

SB 940 - Amendment.pdf

Uploaded by: C. Athony Muse

Position: FAV



SB0940/573623/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

17 MAR 23
16:36:53

BY: Senator Muse
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 940
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Pharmacies – Prescription Drugs**” and substitute “State Board of Pharmacy”; in the same line, after “**Accessible**” insert “Prescription”; in the same line, after “**Labels**” insert “, Bag Tags, and Medical Guides”; in line 3, after “**Individuals**” insert “– Regulations”; strike beginning with “pharmacies” in line 4 down through “labels;” in line 8 and substitute “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 strike beginning with “pharmacies” in line 8 down through “drugs” in line 9 and substitute “accessible prescription labels, bag tags, and medical guides for blind, visually impaired, and print disabled individuals”.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 19 on page 1 through line 5 on page 3, inclusive, and substitute:

“(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.”.

On page 3, in line 6, strike “2.” and substitute “4”.

Senator Muse Testimony SB 940.pdf

Uploaded by: C. Athony Muse

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Favorable

SB940- Pharmacies – Prescription Drugs – Accessible Labels for Blind, Visually Impaired, and Print Disabled Individuals

March 30, 2023

Dear Madame Chair, Senator Melanie Griffith; Vice Chair, Senator Katherine Klausmeier and Members of the Finance Committee

First, I would like to recognize that many compromises were made on both sides to get to this point of agreement. For a blind or visually impaired customer, the lack of accessible labelling could cause further illness, inappropriate dosing and even death. Currently, blind, low vision (also called visually impaired), and print disabled patients have trouble getting their prescription medication labels in a format they can read. Due to the nature of their disabilities, they cannot read standard print, which is the default for what goes on a prescription bottle. Many elderly patients also experience these challenges due to age-based vision loss. Currently, the pharmacy industry has the ability to provide prescription labels in large print, Braille, and audio formats, but it is optional and inconsistent across pharmacies.

SB 940- Prescription Drugs – Accessible Labels for Blind, Visually Impaired, and Print Disabled Individuals would:

- ensure that blind, visually impaired, and print disabled Marylanders are informed about the availability of accessible prescription labels;
- require pharmacies to implement a program to provide, upon request, to blind, visually impaired, and low vision Marylanders an accessible label that meets their needs, e.g. large print, audio, or Braille.
- ensure pharmacies will provide these labels at no additional cost to patients; and
- that pharmacies will provide the accessible medication labels and medication at a comparable time to those without disabilities receiving medication from those pharmacies.

Colleagues, I want to thank you for your thoughtful consideration of SB 940, it is needed and so important for the blind and visually impaired to be provided notice and accessibility to these labels for their prescriptions. This bill will make sure we protect the health and safety of our visually disabled Marylanders in regard to their medical prescriptions.

I ask for your favorable report on SB 940 that requires pharmacies to advise customers that these readers are available and print them upon request; pharmacies must also explain the available options.

SB940_PrescriptionLabels_KennedyKrieger_Support.pdf

Uploaded by: Emily Arneson

Position: FAV



DATE: March 21, 2023 **COMMITTEE:** Senate Finance
BILL NO: Senate Bill 940
BILL TITLE: Pharmacies - Prescription Drugs - Accessible Labels for Blind, Visually Impaired, and Print Disabled Individuals
POSITION: Support

Kennedy Krieger Institute supports Senate Bill 940 - Pharmacies - Prescription Drugs - Accessible Labels for Blind, Visually Impaired, and Print Disabled Individuals

Bill Summary:

Senate Bill 940 requires pharmacies to notify patrons that an accessible label for blind, visually impaired, or otherwise print disabled individuals is available on request for no additional cost. Notification will be by posting a notice that is accessible to all customers, located at the pharmacy and online. The legislation also outlines what an accessible label shall be. **If the Senate chooses to amend the bill to match the House crossfile, the bill will change the responsibility from pharmacies to the State Board of Pharmacy. Kennedy Krieger supports these changes.**

Background:

Kennedy Krieger Institute provides specialized services to patients and students nationally and internationally. Kennedy Krieger Institute is dedicated to improving the lives of children and young adults with developmental, behavioral, cognitive and physical challenges. Kennedy Krieger's services include inpatient, outpatient, school-based and community-based programs.

