

BaltimoreCounty_FAV_SB0499.pdf

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JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Director of Government Affairs

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Deputy Director of Government Affairs

BILL NO.: **SB 499**

TITLE: Prohibition on Vending Machine Sales of Drugs and Medicines
 – Repeal

SPONSOR: Senator Lam

COMMITTEE: Finance

POSITION: **SUPPORT**

DATE: February 18, 2021

Baltimore County **SUPPORTS** Senate Bill 499 – Prohibition on Vending Machine Sales of Drugs and Medicines – Repeal. This legislation would repeal the prohibition of sale of designated drugs, pharmaceutical preparations, and medical preparations by means of a vending machine or similar device.

Access to health care facilities is a right that all Maryland residents deserve. However this right often operates as a privilege, and some of the State’s most vulnerable individuals do not have access to the health offices they urgently need. Many have neither the ability nor the time to travel to health facilities at a time they are open. Providing health vending machines to these communities can help individuals access the medications and health care they vitally need and at their convenience.

This legislation would repeal the ban of health vending machines throughout the State. Maryland is one of four states that outlaws this important health equity tool. As a state with some of the highest ranking health facilities nationwide, Maryland must continue to support policy that makes health care more accessible to everyone.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 499. For more information, please contact Chuck Conner, Director of Government Affairs, at cconner@baltimorecountymd.gov

HFAM Testimony SB 499 Final.pdf

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Position: FAV



**TESTIMONY BEFORE THE
SENATE FINANCE COMMITTEE**

February 18, 2021

Senate Bill 499: Prohibition on Vending Machine Sales of Drugs and Medicines – Repeal
Written Testimony Only

POSITION: FAVORABLE

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support for Senate Bill 499. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction in the state and provide the majority of long-term and post-acute care in Maryland.

Senate Bill 499 would repeal the prohibition on the sale, distribution, and disposal of certain drugs, medicines, pharmaceutical preparations, and medical preparations by means of a vending machine or similar device.

Vending machines of over-the-counter and some prescription medicines are relatively common in other parts of the world and even other states, particularly in economically disadvantaged areas. Similar to food deserts in these areas, residents of these communities also experience a lack of access to pharmacies. Medicines purchased through these vending machines are not only more convenient, but they generally cost less than traditional pharmacies. Better access to prescription medicine can often result in better health outcomes, thus reducing overall health costs and even hospital readmissions.

As I have often shared, the COVID-19 pandemic has highlighted the unequal access to healthcare in this country, among both those providing and receiving care, and especially in communities of color and among those who are economically disadvantaged. Together, we must do better in serving these communities and this legislation is a start.

I admired the late Kaiser Permanente CEO Bernard Tyson, who said about the intersection of healthcare disparity and public policy, "Such a small part of healthcare actually happens in the doctor's office." He was right.

For these reasons we request a favorable report from the Committee on Senate Bill 499.

Submitted by:

Joseph DeMattos, Jr.
President and CEO
(410) 290-5132

CHPA Support for SB 499 - Vending Machine Sales of

Uploaded by: Devaraj, Sara

Position: FAV



CONSUMER
HEALTHCARE
PRODUCTS
ASSOCIATION

Taking healthcare personally.

February 15, 2021

The Honorable Delores Kelley
Chair, Senate Committee on Finance
3 East
Miller Senate Office Building
Annapolis, MD 21401

RE: Support of SB 499 (Lam) - Repealing the prohibition on vending machine sales of certain drugs

Dear Chairwoman Kelley:

On behalf of the Consumer Healthcare Products Association (CHPA), the 140-year-old trade association representing the leading manufacturers of over-the-counter (OTC) medicines, dietary supplements, and consumer medical devices, I'm writing to express strong support for SB 499. This legislation expands access to OTC medications to Marylanders by repealing the prohibition on the sale, distribution, and disposal of certain drugs by means of a vending machine or similar device.

OTC medicines are the trusted first line of treatment for millions of consumers - including thousands of Marylanders - and are also valued by healthcare providers as Food and Drug Administration (FDA) approved safe and effective treatments to recommend to their patients for a range of health and wellness needs.¹ OTC medications are affordable, they're trusted, and they empower individuals and families to treat common ailments and sickness before they become serious or need the intervention of a medical professional.

Today, a wide variety of retail outlets sell OTC's including pharmacies, grocery stores, and convenience stores. Without OTC medicines, 90 percent of consumers would seek professional medical treatment for minor ailments, causing an unnecessary burden on the healthcare system.¹ SB 499 will expand this reach and provide convenient relief for travelers in airports, commuters at train stations and bus terminals, workers at office parks, and students at universities to name just a few.

