CHAPTER Ph 2700 WHOLESALE DISTRIBUTORS

Statutory Authority: RSA 318:51-a

PART Ph 2701 PURPOSE AND SCOPE

Ph 2701.01 Purpose. The purpose of this chapter is to set forth the requirements, limitations, and prohibitions for wholesale distributors that are engaged in the wholesale distribution of prescription drugs or devices into the State of New Hampshire. Wholesale distributor activities regulated by the Board are performed in compliance with applicable state laws and rules by those who are licensed by the Board.

Ph 2701.02 Scope. The provisions of this chapter shall apply to, and impose duties upon, all Wholesale Distributors holding licenses issued by the Board.

PART Ph 2702 DEFINITIONS

Ph 2702.01 Definitions. Except where the context makes another meaning manifest, the following definitions shall apply:

(a) "Authorized distributor of record" means a wholesale distributor or a third-party logistics provider with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between the third-party logistics provider and the manufacturer or between the wholesale distributor and a manufacturer when the third-party logistics provider or the wholesale distributor, including any affiliated group of the wholesale distributor as defined in section 1504 of the Internal Revenue Code [26 U.S.C. 1504], complies with the following:

1. The wholesale distributor or a third-party logistics provider has a written agreement currently in effect with the manufacturer evidencing the ongoing relationship; and
2. The wholesale distributor or a third-party logistics provider is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

(b) "Manufacturer's exclusive distributor" means any person that contracts with a manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer and which takes title to that manufacturer's prescription drug, medical gases, or medical equipment but which does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug, medical gas, or medical equipment. The manufacturer's exclusive distributor must be licensed as a wholesale distributor under this chapter, and to be considered part of the normal distribution channel also must be an authorized distributor of record;

(c) "Pedigree" is a document or an electronic file containing information that records each distribution of any given prescription drug;

(d) "Pharmacy distributor” means any pharmacy or hospital pharmacy licensed in this state which is engaged in the delivery or distribution of prescription drugs, medical gases, or medical equipment to any other pharmacy licensed in this state or to any other person, including a wholesale drug distributor, engaged in the delivery or distribution of prescription drugs, medical gases, or medical equipment and involved in the actual, constructive, or attempted transfer of a drug, gas, or equipment in
this state to other than the ultimate consumer, when the financial value of the drugs, gases, or equipment is equivalent to at least five percent of the total gross sales of the pharmacy distributor;

(e) "Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug. The term does not include actions completed by the pharmacists responsible for dispensing product to the patient;

(f) "Repackager" including “Virtual Repackager”, means a person who owns or operates an establishment that repacks and relabels a product or package for further sale or distribution without further transaction;

(g) “US FDA CGMP” or “U.S. Food & Drug Administration’s Current Good Manufacturing Practices” ensures the quality of drug products by carefully monitoring drug manufacturers’ compliance with its Current Good Manufacturing Practice (CGMP) regulations. The CGMP regulations for drugs contain minimum requirements for the methods, facilities, and controls used in manufacturing, processing, and packing of a drug product. The regulations make sure that a product is safe for use, and that it has the ingredients and strength it claims to have;

(h) "Wholesale distribution" is the distribution of prescription drugs or devices by wholesale distributors to persons other than consumers or patients;

(i) “Wholesale Distributor”, including "virtual wholesale distributor", means a person engaged in wholesale distribution of prescription drugs or devices in or into the state, including but not limited to repackagers, label distributors, co-licensees, exclusive distributors, chain pharmacy warehouses, warehouses (including manufacturers’ and distributors’ warehouses), wholesale drug warehouses, independent wholesale drug traders, and retail pharmacies that conduct wholesale distributions. To be considered part of the normal distribution channel, such wholesale distributor must also be an authorized distributor of record.

PART Ph 2703 LICENSING OF WHOLESALE DISTRIBUTORS

Ph 2703.01 License Required.