The Maryland Center for Developmental Disabilities (MCDD) at Kennedy Krieger Institute is proud to be Maryland's University Center for Excellence in Developmental Disabilities Education, Research, and Service (UCEDD) and a member of the national Association of University Centers on Disabilities (AUCD).

MCDD links the community to vital services, research and information to improve the lives of people with disabilities. Our mission is to provide leadership that advances the inclusion of people with intellectual, developmental and other disabilities through preservice preparation and training; research and evaluation; community service and technical assistance; and information dissemination.

Rationale:

Having accessible labels for prescriptions is an important step to preventing at-home medication errors including taking the wrong medication, missing a refill date, or ingesting expired medications. Prescription labels contain vital information that must be accessible to the person taking the medication.

In 2012, President Obama signed into law the Food and Drug Administration Safety and Innovation Act. Among the initiatives of this law, it created a Working Group on Accessible Prescription Drug Container Labels. In 2013, the Workgroup submitted their best practice recommendations. However, these recommendations are advisory, and not mandatory.

This legislation is an important tool to ensuring visually impaired or blind individuals know of their options when filling and refilling prescriptions.

Kennedy Krieger Institute requests a favorable report on Senate Bill 940.

Senate Bill 940 Written Testimony.pdf

Uploaded by: Genna Amick

Position: FAV

Senate Bill 940
Prescription Drugs - Accessible Labels for Blind, Visually Impaired, and Print Disabled
Individuals (Pharmacies)
In the Finance Committee -Hearing on March 21, 2023
Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on SB 940 at the request of bill sponsor Senator Muse.

MLA appreciates the opportunity to testify on this important bill, which will help our blind and visually impaired neighbors receive the medication they need. MLA is a non-profit law firm that provides free legal services to thousands of the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including health law, and representation of visually impaired persons, disabled individuals and older adults.

MLA asks that the Committee report favorably on SB 940. This bill requires pharmacies to provide notice to blind or visually impaired customers and ensure that accessible prescription drug labels are available upon request. It also establishes standards for accessible labels and ensures that prescription readers, which provide information in an audible format, are available in conjunction with the accessible label. Due to the curved surface of prescription bottles and the characteristically small print, prescription labels are among the most inaccessible of documents to visually impaired individuals.

Individuals living below the poverty line have significantly greater odds of being blind, therefore blindness and visual impairment disproportionately impacts the low-income individuals that MLA serves. Visual impairment or blindness affects all areas of life, including administration of prescribed medications. Currently, the visually impaired community is at high-risk for medication errors, such as taking the wrong pill, the wrong dose, or taking an expired medication. At home medication administration errors occur up to 33% of the time. This bill is a simple intervention that can prevent potentially devastating outcomes like this.

Notice of Accessibility Assistance

SB 940 will increase access to accessible prescription labels. Verbal notice of accessible label options will be provided to each customer who picks up a prescription, which ensures that visually impaired individuals are aware of accessible prescription label options, even if they cannot see a posted notice.

Request and Requirements for an Accessible Label

SB 940 ensures that people who request an accessible label are informed of the various options available to them and are allowed to choose the format that best suits their needs. Also, the bill requires that accessible labels meet the informational standard to which all regular prescription labels are held, ensuring that blind and visually impaired individuals receive the same quality of prescription instruction and warnings as everyone else. An accessible label must be provided within a similar time frame to everyone else. This makes sure that people who require visual

accommodation are not treated differently, can understand their medication, and do not have to wait longer for prescription fulfillment.

Provision of a Prescription Reader

SB 940 provides that pharmacies must provide a prescription reader. These are devices that audibly convey information contained on a prescription label. SB 940 ensures that the accessible labels are compatible with the prescription readers. This is important because the law will require prescription readers to, in fact, be able to audibly transcribe the prescription label.

SB 940 will directly impact many low-income persons who are often unable to receive adequate assistance for visual impairment due to lack of insurance or resources.¹ Blindness disproportionately affects people living below the poverty line. SB 940 ensures that available resources, such as accessible label options, are brought to the attention of individuals who might otherwise be unaware.

