

SB 61-FN - VERSION ADOPTED BY BOTH BODIES

2025 SESSION

25-0979

05/11

SENATE BILL

***61-FN***

AN ACT

relative to prescriptions for state prisoners paid for by the department of corrections.

SPONSORS:

Sen. Gray, Dist 6

COMMITTEE:

Executive Departments and Administration

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ANALYSIS

This bill permits the department of corrections to enter into purchasing agreements with drug manufacturers, if that agreement is cost beneficial to the state. This bill also eliminates the requirement for notification to be completed in the pharmacist's own handwriting.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Five*

AN ACT relative to prescriptions for state prisoners paid for by the department of corrections.

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

1 1 Medical Services for State Prisoners. Amend RSA 623-C:2, III to read as follows:

2 III. Pharmacists shall substitute generically equivalent drug products for all legend and  
3 non-legend prescriptions paid for by the department of corrections, ~~[including the Medicaid~~  
4 ~~program,]~~ unless the prescribing practitioner specifies that the brand name drug product is  
5 medically necessary. ~~[Such notification shall be in the practitioner's own handwriting and shall be~~  
6 ~~retained in the pharmacist's file.]~~ ***The pharmacist shall not select an equivalent drug product***  
7 ***unless its price to the purchaser or payor is less than the price of the prescribed drug***  
8 ***product. The department may enter into agreements or collaborative purchasing***  
9 ***structures to buy or acquire therapeutic agents that will result in cost savings to the***  
10 ***department.*** The commissioner of the department of corrections may waive the application of RSA  
11 623-C:2, I if the commissioner determines such action is necessary to ensure the availability of  
12 prescription and other pharmaceutical services to persons served by the state or to avert serious  
13 economic hardship in the provision of prescriptions and other pharmaceutical services. ~~[For~~  
14 ~~Medicaid fee for service clients, no prior authorization for generically equivalent drugs shall be~~  
15 ~~required.]~~

16 2 Effective Date. This act shall take effect 60 days after its passage.

**SB 61-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to prescriptions for state prisoners paid for by the department of corrections.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill permits the Department of Corrections to enter into purchasing agreements with drug manufacturers, if that agreement is cost beneficial to the state. This bill also eliminates the requirement for notification to be completed in the pharmacist's own handwriting.

The Department of Corrections states this bill could potentially reduce state expenditures by enabling the Department to negotiate purchase agreements directly with drug manufacturers, thereby eliminating third-party expenses. Although the exact fiscal impact cannot be determined, contracted drug rates would offer more predictable budgeting for these expenses and allow the Department to secure the best pricing through negotiated agreements.

**AGENCIES CONTACTED:**

Department of Corrections