

Sen. Rochefort, Dist 1
Sen. Birdsell, Dist 19
May 13, 2026
2026-1973s
09/08

Floor Amendment to HB 194-FN

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

2

3 AN ACT relative to the crime of interference with custody and relative to the practice of
4 pharmacy and the dispensing of certain medications by pharmacists.
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6 Amend the bill by replacing all after section 1 with the following:

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8 2 New Paragraph; Controlled Drug Act; Dealing In or Possessing Prescription Drugs. Amend
9 RSA 318:42 by inserting after paragraph VII-b the following new paragraph:

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

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

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

17 3 Pharmacists and Pharmacies; Display of Licenses. Amend RSA 318:28 to read as follows:

18 318:28 ~~[Display]~~ **Availability** of Licenses. All licenses as pharmacists shall ~~[at all times be~~
19 ~~conspicuously displayed]~~ **be readily retrievable** in the pharmacy where the licensee is engaged as
20 such.

21 4 Pharmacists and Pharmacies; Licensure of Pharmacies. Amend RSA 318:39 to read as
22 follows:

23 318:39 Application; Display. Application for a permit shall be made in such manner and in such
24 form as the board may determine. The permit shall at all times be ~~[exposed in a conspicuous place]~~
25 **posted** in the pharmacy for which it is issued.

26 5 Pharmacists and Pharmacies; Licensed Pharmacists; Remote Processing. Amend RSA 318:15-
27 d, I to read as follows:

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

32 6 Controlled Drug Act; Labels. Amend RSA 318-B:13, II to read as follows:

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

10 7 Pharmacists and Pharmacies; Definitions; Practice of Pharmacy. RSA 318:1, XIV is repealed
11 and reenacted to read as follows:

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

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

34 (b) Nothing in this paragraph shall be construed to limit or restrict the provision of
35 patient care services by pharmacists otherwise authorized under federal or state law or regulations,
36 including those performed pursuant to protocol, collaborative practice agreements, or standing
37 orders.

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

3 8 Pharmacy Board; Rulemaking Authority. Amend RSA 318:5-a, XVII to read as follows:

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

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

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

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

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

16 10 Pharmacy Board; Rulemaking; Examinations. Amend RSA 318:5-a, IV(a) to read as follows:

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

18 11 Pharmacy Board; Rulemaking; Licensed Advanced Pharmacy Technicians. Amend RSA
19 318:5-a, XI-c(a) to read as follows:

20 (a) Requirements for licensure, including experience and education requirements,
21 ***except that there shall not be any examination requirement for licensure.***

22 12 Pharmacists and Pharmacies; Examinations. Amend RSA 318:19 to read as follows:

23 318:19 Examinations. – Applicants for licensure as pharmacists shall, to prove their respective
24 requisite knowledge, be examined to a properly varying degree in pharmacy-related subject areas
25 which may include chemistry, math, pharmacology, pharmacy theory, the practice of pharmacy [~~and~~
26 ~~pharmacy law~~], and any other areas as the board may prescribe, ***except that the board shall not***
27 ***require any applicant to be examined on pharmacy state-specific or universal state level***
28 ***jurisprudence or law.***

29 13 Pharmacy Board; Enforcement of Law. Amend RSA 318:8 to read as follows:

30 318:8 Enforcement of Law.

31 ***I.*** It shall be the duty of the board, through officials and employees appointed by it or under
32 its supervision for that purpose, and of all peace officers within the state, and of all county attorneys,
33 to enforce all the provisions of this chapter. When so requested, the department of health and
34 human services and its officials and employees shall cooperate with the board in collecting and
35 analyzing samples of drugs and medicines sold, or suspected of being sold, in violation of this
36 chapter. The members of the board, its inspectors and investigators shall have free access during

1 business hours to all places where drugs, medicines, poisons or hypodermic devices are held, stored,
2 or offered for sale and to all records of sale and disposition of drugs.

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

8 ***(a) The act is expressly prohibited by:***

9 ***(1) This chapter;***

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

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

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

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

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

18 14 Effective Date.

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

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

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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. Eliminates any examination requirement for licensure as an advanced pharmacy technician.

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