MLA urges the Committee to issue a FAVORABLE report on Senate Bill 940. If you have any questions, please contact Genna Amick, (410) 951-7620, gamick@mdlab.org.

Justine Quirk Testimony.pdf

Uploaded by: Justine Quirk

Position: FAV

Testimony for SB 940/HB 456 - FAV

Justine Quirk
214 Calvert Rd
Rising Sun, MD 21911

Good afternoon,

My name is Justine Quirk, I live in Rising Sun in Cecil County. Thank you for allowing me to present my testimony to you today.

My father died several years ago and my mother, after living alone for a year, decided that taking care of the home she and my father shared had become a bit too much for her to manage on her own. So she sold her house in CT and moved to Maryland to live with my husband and me.

She's 92 now, quite self sufficient, and is used to doing things her own way, for and by herself. So when her vision began to rapidly deteriorate due to macular degeneration, she started needing help with things.

Having to ask for help with anything for this fiercely independent woman, **such as identifying and sorting her prescription medications**, has been difficult and frustrating for her.

I suggested that certainly the pharmacy would be able to provide large print labels, at the very least, for their customers with visual impairments. When mom called our local pharmacy she was told that they did not provide large print labels, nor Braille packaging, nor any sort of accommodation for the blind. They offered no suggestions, no alternatives. They couldn't help her and that was that.

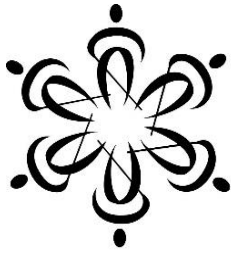
I went to the pharmacy myself to speak to someone in person, because surely this had to be a mistake, but it was not. "How do people with vision impairments know they're taking the right medication?" I asked. The response, with a shrug, was, "I guess they have someone read the labels for them." This was unacceptable to me, and it made me angry.

What about the people who live alone? What about those who have no one to help them? Dangerous mistakes can happen. And it's demoralizing, not just for the elderly like my mom, but for anyone experiencing blindness or low vision. I have learned that technology to provide audible reading of prescription labels already exists and could be made available to those who need it at minimal cost to pharmacies. I ask you to please support passage of this bill so that anyone with a visual impairment has the opportunity to independently and safely manage their prescription medications. Thank you so much for your time.

Accesible Prescriptions Fact Sheet.pdf

Uploaded by: Sharon Maneki

Position: FAV



NATIONAL FEDERATION
OF THE BLIND
MARYLAND

Live the life you want.

Sharon Maneki

Director of Legislation & Advocacy

9013 Nelson Way

Columbia, MD 21045

Subject

Support for SB940/ HB456 Accessible Prescription Labels

From

National Federation of the Blind of Maryland

Ronza Othman

president@nfbmd.org

To:

Senate Finance Committee

Problem

Blind and print disabled individuals are not able to read the dosage instructions and information that is attached to the bottle or box on prescription medications. Blind people have traditionally tried to solve this problem by using a rubber band, writing their own label, or creating some other system to keep track of the information. These techniques fail especially when the medications increase and the information on the prescription also increases.

Proposed Action

The Senate Finance Committee should enact legislation that requires pharmacies to issue an accessible prescription label to any blind, print disabled, or elderly person who asks for such a label in a timely manner. The label must contain all the requirements by state statute and federal law, including cautions and warnings, and any information available to sighted

individuals reading the printed label. The pharmacist must honor the customer's preference for audio, Braille, or large print, and must provide the label with no additional charge to the customer. Please conform SB940 to the House bill.

Background

Print prescription drug labels are traditionally affixed to medication bottles and boxes that contain medication names, dosage instructions, cautions, and other important information about the medication. Blind and print disabled people cannot read the traditional prescription label that is attached to the bottle or box. For decades, blind people have had to depend on another person to tell them the dosage and instructions for each medication that they take. This method of acquiring such information causes a loss of confidentiality and independence and can place the individual in danger because their memory fails, or they may become confused. The blind person may care for a spouse, a parent, or a child and may put the other person's life in danger.

Technology now exists in the market that can provide prescription information to the print disabled individual since 1996. Blind people began to ask pharmacies to provide the technology. In 2013, the U.S. Access Board published its best practices for pharmacies to deliver the service. Many pharmacies, both small and large, have adopted these practices. Unfortunately, legislation is necessary because too many pharmacies do not provide the labels. In addition, it is unreasonable for an individual to have to find a pharmacy that does provide accessible labels that may not be convenient or to which transportation is costly.

