

Chapter 279

(Senate Bill 940)

AN ACT concerning

Pharmacies—Prescription Drugs State Board of Pharmacy – Accessible Prescription Labels, Bag Tags, and Medical Guides for Blind, Visually Impaired, and Print Disabled Individuals – Regulations

FOR the purpose of requiring ~~pharmacies to provide notice to customers of the availability of accessible labels for blind, visually impaired, or otherwise print disabled individuals for prescription drugs and to provide the selected label on request; establishing certain standards for accessible labels and prescription readers to be used with accessible labels;~~ the State Board of Pharmacy to adopt regulations necessary to ensure that individuals who are blind, visually impaired, or otherwise print disabled have appropriate access to prescription labels, bag tags, and medical guides in a certain manner; requiring the Board to give visually impaired individuals an opportunity to provide input regarding the content of the regulations; and generally relating to ~~pharmacies and accessible labels for prescription drugs~~ accessible prescription labels, bag tags, and medical guides for blind, visually impaired, and print disabled individuals.

BY adding to
Article – Health Occupations
Section 12-505.1
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

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

Article – Health Occupations

12-505.1.

~~(A) IN THIS SECTION, “PRESCRIPTION READER” MEANS A DEVICE THAT IS DESIGNED TO AUDIBLY CONVEY INFORMATION CONTAINED ON THE LABEL OF A PRESCRIPTION DRUG.~~

~~(B) EACH PHARMACY SHALL PROVIDE NOTICE TO CUSTOMERS THAT AN ACCESSIBLE LABEL FOR BLIND, VISUALLY IMPAIRED, OR OTHERWISE PRINT DISABLED INDIVIDUALS IS AVAILABLE ON REQUEST FOR NO ADDITIONAL COST BY:~~

~~(1) POSTING A NOTICE THAT IS ACCESSIBLE TO BLIND, VISUALLY IMPAIRED, OR OTHERWISE PRINT DISABLED INDIVIDUALS;~~

~~(I) THAT IS CONSPICUOUSLY POSITIONED IN THE PHARMACY AND READABLE BY PHARMACY CUSTOMERS; AND~~

~~(II) IF APPLICABLE, ON THE PHARMACY'S WEBSITE; AND~~

~~(2) PROVIDING VERBAL NOTICE TO EACH CUSTOMER WHO PICKS UP A PRESCRIPTION OR REFILL.~~

~~(C) ON REQUEST OF A CUSTOMER FOR AN ACCESSIBLE LABEL, THE PHARMACIST SHALL:~~

~~(1) EXPLAIN TO THE CUSTOMER THE AVAILABLE ACCESSIBLE LABEL FORMAT OPTIONS; AND~~

~~(2) PROVIDE THE ACCESSIBLE LABEL THAT IS SELECTED BY THE CUSTOMER.~~

~~(D) AN ACCESSIBLE LABEL SHALL:~~

~~(1) PRESERVE THE INTEGRITY OF THE PRINT PRESCRIPTION DRUG CONTAINER LABEL;~~

~~(2) CONTAIN ALL THE LABEL INFORMATION REQUIRED UNDER § 12-505 OF THIS SUBTITLE AND FEDERAL LAW IN THE SAME SEQUENCE AS THE PRINT LABEL, INCLUDING WARNINGS AND CAUTIONS;~~

~~(3) BE DURABLE AND LAST UNTIL THE PRESCRIPTION EXPIRATION DATE;~~

~~(4) BE PROVIDED WITHIN A TIME FRAME COMPARABLE TO INFORMATION PROVIDED TO OTHER CUSTOMERS WITHOUT A VISUAL IMPAIRMENT; AND~~

~~(5) CONFORM TO THE BEST PRACTICES ESTABLISHED BY THE FEDERAL U.S. ACCESS BOARD.~~

~~(E) A PRESCRIPTION READER PROVIDED BY A PHARMACY SHALL BE:~~

~~(1) COMPATIBLE WITH AN ACCESSIBLE LABEL PROVIDED TO A CUSTOMER BY THE PHARMACY; AND~~

~~(2) AVAILABLE TO A CUSTOMER USING AN ACCESSIBLE LABEL FOR THE DURATION OF THE PRESCRIPTION.~~

~~(F) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

(A) THE BOARD SHALL ADOPT REGULATIONS NECESSARY TO ENSURE THAT AN INDIVIDUAL WHO IS BLIND, VISUALLY IMPAIRED, OR OTHERWISE PRINT DISABLED HAS APPROPRIATE ACCESS TO PRESCRIPTION LABELS, BAG TAGS, AND MEDICAL GUIDES:

(1) AT NO ADDITIONAL COST TO THE INDIVIDUAL;

(2) IN A FORMAT OPTION THROUGH WHICH THE INFORMATION IS FULLY ACCESSIBLE TO THE INDIVIDUAL; AND

(3) WITHIN A TIME FRAME COMPARABLE TO THE TIME FRAME WITHIN WHICH THE INFORMATION IS PROVIDED TO AN INDIVIDUAL WHO IS NOT VISUALLY IMPAIRED.

(B) IN ADOPTING REGULATIONS UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL GIVE VISUALLY IMPAIRED INDIVIDUALS AN OPPORTUNITY TO PROVIDE INPUT REGARDING THE CONTENT OF THE REGULATIONS.

(C) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) FOLLOW THE GUIDELINES AND RECOMMENDATIONS IN THE “PRESCRIPTION DRUG LABELS: ACTIONS NEEDED TO INCREASE AWARENESS OF BEST PRACTICES FOR ACCESSIBLE LABELS FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED” REPORT THAT WAS ISSUED BY THE U.S. GOVERNMENT ACCOUNTABILITY OFFICE IN DECEMBER 2016; AND

(2) INCLUDE A METHOD FOR PROVIDING NOTICE TO CUSTOMERS THAT ACCESSIBLE PRESCRIPTION LABELS, BAG TAGS, AND MEDICAL GUIDES ARE AVAILABLE, INCLUDING NOTICE REGARDING THE AVAILABILITY OF THE PRESCRIPTION LABELS, BAG TAGS, AND MEDICAL GUIDES IN AUDIO FORMAT.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Pharmacy shall adopt the regulations required under § 12-505.1 of the Health Occupations Article, as enacted by Section 1 of this Act, on or before January 1, 2025.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2023, the Maryland Department of Health shall submit to the General Assembly, in accordance with § 2-1257 of the State Government Article, a report on the potential process

for and costs of implementing enhanced professional dispensing fees for providing accessible labels and compliant packaging to blind, visually impaired, and otherwise print disabled individuals.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 3, 2023.