

# Committee Report

# CONSENT CALENDAR

March 1, 2021

## HOUSE OF REPRESENTATIVES

### REPORT OF COMMITTEE

**The Committee on Health, Human Services and Elderly Affairs to which was referred HB 582,**

**AN ACT relative to prescriptions for the treatment of attention deficit disorder or attention deficit disorder with hyperactivity. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Gary Woods**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>HB 582</b>
Title:	<b>relative to prescriptions for the treatment of attention deficit disorder or attention deficit disorder with hyperactivity.</b>
Date:	<b>March 1, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2021-0408h</b>

### **STATEMENT OF INTENT**

Individuals using medications for Attention Deficit Disorder (ADD), Attention Deficit/Hyperactivity Disorder (ADHD) or narcolepsy are frequently students studying a distance from home. Logistical difficulties are regularly encountered when refills are needed while away which creates significant risks for disruption of critical functioning. This bill as amended allows a 90-day prescription just for these medical diagnoses and thus corresponds better to routine home visits. This avoids the risk of disruption in medications and consequent functional impairment. Although these medications are schedule II drugs and a single prescription cannot be written that indicates a number of refills, the US Department of Justice has opined that a single prescription can be written for a 90-day supply if also allowed by state law. This bill meets these federal requirements.

Vote 20-0.

Rep. Gary Woods  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Health, Human Services and Elderly Affairs

**HB 582**, relative to prescriptions for the treatment of attention deficit disorder or attention deficit disorder with hyperactivity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. Individuals using medications for Attention Deficit Disorder (ADD), Attention Deficit Hyperactive Disorder (ADHD) or narcolepsy are frequently students studying a distance from home. Logistical difficulties are regularly encountered when refills are needed while away which creates significant risks for disruption of critical functioning. This bill as amended allows a 90-day prescription just for these medical diagnoses and thus corresponds better to routine home visits. This avoids the risk of disruption in medications and consequent functional impairment. Although these medications are schedule II drugs and a single prescription cannot be written that indicates a number of refills, the US Department of Justice has opined that a single prescription can be written for a 90-day supply if also allowed by state law. This bill meets these federal requirements. **Vote 20-0.**

Original: House Clerk

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Amendment to HB 582

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to prescriptions for the treatment of attention deficit disorder, attention  
4 deficit disorder with hyperactivity, or narcolepsy.

5

6 Amend the bill by replacing section 1 with the following:

7

8 1 Controlled Drug Act; Sale by Pharmacists; Attention Deficit Disorder, Attention Deficit  
9 Disorder with Hyperactivity, Narcolepsy; Prescriptions. Amend RSA 318-B:9, IV to read as follows:

10 IV. No prescription shall be filled for more than a 34-day supply upon any single filling for  
11 controlled drugs of schedules II or III; provided, however, that for controlled drugs, in schedules II or  
12 III, that are commercially packaged for dispensing directly to the patient, such as metered sprays  
13 and inhalers, liquids packaged in bottles with calibrated droppers, and certain topical preparations  
14 packaged with metered dispensing pumps may be filled for greater than a 34-day supply, but not  
15 more than 60 days, utilizing the smallest available product size, in order to maintain the dosing  
16 integrity of the commercially packaged containers; and, provided that with regard to amphetamines  
17 and methylphenidate hydrochloride, a prescription may be filled for up to a [~~60-day~~ **90-day** supply if  
18 either such prescription specifies it is being used for the treatment of attention deficit disorder,  
19 attention deficit disorder with hyperactivity, or narcolepsy.

**Amendment to HB 582**  
**- Page 2 -**

2021-0408h

AMENDED ANALYSIS

This bill allows for certain prescriptions for treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy to be for 90 days.

# Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on Bill # HB 582

**BILL TITLE:** An Act Relative to prescriptions for the treatment of attention deficit disorder or attention deficit disorder with hyperactivity.

**DATE:** 2/23/2021

**LOB ROOM:** 306-8/Remote

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**MOTION: (Please check one box)**

Adoption of  
Amendment # 2021-0408h

Moved by Rep. Schapiro Seconded by Rep. Weber Vote: 20 - 0

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**MOTION: (Please check one box)**

OTP/A

Moved by Rep. Woods Seconded by Rep. Marsh Vote: 20 - 0

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CONSENT CALENDAR:  YES  NO

Minority Report?  Yes  No If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: BAF  
Rep. Beth Folsom, Clerk



**STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK**



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

**2021 SESSION**

**Health, Human Services and Elderly Affairs**

**Bill #:** HB 582      **Motion:** OTPA      **AM #:** \_\_\_\_\_      **Exec Session Date:** 2/23/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	20		
Marsh, William M. Vice Chairman	1		
McMahon, Charles E.	2		
Nelson, Bill G.	3		
Acton, Dennis F.	4		
Gay, Betty I.	5		
Cushman, Leah P.	6		
Folsom, Beth A. Clerk	7		
Kelsey, Niki	8		
King, Bill C.	9		
Kofalt, Jim	10		
Weber, Lucy M.	11		
MacKay, James R.	12		
Snow, Kendall A.	13		
Knirk, Jerry L.	14		
Salloway, Jeffrey C.			1
Cannon, Gerri D.	15		
Nutter-Upham, Frances E.	16		
Schapiro, Joe	17		
Woods, Gary L.	18		

