

# 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

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ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

HB 426 - AS AMENDED BY THE HOUSE

15Mar2011... 0217h

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7 ***program.***

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CHAPTER 99  
HB 426 - FINAL VERSION

15Mar2011... 0217h  
4May2011... 1752EBA

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15Mar2011... 0217h  
4May2011... 1752EBA

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7 ***program.***

8 99:2 Effective Date. This act shall take effect 60 days after its passage.

9 Approved: May 27, 2011

10 Effective Date: July 26, 2011

# Committee Minutes



**SENATE CALENDAR NOTICE  
HEALTH AND HUMAN SERVICES**

Senator Jeb Bradley Chairman  
 Senator Tom De Blois V Chairman  
 Senator Molly Kelly  
 Senator Gary Lambert  
 Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: March 24, 2011**

**HEARINGS**

**Thursday**

**4/7/2011**

**HEALTH AND HUMAN SERVICES**

**LOB 102**

**1:00 PM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

1:00 PM	HB58	relative to inter-facility transfers of critical access hospital patients.
1:20 PM	HB71	authorizing establishment of pharmaceutical drug take-back programs.
1:35 PM	HB426	adding certain entities to the unused prescription drug program.
1:50 PM	HB632	relative to labeling requirements for dispensing of drugs by automated pharmacy systems.

**Sponsors:**

**HB58**

Rep. Andrew White

**HB71**

Rep. Chris Nevins

Rep. John Cebrowski

**HB426**

Rep. Frank Case

**HB632**

Rep. Frank Case

Rep. Donna Schlachman

Sen. Nancy Stiles

Rep. Lyle Bulis

Rep. Lyle Bulis

Rep. Frank Case

Sen. Bob Odell

Rep. Sandra Keans

Rep. William Butynski

Sen. Matthew Houde

Robyn Dangora 271-4154

Sen. Jeb Bradley

Chairman

# Health and Human Services Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Robyn Dangora, Legislative Aide

**RE:** Hearing report on HB 426 – adding certain entities to the unused prescription drug program.

**HEARING DATE:** April 7, 2011

**MEMBERS OF THE COMMITTEE PRESENT:** Senator Bradley,  
Senator De Blois, Senator Kelly, Senator Lambert, Senator  
Sanborn

**MEMBERS OF THE COMMITTEE ABSENT:** No one

**Sponsor(s):** Rep. Case, Rock 1; Rep. Bulis, Graf 1; Rep. S. Keans, Straf 1

**What the bill does:** This bill adds certain entities to the unused prescription drug program.

**Who supports the bill:** Rep. Case, Rock 1; Rep. LeBrun, Hills 26; Rep. Schlachman, Rock 13; Rep. Keans, Straf 1; Rep. Emerson, Ches 7; Rep. Barry Hills 16; Rep. Cusson-Cail, Hills 14; Rep. Harding, Graf 11; Jay Queenan, New Hampshire Board of Pharmacy; Janet Monahan, New Hampshire Medical Society

**Who opposes the bill:** No one

**Summary of testimony received:**

*Hearing opened at 2:00 PM*

**Representative Frank Case, Rock 1**

- Prime Sponsor, Rep. Case has been a licensed New Hampshire pharmacist for 53 years and has introduced HB 426 on behalf of the Board of Pharmacy.
- This bill allows the board of pharmacy to write rules for the donation of drugs to be used in the prescription recycle drug program.
- This will be adding to PH 318:58 the ability of manufacturers, wholesalers, nursing homes or long care facilities or correctional facilities to also donate unused prescription drugs to the program.

- The January returns from Omnicare showed 5,032 items that could be recycled.
- This legislation passed in 2005, but not one pill has been exchanged to date because of the strict laws in this state that restrict the exchange to occur only in a pharmacy by a pharmacist

**Representative Sandy Keans, Straf 1**

- In support, this legislation tries to wrap up loose ends on the bill passed several years ago.
- As of now, county nursing homes , jail facilities and other facilities currently throw unused pills away when the patient is no longer around and redispensing these drugs could save a great deal of money.

**Jay Queenan, New Hampshire Board of Pharmacy**

- In support, the board discovered opportunities to improve and expand the program. This will increase the ability to participate for greater savings.
- Three entities in this bill:
  - 1.Those that donate drugs
  - 2.Those that accept drugs
  - 3.Those that redispense drugs: only practitioners licensed to dispense and pharmacists in pharmacies licensed to dispense.
- These are not controlled medications
- Senator Bradley asked: What happens if you are not certain about the exact pill or capsule in the bottle and the potential for the pill being moved from one bottle to another?
  - Response: The RSA referenced, 318:58 in this bill only relates to labeled, tamper-proof containers that have not reached the patient.

*Hearing closed at 2:07 PM*

**Funding:** N/A

**Action:** The committee went into executive session. Senator Sanborn made a motion of "Ought to Pass;" Senator De Blois seconded the motion. The committee voted 5-0 OTP. Senator Sanborn will report the bill out of committee.

rmd  
 [file: HB 426 report]  
 Date: 4/8/11

# Speakers

# Senate Health and Human Services Committee: Sign-In Sheet

Date: April 7, 2011

Time: 1:35 P.M. Public Hearing on HB 426

HB 426

adding certain entities to the unused prescription drug program.

