

HOUSE BILL 1111

F2, J1

8lr2201
CF SB 969

By: **Delegates Morales, Hettleman, Angel, Atterbeary, Barkley, Barve, Carr, Clippinger, Cullison, Dumais, Fennell, Fraser-Hidalgo, Frush, Gilchrist, Gutierrez, Hayes, Jones, Kaiser, Kelly, Korman, Krimm, R. Lewis, Lierman, Luedtke, McIntosh, A. Miller, Moon, Mosby, Patterson, Pena-Melnyk, Platt, Queen, Reznik, Robinson, Rosenberg, Sanchez, Stein, Tarlau, Valderrama, Waldstreicher, A. Washington, M. Washington, Wilkins, and K. Young**

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Access to Emergency Contraception – Student Health Centers**
3 **and Vending Machines**

4 FOR the purpose of requiring a public institution of higher education to require a student
5 health center to provide during certain hours of operation of the student health
6 center on-site access to certain emergency contraception and contraceptive
7 counseling or referrals for contraceptive counseling to other qualified health care
8 providers; requiring a public institution of higher education to ensure the availability
9 of certain emergency contraception at all times, including through vending machines
10 or other similar devices, certain information relating to the availability of emergency
11 contraception on campus and off campus, and certain information in a certain format
12 based on certain recommendations; excluding emergency contraception approved for
13 certain use by a certain federal agency from the prohibition on selling, distributing,
14 or otherwise disposing of any drug, medicine, or certain preparations by means of a
15 vending machine or other similar device; defining certain terms; and generally
16 relating to access to emergency contraception at student health centers at public
17 institutions of higher education and through vending machines.

18 BY adding to
19 Article – Education
20 Section 15–123
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2017 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 21-1111
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Education

15-123.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “EMERGENCY CONTRACEPTION” MEANS A DRUG REGIMEN
APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION THAT IS
USED AFTER SEXUAL INTERCOURSE TO PREVENT PREGNANCY.

(3) “OVER-THE-COUNTER” MEANS A DRUG APPROVED BY THE
UNITED STATES FOOD AND DRUG ADMINISTRATION FOR OVER-THE-COUNTER
USE.

(4) “STUDENT HEALTH CENTER” MEANS A HEALTH CENTER
OPERATED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR THE PURPOSE OF
PROVIDING HEALTH CARE SERVICES TO STUDENTS.

(B) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL REQUIRE A
STUDENT HEALTH CENTER TO PROVIDE DURING THE REGULAR HOURS OF
OPERATION OF THE STUDENT HEALTH CENTER:

(1) ON-SITE ACCESS TO EMERGENCY CONTRACEPTION BY
PRESCRIPTION AND OVER-THE-COUNTER; AND

(2) CONTRACEPTIVE COUNSELING OR REFERRALS FOR
CONTRACEPTIVE COUNSELING TO OTHER QUALIFIED HEALTH CARE PROVIDERS.

(C) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ENSURE THE
AVAILABILITY OF:

(1) OVER-THE-COUNTER EMERGENCY CONTRACEPTION AT ALL
TIMES, INCLUDING THROUGH VENDING MACHINES OR OTHER SIMILAR DEVICES;

(2) INFORMATION RELATING TO THE AVAILABILITY OF EMERGENCY
CONTRACEPTION ON CAMPUS AND OFF CAMPUS ON ITS WEBSITE AND THROUGH

1 OTHER MEANS OF COMMUNICATING WITH STUDENTS; AND

2 (3) INFORMATION RELATING TO EMERGENCY CONTRACEPTION IN A
3 CONSUMER-FRIENDLY FORMAT BASED ON THE RECOMMENDATIONS OF THE
4 AMERICAN SOCIETY FOR EMERGENCY CONTRACEPTION.

5 Article – Health – General

6 21-1111.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) “EMERGENCY CONTRACEPTION” MEANS A DRUG REGIMEN
10 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION THAT IS
11 USED AFTER SEXUAL INTERCOURSE TO PREVENT PREGNANCY.

12 (3) “OVER-THE-COUNTER” MEANS A DRUG APPROVED BY THE
13 UNITED STATES FOOD AND DRUG ADMINISTRATION FOR OVER-THE-COUNTER
14 USE.

15 [(a)] (B) This section does not apply to any:

16 (1) Surgical or dental instrument;

17 (2) Physical therapy equipment;

18 (3) X-ray apparatus; [or]

19 (4) EMERGENCY CONTRACEPTION APPROVED FOR
20 OVER-THE-COUNTER USE BY THE UNITED STATES FOOD AND DRUG
21 ADMINISTRATION; OR

22 [(4)] (5) Component part or accessory of any of these items.

23 [(b)] (C) A person may not sell, distribute, or otherwise dispose of any drug,
24 medicine, pharmaceutical preparation, or medicinal preparation by means of a vending
25 machine or other similar device.

26 [(c)] (D) By rule or regulation, the Secretary may exempt any commodity from
27 the application of this section if the Secretary finds that the commodity may be dispensed
28 by vending machine or other similar devices without danger to the public health.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2018.

