

Committee of Conference Report on HB 194-FN, relative to the crime of interference with custody.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Controlled Drug Act; Dealing In or Possessing Prescription Drugs. Amend RSA 318:42 by inserting after paragraph VII-b the following new paragraph:

VII-c. The dispensing of up to a 30-day supply of noncontrolled oral anti-cancer medication by a licensed health care professional legally authorized to prescribe and administer medications to a patient under a provider's care or supervision so long as the following criteria are met:

(a) The dispensing clinic maintains on staff a full-time licensed pharmacist who is available for consultation with the prescribing provider and the patient.

(b) In-office dispensing is conducted in a way consistent with United States Pharmacopeia standards as well as all relevant state and federal laws or rules.

3 Pharmacists and Pharmacies; Display of Licenses. Amend RSA 318:28 to read as follows:

318:28 ~~[Display]~~ **Availability** of Licenses. All licenses as pharmacists shall ~~[at all times be conspicuously displayed]~~ **be readily retrievable** in the pharmacy where the licensee is engaged as such.

4 Pharmacists and Pharmacies; Licensure of Pharmacies. Amend RSA 318:39 to read as follows:

318:39 Application; Display. Application for a permit shall be made in such manner and in such form as the board may determine. The permit shall at all times be ~~[exposed in a conspicuous place]~~ **posted** in the pharmacy for which it is issued.

5 Pharmacists and Pharmacies; Licensed Pharmacists; Remote Processing. Amend RSA 318:15-d, I to read as follows:

I. New Hampshire licensed pharmacists, **licensed advanced pharmacy technicians**, certified New Hampshire pharmacy technicians, or registered New Hampshire pharmacy interns may engage in remote processing, provided that all work requiring pharmacist supervision is supervised by a licensed pharmacist through electronic or other remote means.

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6 Controlled Drug Act; Labels. Amend RSA 318-B:13, II to read as follows:

II. Whenever a pharmacist dispenses any controlled drug on prescription issued by a practitioner, he or she shall affix to the container in which such drug is dispensed a label showing the name, address, and registry number of the pharmacy ~~[and name or the initials of the pharmacist]~~; the name of the prescribing practitioner; the prescription identification number; the name of the patient; the date dispensed; any directions as may be stated on the prescription; and the name and strength and quantity of the drug dispensed. All drugs dispensed to a patient that have been filled using a centralized prescription processing system shall bear a label containing an identifiable code that provides a complete audit trail of the dispensing of the drug and pharmaceutical care activities. No person shall alter, deface, or remove any label so affixed.

7 Pharmacists and Pharmacies; Definitions; Practice of Pharmacy. RSA 318:1, XIV is repealed and reenacted to read as follows:

XIV.(a) "Practice of pharmacy" means the scope of practice for the provision of patient care services by a pharmacist shall be based on their education, training, and experience, and determined by practice setting and in accordance with generally accepted standards of care, including but not limited to:

- (1) The interpretation and evaluation of prescription orders;
- (2) The compounding, dispensing, labeling, administering, and distribution of drugs and devices;
- (3) The selection, evaluation, and monitoring of drug and drug-related therapies;
- (4) The performance of drug utilization reviews and medication therapy management;
- (5) The participation in collaborative pharmacy practice and collaborative pharmacy practice agreements as defined in RSA 318:1, XXVI - XXVII, and RSA 318:16-a;
- (6) The prescribing, ordering, administering, and interpretation of laboratory tests, controlled and noncontrolled drugs, and devices in accordance with applicable state and federal law;
- (7) The education and counseling of patients and health care professionals on the therapeutic use, potential hazards, and outcomes of drugs and devices;
- (8) The maintenance of appropriate records and the safe storage and handling of drugs and devices;
- (9) The interprofessional communication with appropriate health care providers to ensure continuity of care;
- (10) Any other professional acts, services, operations, or transactions necessary to the operation and management of pharmacy practice.

(b) Nothing in this paragraph shall be construed to limit or restrict the provision of patient care services by pharmacists otherwise authorized under federal or state law or regulations,

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including those performed pursuant to protocol, collaborative practice agreements, or standing orders.

(c) Nothing in this paragraph shall be interpreted to permit an alteration of a prescribing clinician's diagnosis.

8 Pharmacy Board; Rulemaking Authority. Amend RSA 318:5-a, XVII to read as follows:

XVII. The education and training standards and other requirements for pharmacists who, pursuant to prescriber-approved protocol,[-

(a)] administer prescription medications ***outside the parameters of a collaborative pharmacy practice agreement***, including influenza immunizations.

