

HOUSE BILL 127

J1, J2

(PRE-FILED)

4lr0194
CF SB 246

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Health)**

Requested: September 13, 2023

Introduced and read first time: January 10, 2024

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2024

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Nonoccupational Postexposure Prophylaxis (nPEP) Standing**
3 **Order Program – Establishment**

4 FOR the purpose of establishing the Nonoccupational Postexposure Prophylaxis (nPEP)
5 Standing Order Program to authorize pharmacists ~~and health care providers~~ to
6 ~~prescribe or~~ dispense nPEP under certain circumstances; authorizing the Maryland
7 Department of Health to administer the Program, collect fees necessary for the
8 administration of the Program, and establish guidelines for training related to the
9 Program; and generally relating to the Nonoccupational Postexposure Prophylaxis
10 (nPEP) Standing Order Program.

11 BY adding to

12 Article – Health – General

13 Section ~~13–5201 through 13–5205~~ 13–5203 to be under the new subtitle “Subtitle 52.

14 Nonoccupational Postexposure Prophylaxis (nPEP) Standing Order Program”

15 Annotated Code of Maryland

16 (2023 Replacement Volume)

17 BY repealing and reenacting, without amendments,

18 Article – Health Occupations

19 Section 12–101(a)

20 Annotated Code of Maryland

21 (2021 Replacement Volume and 2023 Supplement)

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 BY repealing and reenacting, with amendments,
2 Article – Health Occupations
3 Section 12–101(x)
4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2023 Supplement)

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

8 **Article – Health – General**

9 **SUBTITLE 52. NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS (NPEP)**
10 **STANDING ORDER PROGRAM.**

11 **13–5201.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) “BOARD” MEANS THE STATE BOARD OF PHARMACY.

15 (C) “CDC GUIDELINES” MEANS THE “UPDATED GUIDELINES FOR
16 ANTIRETROVIRAL POSTEXPOSURE PROPHYLAXIS AFTER SEXUAL, INJECTION
17 DRUG USE, OR OTHER NONOCCUPATIONAL EXPOSURE TO HIV – UNITED STATES
18 2016” OR ANY SUBSEQUENT GUIDELINES PUBLISHED BY THE CENTERS FOR
19 DISEASE CONTROL AND PREVENTION.

20 (D) “NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS” OR “NPEP”
21 MEANS MEDICATION USED IN ACCORDANCE WITH THE MOST RECENT CDC
22 GUIDELINES TO REDUCE THE CHANCES OF A PATIENT DEVELOPING HIV AFTER
23 POTENTIAL EXPOSURE TO THE DISEASE.

24 (E) “PHARMACIST” MEANS A PHARMACIST LICENSED IN THE STATE UNDER
25 TITLE 12 OF THE HEALTH OCCUPATIONS ARTICLE.

26 ~~(F) “PRIVATE OR PUBLIC ENTITY” MEANS A HEALTH CARE PROVIDER,~~
27 ~~LOCAL HEALTH DEPARTMENT, COMMUNITY-BASED ORGANIZATION, OR OTHER~~
28 ~~PERSON THAT ADDRESSES MEDICAL OR SOCIAL ISSUES RELATED TO HIV~~
29 ~~EXPOSURE.~~

30 ~~(G)~~ (F) “PROGRAM” MEANS THE NONOCCUPATIONAL POSTEXPOSURE
31 PROPHYLAXIS (NPEP) STANDING ORDER PROGRAM.

1 ~~(H)~~ (G) "STANDING ORDER" MEANS A DIRECTIVE AUTHORIZING
2 PHARMACISTS ~~AND HEALTH CARE PROVIDERS~~ TO DISPENSE THE NPEP REGIMENS
3 LISTED IN THE ORDER WITHOUT A PRESCRIPTION.

4 13-5202.

5 (A) THERE IS A NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS
6 (NPEP) STANDING ORDER PROGRAM.

7 (B) THE PROGRAM SHALL:

8 (1) AUTHORIZE A PHARMACIST WHO IS REGISTERED WITH THE
9 PROGRAM TO DISPENSE NPEP THROUGH A STANDING ORDER IN ACCORDANCE
10 WITH § 13-5203 OF THIS SUBTITLE; AND

11 ~~(2) AUTHORIZE A LICENSED HEALTH CARE PROVIDER WITH~~
12 ~~PRESCRIBING AUTHORITY TO PRESCRIBE AND DISPENSE NPEP THROUGH A~~
13 ~~STANDING ORDER IN ACCORDANCE WITH § 13-5204 OF THIS SUBTITLE; AND~~

14 ~~(3)~~ OPERATE IN ACCORDANCE WITH THE PROCEDURES APPROVED BY
15 THE DEPARTMENT WITH THE ADVICE AND APPROVAL OF THE BOARD.

