

SB 544-FN - AS INTRODUCED

2026 SESSION

26-2160

05/09

SENATE BILL        ***544-FN***

AN ACT            limiting changes to prescription drug formularies under health benefit plans.

SPONSORS:        Sen. Fenton, Dist 10; Sen. Long, Dist 20; Sen. Birdsell, Dist 19; Sen. Rosenwald,  
Dist 13; Rep. M. Pearson, Rock. 34; Rep. Crawford, Carr. 3; Rep. Mazur, Hills. 44

COMMITTEE:      Health and Human Services

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ANALYSIS

This bill limits modification of prescription drug coverage to the renewal date for the health benefit plan. The bill also provides for continued coverage of certain prescription drugs if they were previously covered under the plan.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT limiting changes to prescription drug formularies under health benefit plans.

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

1 1 New Paragraphs; Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b by inserting  
2 after paragraph I the following new paragraphs:

3 I-a. A health carrier may modify drug coverage provided under a health benefit plan if:

4 (a) The modification occurs at the time of coverage renewal; and

5 (b) The modification is effective uniformly among all group health benefit plan sponsors  
6 covered by identical or substantially identical health benefit plans or all individuals covered by  
7 identical or substantially identical individual health benefit plans, as applicable.

8 I-b. The health carrier shall offer to each enrollee at the contracted benefit level and until  
9 the enrollee's plan renewal date any prescription drug that was approved or covered under the plan  
10 for a medical condition or mental illness, regardless of whether the drug has been removed from the  
11 health benefit plan's drug formulary before the plan renewal date.

12 2 Effective Date. This act shall take effect 60 days after its passage.

**SB 544-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT limiting changes to prescription drug formularies under health benefit plans.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	Indeterminable Increase (not provided by the agency)	Indeterminable Increase (not provided by the agency)	Indeterminable Increase (not provided by the agency)
<i>Revenue Fund(s)</i>	General Fund			
<b>Expenditures*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill amends RSA 420-J:7-b to limit a health carrier’s ability to modify drug coverage under a health benefit plan to the time of coverage renewal, and only if the modification applies uniformly to all identical or substantially identical plans. It also requires continued coverage of any prescription drug approved or covered under the plan until the covered person’s renewal date, even if the drug is later removed from the formulary.

The Insurance Department states this bill limits the ability of health carriers to make midyear changes to prescription drug formularies. To the extent this increases carrier costs by requiring continued coverage for drugs that would otherwise be removed or substituted, these costs may be

passed on to policyholders through higher premiums. Increased premiums may result in increased insurance premium tax revenue to the state.

The Department notes implementation may be difficult, as the bill's requirements could conflict with existing state and federal rules governing prescription drug exceptions and notice procedures. To the extent carriers must cover drugs not included in their approved plans, the change could increase overall plan costs and limit their ability to manage drug expenses.

To the extent counties and municipalities purchase health insurance, they could see an increase in their health insurance premiums.

Department of Administrative Services states there is no impact on State expenditures.

**AGENCIES CONTACTED:**

Insurance Department and Department of Administrative Services