

Sen. Prentiss, Dist 5
Sen. Lang, Dist 2
March 6, 2024
2024-0985s
05/06

Floor Amendment to SB 559-FN

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

2
3 AN ACT relative to the New Hampshire vaccine association.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 New Hampshire Vaccine Association; Definitions; Definition of Biological Product Added.
8 Amend RSA 126-Q:1, III - X to read as follows:

9 III. "Assessable lives" means all children under 19 years of age residing in the state who
10 have assessable coverage written or administered by an assessable entity, with the exception of
11 children whose vaccines **or biological products** are paid for under the federal Vaccines for
12 Children program, established under 42 U.S.C. section 1396s.

13 IV. "Assessment" means the assessable entity's liability with respect to childhood vaccines
14 **or biological products** determined in accordance with this chapter. For purposes of rate setting
15 and medical loss ratio calculations, all association assessments are considered pharmaceutical or
16 medical benefit costs and not regulatory costs. In the event of any insolvency or similar proceeding
17 affecting any payer, assessments shall be included in the highest priority of obligations to be paid by
18 or on behalf of such payer.

19 V. "Association" means the New Hampshire vaccine association.

20 **V-a. "Biological product" means any biological product, including monoclonal**
21 **antibody products, that has been approved by the federal Food and Drug Administration**
22 **and recommended by the Advisory Committee on Immunization Practices of the Centers for**
23 **Disease Control and Prevention to be added to the Vaccines for Children program and has**
24 **been authorized by the commissioner of the department of health and human services for**
25 **administration to children of the state of New Hampshire under the age of 19 years for the**
26 **purposes of protecting against diseases caused by infectious pathogens.**

27 VI. "Board" means the board of directors of the New Hampshire vaccine association.

28 VII. "Commissioner" means the commissioner of the department of health and human
29 services.

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1 VIII. "Estimated vaccine cost" means the estimated cost to the state over the course of a
2 state fiscal year of the purchase, distribution, and administration of vaccines ***and biological***
3 ***products*** purchased at the federal discount rate by the department of health and human services.

4 IX. "Provider" means a person licensed by this state to provide health care services to
5 persons or a partnership or corporation made up of those persons.

6 X. "Total non-federal program cost" means the estimated vaccine ***and biological products***
7 cost less the amount of federal revenue available to the state for the purchase, distribution, and
8 administration of vaccines.

9 2 New Hampshire Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, II(c)
10 to read as follows:

11 (c) Add a reserve of up to 10 percent of the anticipated cost under subparagraph (a) for
12 unanticipated costs associated with providing vaccines ***and biological products*** to children
13 covered; and

14 3 New Hampshire Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, V to
15 read as follows:

16 V. The board may determine an interim assessment for new vaccines, ***new biological***
17 ***products***, or unanticipated shortfalls in the association's ability to meet childhood vaccine funding
18 needs. The board shall calculate the interim assessment in accordance with paragraph II, and the
19 interim assessment is payable the calendar quarter that begins no less than 30 days following the
20 establishment of the federal contract price. The board shall not impose more than one interim
21 assessment per year, except in the case of a public health emergency declared in accordance with
22 state or federal law.

23 4 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill defines biological products for purposes of the assessment determination by the New Hampshire vaccine association.