

Amendment to HB 143

1 Amend the bill by replacing section 2 with the following:

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3 2 New Paragraph; Pharmacists and Pharmacies; Prescriptions. Amend RSA 318:47-c by  
4 inserting after paragraph II the following new paragraph:

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

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

11 (2) By a practitioner to be dispensed by a pharmacy located outside of New  
12 Hampshire, provided that such pharmacy complies with the laws and regulations of the state where  
13 the pharmacy is located.

14 (3) When the prescriber is the dispenser.

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

18 (5) By practitioners who have received a waiver or a renewal thereof for a specified  
19 period determined by the practitioner's licensing board, not to exceed one year, from the requirement  
20 to use electronic prescribing, pursuant to a process established in rules of the board, due to economic  
21 hardship, technological limitations that are not reasonably within the control of the practitioner, or  
22 other exceptional circumstance demonstrated by the practitioner.

23 (6) In circumstances where electronic prescribing is not available due to RSA 318-  
24 B:2, VI-a.

25 (7) For a compounded prescription for a hospice patient or in circumstances where  
26 access to electronic prescribing technology is temporarily unavailable to electronically prescribe a  
27 controlled drug for a hospice patient.

28 (8) By a veterinarian, until such time that the New Hampshire board of veterinary  
29 medicine determines that electronic prescribing software is widely available for veterinarians and  
30 notifies the pharmacy board. The board of veterinary medicine shall at least annually make such a  
31 determination.

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