¹ http://overthecountervalue.org/wp-content/uploads/2019/04/CHPA_OTC_Value_WhitePaper.pdf

It is important, however, that FDA guidelines and regulations governing these products are adhered to when expanding sales to vending machines. To ensure consumers are properly informed about the product they are purchasing, it is essential that labeling information is available prior to purchase, as noted in FDA Compliance Policy Guidelines Sec. 450.400. Additionally, to ensure product integrity, vending machines should maintain proper storage conditions listed on a products Drug Facts Label. Each product Drug Facts Label includes an “Other Information” section that provides important storage information such as the necessary storage temperature range or the need to protect from excessive moisture. As long as these conditions are met, CHPA strongly supports passage of this legislation.

CHPA thanks Senator Lam for filing SB 499 and we urge the Senate Committee on Finance to support its passage. Please feel free to contact me directly with any questions on our position per the information below.

Respectfully submitted,



Carlos I. Gutierrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
cgutierrez@chpa.org | 202-429-3521

cc: Senate Committee on Finance
The Honorable Clarence Lam, Maryland Senate

2021 Sign-On SB 499 Senate Side.pdf

Uploaded by: Elliott, Robyn

Position: FAV

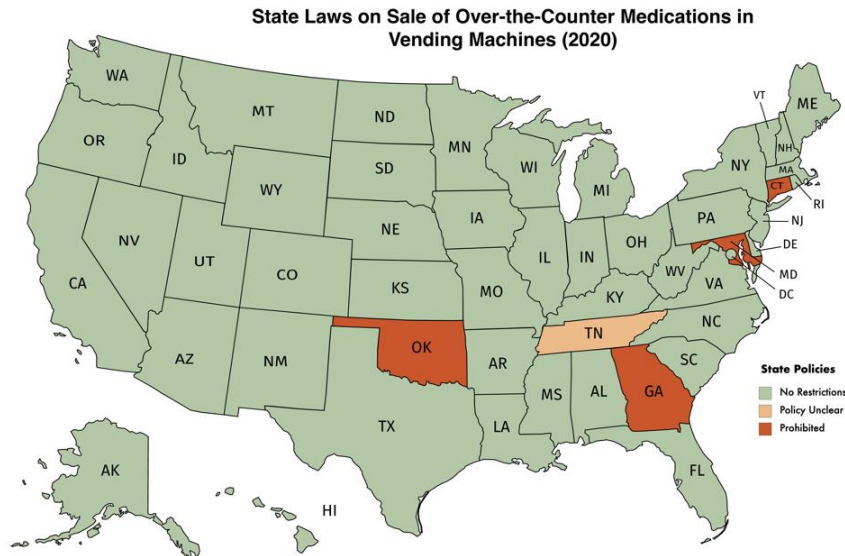
Support SB 499 Prohibition on Vending Machine Sales of Drugs and Medicine Repeal
Senate Finance Committee Hearing
February 18, 2021

To the Honorable Chair Kelley and Members of the Senate Finance Committee:

Thank you for the work of the Maryland General Assembly to increase access to health care services in underserved communities. Your commitment has allowed Maryland to move forward on innovative approaches, such as telehealth, to reduce barriers to care.

We are writing today about our support of SB 499. This simple bill will provide another tool for communities to address gaps in access to medication. Unlike 46 other states and the District of Columbia, Maryland prohibits the sale of over-the-counter (OTC) medications in vending machines. There is no information about why Maryland enacted this provision, as there are no records for laws that old. We know with certainty, however, that this law is outdated and places Maryland behind other states.

A 50-state review (including Washington DC) conducted by Public Policy Partners, in partnership with the National Health Law Program, in 2020 has shown that 46 states have no existing restrictions on OTC medication sales in vending machines as demonstrated below.



Source: Public Policy Partners and National Health Law Program, 2021

OTC medications are medications approved by the federal Food and Drug Administration, and there are no federal restrictions on where these medications are sold. OTC medications can be commonly found in grocery stores, convenience stores, gas stations, and vending machines when allowed. OTC medications include pain medication, such as aspirin, cold/flu relief, and allergy medication. Potential vending machine locations include community settings such as college campuses, airports, city transit locations, office parks, and on medical campuses.^{i,ii} Further, repealing this ban can positively impact Marylanders in several ways as outlined below.