Name	Representing	Please Check				
		Support	Oppose	Speaking?	Yes	No
Rep. Marc LeBrune	Hills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JAY QUEENAN	NH Board of Pharmacy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FRANK CASE	Rocky Dst #1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<del>Rocky Dst #1</del>		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Janet Monahan	NH Medical Society	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Denna Schlachman	Rockingham Dist # 13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ANDREA KENNIS	STRAF 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Susan Emery	Cheshire 7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. GAIL BARRY	Hills 16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Kathleen Cusson-Cail	Hills 14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. IOWA E. Harding	Grafton 11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

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# Testimony

Good Morning Mr. Chairman and Members of the Committee. My name is Frank Case I represent Rockingham District #1, Candia, Deerfield, Northwood and Nottingham I sponsored HB-426 at the request of the New Hampshire Board of Pharmacy. HB-426 will allow the "Board" to write rules for the donation of drugs to be used in the "prescription re-cycled drug program". This will be added to PH 318:58 the ability of manufactures, & wholesalers, nursing homes or long term care facilities or correctional facilities to also donate unused prescription drugs" to this program.

This legislation was passed in 2005, signed into law in 2006, however, not a pill or capsule has been exchanged to this date. I have been working on this project since I was elected to the "house" in 2007. The bill sounded so simple, but the process has been very difficult to accomplish. This is because the state of N.H has very specific laws which restrict the exchange to be done in a pharmacy by a pharmacist. I can tell you there are other bills coming along on this project to address other dispensing issues and last week you had the first of these changes in HB-111.

Thank you, I will try to answer any questions.

Good Morning Mr. Chairman and Members of the Committee. My Name is Frank Case and I represent Rockingham District #1, Candia, Deerfield, Northwood, and Nottingham. The bill has been also requested by the New Hampshire Board of Pharmacy, I had the honor

to have served as a member of this "Board" for ten years and I guess they feel I should know why this is needed for them to be able to write rules for this new situation in New Hampshire. HB-632 asks for the legislative approval to be able to write rules for this new piece of equipment. There is the possibility that there could soon be an automated pharmacy systems dispensing machine or machines in our state in the near future. These are stand alone dispensing machines that could be in the lobby of a multiple doctors' offices, or just outside of a single subscriber's office.

The subscriber after examination and dx, would then send an electronic prescription to the dispenser machine, with all of the information, that would be needed for a pharmacist to be able to fill the prescription, the name of the patient, possibly the address of the patient, the name of the drug, strength, directions for use and amount to dispense. The patient would then go to the machine place use an identification code from the physician, pay with a charge card or cash and the prescription or prescriptions would come out of the machine like a soda machine.

I am assuming that there is a formulary from which the subscriber can pick medications and doses; I also suspect that there are prefilled bottles or vials of each medication; then the machine's only has to type the proper label, choose the correct drug, dosage and number; apply the label and "spit it out. To satisfy the New Hampshire pharmacist counseling requirements, I am told that there will be a telephone number that can be reached by the patient. I will try to answer any questions.



# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: April 7, 2011

THE COMMITTEE ON Health and Human Services

to which was referred House Bill 426

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

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS**

BY A VOTE OF:    5-0

AMENDMENT #        s

Senator Andy Sanborn  
For the Committee

Robyn Dangora 271-7585

## New Hampshire General Court - Bill Status System

**Docket of HB426**

Docket Abbreviations

**Bill Title:** adding certain entities to the unused prescription drug program.*Official Docket of HB426:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/21/2011	H	Introduced 1/6/2011 and referred to Health, Human Services & Elderly Affairs; <b>HJ 11</b> , PG. 186
1/25/2011	H	Public Hearing: 2/8/2011 10:00 AM LOB 205
2/8/2011	H	Subcommittee Work Session: 2/10/2011 9:15 AM LOB 205
3/1/2011	H	Executive Session: 3/9/2011 10:00 AM LOB 205
3/9/2011	H	Committee Report: Ought to Pass with Amendment #0217h for Mar 15 (Vote 16-0; CC); <b>HC 22</b> , PG.532
3/9/2011	H	Proposed Committee Amendment <b>#2011-0217h</b> ; <b>HC 23</b> , PG.621
3/15/2011	H	Amendment #0217h Adopted, VV; <b>HJ 26</b> , PG.717
3/15/2011	H	Ought to Pass with Amendment #0217h: MA VV; <b>HJ 26</b> , PG.717
3/23/2011	S	Introduced and Referred to Health and Human Services; <b>SJ 11</b> , Pg.192
3/24/2011	S	Hearing: 4/7/11, Room 102, LOB, 1:35 p.m.; <b>SC17</b>
4/8/2011	S	Committee Report: Ought to Pass, 4/20/11; <b>SC20</b>
4/20/2011	S	Ought to Pass Not Voted On
4/20/2011	S	Sen. Sanborn Moved Laid on Table, MA, VV; <b>SJ 13</b> , Pg.265
4/27/2011	S	Sen. Bradley Moved Remove From Table, MA, VV; <b>SJ 14</b>
4/27/2011	S	Ought to Pass, MA, VV; OT3rdg; <b>SJ 14</b>
4/27/2011	S	Passed by Third Reading Resolution; <b>SJ 14</b>
5/4/2011	H	Enrolled Bill Amendment <b>#2011-1752e</b> Adopted; <b>HJ 42</b> , PG.1492
5/11/2011	S	Enrolled Bill Amendment #1752 Adopted; <b>SJ 16</b>
5/18/2011	S	Enrolled
5/18/2011	H	Enrolled; <b>HJ 44</b> , PG.1564
6/1/2011	H	Signed By Governor 05/27/2011; Effective 07/26/2011; Chapter 0099

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB426 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED       AS AMENDED BY THE HOUSE  
 FINAL VERSION      \_\_\_\_ AS AMENDED BY THE SENATE

\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): \_\_\_\_\_

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

8/11/11

Robyn (by Simon)  
BY COMMITTEE AIDE