

SB 544-FN - AS AMENDED BY THE SENATE

03/12/2026 1038s

2026 SESSION

26-2160

05/09

SENATE BILL **544-FN**

AN ACT relative to managed care laws.

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

---

AMENDED ANALYSIS

This bill amends pharmacy benefits manager reporting and examination requirements.

-----

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to managed care laws.

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

1 1 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, III-IV to read as follows:

2 III. Every health plan that provides prescription drug benefits shall provide written notice  
3 in a conspicuous font and size to covered persons affected by deletions to the plan list or plan  
4 formulary, provide an explanation of the exception process by which a covered person can access  
5 nonformulary medically necessary prescription drugs, and provide a toll-free telephone number  
6 through which a covered person can request additional information. For purposes of this paragraph,  
7 covered persons affected by deletions to the plan list or plan formulary shall include those covered  
8 persons for whom the health plan has provided coverage for the deleted prescription drugs during  
9 the 12-month period immediately prior to the deletion. Upon notification to covered persons, the  
10 health benefit plan shall allow at least [~~45~~] **60** days before implementation of any formulary  
11 deletions; provided, however, that advance notice shall not be required if the federal Food and Drug  
12 Administration has determined that a prescription drug on the health benefit plan's formulary is  
13 unsafe. For purposes of this section, "conspicuous font and size" shall mean a font that is at least  
14 [~~12~~] **14** point in size and in an easily legible font. If a covered person avails himself or herself of the  
15 exception process as outlined in 420-J:7-b, II, the medication shall be covered by the health plan  
16 until there is a resolution of the exception process. ***Any denial of an exceptions request shall be***  
17 ***considered an adverse determination.***

18 IV. Every health benefit plan that provides prescription drug benefits shall maintain, as  
19 part of its records, all of the following information, which shall be made available to the  
20 commissioner upon request:

21 (a) [~~the~~] ***The*** complete drug formulary or formularies of the plan, if the plan maintains  
22 a formulary, including a list of the prescription drugs on the formulary of the plan by major  
23 therapeutic category with an indication of whether any drugs are preferred over the other drugs.

24 (b) ***Documentation regarding any changes to the formulary including the date***  
25 ***the formulary was changed and the reason for the change.***

26 (c) ***The complete maximum allowable cost list for each pharmacy subject to the***  
27 ***maximum allowable cost list.***

28 (d) ***Documentation regarding any changes to the maximum allowable cost list***  
29 ***including, but not limited to, the date the maximum allowable cost list was changed and***  
30 ***when impacted pharmacies were notified of the change.***

31 2 Effective Date. This act shall take effect 60 days after its passage.

LBA  
26-2160  
03/31/2026

**SB 544-FN- FISCAL NOTE  
AS AMENDED BY THE SENATE (AMENDMENT # 2026-1038s)**

AN ACT                    relative to managed care laws.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county and local expenditures or revenue.

**AGENCIES CONTACTED:**

Insurance Department