16 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS ~~NECESSARY;~~

17 (1) NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM; AND

18 (2) THAT ADDRESS THE NEEDS OF SPECIFIC POPULATIONS
19 INCLUDING VICTIMS OF SEXUAL ASSAULT AND PEDIATRIC PATIENTS.

20 (D) THE DEPARTMENT MAY:

21 (1) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE
22 PROGRAM, UNLESS THE PATIENT QUALIFIES FOR NPEP THROUGH THE PROGRAM
23 FOR PREVENTING HIV INFECTION FOR RAPE VICTIMS ESTABLISHED UNDER §
24 11-1008 OF THE CRIMINAL PROCEDURE ARTICLE;

25 (2) ADMINISTER THE PROGRAM AND ESTABLISH A STANDARDIZED
26 SET OF GUIDELINES FOR ~~PRIVATE AND PUBLIC ENTITIES~~ PHARMACISTS
27 PARTICIPATING IN THE PROGRAM TO USE IN DEVELOPING AND CONDUCTING
28 PATIENT EDUCATION AND TRAINING ON NPEP THAT INCLUDES:

29 (i) AVOIDING EXPOSURE TO HIV;

1 (II) RESPONDING TO EXPOSURE TO HIV WITH THE
2 APPROPRIATE USE OF NPEP;

3 (III) ACCESS TO NPEP AND THE APPROPRIATE FOLLOW-UP
4 AFTER THE ADMINISTRATION OF NPEP; AND

5 (IV) ENGAGEMENT IN ADDITIONAL CARE INCLUDING:

6 1. ACCESS TO PRE-EXPOSURE PROPHYLAXIS (PREP);
7 AND

8 2. HARM REDUCTION PROGRAMS FOR PATIENTS WITH
9 CONTINUING RISK OF EXPOSURES; AND

10 (3) COLLECT AND REPORT DATA ON THE OPERATION AND RESULTS
11 OF THE PROGRAM.

12 13-5203.

13 (A) AT THE TIME OF DISPENSING NPEP, A PHARMACIST REGISTERED WITH
14 THE PROGRAM SHALL:

15 (1) SCREEN THE PATIENT TO DETERMINE THAT HIV EXPOSURE
16 OCCURRED WITHIN 72 HOURS BEFORE THE DISPENSING;

17 (2) DETERMINE WHETHER THE PATIENT MEETS CLINICAL CRITERIA
18 CONSISTENT WITH THE MOST RECENT CDC GUIDELINES, INCLUDING ~~THE~~:

19 (I) THE IDENTIFICATION OF ANY CONTRAINDICATED
20 MEDICATIONS; AND

21 (II) IF APPLICABLE, EXPOSURE AS THE RESULT OF AN ALLEGED
22 RAPE OR SEXUAL OFFENSE OR ALLEGED CHILD SEXUAL ABUSE;

23 (3) SUBJECT TO SUBSECTION (B) OF THIS SECTION, DETERMINE
24 WHETHER AN AVAILABLE STANDING ORDER IS APPROPRIATE FOR THE PATIENT AND
25 DISPENSE NPEP IN ACCORDANCE WITH THE MOST RECENT CDC GUIDELINES;

26 (4) REFER THE PATIENT TO A DISEASE INTERVENTION SPECIALIST
27 WITHIN THE DEPARTMENT FOR ONGOING TREATMENT; AND

28 (5) DETERMINE WHETHER THE PATIENT HAS A PRIMARY CARE
29 PROVIDER AND:

1 (I) IF THE PATIENT HAS A PRIMARY CARE PROVIDER, NOTIFY
2 THE PROVIDER THAT THE PATIENT WAS DISPENSED NPEP; OR

3 (II) IF THE PATIENT DOES NOT HAVE A PRIMARY CARE
4 PROVIDER, PROVIDE THE PATIENT WITH A LIST OF LOCAL PRIMARY CARE
5 PROVIDERS AND CLINICS PROVIDED BY THE DEPARTMENT.

6 (B) IF AN AVAILABLE STANDING ORDER IS NOT APPROPRIATE FOR THE
7 PATIENT, THE PHARMACIST SHALL REFER THE PATIENT TO A PRIMARY CARE
8 PROVIDER.

