

HB 1249 - AS INTRODUCED

2026 SESSION

26-2756

05/09

HOUSE BILL **1249**

AN ACT authorizing pharmacists to provide certain medical devices associated with prescribed medication.

SPONSORS: Rep. Veilleux, Hills. 34; Rep. Beauchemin, Hills. 3; Rep. S. King, Coos 4; Rep. Kofalt, Hills. 32; Rep. Layon, Rock. 13; Rep. M. Pearson, Rock. 34; Rep. Weber, Ches. 5; Rep. Woods, Merr. 30; Sen. Watters, Dist 4

COMMITTEE: Health, Human Services and Elderly Affairs

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ANALYSIS

This bill amends the definition of the practice of pharmacy under RSA 318 and authorizes pharmacists to prescribe certain prescription devices necessary for the appropriate delivery or administration of a prescribed drug.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 authorizing pharmacists to provide certain medical devices associated with prescribed medication.

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

1 1 Pharmacists and Pharmacies; Definition of the Practice of Pharmacy Added. Amend RSA  
2 318:1, XIV to read as follows:

3 XIV. "Practice of pharmacy" means the professional acts performed by a pharmacist and  
4 shall include the interpretation and evaluation of prescription orders; the administration,  
5 compounding, dispensing, labeling and distribution of drugs and devices; the participation in drug  
6 selection and drug-related device selection; drug evaluation; utilization or regimen review; the  
7 monitoring of drug therapy and use; medication therapy management in accordance with  
8 collaborative pharmacy practice agreements; the proper and safe storage and distribution of drugs  
9 and devices, and the proper maintenance of proper records; the responsibility of advising, when  
10 necessary or when regulated, of therapeutic values, hazards, and use of drugs and devices; the  
11 initiating, ordering, administering, and analyzing of FDA approved Emergency Use Authorization  
12 SARS-CoV-2 (COVID-19) point-of-care diagnostic kits (COVID-19 tests or test kits) to detect SARS-  
13 CoV-2 or its antibodies, so long as the pharmacist has received the adequate education and training  
14 to do so; and the offering or ~~[performing]~~ **performance** of these acts, services, operations, or  
15 transactions necessary in the conduct, operation, management, and control of pharmacy. ***The***  
16 ***practice of pharmacy includes the authority to prescribe certain prescription devices as***  
17 ***provided in RSA 318:47-n.***

18 2 Definition of Prescription Device. Amend RSA 318:1, XVI-a to read as follows:

19 XVI-a. "Prescription device" or "legend device" means an instrument, apparatus, implement,  
20 machine, contrivance, implant, or other similar or related article, including any component part or  
21 accessory, ~~[which]~~ ***that under federal or state law*** is restricted ~~[for]~~ ***to sale or*** distribution ~~[and~~  
22 ~~use only upon]~~ ***on*** the order of a licensed practitioner. ***Prescription device includes those devices***  
23 ***described in RSA 318:47-n, I.***

24 3 New Section; Pharmacists and Pharmacies; Prescription Devices. Amend RSA 318 by  
25 inserting after section 47-m the following new section:

26 318:47-n Prescription Devices.

27 I. A pharmacist may prescribe and dispense the following prescription devices or supplies  
28 approved by the federal Food and Drug Administration when necessary for the appropriate delivery  
29 or administration of a prescribed drug or device:

30 (a) Inhalation spacers;

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1           (b) Nebulizers;

2           (c) Supplies for medical devices, including but not limited to continuous positive airway  
3 pressure (CPAP) machine supplies and insulin pump supplies;

4           (d) Normal saline and sterile water for irrigation or for injection with a prescription drug  
5 or device;

6           (e) Diabetes blood-sugar testing supplies; and

7           (f) Pen needles and syringes for medication use.

8           II. A pharmacist who prescribes under this section shall comply with the standards for  
9 competent pharmacy practice adopted by the board of pharmacy.

10           III. When a pharmacist prescribes and dispenses a device under this section, the pharmacist  
11 shall make a reasonable effort to notify the prescribing practitioner or the patient's primary care  
12 provider, if known, of the device prescribed and dispensed. Such notification shall not be required  
13 prior to dispensing.

14           IV. The board of pharmacy, in consultation with the board of medicine and the board of  
15 nursing, shall adopt rules under RSA 541-A to implement this section.

16           4 Effective Date. This act shall take effect 60 days after its passage.