Commerce
March 2, 2016
2016-0852s
01/05

Amendment to SB 523-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the controlled drug prescription health and safety program and establishing a commission to study requiring controlled drugs and controlled drug analogs to be sold in tamper-proof form.

Amend the bill by replacing all after the enacting clause with the following:

1 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31, VI to read as follows:

VI. "Practitioner" means a physician, dentist, podiatrist, veterinarian, pharmacist, APRN, physician assistant, ***naturopath,*** or other person licensed or otherwise permitted to prescribe, dispense, or administer a controlled substance in the course of licensed professional practice. ***"Practitioner" shall also include practitioners with a federal license to prescribe or administer a controlled substance.***

2 New Sections; Opioid Agreements; Commission to Study Requiring Controlled Drugs and Controlled Drug Analogs to be Sold in Tamper-Proof Form. Amend RSA 318-B by inserting after section 40 the following new sections:

318-B:41 Opioid Agreements Required. A practitioner and his or her patient shall enter into an opioid treatment agreement if the patient is using opioids for more than 90 days within any 6-month period. The agreement shall include, but not be limited to:

I. The medical basis for the use of opioids.

II. A statement of the risks and potential side effects of long-term use of opioids.

III. The patient's agreement to seek opioids only from the practitioner with whom the agreement is made and to not share the medication with others.

IV. The name of the single pharmacy at which the prescription will be filled.

V. The patient's agreement to forego opioids not included in the pain management agreement.

VI. Permission for the practitioner to conduct random drug tests to verify the proper use of the opioid prescription.

VII. A statement of the consequences of violating the agreement, including that if the patient breaches the agreement, the practitioner may stop prescribing the pain-control medicines or terminate the practitioner-patient relationship.

VIII. Any other provisions to which the patient and the practitioner agree.

318-B:42 Commission Established; Membership; Duties.

I. There is established a commission to study requiring controlled drugs and controlled drug analogs to be sold in tamper-proof form.

(a) The members of the commission shall be as follows:

(1) One member of the senate, appointed by the president of the senate.

(2) One member of the house of representatives, appointed by the speaker of the house of representatives.

(3) The commissioner of the department of health and human services, or designee.

(4) A pharmacist, appointed by the board.

(5) Two licensed physicians, one of whom shall specialize in pain medicine, appointed by the board of medicine.

(6) A representative of a drug manufacturer, appointed by the governor.

(7) A representative of an insurance company, appointed by the governor.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission shall study requiring controlled drugs and controlled drug analogs to be sold in tamper-proof form. The commission's study shall include, but not be limited to:

(1) The cost effectiveness of requiring such drugs to be sold in tamper-proof form.

(2) Whether the tamper-proof forms of the drugs work.

(3) Whether the tamper-proof forms of such drugs are readily available.

(4) The effect of requiring such drugs to be sold in tamper-proof forms will have on insurance premiums.

(b) The commission shall solicit information from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

IV. The commission shall make a report on or before November 1, 2016 indicating its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

3 Repeal. RSA 318-B:42, relative to a commission to study requiring controlled drugs and controlled drug analogs to be sold in tamper-proof form, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2016.

II. RSA 318-B:42 as inserted by section 2 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 2017.

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AMENDED ANALYSIS

This bill:

I. Adds naturopaths to the definition of practitioner for the purposes of the controlled drug prescription health and safety program.

II. Requires opioid agreements between prescribers and patients if the patient is using opioids for more than 90 days within any 6-month period.

III. Establishes a commission to study requiring controlled drugs and controlled drug analogs to be sold in tamper-proof form.