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #: HB 582 Motion: OTPA AM #: \_\_\_\_\_ Exec Session Date: 2/23/21

Merchant, Gary		19		
<b>TOTAL VOTE:</b>		20	0	1

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



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Report

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**Health, Human Services and Elderly Affairs**

Bill #: HB 582      Motion: OTP      AM #: 2021-0408h      Exec Session Date: 2/23/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	20		
Marsh, William M. Vice Chairman	1		
McMahon, Charles E.	2		
Nelson, Bill G.	3		
Acton, Dennis F.	4		
Gay, Betty I.	5		
Cushman, Leah P.	6		
Folsom, Beth A. Clerk	7		
Kelsey, Niki	8		
King, Bill C.	9		
Kofalt, Jim	10		
Weber, Lucy M.	11		
MacKay, James R.	12		
Snow, Kendall A.	13		
Knirk, Jerry L.	14		
Salloway, Jeffrey C.			1
Cannon, Gerri D.	15		
Nutter-Upham, Frances E.	16		
Schapiro, Joe	17		
Woods, Gary L.	18		

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



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17 and methylphenidate hydrochloride, a prescription may be filled for up to a [~~60-day~~] **90-day** supply if  
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19 attention deficit disorder with hyperactivity, or narcolepsy.

2021-0408h

AMENDED ANALYSIS

This bill allows for certain prescriptions for treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy to be for 90 days.

UNAPPROVED

# Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING on Bill # HB 582

**BILL TITLE:** Relative to prescriptions for the treatment of attention deficit disorder or attention deficit disorder with hyperactivity.

**DATE:** 2/16/2021

**ROOM:** 306-8/Remote      **Time Public Hearing Called to Order:** 9:00

**Time Adjourned:** 9:25

(please circle if present)

**Committee Members:** Reps. M. Pearson, Marsh, McMahon, Nelson, Acton, Gay, Cushman, Kelsey, B. King, Kofalt, Weber, MacKay, Snow, Knirk, Salloway, Cannon, Nutter-Upham, Schapiro, Woods and Merchant

**TESTIMONY**

**Rep. Waltz – Introduced bill**

This bill is a result of a constituent request. This bill allows regulated prescriptions to be filled every 90 days rather than 60 days. This cuts the price for the patient and it saves time for the prescriber.

**Rep. Schultz** - spoke in favor.

**Dr. Linda call - psychiatrist (adults & children)**

This bill will be very helpful for her adhd patients. She has not seen abuse of meds - so does not see a problem switching to 90-day increments.

**Joanne Fortier -**

Son has adhd, has been on meds and would find a 90-day supply more convenient.

Respectfully submitted,

Rep. Beth Folsom, Clerk



# House Remote Testify

## Health, Human Services and Elderly Affairs Committee Testify List for Bill HB582 on 2021-02-16

Support: 30 Oppose: 2 Neutral: 0 Total to Testify: 5

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Call MD, Linda	LindaPCallMD@comcast.net	A Member of the Public	Myself	Support	Yes (5m)	2/12/2021 10:07 PM
Walz, Mary Beth	Mbwalz@leg.state.nh.us	An Elected Official	Merrimack 23	Support	Yes (5m)	2/15/2021 8:06 PM
Fortier, Joanne	jhfortier@comcast.net	A Member of the Public	Myself	Support	Yes (3m)	2/13/2021 7:32 AM
Schultz, Kris	Kris.schultz@nh.leg.state.us	An Elected Official	Merrimack County	Support	Yes (2m)	2/15/2021 8:30 PM
Padmore, Michael	michael.padmore@nhms.org	A Lobbyist	NH Medical Society	Support	Yes (0m)	2/16/2021 9:39 AM
perez, maria	mariaeli63@gmail.com	An Elected Official	District 23	Support	No	2/16/2021 9:05 AM
McCalley, Jennifer	jenniferamccalley@gmail.com	A Member of the Public	Myself	Support	No	2/11/2021 4:43 PM
Shaw, Autumn	autumncshaw@gmail.com	A Member of the Public	Myself	Support	No	2/12/2021 9:47 AM
DeMark, Richard	demarknh114@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 9:15 PM
ARONSON, LAURA	laura@mlans.net	A Member of the Public	Myself	Support	No	2/15/2021 11:06 PM
Woods, Renia	woods.gary@comcast.net	A Member of the Public	Myself	Support	No	2/15/2021 11:37 PM
Arnold, Neil	krisarn@myfairpoint.net	A Member of the Public	Myself	Support	No	2/15/2021 11:47 PM
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	2/13/2021 8:13 PM
Westlake, Jane	janewestlake57@gmail.com	A Member of the Public	Myself	Support	No	2/14/2021 7:16 PM
McWilliams, Rebecca	rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	No	2/14/2021 11:00 PM
Cook, Barbara D	bdc7@aol.com	A Member of the Public	Myself	Support	No	2/15/2021 7:33 AM
Larson, Ruth	ruthlarson@msn.com	A Member of the Public	Myself	Support	No	2/15/2021 11:16 AM
Le Doux, Julie	jbizzbuzz@gmail.com	A Member of the Public	Myself	Oppose	No	2/15/2021 11:33 AM
Moulton, Candace	candaceleighm@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 1:04 PM