(a) No person or facility shall act as a Wholesale Distributor, as defined in RSA 318:51-a, without first obtaining a license to do so from the Board;

(b) No license shall be issued, reinstated or renewed for a Wholesale Distributor unless the same shall be operated in a manner prescribed by RSA 318:51-a and according to Ph 2700;

(c) Separate licenses shall be required for each facility site owned and operated by the Wholesale Distributor;

(d) No license shall be issued to an in-state facility until such time as the applicant has satisfactorily passed a site inspection performed by the Board confirming the facility:

(1) Is of suitable size, construction and location to allow proper storage, handling and security of drugs;

(2) Is located in a commercially zoned area;
(3) Has adequate outside lighting to allow for proper security;

(4) Has notified the local police department that legend drugs are being stored at the facility; and

(5) Has a functioning alarm system in place.

(e) The Board shall provide, on a biennial basis, a license renewal notification to all licensed Wholesale Distributors by electronic mail;

(f) The prescribed fee for a Wholesale Distributor license shall be $1,000;

(g) Applications for licensure of Wholesale Distributor may be filed at the Board office as identified in Ph 103.03, or by the electronic equivalent.

Ph 2703.02 Application Content.

(a) Wholesale Distributor applicants shall complete and submit an initial application for a Wholesale Distributor (form Ph-WD1), or electronic equivalent, for licensure to the Board which shall contain all of the following:

(1) Legal name and DBA (Doing Business As) name;

(2) Physical, mailing, and website address;

(3) Owner’s name, and parent company name;

(4) State of Incorporation and Federal Tax ID number;

(5) NABP e-Profile ID number;

(6) Site contact person’s information to include name, title, phone number and e-mail address (cannot be an employee from a third party company);

(7) Licensing contact person’s information to include name, title, phone number and e-mail address (cannot be an employee from a third party company);

(8) An indication of the ownership type:

   i. Individual
   ii. Limited Liability Company
   iii. Sole Proprietorship
   iv. Partnership
   v. Corporation
   vi. Other (must specify)

(9) An indication of the types of products to be sold/shipped to New Hampshire:

   i. Controlled Substances
   ii. Medical Gases (at wholesale)
iii. Veterinarian Prescription Drugs
iv. Human Prescription Drugs
v. Prescription Devices (at wholesale)
vi. Other (must specify)

(10) An indication of which entities product will be sold/shipped to:

i. Pharmacies
ii. Dentists
iii. Nursing Homes
iv. Hospitals
v. Physicians
vi. Veterinarians
vii. Clinics/Surgical Centers
viii. Podiatrists/Optometrists
ix. Other (must specify)

(11) An indication as to whether the applicant:

i. supplies pedigrees for all legend products;
ii. conforms to US FDA CGMP regulations as required;
iii. has a written Drug Diversion Detection and Prevention Policy available;
iv. has adequate security for the facility;
v. maintains sufficient liability insurance coverage.

(12) An indication as to whether the applicant:

i. holds the title, NDA, or ANDA for all product(s);
ii. physically manufactures the product(s).

If either of the immediately preceding apply to the applicant, then their facility will need to apply for a Drug or Device Distribution Agent permit instead of a Wholesale Distributor.

(13) An indication as to whether or not the applicant or any of their owner(s), officer(s), designated representative(s), partner(s) and/or stockholder(s) have within the past five (5) years:

i. been charged, disciplined, fined or punished for violating any Federal or State laws regulating prescription drugs, medical gases, or prescription medical devices or equipment;
ii. had a license, registration or permit disciplined, denied, refused, or revoked for violations of any pharmacy laws/drug laws in any State;
iii. been charged, convicted, fined, or entered in a plea of guilty or nolo contendere in any criminal prosecution, felony or misdemeanor, in any State, or in a United States court:
   a. for any offense relating to drugs, narcotics, controlled substances, or alcohol, whether or not a sentence was imposed;
   b. for any offense involving the practice of pharmacy, or relating to acts committed within a pharmacy or drug distributor setting or incident to pharmacy practice, whether or not a sentence was imposed;
c. for any offense involving fraud, dishonesty, or moral turpitude (i.e. Medicaid fraud, theft of money or drugs, or robbery), whether or not a sentence was imposed.

