

HOUSE BILL 1270

J3, J2

3lr2457

By: **Delegate Frush**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities and Pharmacies – Sale of Tobacco Products –**
3 **Prohibition**

4 FOR the purpose of establishing, as a condition of licensure, that tobacco products be
5 prohibited from being sold in certain hospitals, related institutions, and nursing
6 homes; requiring that certain regulations prohibit the sale of tobacco products
7 in certain freestanding medical facilities and hospice facilities; requiring the
8 Secretary of Health and Mental Hygiene to adopt certain regulations that
9 prohibit the sale of tobacco products in certain freestanding ambulatory care
10 facilities; prohibiting certain pharmacies from selling tobacco products in the
11 pharmacies; and generally relating to health care facilities and pharmacies and
12 prohibiting the sale of tobacco products.

13 BY adding to

14 Article – Health – General
15 Section 19–319(j), 19–3A–02(c), 19–3B–03(e), and 19–903(b)(4)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Health – General
20 Section 19–1401.2
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2012 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Health Occupations
25 Section 12–403(b)(20) and (21)
26 Annotated Code of Maryland
27 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Health Occupations
3 Section 12–403(b)(22)
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2012 Supplement)

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

8 **Article – Health – General**

9 19–319.

10 **(J) AS A CONDITION OF LICENSURE, TOBACCO PRODUCTS MAY NOT BE**
11 **SOLD IN A HOSPITAL OR RELATED INSTITUTION.**

12 19–3A–02.

13 **(C) THE REGULATIONS SHALL PROHIBIT THE SALE OF TOBACCO**
14 **PRODUCTS IN A FREESTANDING MEDICAL FACILITY.**

15 19–3B–03.

16 **(E) THE SECRETARY SHALL ADOPT REGULATIONS THAT PROHIBIT THE**
17 **SALE OF TOBACCO PRODUCTS IN A FREESTANDING AMBULATORY CARE**
18 **FACILITY.**

19 19–903.

20 **(b) (4) THE REGULATIONS SHALL PROHIBIT THE SALE OF TOBACCO**
21 **PRODUCTS IN A HOSPICE FACILITY.**

22 19–1401.2.

23 **(A)** On review of the information required under § 19–1401.1 of this subtitle
24 and any other information that is relevant to the ability of the applicant to operate a
25 nursing home, the Secretary may:

26 (1) Approve an application for a license or license renewal;

27 (2) Deny an application for a license or license renewal; or

28 (3) Approve an application for license or license renewal subject to
29 conditions.