Federal law clearly mandates that pharmacies should provide accessible labels to their customers. The Americans with Disabilities Act (1990) states that pharmacies are required to provide aids of communication between the pharmacist and customer. In 2010, the Patient Protection and Affordable Care Act (final rule 2016) clarifies the prohibition of discrimination on the basis of disability in health programs and activities for pharmacies that accept Medicare. In 2012, the FDA Safety and Innovation Act required the US Access Board to devise a set of best practices for pharmacies to refer to. These federal laws are not enough.

Advantages of the Legislation

Blind and print disabled individuals have a right to the information given in the prescription.

In today's world, the information can be easily provided to the print disabled individual in an alternative format. The formats of information are easily known and available.

Providing accessible labels to blind and print disabled individuals will not be a hardship on the pharmacy. Pharmacies are important resources to the community, providing such

information will increase their value to the particular community as well as to society. Some pharmacies have already demonstrated the ease of providing accessible labels.

State laws provide more specific directions to pharmacies on how to make their labels accessible. Federal laws were a good beginning, but state laws offer coverage for more patients. States with such legislation include Nevada, Oregon, Tennessee as well as the Commonwealth of Puerto Rico.

Passage of this law will end the inequity of healthcare that pharmacies provide to blind and elderly persons in Maryland. Some people are told that they must get their accessible labels from mail order services. They are told that the local pharmacies cannot provide that service whereas other people are told that the mail service cannot provide it and they must get it from the local pharmacy. Passage of this bill will end this confusion, pharmacists will know exactly what to do, and blind and print disabled people will no longer be frustrated by trying to educate the pharmacist.

Conclusion

Blind and print disabled individuals need the same information as their sighted peers. In the 21st century, the technology exists for them to receive it. Some pharmacies have already adopted the business model and provide accessible labels to their customers who need it. The Senate Finance Committee should enact legislation so that all pharmacies provide accessible information to any blind, print disabled or elderly person who needs it and end the inequity of care that some pharmacists offer this population. We urge you to give SB940 a favorable report and to conform it to the House version.

Riccobono Accessible Prescriptions 940.pdf

Uploaded by: Sharon Maneki

Position: FAV

Subject: Support for SB940

From: Melissa Riccobono

melissariccobono@gmail.com

1720 South Charles Street

Baltimore, MD 21230

To: Members of the House Health Government Operations Committee

My name is Melissa Riccobono. Please support SB940 so the blind, print disabled, and elderly throughout the state can have the same access to prescription name, reordering information, warnings, and all other label information as the sighted have.

My husband and I are blind parents. We have two blind children and one sighted child. My children are sixteen, twelve, and ten. We need accessible information for ourselves and our children, and as our blind children get older, they should also be entitled to prescription information so they can begin to handle their own health care.

I take two medications which feel almost exactly the same, but are very different. One is an antidepressant, and the other is an antibiotic. I need to take the antibiotic twice a day with food, and the antidepressant before bed. Because I have access to the Script Talk system, I can easily tell these medications apart and make sure I take them both as prescribed. Also, I found out by listening to the medication warnings on my antibiotic that I should not take it with Zinc. This is something the doctor never told me, and since I do take Zinc as a supplement each day I was able to change when I take the Zinc so as to avoid a possible bad side effect or reaction.

Information is included on prescription labels for a reason. The technology exists which makes it possible to give people with various print disabilities access to this vital information in an alternative way. Please give a favorable vote for SB940 so all Marylanders can have access to prescription information.

Shaun Johnson Support for SB940.pdf

Uploaded by: Sharon Maneki

Position: FAV

Subject: Support for SB940
From: Shaun Johnson
To: House Health and Government Operations Committee
Contact: Shaun Johnson
93 Herrington Drive
Upper Marlboro, MD 20774
srjohnson1@gmail.com
Date: March 1, 2023

Please support SB940. Give me and other blind people the opportunity to manage our health on our own terms.