iv. had an application for a drug distributor license, registration or permit or pharmacy license, registration or permit denied, refused or revoked in any State or Country;

v. had disciplinary action taken against them, or a pharmacy or drug distributor facility they owned, or a pharmacy or drug distributor facility where they were employed, by the Board of Pharmacy (or its equivalent) in any State or Country;

vi. violated the drug laws, rules, statutes and/or regulations of any State or Country or the United States;

vii. been convicted of any felony for conduct relating to prescription drugs, any felony for violation of 21 U.S.C. § 331 (i) or (k) or any felony for violation of 18 U.S.C. § 1365 relating to product tampering;

viii. pled guilty or nolo contendere to or been found guilty of violating Federal or State requirements for licensure that present a threat of serious adverse health consequences or death to humans;

ix. had a license, registration or permit issued by a controlled substance authority revoked, suspended, surrendered, limited or restricted;

x. had any disciplinary action ever taken, or is any such action currently pending by any State or Federal Authority in connection with a violation of any Federal or State drug law or regulation;

xi. had a drug license, registration or permit for the facility under any local, State or Federal law ever been suspended or revoked;

xii. been found liable in any lawsuit or arbitration proceeding involving allegations of fraud, illegal or dishonest activities;

xiii. had a business relationship terminated for any fraudulent, illegal or dishonest activities;

xiv. been denied issuance of, or pursuant to disciplinary proceedings, refused renewal of a license, registration or permit by any Board or agency in any State;

xv. convicted of any crime under the laws of the United States, or any State pertaining to the manufacturing, distribution, sale or dispensing of drugs or narcotics.

If any of immediately preceding has a ‘yes’ answer, then the applicant will be required to provide a detailed explanation along with applicable documentation when submitting an application as described above in Ph 2703.02 (a).

(14) A signed attestation from the designated representative stating that they are authorized by the applicant to sign the application and affirm that the application, including any accompanying documents, have been examined and to the best of their knowledge and belief it is a true, correct and complete application, and that if the license applied for is granted, they will agree to and submit to the jurisdiction of the New Hampshire Board of Pharmacy and to the Laws and Rules herein.

(b) Wholesale Distributor applicants shall submit all the following as attachments to the application as described above in Ph 2703.02 (a):

(1) copy of home state licenses(s) or letter of explanation, signed and dated stating that licensure is not required by home state with evidence of the specific Law/Rule;

(2) Copy of all current DEA registration(s) (even if you do not wish to ship controls into New Hampshire);
(3) copy of home state controlled substances registration(s) (if applicable in your State, even if you do not wish to ship controls to New Hampshire);

(4) copy of most recent inspection report (conducted within the last 5 years and provided by home state Board of Pharmacy, or National Association of Boards of Pharmacy (NABP) or a letter of explanation, signed and dated stating that inspection is not required by home state with evidence of specific Law/Rule;

(5) Copy of VAWD certificate of accreditation or detailed letter certifying compliance with all of the NABP VAWD criteria (found at https://nabp.pharmacy/programs/vawd/criteria/);

(6) copy of Certificate of Authority or Certificate of Good Standing received from the New Hampshire Secretary of State’s Office and a New Hampshire Trade Name Certificate for any Doing Business As (DBA) name;

(7) brief description of services offered to the residents of New Hampshire or letter describing the nature of business conducted in New Hampshire;

(8) list of all state and federal licenses, registrations or permits held by facility with license #, license type, status and expiration;

(9) copy of the Wholesale Distributor shipping invoice that will be used when shipping products into New Hampshire, this must contain the name and address of the applicant;

(10) List/Description of ownership information and/or organizational chart;

(11) list of owners & corporate officers or partners, including title, address, phone number and email address;

(12) copy of sample condensed pedigree;

(13) list of facilities/customers in New Hampshire to which prescription drugs, medical gases, or prescription medical devices or equipment will be sold/shipped to;

(14) List of all manufacturer(s), wholesale distributor(s) and dispenser(s) for whom the applicant provides services;

(15) At least two (2) photographs of the existing exterior of the facility in which the applicant is located. These photographs must include any outside signage (artist sketches or architect plans or drawings are not acceptable);

(16) At least four (4) photographs of the interior of the facility showing legend drug storage areas, refrigeration units and any specially constructed areas for storage of controlled substances;

(17) Copy of policy and procedure for monitoring temperature and humidity;

(18) Copy of policy and procedure for shipping refrigerated products;

(19) In-state applicants shall also submit a scaled floor plan of the facility.

PART Ph 2704 CHANGES IN SUPPORTING DATA

Ph 2704.01 Reporting Changes.

