



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 27, 2024

The Honorable Joseline A. Peña-Melnyk  
Chair, House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, Maryland 21401

### **RE: Senate Bill 944 – Nonprescription Drugs and Devices - Provision by Registered Nurses and Sale of Contraceptives Through Automatic Devices - Letter of Support as Amended**

Dear Chair Peña-Melnyk and Committee members:

The Maryland Department (the Department) respectfully submits this letter of support as amended for SB 944 - Nonprescription Drugs and Devices - Provision by Registered Nurses and Sale of Contraceptives Through Automatic Devices. SB 944, and the similarly amended House cross-file, HB 1171, repeal the prohibition on the sale of certain contraceptives by means of a vending machine or other automatic device; and authorizes registered nurses to provide, without a prescription, nonprescription drugs and devices in a local health department under certain circumstances.

SB 944 provides key modernization to public health practices regarding the accessibility and availability of contraceptives. The Department, as a recipient of Centers for Disease Control and Prevention (CDC) Integrated Human Immunodeficiency Virus (HIV) Surveillance and Prevention Programs for Health Departments (CFDA) funding, is required to implement a condom distribution program as part of Maryland's larger HIV prevention strategy. The passage of SB 944 would facilitate the inclusion of condoms in public health vending machines and address the longstanding barrier preventing registered nurses in local health departments from directly providing condoms to constituents in the privacy of an exam room. Instead, they have been limited to merely notifying constituents of the presence of condoms in a bowl in the lobby area. These modifications support structural interventions to broaden use of condoms as a cost-effective strategy to prevent STI and HIV transmissions,<sup>1</sup> while also supporting family planning.

The amendment to prohibit the sale of condoms with natural membranes by means of a vending machine or other automatic device ensures SB 944 will ensure that less effective and more temperature dependent contraceptives are not sold in automatic devices.

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<sup>1</sup>Condom Distribution Structural Intervention (CDSI); CDC website, accessed 02/23/2024  
<https://www.cdc.gov/hiv/effective-interventions/prevent/condom-distribution-programs/index.html>

Sexual health includes the availability, accessibility, and acceptability of contraception and disease prevention tools, used consistently and correctly. SB 944 supports these goals removing current barriers.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott", is placed over a faint, light-colored outline of the state of Maryland.

Laura Herrera Scott, M.D., M.P.H.  
Secretary