

HOUSE BILL 1752

J2, C3

8lr3623

By: **Delegate Hayes**

Introduced and read first time: February 21, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Aids for the Cessation of Tobacco Product Use – Prescribing and Dispensing by**
3 **Pharmacists and Health Insurance Coverage**

4 FOR the purpose of authorizing a pharmacist who meets the requirements of certain
5 regulations to prescribe and dispense certain aids for the cessation of the use of
6 tobacco products; requiring the State Board of Pharmacy, on or before a certain date,
7 to adopt regulations establishing certain procedures and conditions relating to the
8 prescribing and dispensing of certain aids for the cessation of the use of tobacco
9 products; altering the definition of “nicotine replacement therapy” to require certain
10 insurers, nonprofit health service plans, and health maintenance organizations to
11 provide coverage for certain over-the-counter products that may be obtained
12 without a prescription; altering certain definitions; providing for a delayed effective
13 date for certain provisions of this Act; providing for the application of certain
14 provisions of this Act; and generally relating to aids for the cessation of the use of
15 tobacco products.

16 BY repealing and reenacting, without amendments,
17 Article – Health Occupations
18 Section 12–101(a) and (b)
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2017 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Health Occupations
23 Section 12–101(x)
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2017 Supplement)

26 BY adding to
27 Article – Health Occupations
28 Section 12–512

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2017 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Insurance
5 Section 15–841
6 Annotated Code of Maryland
7 (2017 Replacement Volume)

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

10 **Article – Health Occupations**

11 12–101.

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

13 (b) “Authorized prescriber” means any licensed dentist, licensed physician,
14 licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive
15 authority under § 8–508 of this article, or other individual authorized by law to prescribe
16 prescription or nonprescription drugs or devices.

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

18 (i) Providing pharmaceutical care;

19 (ii) Compounding, dispensing, or distributing prescription drugs or
20 devices;

21 (iii) Compounding or dispensing nonprescription drugs or devices;

22 (iv) Monitoring prescriptions for prescription and nonprescription
23 drugs or devices;

24 (v) Providing information, explanation, or recommendations to
25 patients and health care practitioners about the safe and effective use of prescription or
26 nonprescription drugs or devices;

27 (vi) Identifying and appraising problems concerning the use or
28 monitoring of therapy with drugs or devices;

29 (vii) Acting within the parameters of a therapy management contract,
30 as provided under Subtitle 6A of this title;

31 (viii) Administering vaccinations in accordance with § 12–508 of this
32 title or self-administered drugs in accordance with § 12–509 of this title;

1 (ix) Delegating a pharmacy act to a registered pharmacy technician,
2 pharmacy student, or an individual engaged in a Board approved pharmacy technician
3 training program;

4 (x) Supervising a delegated pharmacy act performed by a registered
5 pharmacy technician, pharmacy student, or an individual engaged in a Board approved
6 pharmacy technician training program;

7 (xi) Providing drug therapy management in accordance with
8 § 19-713.6 of the Health – General Article; [or]

9 (xii) Prescribing and dispensing contraceptive medications and
10 self-administered contraceptive devices approved by the U.S. Food and Drug
11 Administration; **OR**

12 **(XIII) PRESCRIBING AND DISPENSING MEDICATIONS APPROVED**
13 **BY THE U.S. FOOD AND DRUG ADMINISTRATION AS AN AID FOR THE CESSATION OF**
14 **THE USE OF TOBACCO PRODUCTS.**

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

17 **12-512.**

18 **(A) A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS**
19 **ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE MEDICATIONS**
20 **APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION AS AN AID FOR THE**
21 **CESSATION OF THE USE OF TOBACCO PRODUCTS.**

22 **(B) (1) ON OR BEFORE SEPTEMBER 1, 2019, THE BOARD SHALL ADOPT**
23 **REGULATIONS ESTABLISHING:**

24 **(I) STANDARD PROCEDURES THAT A PHARMACIST SHALL USE**
25 **TO:**

26 **1. PRESCRIBE AND DISPENSE TO A PATIENT THE**
27 **APPROPRIATE AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS BY THE**
28 **PATIENT; AND**