(a) The Wholesale Distributor to which a license has been issued shall notify the Board within 30 days after a change of any of the applications contents, including but not limited to the following:

(1) Legal and/or Doing Business As (DBA) name;

(2) Physical and/or mailing address;

(3) Site and/or licensing contact person’s information to include name, title, phone number and e-mail address (cannot be an employee from a third party company);
(b) The notice required pursuant to (a) above shall contain:

(1) Current New Hampshire license number for the Wholesale Distributor;

(2) Legal and Doing Business As (DBA) Name, previous and current;

(3) Physical and mailing address, previous and current;

(4) Email address, previous and current;

(5) Effective date of the change;

(6) Updated home state license(s), DEA registration(s) and home state controlled substances registration(s) must be provided for any name or address change.

(c) Any licensed Wholesale Distributor who alters, forges, or intentionally falsifies, or causes to be altered, forged or falsified, any information, documents, or records required to be kept or submitted by this rule shall be subject to disciplinary action under RSA 318:29, II;

(d) Failure to report any of the above changes shall result in the imposition of a $250 administrative fine for the first offense and shall then follow the provisions of Ph 710.02 for any subsequent offenses thereto. A license shall not be issued, reinstated or renewed until all fees and fines are paid in full.

Ph 2704.02 Notice of Disciplinary Action.

A Wholesale Distributor licensed under these rules shall, within 30 days of any written warnings or disciplinary action from any state or federal licensing or enforcement agency, notify the Board in writing and provide a copy of the action to the Board office, identified in Ph 103.03 or by electronic equivalent.

Ph 2704.03 Ownership Change.

A Wholesale Distributor licensed under these rules shall, within 30 days of the change, notify the Board of any change of ownership. An initial application and subsequently a new license shall be required for a change of ownership of an established Wholesale Distributor to a successor business entity which results in a change of 50% or more of the controlling interest in the company. An indirect ownership change or change from the grandparent level and up shall only require a letter on company letterhead signed by the person who is responsible for the actions of the permit. Notice shall be sent to the Board office, as identified in Ph 103.03 or by the electronic equivalent.

Ph 2704.04 Discontinuance of Business.

(a) Any licensee that intends to cease business activity in the State of New Hampshire shall inform the Board in writing within 30 days of the closing. Notice shall be sent to the Board office, as identified in Ph 103.03 or by the electronic equivalent;

(b) If the records of receipt and disposition are maintained electronically, a complete record of transactions, for the current 2 year period, shall be reduced to printed form prior to the actual close of business.
Ph 2704.05 Disposition of Drugs and Records.

(a) The balance of any inventory of non-controlled drugs may be sold to another wholesaler or manufacturer with invoices available to each party and a copy for the Board’s files;

(b) The remaining balance of any controlled drugs may be transferred or sold to another wholesaler or manufacturer as a package along with:

(1) A hard copy record of the receipt and distribution of controlled substances for the past 2 years;

(2) All CII drugs shall be transferred by DEA Form 222;

(3) All CIII – V drugs shall be transferred by invoice with copies to the applicable parties and to the Board;

(4) The last 2 completed Biennial Inventory forms;

(5) All unused DEA 222 forms shall be returned to the DEA, along with the current DEA registration, marked VOID; and

(6) The current New Hampshire Wholesale Distributor license shall be relinquished to the Board.

PART Ph 2705 REVOCATION AND DENIAL

Ph 2705.01 Effect of Revocation and Denial.

(a) The Board shall refuse to issue a license or shall revoke a license whenever the Board determines that a Wholesale Distributor, its owner(s) or corporate officer(s) has, after notice and opportunity for a hearing, except pursuant to (c) below, committed an act such as but not limited to:

(1) Made a materially false representation or withheld material information in connection with obtaining its license;

(2) Been found guilty of any felony in connection with the practice of pharmacy or distribution of drugs within the past 5 years;

(3) Made false representations in connection with the practice of pharmacy that endanger or are likely to endanger the health or safety of the public, or that defraud any person;

(4) Failed to comply with RSA 318:51-a, the provisions of Ph 2700, or both;

(5) Based on an investigation of a complaint resulting from the dispensing of prescription drugs, medical gases, or prescription medical devices or equipment to a resident of New Hampshire been found to be negligent:

i. By the Board of Pharmacy of the State in which the pharmacy is located; or
ii. By the New Hampshire Board of Pharmacy if the Board of Pharmacy of the State where the pharmacy is located failed to initiate an investigation of such complaint within 45 days after referral of the complaint from the New Hampshire Board of Pharmacy.