- 1. This bill would allow for increased round the clock access to OTC medications, especially in currently underserved areas including Western Maryland, the Eastern Shore, and in urban area and minority/low-income communities where pharmacy density (and especially 24-hour pharmacy density) tends to be lower.** ^{iii, iv, v, vi}
- 2. Access to OTC medications in vending machines reduce unnecessary clinical contact and help increase physical distancing in response to COVID-19.** ^{vii,viii ix x}
- 3. Access to OTC medications in vending machines could help reduce healthcare spending on acute illnesses, as OTC medications reduce clinical contact (especially emergency care) and save on prescription medication spending.** ^{xi, xii xiii}
- 4. Thinking beyond current use in other states, in neighborhoods with low access to pharmacies and other health resources, strategically placing pharmaceutical vending machines could help mobilize existing assets such as community centers and churches as hubs for health education messaging, and contents of machines could be tailored to fit specific health care needs.**

Thank you for the opportunity to submit this testimony. We, the undersigned, ask for a favorable report on SB 499.

ACLU of Maryland

American College of Nurse Midwives – Maryland Affiliate

Baltimore NOW

Sharon L. Camp, PhD

Rajani Gudlavalleti, director of mobilization, Baltimore Harm Reduction Coalition

Health Care for the Homeless

Giselle Joseph, Community Health Outreach Worker

University of Maryland School of Social Work - B'More Healthy Babies Promise Heights

Maryland Academy of Advanced Practice Clinicians

Maryland Academy of Physician Assistants

Maryland National Organization for Women

Maryland Nurses Association

Dan Morhaim, M.D. - Maryland State Delegate 1995-2019

National Health Law Program

Public Justice Center

Carolyn Sufrin, MD, PhD; Assistant Professor, Johns Hopkins School of Medicine

Delaram J. Taghipour, MD, MPH, MBA

Susan F Wood, PhD; Former Assistant Commissioner for Women's Health, US Food and Drug Administration

