42, II; **and**

12 (e) **Any entity that is licensed under RSA 318:51-a.**

13 3 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to HB 426

1 Amend RSA 318:58, I as inserted by section 1 of the bill by replacing it with the following:

2

3 I. Any patient, or other person ~~[licensed pursuant to RSA 318:42, II and acting on behalf of~~
4 ~~the patient]~~ ***or entity authorized to possess prescription drugs and medical devices pursuant***
5 ***to RSA 318, including manufacturers and wholesalers licensed under RSA 318:51-a, or***
6 ***other law, including any nursing home or long-term care facility licensed under RSA 151***
7 ***or any correctional facility,*** may donate unused prescription drugs and medical devices to the
8 program.

9

10 Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

Rep. Case, Rock. 1
February 8, 2011
2011-0217h
01/04

Amendment to HB 426

1 Amend RSA 318:58, I as inserted by section 1 of the bill by replacing it with the following:

2

3 I. Any patient, or other person [~~licensed pursuant to RSA 318:42, II and acting on behalf of~~
4 ~~the patient~~] *or entity authorized to possess prescription drugs and medical devices pursuant*
5 *to RSA 318, including manufacturers and wholesalers licensed under RSA 318:51-a, or*
6 *other law, including any nursing home or long-term care facility licensed under RSA 151*
7 *or any correctional facility, may donate unused prescription drugs and medical devices to the*
8 program.

9

10 Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 426

BILL TITLE: adding certain entities to the unused prescription drug program.
DATE: 2/8/11
LOB ROOM: 205 **Time Public Hearing Called to Order:** 10:02 am
Time Adjourned: 10:22 am

(please circle if present)

Committee Members: Reps. Reagan, Kotowski, Pilliod, Emerson, McMahon, Barry, Millham, Case, Cusson-Cail, Donovan, Fredette, LeBrun, S. Schmidt, MacKay, Merrick, DiPentima, Harding and Deloge

Bill Sponsors: Rep. Case, Rock 1; Rep. Bulis, Graf 1, Rep. S. Keans, Straf 1

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

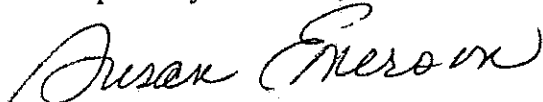
Rep. Case – Rock 1 – Introduced Amendment – RSA 318:58-3. “Make sure treatments are donated.” “Improves HB 111.” “He believes this can be put on HB 111.”

Rep. S. Keans, Straf. 1 – “I don’t think the amendment will work.” “Feels we should ITL bill and amend HB 111 in the Senate.”

Jay Queenan, Board of Pharmacy – Supports Bill. “Does not include narcotic drugs.” “Drugs would follow person from one facility to another.” “In support on concept not necessarily this bill.”

Jim Demers, Pharmacy Research – MA – Opposes Bill. “In conflict with federal law.” “Will work with committee on this bill.” “Section 1 can be remedied.”

Respectfully submitted,


Susan Emerson, Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 426

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Bill Sponsors: Rep. Case, Rock 1; Rep. Bulis, Graf 1, Rep. S. Keans, Straf 1

TESTIMONY

Called to order @ 10:02 AM

* Use asterisk if written testimony and/or amendments are submitted.

Rep CASE - Rock 1 Introduced Amendment RSA 318:58.3
"make sure Rx are donated" "Improves HB111" He believes
this can be put on HB111"

Rep Skeene Straff 1 - "I don't think the amendment will
work" "Feels we should ITC bill and amend HB111
in the Senate"

Jay Queenan - Board of Pharmacy "Does not include narcotic
drugs." "Drugs would follow person from one
facility to another." "In support on concept not
necessarily this bill."

* Jim Deamers Phar. Research M.A. (No) "Will work
"In conflict with the Federal law" "Section 1 can be
remedied"

Meeting Adjourned @ 10:22 AM

Sub-Committee Actions

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 426

BILL TITLE: adding certain entities to the unused prescription drug program.

DATE: 2/10/2011

Subcommittee Members: Reps. Merrick, Pilliod, LeBrun, Chair Case

Comments and Recommendations:

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Case

Seconded by Rep. LeBrun

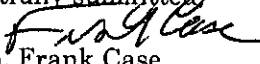
Vote: 4-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted

Rep. Frank Case
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SUBCOMMITTEE WORK SESSION ON 426

BILL TITLE: adding certain entities to the unused prescription drug program.

DATE: 2/16/11

Subcommittee Members: Reps. MERRICK - PILLIOD - LE BRUN
CHAR-CASE

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, (ITL) Retained (Please circle one.)

Moved by Rep. F. CASE

Seconded by Rep. LEBRUN

Vote: 4-0

Motions: OTP, OTP/A, (ITL) Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. F. CASE
Subcommittee Chairman/Clerk

Jim Demers

February 7, 2011

**Amendment and Rationale for NH HB 426
Drug Donation Language**

Proposed Amendment:

Strike completely 318:58 (III)(e): Any entity that is licensed under RSA 318:51-a

Rationale:

PhRMA represents the nation's leading innovator pharmaceutical firms. This proposed addition to RSA 318:58 would make drug manufacturers and wholesalers accept donations of underused prescription drugs and medical devices. PhRMA requests that this amendment be made because it is not possible for manufacturers accept drug donations and to redistribute them under federal law.

In general, federal and state laws protect the public health and safety from misbranded or adulterated prescription medicines by ensuring that the chain of custody from drug manufacturer to patient passes only through persons who are accountable for proper storage, handling, labeling, and protection from contamination or counterfeiters. States impose licensure requirements on pharmacies, providers, and wholesale distributors, designed to protect the prescription drug as it is transferred from manufacturer to the consumer who receives the drug pursuant to a valid prescription.

