

HOUSE BILL 1171

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CF SB 944

By: **Delegates Williams, Embry, Fair, Love, Martinez, Palakovich Carr, Roberts, Ruff, Ruth, Simpson, Terrasa, Turner, White Holland, Woods, and Young**
Introduced and read first time: February 7, 2024
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Nonprescription Drugs and Devices – Provision by Registered Nurses and Sale**
3 **of Contraceptives Through Automatic Devices**

4 FOR the purpose of repealing the prohibition on the sale of certain contraceptives by means
5 of a vending machine or other automatic device; authorizing registered nurses to
6 provide, without a prescription, nonprescription drugs and devices in a local health
7 department under certain circumstances; and generally relating to nonprescription
8 drugs and devices.

9 BY repealing

10 Article – Criminal Law
11 Section 10–104 and 10–105
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Health – General
16 Section 3–403(a)(1)
17 Annotated Code of Maryland
18 (2023 Replacement Volume)

19 BY repealing and reenacting, with amendments,

20 Article – Health – General
21 Section 3–403(b)
22 Annotated Code of Maryland
23 (2023 Replacement Volume)

24 BY repealing and reenacting, with amendments,

25 Article – Health Occupations
26 Section 8–512

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2021 Replacement Volume and 2023 Supplement)

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

5 **Article – Criminal Law**

6 [10–104.

7 (a) A person may not sell or offer for sale a nonlatex condom by means of a vending
8 machine or other automatic device.

9 (b) (1) A person who violates this section is guilty of a misdemeanor and on
10 conviction is subject to a fine not exceeding \$1,000 for each violation.

11 (2) Each vending machine or other automatic device in violation of this
12 section is a separate violation.]

13 [10–105.

14 (a) A person may not sell or offer for sale a contraceptive or a contraceptive device,
15 whether or not advertised as a prophylactic, by means of a vending machine or other
16 automatic device at a kindergarten, nursery school, or elementary or secondary school.

17 (b) (1) A person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to a fine not exceeding \$1,000 for each violation.

19 (2) Each vending machine or other automatic device in a school is a
20 separate violation.]

21 **Article – Health – General**

22 3–403.

23 (a) (1) There is a Committee on Registered Nurses Personally Preparing and
24 Dispensing Drugs and Devices in Local Health Departments.

25 (b) The Committee shall:

26 (1) Develop and approve a formulary for use by registered nurses **THAT**
27 **INCLUDES ALL NONPRESCRIPTION CONTRACEPTIVE DRUGS AND DEVICES**
28 **APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR**
29 **OVER-THE-COUNTER USE**; and

- 1 (7) “Nonprescription drug **OR DEVICE**” means a drug **OR DEVICE** that:
- 2 (i) May be sold without a prescription; and
- 3 (ii) Is labeled for use by a consumer in accordance with State and
4 federal law.
- 5 (8) “Personally prepare and dispense” means to:
- 6 (i) Physically prepare a prescription;
- 7 (ii) Perform a final check of the prescription before dispensing it to a
8 patient; and
- 9 (iii) Not delegate any step of the dispensing process.
- 10 (9) “Prescription drug” means a drug that, under § 21–220 of the Health –
11 General Article, may be dispensed only on the prescription of an authorized prescriber.
- 12 (b) If a registered nurse complies with the requirements of this section, the
13 registered nurse may personally prepare and dispense drugs and devices **OR PROVIDE,**
14 **WITHOUT A PRESCRIPTION, NONPRESCRIPTION DRUGS AND DEVICES** in a local health
15 department:
- 16 (1) In accordance with the Overdose Response Program under Title 13,
17 Subtitle 31 of the Health – General Article or the Expedited Partner Therapy Pilot Program
18 under § 18–214.1 of the Health – General Article; or
- 19 (2) To patients in need of communicable disease, alcohol and drug abuse,
20 family planning, or reproductive health services.
- 21 (c) A registered nurse may personally prepare and dispense drugs and devices
22 **OR PROVIDE, WITHOUT A PRESCRIPTION, NONPRESCRIPTION DRUGS AND DEVICES**
23 if the registered nurse:
- 24 (1) Complies with the formulary developed and approved under § 3–403(b)
25 of the Health – General Article;
- 26 (2) Has successfully completed a training program administered by the
27 Department in accordance with § 3–405 of the Health – General Article;
- 28 (3) Maintains the patient’s health record in a manner that ensures the
29 confidentiality of the patient’s drug and device medication record in accordance with State
30 and federal laws;
- 31 (4) Complies with drug and device storage and inventory procedures in

1 accordance with Department policy; and

2 (5) [Has] **FOR A PRESCRIPTION DRUG OR DEVICE, HAS** received a
3 prescription from an authorized prescriber employed at a local health department.

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