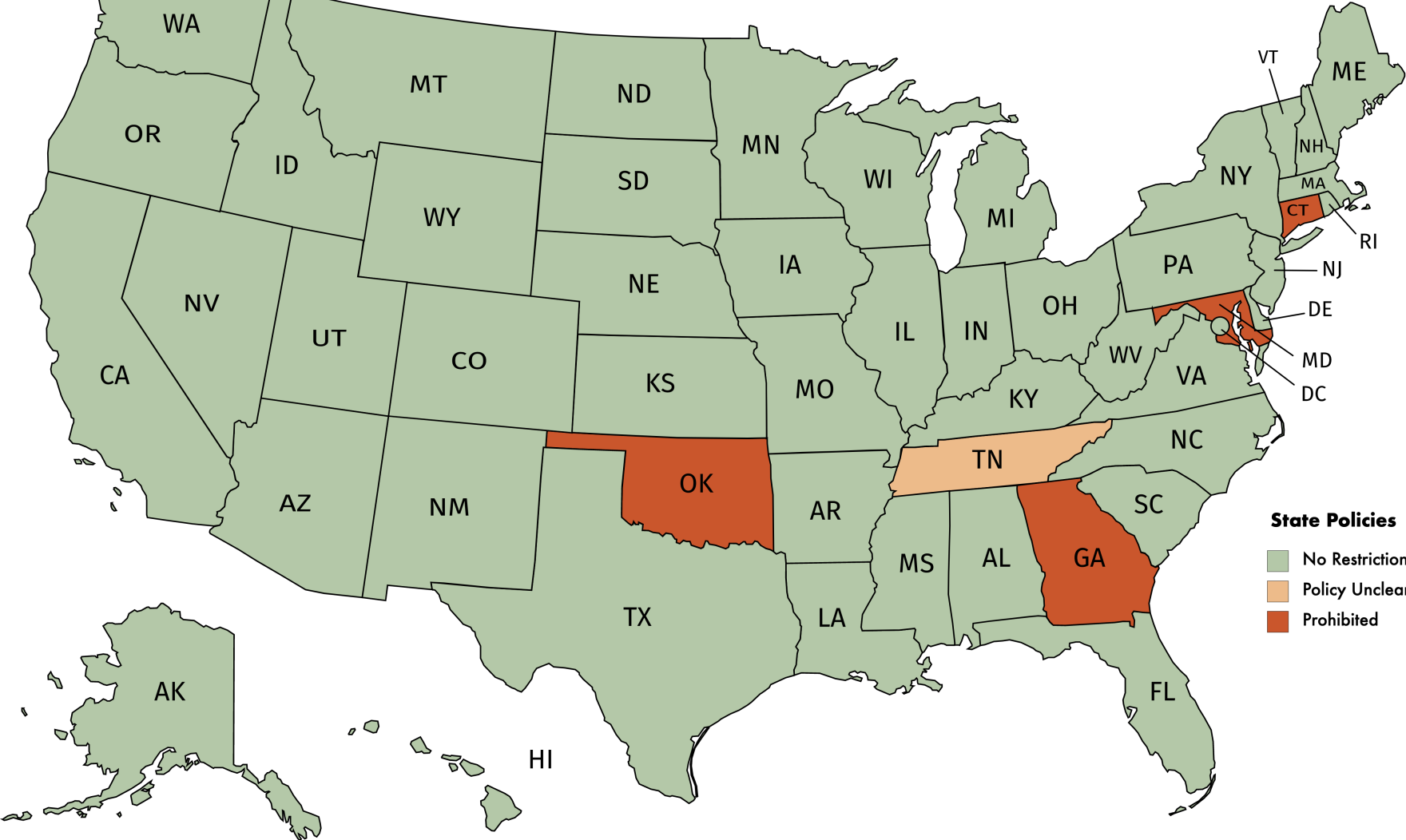
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- ⁱ CVS Pharmacy. (2017, September 07). CVS Pharmacy Thinks Outside the Box with Introduction of Health and Wellness Vending Machines. Retrieved from <https://cvshealth.com/news-and-insights/press-releases/cvs-pharmacy-thinks-outside-the-box-with-introduction-of-health>
- ⁱⁱ Elizabeth Pace, A. N. (2019, February 20). Jacksonville hospital first, only hospital in Northeast Florida to provide pharmacy kiosk system. Retrieved from <https://www.actionnewsjax.com/news/local/jacksonville-hospital-first-only-hospital-in-northeast-florida-to-provide-pharmacy-kiosk-system/922866215/>
- ⁱⁱⁱ Qato, D. M., Zenk, S., Wilder, J., Harrington, R., Gaskin, D., & Alexander, G. C. (2017). The availability of pharmacies in the United States: 2007–2015. *PLoS one*, 12(8), e0183172.
- ^{iv} Marie A. Chisholm-Burns, Pharm.D., M.P.H., M.B.A., FCCP, FASHP, Christina A. Spivey, Ph.D, Justin Gatwood, Ph.D., M.P.H, Adam Wiss, B.S, Kenneth Hohmeier, Pharm.D, Steven R. Erickson, Pharm.D, Evaluation of racial and socioeconomic disparities in medication pricing and pharmacy access and services, *American Journal of Health-System Pharmacy*, Volume 74, Issue 10, 15 May 2017, Pages 653–668, <https://doi.org/10.2146/ajhp150872>
- ^v Bernstein, S. L., Cabral, L., Maantay, J., Peprah, D., Lounsbury, D., Maroko, A., ... & Shelley, D. (2009). Disparities in access to over-the-counter nicotine replacement products in New York City pharmacies. *American journal of public health*, 99(9), 1699-1704.
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- ^{vii} Cadogan, C. A., & Hughes, C. M. (2020). On the frontline against COVID-19: Community pharmacists' contribution during a public health crisis. *Research in Social and Administrative Pharmacy*.
- ^{viii} Adunlin, G., Murphy, P. Z., & Manis, M. (2020). COVID-19: How Can Rural Community Pharmacies Respond to the Outbreak?. *The Journal of rural health : official journal of the American Rural Health Association and the National Rural Health Care Association*, 10.1111/jrh.12439. Advance online publication. <https://doi.org/10.1111/jrh.12439>
- ^{ix} Andalo, D. (2020, March 13). 'Unprecedented demand' for OTC painkillers as COVID-19 outbreak spreads. Retrieved from <https://www.pharmaceutical-journal.com/news-and-analysis/news/unprecedented-demand-for-otc-painkillers-as-covid-19-outbreak-spreads/20207830.article>
- ^x Alexander GC, Qato DM. Ensuring Access to Medications in the US During the COVID-19 Pandemic. *JAMA*. 2020;324(1):31–32. doi:10.1001/jama.2020.6016
- ^{xi} Consumer Healthcare Products Association. (2019). OTC Use Statistics. Retrieved from <https://www.chpa.org/about-consumer-healthcare/research-data/otc-use-statistics>
- ^{xii} Reis, J. (2001). Consumers' self-care algorithms for the common cold: implications for health education interventions. *Journal of American College Health*, 50(1), 27-32.
- ^{xiii} Consumer Healthcare Products Association. (2019). OTC Use Statistics. Retrieved from <https://www.chpa.org/about-consumer-healthcare/research-data/otc-use-statistics>