(6) Been found guilty of any violation of Federal, State or local drug law or have entered into any agreement to resolve violations of such.

(b) A Wholesale Distributor shall notify the Board within 30 days of any order or decision by a Board of Pharmacy, or any other State or Federal Agency, imposing disciplinary action on the pharmacy. Notwithstanding the provisions of paragraph (a) above, if the license, permit or registration in the State where the pharmacy is located, is suspended or revoked, then the pharmacy’s license in New Hampshire shall, after notice and opportunity for hearing, be suspended or revoked for the same period of time;

(c) Notwithstanding the above the Board shall issue a license or not revoke if:

(1) No harm resulted from the actions of the applicant or registrant;
(2) There was no intent to violate any provisions of RSA 318;
(3) Corrective action has been taken by the registrant;
(4) Remunerations have been made to the affected party(s); and
(5) The Board determines the action is unlikely to occur again.

PART Ph 2706 RENEWALS

Ph 2706.01 Renewal of a Wholesale Distributor.

(a) All Wholesale Distributor licenses shall expire biennially on June 30 of even numbered years;

(b) A Wholesale Distributor applying for renewal shall do so online at https://nhlicenses.nh.gov/eGov/Login.aspx subsequent to receiving renewal instructions provided by the Board through electronic mail;

(c) As part of the renewal a Wholesale Distributor must provide information and documentation as described above in Ph 2703.02;

(d) The renewal and prescribed fee of $1,000 shall be filed with the Board as described above no later than June 15 of even numbered years.

Ph 2706.02 Failure to Comply.

(a) Failure to comply with any of the provisions of Ph 2706 shall result in the non-renewal of the Wholesale Distributor license;

(b) If non-renewal occurs, the Wholesale Distributor license will expire, a reinstatement shall be required as described in Ph 2707, and the facility cannot ship into New Hampshire until the license is fully reinstated.
PART Ph 2707 REINSTATEMENT

Ph 2707. 01 Reinstatement of a Wholesale Distributor.

A Wholesale Distributor who either voluntarily or mistakenly allows their license to lapse as of June 30 of the renewal year shall complete the following procedures in order to apply for a reinstatement of their license:

(a) Complete an initial application found on the Board’s website at https://www.oplc.nh.gov/pharmacy/licensing.htm, or the electronic equivalent;

(b) Submit the completed application and the prescribed fee to the Board;

(c) Submit all required documentation, as indicated on the application; and

(d) Submit a dated statement, signed by the person who is responsible for the actions of the license, to provide why the applicant did not renew their license prior to the expiration date and whether or not the applicant has shipped into New Hampshire since the lapse of the license. If shipments were made, then the applicant must also include:

   i. Who the items were shipped to;
   ii. Quantity of items shipped;
   iii. Title/type of products shipped; and
   iv. Dates of shipments.

PART Ph 2708 STANDARDS OF PRACTICE

Ph 2708.01 Storage Conditions.

(a) All facilities at which prescription drugs are repackaged, wholesaled, stored, held, sold, offered for sale, exposed for sale, or kept for sale shall provide storage areas that have:

(1) Adequate lighting;

(2) Adequate ventilation;

(3) Proper sanitation;

(4) All drugs or chemicals shall be stored at appropriate temperatures and humidity per label requirements;

(5) Refrigerator temperatures are monitored on a daily basis; and

(6) Room temperature is maintained and monitored on a daily basis.

(b) A separate storage section shall be provided for prescription drugs that are deteriorated, outdated, misbranded, or otherwise adulterated.

Ph 2708.02 Facilities.
(a) All buildings in which prescription drugs are wholesaled, repackaged, stored, held, sold, offered for sale, exposed for sale, or kept for sale shall be of suitable size, construction, and location to meet the requirements set forth in this chapter;

(b) Buildings shall meet all applicable federal, state, and local standards. A facility shall not be located in a residence. All facilities shall be located in an area that is commercially zoned.

Ph 2708.03 Security.

(a) Wholesale Distributors shall ensure that all access from outside their premises is secure. This shall include, but not be limited to, the installation of adequate lighting at the outside perimeter of the premises;

(b) Internal security policies shall be developed to provide protection against theft.

