

Amendment to SB 256-FN

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

2

3 AN ACT establishing safety and care requirements for clinician-administered drugs.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 New Subdivision; Managed Care Law; Clinician-Administered Drugs. Amend RSA 420-J by  
8 inserting after section 26 the following new subdivision:

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Clinician-Administered Drugs

10 420-J:27 Definition of Clinician-Administered Drug. In this subdivision, "clinician-administered  
11 drug" means an outpatient prescription drug, other than a vaccine, that:

12 I. Cannot reasonably be self-administered by the patient to whom the drug is prescribed or  
13 by an individual assisting the enrollee with self-administration; and

14 II. Is typically administered:

15 (a) By a health care professional authorized under the laws of this state to administer  
16 the drug, including when acting under a physician's delegation and supervision; and

17 (b) In a physician's office, hospital outpatient infusion center, or other clinical setting.

18 420-J:28 Safety, Care, and Choice Requirements for Clinician-Administered Drugs.

19 I. No health insurer or pharmacy benefit manager shall mandate that a clinician-  
20 administered drug be dispensed by a pharmacy selected by the insurer or PBM and delivered to a  
21 provider for administration ("white bagging"), unless:

22 (a) There is a written agreement between the provider and the dispensing pharmacy  
23 outlining responsibilities for each party including, but not limited to, procedures for delivery,  
24 handling, storage, and liability; and

25 (b) The provider has given prior written consent to use that arrangement.

26 II. No health insurer or pharmacy benefit manager shall mandate that a pharmacy dispense  
27 a clinician-administered drug to a patient for transport to a health care provider for administration  
28 ("brown bagging"), unless:

29 (a) There is a written attestation from the patient and provider that transporting the  
30 medication will not compromise care.

31 (b) The patient and provider have given prior written consent to use that arrangement.

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1           III. Pursuant to paragraphs I and II, a health carrier or pharmacy benefit manager shall  
2 not:

3                   (a) Interfere with the enrollee's right to choose to obtain a clinician-administered drug  
4 from their provider or pharmacy of choice.

5                   (b) Limit or exclude coverage for a clinician-administered drug when not dispensed by a  
6 pharmacy selected by the health carrier, if such drug would otherwise be covered.

7                   (c) Require that an enrollee pay an additional fee, higher copay, higher coinsurance,  
8 second copay, second coinsurance, or any other form of price increase for clinician-administered  
9 drugs when not dispensed by a pharmacy selected by the health carrier or pharmacy benefit  
10 manager.

11                   (d) Condition, deny, restrict, refuse to authorize or approve, or reduce payment to a  
12 participating health care provider for providing covered clinician-administered drugs and related  
13 services to covered persons when all criteria for medical necessity are met, because the participating  
14 health care provider obtains clinician-administered drugs from a pharmacy that is not a  
15 participating provider in the health carrier's network or managed or owned by the pharmacy benefit  
16 manager.

17           2 Effective Date. This act shall take effect January 1, 2027.

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AMENDED ANALYSIS

This bill establishes certain safety and procedural requirements for clinician-administered drugs.