Torpey, Jeanne	jtorp51@comcast.net	A Member of the Public	Myself	Support	No	2/15/2021 1:30 PM
Jakubowski, Deborah	Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 2:18 PM
jakubowski, dennis	dendeb146@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 2:19 PM
Frost, Sherry	sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	2/15/2021 2:30 PM
Groetzinger, Tonda	groetzinger6@aol.com	A Member of the Public	Myself	Support	No	2/15/2021 2:36 PM
Hayward, Marcia	mjhayward131@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 3:03 PM
Fedorchak, Gaye	gayevf@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 3:37 PM
McCue, Dara	daramccue@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 4:15 PM
Hope, Lucinda	lmhope46@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 4:18 PM
Jones, Jennifer	jennjones123@hotmail.com	A Member of the Public	Myself	Support	No	2/15/2021 4:23 PM
Mennella, Alexandra	amennella1@protonmail.com	A Member of the Public	Myself	Oppose	No	2/15/2021 6:46 PM
Doyle, Marcy	marcy.doyle@unh.edu	A Member of the Public	Myself	Support	No	2/15/2021 7:00 PM
Connolly, Brenna	connolly.brenna@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 6:24 PM

# Testimony

**Archived:** Wednesday, March 17, 2021 1:49:30 PM

**From:** [Joanne Fortier](#)

**Sent:** Saturday, February 13, 2021 8:04:23 AM

**To:** ~[House Health Human Services and Elderly Affairs](#)

**Subject:** NH House Remote Testify: 9:00 am - HB582 in House Health, Human Services and Elderly Affairs

**Importance:** Normal

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Good morning, I am the parent of a teen who has ADHD. The medication he is prescribed has dramatically improved his ability to focus his attention on the material he is learning and complete tasks. Currently, he is not able to get a 90 day supply either at the pharmacy or through mail in means. This requires us to request frequent new scripts, manage requests to ensure it is not too early and won't be refilled and not too late causing him to run out. We also incur more frequent copays, costing us and all the other families who take stimulants higher costs. Whether he received a 30 day supply or 90 day supply, it is kept in a locked safe that only my husband and I know how to access. A 30 day supply, a 90 day supply or over the counter medications all pose risks if not secured, so I do not feel there is an increased risk to receiving a 90 day supply; it is all in the precautions taken. My son has been on a stimulant for ADHD for seven years and I do not see it being discontinued anytime soon. It enables him to be the conscience, smart student he is.

Sent from [Mail](#) for Windows 10

Bill as  
Introduced

HB 582 - AS INTRODUCED

2021 SESSION

21-0772

10/04

HOUSE BILL            **582**

AN ACT                relative to prescriptions for the treatment of attention deficit disorder or attention deficit disorder with hyperactivity.

SPONSORS:            Rep. Walz, Merr. 23; Rep. Woods, Merr. 23

COMMITTEE:          Health, Human Services and Elderly Affairs

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ANALYSIS

This bill allows for certain prescriptions for treatment of attention deficit disorder or attention deficit disorder with hyperactivity to be for 90 days.

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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 One*

AN ACT                    relative to prescriptions for the treatment of attention deficit disorder or attention deficit disorder with hyperactivity.

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

1            1    Controlled Drug Act; Sale by Pharmacists; Attention Deficit Disorder and Attention Deficit  
2    Disorder with Hyperactivity; Prescriptions. Amend RSA 318-B:9, IV to read as follows:

3            IV. No prescription shall be filled for more than a 34-day supply upon any single filling for  
4    controlled drugs of schedules II or III; provided, however, that for controlled drugs, in schedules II or  
5    III, that are commercially packaged for dispensing directly to the patient, such as metered sprays  
6    and inhalers, liquids packaged in bottles with calibrated droppers, and certain topical preparations  
7    packaged with metered dispensing pumps may be filled for greater than a 34-day supply, but not  
8    more than 60 days, utilizing the smallest available product size, in order to maintain the dosing  
9    integrity of the commercially packaged containers; and, provided that with regard to amphetamines  
10   and methylphenidate hydrochloride, a prescription may be filled for up to a [~~60-day~~] **90-day** supply if  
11   either such prescription specifies it is being used for the treatment of attention deficit disorder<sup>[7]</sup> **or**  
12   attention deficit disorder with hyperactivity, or **a 60-day supply if such prescription specifies it**  
13   **is being used for** narcolepsy.

14           2    Effective Date. This act shall take effect 60 days after its passage.