Ph 2708.04 Recordkeeping.

(a) Inventories and other records of transactions regarding the receipt and disposition of prescription drugs shall be maintained and made available for inspection by the Board's inspectors for a period of 2 years;

(b) Records may be kept at a central location rather than at each distribution center, but records shall be made available for inspection within 72 hours of request by the Board's inspectors.

Ph 2708.05 Inspections for In-State Facilities.

(a) Inspections shall be performed by the Board's inspectors and be conducted at the request of the Board;

(b) Inspections shall be conducted during normal business hours;

(c) Information that is considered to contain trade secrets or which might be proprietary in nature shall be protected from public disclosure.

Ph 2708.06 Written Policies and Procedures.

(a) Written policies and procedures shall be developed by management personnel to assure that the Wholesale Distributor prepares for, protects against, and handles crisis situations that affect the security or operation of the facility. Such crises shall include fires, floods, or other natural disasters, and situations of local, state or national emergency;

(b) Written policies and procedures described in (a) above shall also provide for:

(1) The management and correction of all errors or inaccuracies in inventories;

(2) The assurance that any outdated stock, or any stock with an expiration date that, in the wholesale drug distributor's view, does not allow sufficient time for repacking or resale, shall be prepared for return to the wholesale distributor or otherwise destroyed;

(3) The control over the shipping and receiving of all stock within the operation; and
(4) A process for storage and disposal of hazardous drugs; and

(5) the means to safely distribute NIOSH Hazardous drugs to the receiving entity so that the outer packaging or shipping container alerts the entity to the presence of said hazard and properly safeguards against a hazardous spill during the shipping process.

(c) Policies and procedures will be reviewed on a regular basis;

(d) A copy of the policies and procedures, or sections thereof, shall be made available to the Board upon request;

(e) All Wholesale Distributors shall notify the Board when it initiates a class I recall based on an FDA inspection.

Ph 2708.07 Returned Goods.

A wholesale operation shall maintain a procedure for the proper handling and disposal of returned goods.

Ph 2708.08 Handling Recalls.

(a) A wholesale operation shall maintain a written policy for handling recalls and withdrawals for products;

(b) Policies required by (a) above shall cover all recalls and withdrawals of prescription drug products due to:

   (1) Any voluntary action on the part of the Wholesale Distributor;

   (2) The direction of the Food and Drug Administration, or any other federal, state or local governmental agency; and

   (3) Replacement of existing merchandise with an improved product or new package design.

Ph 2708.09 Responsibility for Operation.

A wholesale drug distribution operation shall maintain a list of principals and persons in charge including officers, directors, or primary stockholders and their qualifications.

Ph 2708.10 Compliance with State and Federal Law.

(a) All Wholesale Distributors shall comply with all applicable state and federal laws, regulations and rules;

(b) All Wholesale Distributors doing business in the State of New Hampshire shall, before shipping or distributing any prescription drug, devices or equipment, verify that the recipient is properly licensed to receive and possess such drugs, devices or equipment;

(c) All Wholesale Distributors doing business in the State of New Hampshire shall not provide unsolicited controlled drug samples to licensed practitioners;
(d) A Wholesale Distributor’s license shall allow for the direct wholesaling or distribution of such drugs to other licensed or authorized recipients;

(e) A duly authorized agent of a Wholesale Distributor licensed in the State of New Hampshire may possess and distribute potent or prescription drugs to individuals who may lawfully possess such drugs as may be necessary to further the licensed activity of the Wholesale Distributor.

Ph 2708.11 Distributing Adulterated or Misbranded Drugs.

A Wholesale Distributor shall not distribute any drug which is adulterated or misbranded. After notice and opportunity for a hearing a Wholesale Distributor who is found by the Board to have knowingly distributed or otherwise sold for consumption an adulterated or misbranded drug, shall be subject to disciplinary action according to RSA 318:29.

Ph 2708.12 Violations.

(a) No Wholesale Distributor shall distribute prescription drugs directly to a consumer or a patient or operate in such a manner as to endanger the public health;

(b) Any person who manufactures prescription drugs, medical devices or equipment according to RSA 318:51-a and the provisions of Ph 2700, shall be subject to disciplinary action as provided in RSA 318:29.