SB 499 State Policy Map.pdf

Uploaded by: Elliott, Robyn

Position: FAV

State Laws on Sale of Over-the-Counter Medications in Vending Machines (2020)



- State Policies**
- No Restrictions
 - Policy Unclear
 - Prohibited

Source: Public Policy Partners and National Health Law Program, 2021

Lam_FAV_SB0499.docx.pdf

Uploaded by: Lam, Clarence

Position: FAV

CLARENCE K. LAM, M.D., M.P.H.
Legislative District 12
Baltimore and Howard Counties

Education, Health, and Environmental Affairs
Committee

Executive Nominations Committee

Joint Committee on Ending Homelessness

Chair

Joint Audit and Evaluation Committee

Joint Committee on Fair Practices and
State Personnel Oversight

Vice Chair

Baltimore County Senate Delegation

Chair

Howard County Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Support SB 499 - Prohibition on Vending Machine Sales of Drugs and Medicines - Repeal

The Issue

- Maryland is one of only four states that prohibit the sale of over-the-counter (OTC) medication in vending machines
- Current prohibition is an unnecessary burden on businesses looking to expand offerings
- The FDA has designated OTC medication safe to be sold in vending machines and has published guidelines on the sale of OTC drugs in vending machines
- Modern drug regulations address patient safety concerns regarding packaging, labeling, expired medication, etc.

SB 34 Primary Purposes and Functions

- Repeals outdated prohibition on the sale of OTC drugs in vending machines
- Expands access to OTC drugs such as Pepto-Bismol and allergy medications
- Allows for the installation of OTC vending machines in communities without pharmacies or in high traffic areas such as transit stations
- Allows small pharmacies to provide 24-hour service without needing more staff

SB499.UNFAVORABLE.MDRTL.LBogley.pdf

Uploaded by: Bogley, Laura

Position: UNF



Opposition Statement SB499
By Laura Bogley-Knickman, JD
Director of Legislation, Maryland Right to Life

We Oppose SB499 as Written

On behalf of our pro-life members across the state, I strongly oppose this bill *as written*. We are concerned that this bill can be used to supply lethal “D-I-Y” abortion pills in vending machines. There must be bipartisan consensus to adopt common sense health and safety measures for girls and women seeking abortion.

Maryland law requires that only licensed physicians may provide abortion services. But this bill could authorize the vending machine distribution of lethal drugs that are intended to end human life, including **abortion-inducing drugs like** mifepristone (common brand name Mifeprex) and misoprostol. These drugs are currently not defined in the Maryland Code and are not included in any of the Schedules for Controlled Dangerous Substances. While the assumption is that these drugs would otherwise be classified as “prescription drugs” requiring administration through a certified prescriber, the abortion industry is working to have these dangerous drugs classified as “**over-the-counter drugs**”, similar to the Plan B “emergency contraceptive pill”, which can be purchased off the store shelf.

Put patients before abortion politics and profits

The state must intervene on behalf of women and girls and refuse to participate in medical negligence. 85% of licensed OB/GYNs refuse to commit abortions. In response to this provider scarcity, the abortion industry is attempting to commercialize “**Do-It-Yourself**” **abortion pills**. The abortion industry’s radical agenda to indiscriminately sell “D-I-Y” abortion pills is *taking abortion further outside the scope of health care* and returning women to the days of “back alley abortions” where women self administer and hemorrhage without medical supervision or assistance.

Adopt Reasonable Health and Safety Standards

Chemical abortion pills are 4 times more dangerous for women than surgical abortion. Complications are under-reported as half of all women experiencing complications seek treatment through emergency rooms rather than prescribing providers. While we oppose all abortion, we strongly recommend that the state of Maryland take some measures to protect the health and safety of girls and women by adopting the current FDA guidelines that require that the distribution and use of mifepristone, the drug commonly used in chemical abortions, to be under the supervision of a qualified healthcare provider because of the drug’s potential for serious complications including, but not limited to, uterine hemorrhage, viral infections, pelvic inflammatory disease, loss of fertility and death.¹

We respectfully urge you to amend this bill to exclude chemical abortion pills or issue an unfavorable report. Thank you for your consideration.

¹ As of March 2020, the FDA reported 4,480 adverse events after women used Mifeprex/mifepristone for abortions (Mifeprex/mifepristone --- outcome: abortion/abortion induced). Among these events were 24 deaths, 1,183 hospitalizations, 339 blood transfusions, and 256 infections (including 48 “severe infections”).