

SB 665-FN - AS INTRODUCED

2026 SESSION

26-3266

07/09

SENATE BILL **665-FN**

AN ACT requiring pharmacies to charge consumers the lowest available price for prescription drugs.

SPONSORS: Sen. Ricciardi, Dist 9; Sen. Long, Dist 20; Sen. Watters, Dist 4; Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Gannon, Dist 23; Sen. Reardon, Dist 15; Sen. McConkey, Dist 3; Sen. Rochefort, Dist 1; Sen. Pearl, Dist 17; Sen. Carson, Dist 14; Sen. Birdsell, Dist 19; Sen. Perkins Kwoka, Dist 21; Rep. Kuttub, Rock. 17; Rep. W. MacDonald, Rock. 16; Rep. Rombeau, Hills. 2; Rep. L. Foxx, Hills. 2

COMMITTEE: Health and Human Services

ANALYSIS

This bill requires pharmacies to charge consumers the lowest available price for prescription drugs.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring pharmacies to charge consumers the lowest available price for prescription drugs.

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

1 1 New Paragraph; Pharmacists and Pharmacies; Pharmacy Board; Rulemaking Authority.
2 Amend RSA 318:5-a by inserting after paragraph XX the following new paragraph:

3 XXI. Procedures for verifying compliance, consumer complaints, and enforcement actions
4 brought pursuant to RSA 318:47-n through RSA 318:47-q.

5 2 New Subdivision; Prescription Drug Prices. Amend RSA 318 by inserting after section 47-m
6 the following new subdivision:

7 Prescription Drug Prices

8 318:47-n Definitions. In this section:

9 I. "Pharmacy retail price" means the cash price a consumer without prescription drug
10 coverage or other discounts would pay at a pharmacy, excluding any pharmacist dispensing fee.

11 II. "Cost-sharing amount" means the amount owed by a covered individual under the terms
12 of a health insurance policy or as required by a pharmacy benefit manager.

13 III. "Discounted price" means any publicly available or pharmacy-affiliated discount, coupon,
14 or savings program price available to a consumer at the time of sale.

15 IV. "Lowest available price" means the lowest of the following prices for a prescription
16 medication as determined at the time of sale:

17 (a) The pharmacy retail price;

18 (b) The consumer's cost-sharing amount under insurance or a pharmacy benefit
19 manager arrangement; or

20 (c) Any discounted price available through the pharmacy or a recognized discount
21 program.

22 318:47-o Duty to Charge Lowest Available Price.

23 I. A pharmacist or pharmacy employee shall, at the point of sale, determine the lowest
24 available price for the prescription medication being dispensed and shall charge the consumer that
25 lowest available price.

26 II. The pharmacist or pharmacy employee shall inform the consumer of the lowest available
27 price before completing the transaction.

28 III. No insurer, pharmacy benefit manager, or third-party payer shall restrict, prohibit, or
29 penalize a pharmacist for disclosing or charging the lowest available price to a consumer.

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1 IV. If a consumer elects to use insurance, despite a lower cash or discount price, the
2 pharmacy shall document the consumer's election at the point of sale.

3 318:47-p Enforcement and Penalties.

4 I. A violation of this subdivision shall constitute unprofessional conduct under RSA 318 and
5 shall subject the licensee to disciplinary action by the board of pharmacy.

6 II. The board may impose a civil administrative penalty not to exceed \$1,000 for each
7 violation.

8 III. Consumers shall not be liable for any amount exceeding the lowest available price at the
9 time of sale.

10 318:47-q Rulemaking. The board of pharmacy shall adopt rules under RSA 541-A as necessary
11 to implement the provisions of this subdivision, including procedures for verifying compliance,
12 consumer complaints, and enforcement actions.

13 3 Effective Date. This act shall take effect January 1, 2027.

**SB 665-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring pharmacies to charge consumers the lowest available price for prescription drugs.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2026 through 2029.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification and Insurance Department