CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Emergency Order # 13 Pursuant to Executive Order 2020-04

Temporary allowance for New Hampshire pharmacists and pharmacies to compound and sell hand sanitizer over the counter ("OTC") and to allow pharmacy technicians to perform non-dispensing tasks remotely

Pursuant to Section 18 of Executive Order 2020-04, it is hereby ordered, effective immediately, that:

1. To promote and secure the safety and protection of the people of New Hampshire, all licensed New Hampshire pharmacists and pharmacies may compound and sell hand sanitizer over the counter, provided that the following requirements are satisfied:

a) The hand sanitizer conforms to the March 2020 federal Food and Drug Administration Policy for Temporary Compounding of Certain Alcohol-Based Hand Sanitizer Products During the Public Health Emergency (available at: https://www.fda.gov/regulatory-information/search-fda-guidance-documents/policy-temporary-compounding-certain-alcohol-based-hand-sanitizer-products-during-public-health).
b) The pharmacy and pharmacist comply with USP <795>, including beyond-use-dates and compounding records.
c) The pharmacy labels each container of hand sanitizer in accordance with USP <795>, including ingredients, beyond use date, lot number, directions for use, etc. Specific patient information is not required on the label for compounded OTC hand sanitizer.
d) The compounded OTC hand sanitizer is labeled with the statement, "for external use only."
e) The pharmacy may not sell compounded OTC hand sanitizer to other retail establishments; the compounded OTC hand sanitizer may only be sold to end users.

2. The general public may visit a participating pharmacy on a walk-in basis and purchase compounded OTC hand sanitizer. The compounded OTC hand sanitizer may be sold in the front store.

3. Pharmacies and pharmacists shall price products fairly, use judgment to avoid bulk sales that may result in hoarding or resale, and uphold the integrity of the profession during this emergency.

4. In order to ensure that pharmacy services may continue to be provided to those who need them, and to promote and secure the safety and protection of the people of New Hampshire, all pharmacy technicians and advanced pharmacy technicians who are duly licensed and qualified by the New Hampshire Board of Pharmacy shall be authorized to perform non-dispensing tasks

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: http://www.governor.nh.gov/ • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

remotely and without onsite supervision from a licensed pharmacist, provided that all remote work performed by pharmacy technicians and advanced pharmacy technicians must be reviewed and approved by a New Hampshire licensed pharmacist through electronic or other remote means. Any state statute, rule, or regulation which would prohibit the activities authorized in this section is hereby suspended.

5. This Order shall remain in effect until the State of Emergency declared in Executive Order 2020-04 is terminated, or this Order is rescinded, whichever shall happen first.

Given under my hand and seal at the Executive Chambers in Concord, this 23rd day of March, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

Chris T. Sununu

GOVERNOR OF NEW HAMPSHIRE

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