

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 940

(Senator Muse, *et al.*)

Finance

Health and Government Operations

**State Board of Pharmacy - Accessible Prescription Labels, Bag Tags, and
Medical Guides for Blind, Visually Impaired, and Print Disabled Individuals -
Regulations**

This bill requires the State Board of Pharmacy (MBOP), by January 1, 2025, to adopt regulations necessary to ensure that an individual who is blind, visually impaired, or otherwise print disabled has appropriate access to prescription labels, bag tags, and medical guides. Access must be (1) at no additional cost to the individual; (2) in a format option through which the information is fully accessible; and (3) within a timeframe comparable to that in which the information is provided to an individual who is not visually impaired. MBOP must give visually impaired individuals an opportunity to provide input regarding the regulations, which must (1) follow the guidelines and recommendations of a specified report and (2) include a method for providing notice to customers that accessible prescription labels, bag tags, and medical guides are available, including in audio format. By December 1, 2023, the Maryland Department of Health (MDH) must submit a report to the General Assembly on the potential process for and costs of implementing enhanced professional dispensing fees for providing accessible labels and compliant packaging to blind, visually impaired, and otherwise print disabled individuals.

Fiscal Summary

State Effect: MBOP can adopt regulations and MDH can prepare and submit the required report using existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law: A person must hold a pharmacy permit issued by MBOP before the person may establish or operate a pharmacy in the State. A separate pharmacy permit is required for each pharmacy that a person establishes or operates. Among other requirements, a pharmacy for which a permit has been issued must ensure that a licensed pharmacist is immediately available on the premises to furnish pharmacy services at all times the pharmacy is operating; provide complete pharmaceutical service by preparing and dispensing all prescriptions that reasonably may be expected; and utilize such personnel, automation, and technology as are necessary to comply with specified labeling requirements.

Each prescription drug container dispensed by a pharmacy must include labels that contain specified information, as follows: (1) the date the prescription is filled; (2) an expiration date for the prescription; (3) any appropriate special handling instructions regarding proper storage of the drugs; and (4) the name and strength of the drugs. For drugs dispensed in the manufacturer's original packaging, a pharmacy must use an expiration date for a prescription that is no later than the expiration date set by the manufacturer. For drugs dispensed in a container other than the manufacturer's original packaging, a prescription's expiration date must be set as the lesser of the following: one year from the date of dispensing; the month and year when the drugs expire; the appropriate expiration date for repackaged drugs; or a shorter period as determined by the pharmacist.

Small Business Effect: A small business pharmacy that does not currently provide accessible prescription labels, bag tags, and medical guides may incur additional expenses to make those items available. However, the extent to which a pharmacy's expenses may increase will depend on the regulations adopted by MBOP.

Additional Information: MDH advises that the report they are required to complete under the bill would cover fee-for-service Medicaid enrollees only as this is the only population for which the department has authority over reimbursement or dispensing fees.

The U.S. Access Board advises that prescription drug container labels can be made accessible for individuals with visual impairments using a range of delivery mechanisms, including hard copy braille and large print; digital voice or text to speech recorder; radio frequency identification device; and smart devices and computers.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 456 (Delegate Guyton, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2023
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