In particular, the federal Controlled Substances Act (CSA) is particularly troublesome with regard to the proposed changes in NH 426. The CSA establishes rules governing the distribution and possession of controlled substances, and enforces them with criminal penalties. The CSA is designed to prevent illegal drug distribution and redistribution of medicines. It creates a closed system in which all persons who touch a controlled substance (other than a consumer who receives the drug through a valid prescription) must be registered and subject to strict regulation. As a result if a manufacturer ere to receive controlled substances from a consumer, it would be a violation of the Controlled Substance Act.

Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 426

BILL TITLE: adding certain entities to the unused prescription drug program.

DATE: 3/9/11

LOB ROOM: 205

Amendments:

Sponsor: Rep. Case OLS Document #: 2011 0217h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Case

Seconded by Rep. DiPentima

Vote: 16-0 (Please attach record of roll call vote.)

Motions: ~~OTP~~, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Case

Seconded by Rep. Kotowski

Vote: 16-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Susan Emerson, Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 426

BILL TITLE: adding certain entities to the unused prescription drug program.

DATE: 3/9/11

LOB ROOM: 205

Amendments:

Sponsor: Rep. *Case* OLS Document #: 217 H
Sponsor: Rep. *Ri Pentima* OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Case*
Seconded by Rep. *Kotowski*
Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Susan Emerson, Clerk

Susan Emerson

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: 426 Title: _____

PH Date: ____/____/____ Exec Session Date: ____/____/____

Motion: _____ Amendment #: 217h

MEMBER	YEAS	NAYS
Reagan, John M, Chairman	✓	
Kotowski, Frank R, V Chairman	✓	
Pilliod, James P	✓	
Emerson, Susan	✓	
McMahon, Charles E	✓	
Barry, J. Gail	✓	
Millham, Alida I	✓	
Case, Frank G	✓	
Cusson-Cail, Kathleen J	✓	
Donovan, Daniel A	✓	
Fredette, Robert A	✓	
LeBrun, Donald L	✓	
Schmidt, Stephen J <i>Kapp</i>	✓	
Mackay, James R	✓	
Merrick, Evalyn S	✓	
DiPentima, Rich T	✓	
Harding, Laurie		
Deloge, Helen M	✓	
<i>Reagon</i>		
TOTAL VOTE:	<u>16</u>	<u>0</u>

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: 426

Title: Adding certain entities to the unused Prescription Drug Program

PH Date: _____

Exec Session Date: 3/9/11

Motion: _____

Amendment #: _____

MEMBER	YEAS	NAYS
Reagan, John M, Chairman	✓	
Kotowski, Frank R, V Chairman	✓	
Pilliod, James P	✓	
Emerson, Susan	✓	
McMahon, Charles E	✓	
Barry, J. Gail	✓	
Millham, Alida I	✓	
Case, Frank G	✓	
Cusson-Cail, Kathleen J	✓	
Donovan, Daniel A	✓	
Fredetté, Robert A	✓	
LeBrun, Donald L	✓	
Schmidt, Stephen J	✓	
MacKay, James R	✓	
Merrick, Evalyn S	✓	
DiPentima, Rich T	✓	
Harding, Laurie		
Deloge, Helen M	✓	
TOTAL VOTE:	16	0

Committee Report

CONSENT CALENDAR

March 9, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on HEALTH, HUMAN SERVICES &
ELDERLY AFFAIRS to which was referred HB426,**

**AN ACT adding certain entities to the unused
prescription drug program. Having considered the
same, report the same with the following amendment,
and the recommendation that the bill OUGHT TO PASS
WITH AMENDMENT.**

Rep. Frank G Case

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS
Bill Number:	HB426
Title:	adding certain entities to the unused prescription drug program.
Date:	March 9, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

HB 426 has been requested by the NH Board of Pharmacy. This bill will give the Board of Pharmacy the authority to make rules which would allow long-term health care facilities (nursing homes) and correctional facilities to donate unused prescription drugs to the New Hampshire Recycling Program. These donations will provide a large number of prescription drugs to be reused and not destroyed.

Vote 16-0.

Rep. Frank G Case
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

HB426, adding certain entities to the unused prescription drug program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G Case for HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS. HB 426 has been requested by the NH Board of Pharmacy. This bill will give the Board of Pharmacy the authority to make rules which would allow long-term health care facilities (nursing homes) and correctional facilities to donate unused prescription drugs to the New Hampshire Recycling Program. These donations will provide a large number of prescription drugs to be reused and not destroyed. **Vote 16-0.**

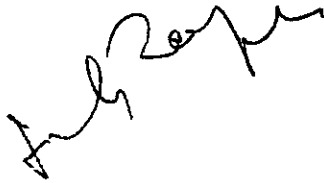
Original: House Clerk

Cc: Committee Bill File

HB 426

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Rep. Case
CC
OTPA
Vote: 16-0

A handwritten signature in black ink, appearing to be 'John P. ...', is written over the text 'Rep. Case'.

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HB 426 HAS BEEN REQUESTED BY
THE U.S. BOARD OF PHARMACY. THIS BILL
WILL GIVE THE BOARD OF PHARMACY
THE AUTHORITY TO MAKE RULES WHICH
WOULD ALLOW LONG TERM HEALTH CARE
FACILITIES (NURSING HOMES) AND
CORRECTIONAL FACILITIES TO DONATE
UNUSED PRESCRIPTION DRUGS TO THE
NEW HAWAII STATE RECYCLING PROGRAM.
THESE DONATIONS WILL PROVIDE A
LARGE NUMBER OF PRESCRIPTION DRUGS
TO BE REUSED AND NOT DESTROYED.