

Senate Health and Human Services Committee

Sophie Walsh 271-3469

HB 126, relative to prescriptions for certain controlled drugs.

Hearing Date: March 26, 2025

Time Opened: 10:43 a.m.

Time Closed: 10:55 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill clarifies exceptions to the 34-day limit on prescriptions for controlled drugs and permits a pharmacist to fill a prescription for a 92-day supply of injectable androgen under certain circumstances.

Sponsors:

Rep. Popovici-Muller

Rep. D. McGuire

Rep. Nagel

Rep. Wheeler

Who supports the bill: Rep. Daniel Popovici-Muller, Rep. David Nagel, Curtis Howland, Daniel Richardson, and James Gardner.

Who opposes the bill: Jane Smith.

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Daniel Popovici-Muller, Rockingham – District 17

- Representative Popovici-Muller stated that this is a bipartisan bill intended to reduce the burden on patients who must fill injectable androgen prescriptions in person due to federal scheduling by allowing them to obtain 92-day prescriptions after filling 12 monthly prescriptions from the same medical practice.
- The one-year requirement is designed to address concerns about patients potentially filling these prescriptions with the intent to sell the medication. By the one-year mark, the medical provider would have had ample time to conduct necessary bloodwork and confirm that the patient is taking the medication as prescribed.
- Representative Popovici-Muller emphasized that efforts should be made to minimize unnecessary burdens to patients whenever possible.

- Senator Rochefort referenced the language following the semicolon on lines 16-19 of the bill and noted that this is a rather unorthodox approach to prescribing. He asked if the bill is intended to place the responsibility on the physician or pharmacy.
- Representative Popovici-Muller explained that this particular language was the result of a bipartisan compromise addressing concerns that immediately allowing quarterly prescriptions could lead to misuse.
- The intent is to clarify that the burden rests with the medical provider, as they have access to the patient's blood work and can verify legitimate use.
- Representative Popovici-Muller emphasized that the language was carefully drafted to ensure that medical providers are not mandated to take any specific action. It simply allows pharmacists to issue a 92-day prescription if the medical provider includes the necessary language.
- Senator Rochefort asked if pharmacies would be obligated to verify with the medical provider.
- Representative Popovici-Muller said the intent is to prevent such an obligation, as the prescription itself would need to include the necessary language in advance.
- Senator Rochefort clarified that the obligation would fall on the provider, and Representative Popovici-Muller explained that the responsibility ultimately falls on the patient to advocate for their medical provider to include the necessary language when they become eligible. Among the parties subject to regulation, the burden would be on the provider.
- Senator Rochefort explained that in practice, pharmacists may still question whether they need to verify the prescription with the doctor. He expressed concern that this language could create confusion and said it is not necessary in his opinion.
- Representative Popovici-Muller said he would not oppose the Committee moving forward in that direction if deemed appropriate.
- Senator Rochefort said he understands the objective of the bill and noted that the 34-day supply is now outdated with the advancements made in monitoring technology that allow for better tracking. He suggested that removing that language would achieve the bill's intent while eliminating potential confusion.
- Representative Popovici-Muller explained that while the incremental approach has been chosen to address concerns raised during the legislative process, this change would align with his initial preference for the bill.

Representative David Nagel, Belknap – District 6

- Representative Nagel stated that he and Senator Rochefort previously served together on an ad hoc committee where they discussed similar issues regarding

patient access with a focus on controlled substances and improving communication between pharmacists and doctors.

- He supports this bill because it aligns with the objectives they sought to achieve in their previous work on prescribing practices.
- His priority as a physician is to provide patient care with the least possible intrusion on their quality of life. While frequent monitoring may be necessary in the early stages, patients should not be required to visit as often once they have demonstrated responsible use.
- Representative Nagel said he agrees that Senator Rochefort's suggestions would further strengthen the bill.
- Senator Rochefort noted that the same argument could be made for non-controlled substances and reiterated that the 34-day supply is outdated. He suggested that a broader re-evaluation of the 34-day supply could be beneficial, and Representative Nagel agreed that it would be a worthwhile discussion.