29 **2. REFER THE PATIENT TO A PRIMARY CARE**
30 **PRACTITIONER FOR TREATMENT; AND**

31 **(II) THE CONDITIONS UNDER WHICH A PHARMACIST MAY**
32 **PRESCRIBE AND DISPENSE AN AID FOR THE CESSATION OF THE USE OF TOBACCO**

1 PRODUCTS.

2 (2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

3 (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
4 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR
5 PRESCRIBING AND DISPENSING AIDS FOR THE CESSATION OF THE USE OF TOBACCO
6 PRODUCTS;

7 (II) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY
8 THE BOARD; AND

9 (III) AFTER PRESCRIBING AND DISPENSING TO A PATIENT AN
10 AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS:

11 1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO
12 THE PATIENT'S PRIMARY CARE PRACTITIONER;

13 2. PROVIDE THE PATIENT WITH:

14 A. A WRITTEN RECORD OF THE MEDICATION
15 DISPENSED;

16 B. WRITTEN INFORMATION ABOUT THE BENEFITS OF
17 TOBACCO PRODUCT USE CESSATION, THE PROPER USE OF MEDICATIONS TO AID IN
18 THE CESSATION OF THE USE OF TOBACCO PRODUCTS, THE POTENTIAL RISKS OF THE
19 MEDICATIONS, THE SYMPTOMS OF NICOTINE TOXICITY, AND WHEN TO SEEK
20 MEDICAL TREATMENT FOR NICOTINE TOXICITY; AND

21 C. INFORMATION ON THE IMPORTANCE OF THE PATIENT
22 SEEING THE PATIENT'S PRIMARY CARE PRACTITIONER; AND

23 3. RECORD THE PRESCRIBING AND DISPENSING OF THE
24 AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS IN ANY ELECTRONIC
25 HEALTH RECORD MAINTAINED FOR THE PATIENT BY THE PHARMACIST.

26 (3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO
27 COMPLETE THE TRAINING PROGRAM UNDER PARAGRAPH (2)(I) OF THIS
28 SUBSECTION FOR A PHARMACIST WHO ALREADY HAS UNDERGONE THE TRAINING AS
29 PART OF THE PHARMACIST'S FORMAL EDUCATIONAL PROGRAM.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
31 as follows:

Article – Insurance

1

2 15–841.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) “Authorized prescriber” has the meaning stated in § 12–101 of the
5 Health Occupations Article.

6 (3) [(i)] “Nicotine replacement therapy” means a product that:

7 [1.] (I) is used to deliver nicotine to an individual
8 attempting to cease the use of tobacco products; and9 [2.] (II) is obtained under a prescription written by an
10 authorized prescriber.11 [(ii) “Nicotine replacement therapy” does not include any
12 over-the-counter product that may be obtained without a prescription.]13 (4) “Tobacco product” has the meaning stated in § 10–101 of the Criminal
14 Law Article.

15 (b) (1) This subsection applies to:

16 (i) insurers and nonprofit health service plans that provide coverage
17 for prescription drugs to individuals or groups under health insurance policies or contracts
18 that are issued or delivered in the State; and19 (ii) health maintenance organizations that provide coverage for
20 prescription drugs to individuals or groups under contracts that are issued or delivered in
21 the State.

22 (2) An entity subject to this subsection shall provide coverage for:

23 (i) [except for a drug that may be obtained over-the-counter
24 without a prescription,] any drug that:25 1. is approved by the United States Food and Drug
26 Administration as an aid for the cessation of the use of tobacco products; and27 2. is obtained under a prescription written by an authorized
28 prescriber; and29 (ii) two 90–day courses of nicotine replacement therapy during each
30 policy year.

1 (3) An entity subject to this subsection may not impose a different
2 copayment or coinsurance requirement for a drug or nicotine replacement therapy provided
3 under paragraph (2) of this subsection than is imposed for any other comparable
4 prescription.

5 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
6 effect January 1, 2019, and apply to all policies, contracts, and health benefit plans issued,
7 delivered, or renewed in the State on or after January 1, 2019.

8 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
9 3 of this Act, this Act shall take effect October 1, 2018.