

SENATE BILL 62

J2, J1

SB 440/20 – EHE & FIN

(PRE-FILED)

2lr1060

CF HB 28

By: **Senator Washington**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs and Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 17, 2022

CHAPTER _____

1 AN ACT concerning

2 **Pharmacists – Aids for the Cessation of Tobacco Product Use**

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

9 BY repealing and reenacting, without amendments,
10 Article – Health Occupations
11 Section 12–101(a) and (b)
12 Annotated Code of Maryland
13 (2021 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 12–101(x)
17 Annotated Code of Maryland
18 (2021 Replacement Volume)

19 BY adding to
20 Article – Health Occupations
21 Section 12–514

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.



1 Annotated Code of Maryland
2 (2021 Replacement Volume)

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

5 **Article – Health Occupations**

6 12–101.

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

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

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

14 (i) Providing pharmaceutical care;

15 (ii) Compounding, dispensing, or distributing prescription drugs or
16 devices;

17 (iii) Compounding or dispensing nonprescription drugs or devices;

18 (iv) Monitoring prescriptions for prescription and nonprescription
19 drugs or devices;

20 (v) Providing information, explanation, or recommendations to
21 patients and health care practitioners about the safe and effective use of prescription or
22 nonprescription drugs or devices;

23 (vi) Identifying and appraising problems concerning the use or
24 monitoring of therapy with drugs or devices;

25 (vii) Acting within the parameters of a therapy management contract,
26 as provided under Subtitle 6A of this title;

27 (viii) Administering vaccinations in accordance with § 12–508 of this
28 title or self-administered drugs or maintenance injectable medications in accordance with
29 § 12–509 of this title;

30 (ix) Delegating a pharmacy act to a registered pharmacy technician,
31 pharmacy student, or an individual engaged in a Board approved pharmacy technician
32 training program;

1 (x) Supervising a delegated pharmacy act performed by a registered
2 pharmacy technician, pharmacy student, or an individual engaged in a Board approved
3 pharmacy technician training program;

4 (xi) Providing drug therapy management in accordance with
5 § 19–713.6 of the Health – General Article; [or]

6 (xii) Prescribing and dispensing contraceptive medications and
7 self-administered contraceptive devices approved by the U.S. Food and Drug
8 Administration; OR

9 (XIII) **PRESCRIBING AND DISPENSING NICOTINE REPLACEMENT**
10 **THERAPY MEDICATIONS APPROVED BY THE U.S. FOOD AND DRUG**
11 **ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO**
12 **PRODUCTS.**

13 (2) “Practice pharmacy” does not include the operations of a person who
14 holds a permit issued under § 12–6C–03 of this title.

15 **12–514.**

16 (A) **A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS**
17 **ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE NICOTINE**
18 **REPLACEMENT THERAPY MEDICATIONS APPROVED BY THE U.S. FOOD AND DRUG**
19 **ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO**
20 **PRODUCTS.**

21 (B) (1) **ON OR BEFORE SEPTEMBER 1, 2023, THE BOARD SHALL ADOPT**
22 **REGULATIONS ESTABLISHING:**

23 (I) **STANDARD PROCEDURES THAT A PHARMACIST SHALL USE**
24 **TO:**

25 1. **PRESCRIBE AND DISPENSE TO A PATIENT THE**
26 **APPROPRIATE AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS BY THE**
27 **PATIENT; AND**

28 2. **REFER THE PATIENT TO A PRIMARY CARE**
29 **PRACTITIONER FOR TREATMENT; AND**

30 (II) **THE CONDITIONS UNDER WHICH A PHARMACIST MAY**
31 **PRESCRIBE AND DISPENSE AN AID FOR THE CESSATION OF THE USE OF TOBACCO**
32 **PRODUCTS.**

1 **(2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:**

2 **(I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
3 **SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR**
4 **PRESCRIBING AND DISPENSING AIDS FOR THE CESSATION OF THE USE OF TOBACCO**
5 **PRODUCTS;**

6 **(II) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY**
7 **THE BOARD; AND**

8 **(III) AFTER PRESCRIBING AND DISPENSING TO A PATIENT AN**
9 **AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS:**

10 **1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO**
11 **THE PATIENT'S PRIMARY CARE PRACTITIONER;**

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

13 **A. A WRITTEN RECORD OF THE MEDICATION**
14 **DISPENSED; AND**

15 **B. INFORMATION ON THE IMPORTANCE OF THE PATIENT**
16 **SEEING THE PATIENT'S PRIMARY CARE PRACTITIONER; AND**

17 **3. RECORD THE PRESCRIBING AND DISPENSING OF THE**
18 **AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS IN ANY ELECTRONIC**
19 **HEALTH RECORD MAINTAINED FOR THE PATIENT BY THE PHARMACIST.**

20 **(3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO**
21 **COMPLETE THE TRAINING PROGRAM UNDER PARAGRAPH (2)(I) OF THIS**
22 **SUBSECTION FOR A PHARMACIST WHO ALREADY HAS UNDERGONE THE TRAINING AS**
23 **PART OF THE PHARMACIST'S FORMAL EDUCATIONAL PROGRAM.**

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