

HOUSE BILL 28

J2, J1

(2lr1062)

ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs
and Finance* —

Introduced by **Delegates Bhandari and R. Lewis**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Pharmacists – ~~Aids for the Cessation of Tobacco Product Use~~ Nicotine**
3 **Replacement Therapy Medication**

4 FOR the purpose of authorizing a pharmacist who meets the requirements of regulations
5 adopted by the State Board of Pharmacy to prescribe and dispense nicotine
6 replacement therapy medications approved by the U.S. Food and Drug
7 Administration ~~as aids for the cessation of the use of tobacco products~~ for the purpose
8 of aiding in tobacco cessation or smoking cessation; and generally relating to the
9 prescribing and dispensing of ~~aids for the cessation of the use of tobacco products~~
10 nicotine replacement therapy medications.

11 BY repealing and reenacting, without amendments,
12 Article – Health Occupations
13 Section 12–101(a) and (b)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2021 Replacement Volume)

3 BY adding to
4 Article – Health Occupations
5 Section 12–101(o–2) and 12–514
6 Annotated Code of Maryland
7 (2021 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 12–101(x)
11 Annotated Code of Maryland
12 (2021 Replacement Volume)

13 ~~BY adding to~~
14 ~~Article – Health Occupations~~
15 ~~Section 12–514~~
16 ~~Annotated Code of Maryland~~
17 ~~(2021 Replacement Volume)~~

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Health Occupations**

21 12–101.

22 (a) In this title the following words have the meanings indicated.

23 (b) “Authorized prescriber” means any licensed dentist, licensed dental hygienist
24 with prescriptive authority under § 4–206.4 of this article, licensed physician, licensed
25 podiatrist, licensed veterinarian, advanced practice nurse with prescriptive authority
26 under § 8–508 of this article, or other individual authorized by law to prescribe prescription
27 or nonprescription drugs or devices.

28 **(O–2) “NICOTINE REPLACEMENT THERAPY MEDICATION” MEANS A DRUG OR**
29 **PRODUCT, REGARDLESS OF WHETHER IT IS AVAILABLE OVER THE COUNTER, THAT:**

30 **(1) DELIVERS SMALL DOSES OF NICOTINE TO AN INDIVIDUAL; AND**

31 **(2) IS APPROVED BY THE FEDERAL FOOD AND DRUG**
32 **ADMINISTRATION FOR THE SOLE PURPOSE OF AIDING IN TOBACCO CESSATION OR**
33 **SMOKING CESSATION.**

34 (x) (1) “Practice pharmacy” means to engage in any of the following activities:

- 1 (i) Providing pharmaceutical care;
- 2 (ii) Compounding, dispensing, or distributing prescription drugs or
3 devices;
- 4 (iii) Compounding or dispensing nonprescription drugs or devices;
- 5 (iv) Monitoring prescriptions for prescription and nonprescription
6 drugs or devices;
- 7 (v) Providing information, explanation, or recommendations to
8 patients and health care practitioners about the safe and effective use of prescription or
9 nonprescription drugs or devices;
- 10 (vi) Identifying and appraising problems concerning the use or
11 monitoring of therapy with drugs or devices;
- 12 (vii) Acting within the parameters of a therapy management contract,
13 as provided under Subtitle 6A of this title;
- 14 (viii) Administering vaccinations in accordance with § 12–508 of this
15 title or self-administered drugs or maintenance injectable medications in accordance with
16 § 12–509 of this title;
- 17 (ix) Delegating a pharmacy act to a registered pharmacy technician,
18 pharmacy student, or an individual engaged in a Board approved pharmacy technician
19 training program;
- 20 (x) Supervising a delegated pharmacy act performed by a registered
21 pharmacy technician, pharmacy student, or an individual engaged in a Board approved
22 pharmacy technician training program;
- 23 (xi) Providing drug therapy management in accordance with
24 § 19–713.6 of the Health – General Article; [or]
- 25 (xii) Prescribing and dispensing contraceptive medications and
26 self-administered contraceptive devices approved by the U.S. Food and Drug
27 Administration; **OR**

28 **(XIII) PRESCRIBING AND DISPENSING NICOTINE REPLACEMENT**
29 **THERAPY MEDICATIONS ~~APPROVED BY THE U.S. FOOD AND DRUG~~**
30 **~~ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO~~**
31 **PRODUCTS.**

1 (2) "Practice pharmacy" does not include the operations of a person who
2 holds a permit issued under § 12-6C-03 of this title.

3 **12-514.**

4 (A) A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS
5 ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE NICOTINE
6 REPLACEMENT THERAPY MEDICATIONS ~~APPROVED BY THE U.S. FOOD AND DRUG~~
7 ~~ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO~~
8 ~~PRODUCTS.~~

9 (B) (1) ON OR BEFORE SEPTEMBER 1, 2023, THE BOARD SHALL ADOPT
10 REGULATIONS ESTABLISHING:

11 (I) STANDARD PROCEDURES THAT A PHARMACIST SHALL USE
12 TO:

13 1. PRESCRIBE AND DISPENSE TO A PATIENT THE
14 ~~APPROPRIATE AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS BY THE~~
15 ~~PATIENT~~ NICOTINE REPLACEMENT THERAPY MEDICATION; AND

16 2. REFER THE PATIENT TO A PRIMARY CARE
17 PRACTITIONER FOR TREATMENT; AND

18 (II) THE CONDITIONS UNDER WHICH A PHARMACIST MAY
19 PRESCRIBE AND DISPENSE ~~AN AID FOR THE CESSATION OF THE USE OF TOBACCO~~
20 ~~PRODUCTS~~ NICOTINE REPLACEMENT THERAPY MEDICATION.

21 (2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

22 (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
23 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR
24 PRESCRIBING AND DISPENSING ~~AIDS FOR THE CESSATION OF THE USE OF TOBACCO~~
25 ~~PRODUCTS~~ NICOTINE REPLACEMENT THERAPY MEDICATION;

26 (II) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY
27 THE BOARD; AND

28 (III) AFTER PRESCRIBING AND DISPENSING TO A PATIENT ~~AN~~
29 ~~AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS~~ NICOTINE
30 REPLACEMENT THERAPY MEDICATION:

31 1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO
32 THE PATIENT'S PRIMARY CARE PRACTITIONER;

1 **2. PROVIDE THE PATIENT WITH:**

2 **A. A WRITTEN RECORD OF THE NICOTINE**
3 **REPLACEMENT THERAPY MEDICATION DISPENSED; AND**

4 **B. INFORMATION ON THE IMPORTANCE OF THE PATIENT**
5 **SEEING THE PATIENT’S PRIMARY CARE PRACTITIONER; AND**

6 **3. RECORD THE PRESCRIBING AND DISPENSING OF THE**
7 **~~AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS~~ NICOTINE**
8 **REPLACEMENT THERAPY MEDICATION IN ANY ELECTRONIC HEALTH RECORD**
9 **MAINTAINED FOR THE PATIENT BY THE PHARMACIST.**

10 **(3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO**
11 **COMPLETE THE TRAINING PROGRAM UNDER PARAGRAPH (2)(I) OF THIS**
12 **SUBSECTION FOR A PHARMACIST WHO ALREADY HAS UNDERGONE THE TRAINING AS**
13 **PART OF THE PHARMACIST’S FORMAL EDUCATIONAL PROGRAM.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.