~~[(b) Engage in collaborative pharmacy practices.]~~

9 Licensed Pharmacists; Standards for Collaborative Pharmacy Practice. Amend RSA 318:16-a, I(c) to read as follows:

(c) Have the knowledge base necessary for proper monitoring, including, but not limited to, associated disease states, relevant laboratory tests, adverse events, drug and food interactions, safety, and efficacy. ~~[Depending upon the complexity of the services being provided, the pharmacist may be required to have additional credentials or training and shall demonstrate the receipt of approval by the board of pharmacy.]~~

10 Pharmacy Board; Rulemaking; Examinations. Amend RSA 318:5-a, IV(a) to read as follows:

(a) The subjects to be tested ***pursuant to RSA 318:19;***

11 Pharmacy Board; Rulemaking; Licensed Advanced Pharmacy Technicians. Amend RSA 318:5-a, XI-c(a) to read as follows:

(a) Requirements for licensure, including experience and education requirements. ***Any examination requirement for licensure shall be limited to the scope of practice, and such requirement shall be suspended if the board is unable to verify that the exam complies with board requirements.***

12 Pharmacists and Pharmacies; Examinations. Amend RSA 318:19 to read as follows:

318:19 Examinations. Applicants for licensure as pharmacists shall, to prove their respective requisite knowledge, be examined to a properly varying degree in pharmacy-related subject areas which may include chemistry, math, pharmacology, pharmacy theory, the practice of pharmacy ~~[and pharmacy law]~~, and any other areas as the board may prescribe, ***except that the board shall not require any applicant to be examined on pharmacy state-specific or universal state level jurisprudence or law.***

13 Pharmacy Board; Enforcement of Law. Amend RSA 318:8 to read as follows:

318:8 Enforcement of Law.

I. It shall be the duty of the board, through officials and employees appointed by it or under its supervision for that purpose, and of all peace officers within the state, and of all county attorneys, to enforce all the provisions of this chapter. When so requested, the department of health and

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human services and its officials and employees shall cooperate with the board in collecting and analyzing samples of drugs and medicines sold, or suspected of being sold, in violation of this chapter. The members of the board, its inspectors and investigators shall have free access during business hours to all places where drugs, medicines, poisons or hypodermic devices are held, stored, or offered for sale and to all records of sale and disposition of drugs.

II. It shall also be the duty of the board, through officials and employees appointed by it or under its supervision for that purpose, to evaluate whether a specific act is within the practice of pharmacy, or whether an act can be delegated to other individuals under pharmacist supervision. A licensee or registrant of the board of pharmacy shall independently determine whether:

(a) The act is expressly prohibited by:

(1) This chapter;

(2) The controlled drug act, RSA 318-B;

(3) The rules of the board of pharmacy; or

(4) Any other applicable state or federal laws or regulations;

(b) The act is consistent with the individual's education, training, and experience; and

(c) Performance of the act is within the accepted standard of care that would be provided in a similar setting by a reasonable and prudent individual with similar education, training, and experience.

14 Pharmacist Administration of Vaccines. Amend RSA 318:16-b, II to read as follows:

II. A pharmacist, pharmacy intern, [or] licensed advanced pharmacy technician, ***or certified pharmacy technician***, under the supervision of an on-site immunizing pharmacist may administer vaccines licensed by the United States Food and Drug Administration ~~[that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization,]~~ to individuals 18 years of age or older as ordered by an immunizing pharmacist.

15 Effective Date.

I. Section 1 of this act shall take effect January 1, 2027.

II. The remainder of this act shall take effect 60 days after its passage.

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The signatures below attest to the authenticity of this Report on HB 194-FN, relative to the crime of interference with custody.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Abbas, Dist. 22

Rep. Osborne, Rock. 2

Sen. Rochefort, Dist. 1

Rep. Rhodes, Ches. 17

Sen. Perkins Kwoka, Dist. 21

Rep. Paquette, Hills. 25

Rep. S. Smith, Sull. 3

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2026-2117-CofC

AMENDED ANALYSIS

This bill:

I. Modifies the crime of interference with custody to add certain actions with an intent to interfere with lawful custody.

II. Authorizes the dispensing of up to a 30-day supply of noncontrolled oral anti-cancer medication by a licensed health care professional legally authorized to prescribe and administer medications to a patient under a provider's care or supervision subject to certain conditions.

III. Amends the display requirements for certain licenses and permits.

IV. Authorizes licensed advanced pharmacy technicians to engage in remote processing.

V. Removes the requirement that a pharmacist's name or initials be on a label affixed to any controlled drug or prescription issued.

VI. Amends the definition of the "practice of pharmacy."

VII. Removes certain authority of the board of pharmacy with respect to the regulation of collaborative pharmacy practice agreements.

VIII. Limits any examination requirement for licensure as an advanced pharmacy technician to scope of practice.

IX. Prohibits the pharmacy board from testing applicants on pharmacy jurisprudence or law.

X. Allows supervised certified pharmacy technicians to administer vaccines, and eliminates a requirement that vaccines be recommended by the United States Center for Disease Control and Prevention Advisory Committee on Immunization Practices before being administered by pharmacists, pharmacy interns, licensed advanced pharmacy technicians, or certified pharmacy technicians.