9 (C) A PHARMACIST MAY DISPENSE NPEP IN ACCORDANCE WITH A THERAPY
10 MANAGEMENT CONTRACT UNDER TITLE 12, SUBTITLE 6A OF THE HEALTH
11 OCCUPATIONS ARTICLE.

12 ~~13-5204.~~

13 ~~(A) A LICENSED HEALTH CARE PROVIDER WITH PRESCRIBING AUTHORITY~~
14 ~~WHO IS REGISTERED WITH THE PROGRAM MAY DELEGATE THE DISPENSING OF~~
15 ~~NPEP UNDER A STANDING ORDER TO AN EMPLOYEE OR A VOLUNTEER OF AN~~
16 ~~AUTHORIZED PRIVATE OR PUBLIC ENTITY IN ACCORDANCE WITH A WRITTEN~~
17 ~~AGREEMENT UNDER § 13-5205 OF THIS SUBTITLE.~~

18 ~~(B) ANY LICENSED HEALTH CARE PROVIDER WHO HAS DISPENSING~~
19 ~~AUTHORITY MAY DISPENSE NPEP TO AN INDIVIDUAL IN ACCORDANCE WITH A~~
20 ~~STANDING ORDER IN ACCORDANCE WITH THIS SUBSECTION.~~

21 ~~13-5205.~~

22 ~~AN AUTHORIZED PRIVATE OR PUBLIC ENTITY SHALL ENTER INTO A WRITTEN~~
23 ~~AGREEMENT WITH A LICENSED HEALTH CARE PROVIDER WITH PRESCRIBING~~
24 ~~AUTHORITY TO ESTABLISH PROTOCOLS FOR THE PRESCRIBING AND DISPENSING OF~~
25 ~~NPEP TO ANY INDIVIDUAL IN ACCORDANCE WITH THIS SUBTITLE.~~

26 Article – Health Occupations

27 12-101.

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

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

30 (i) Providing pharmaceutical care;

- 1 (ii) Compounding, dispensing, or distributing prescription drugs or
2 devices;
- 3 (iii) Compounding or dispensing nonprescription drugs or devices;
- 4 (iv) Monitoring prescriptions for prescription and nonprescription
5 drugs or devices;
- 6 (v) Providing information, explanation, or recommendations to
7 patients and health care practitioners about the safe and effective use of prescription or
8 nonprescription drugs or devices;
- 9 (vi) Identifying and appraising problems concerning the use or
10 monitoring of therapy with drugs or devices;
- 11 (vii) Acting within the parameters of a therapy management contract,
12 as provided under Subtitle 6A of this title;
- 13 (viii) Administering vaccinations in accordance with § 12–508 of this
14 title or self-administered drugs or maintenance injectable medications in accordance with
15 § 12–509 of this title;
- 16 (ix) Delegating a pharmacy act to a registered pharmacy technician,
17 pharmacy student, or an individual engaged in a Board approved pharmacy technician
18 training program;
- 19 (x) Supervising a delegated pharmacy act performed by a registered
20 pharmacy technician, pharmacy student, or an individual engaged in a Board approved
21 pharmacy technician training program;
- 22 (xi) Providing drug therapy management in accordance with §
23 19–713.6 of the Health – General Article;
- 24 (xii) Prescribing and dispensing contraceptive medications and
25 self-administered contraceptive devices approved by the U.S. Food and Drug
26 Administration; [or]
- 27 (xiii) Prescribing and dispensing nicotine replacement therapy
28 medications; **OR**
- 29 **(XIV) IF THE PHARMACIST IS REGISTERED WITH THE**
30 **NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS (NPEP) STANDING ORDER**
31 **PROGRAM ESTABLISHED UNDER § 13–5202 OF THE HEALTH – GENERAL ARTICLE,**
32 **~~PRESCRIBING AND~~ DISPENSING NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS**
33 **(NPEP) MEDICATION APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION**
34 **AND IN ACCORDANCE WITH “UPDATED GUIDELINES FOR ANTIRETROVIRAL**

1 **POSTEXPOSURE PROPHYLAXIS AFTER SEXUAL, INJECTION DRUG USE, OR OTHER**
2 **NONOCCUPATIONAL EXPOSURE TO HIV – UNITED STATES 2016” OR SUBSEQUENT**
3 **GUIDELINES PUBLISHED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND**
4 **PREVENTION.**

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.