I was diagnosed with diabetes when I was 17. I had the complications of diabetes which led to lots of surgery to save my vision. In October 2018, I was in the hospital for an ulcer on my foot. When I was in the recovery room for the ulcer surgery, I had a heart attack. I had a quadruple bypass for my heart, and when I woke up from that surgery, I was totally blind. I went to a nursing home in November, but since I was 35 years old, I didn't intend to stay there. I got out of the nursing home on April 4, 2019. I didn't want to have people taking care of me; I knew I had to learn how to be blind. I found the National Federation of the Blind, and they told me that I could be independent.

When I came out of the nursing home, I had to manage 13 medications. I was totally dependent on my mother to sort them. In July, I attended Blind Industries and Services of Maryland, an adjustment-to-blindness program. One of the things I learned was that there were devices that could help me identify the pills.

I spent July 2019 to the present educating pharmacists on the existence and procurement of accessible labels. Some of the pharmacies couldn't understand what I was telling them and refused to work with me. Today I take about 12 medications. I receive most of them through mail order services because I was told that mail was the only way to get accessible labels. I chose to use the Script Talk app on my phone to read the labels. I can identify what medication I have, the dosage, how many refills I have left, and, when needed, side effects. This system works well for me, but I wish I could get the labels from a local pharmacy. It would be more convenient when I'm running out to get some things locally.

I hope to get a kidney transplant soon. Transplant medications must be taken very precisely as directed by the doctor; failure to do so could result in loss of life. Accessible information is vital for me. Please vote in favor of SB940. Give me the chance to maintain a quality of life and the ability to pursue future aspirations.

Shroyer Accessible Prescriptions 940.pdf

Uploaded by: Sharon Maneki

Position: FAV

Subject: Support for SB940
From: Laura Shroyer
lshroyer@bism.org

2314 Fleet St. Baltimore, Maryland 21224

To: Members of the House Health Government and Operations
Committee

Date: March 1st, 2023

Please can I have your support for SB940. I am Mrs. Laura Shroyer, and I am a Baltimore, Maryland resident. I also, am a parent to three children of varying ages, who have taken multiple prescriptions over their lifetime. As their primary care giver, I was the one to administer the medications safely to my children. Which I should, as I am their guardian.

Unfortunately, this was made extremely difficult for me because I am a person who is also blind. So, in order for me to administer the medication safely I would have to take up a lot of the pharmacist's time. The pharmacist would have to spend the time going over the prescription label, and then I would have to record the information on a digital recorder so that I would have it. Doing it this way made for some difficulties and there were many instances where the pharmacist did not have the time to spend assisting me. I would have to hire a reader to read the medication to me. That was very expensive for me to do, and I was forced to show another person my personal information; which at times was very uncomfortable.

After a while, a prescription revolution came on the market, called prescription readers. These readers have been out for some time now. However, I didn't have the knowledge of them until a few years ago. I found out about them from another blind person and inquired about it at my local pharmacy. The local pharmacist had never heard of such a label before and at the time was not willing to get the accessible prescription labels.

I had to change pharmacies to a pharmacy that was willing to change to the accessible labels. This was a necessity for me and my family. It would be wonderful to be able to receive your medication from anywhere in the state of Maryland and be able to safely take them. Having the knowledge and information from the bottles is necessary for all people to properly take care of themselves and others who are in their care. People should know that this technology exists, and thus people should have access to simple devices to better take care of their health and the health of the ones they love. Please vote favorable on SB940.

SB940.MPhA.amend.pdf

Uploaded by: Aliyah Horton

Position: FWA



Date: March 20, 2023

To: The Honorable Melony Griffith, Chair

From: Aliyah N. Horton, CAE, Executive Director, MPhA, 240-688-7808

Cc: Members, Senate Finance Committee

Re: FAVORABLE WITH AMENDMENT SB 940 – Pharmacies- Prescription Drugs-Accessible Labels for Blind, Visually Impaired, and Print Disabled Individuals

The Maryland Pharmacists Association (MPhA) has worked with bill sponsors and stakeholders towards addressing our primary concerns with the bill.

- We can support the bill if it is amended to conform to its cross-filed bill - HB 456.
- The amendments strike the original bill and direct the Board of Pharmacy to develop regulations by January 2025 to address the provision of accessible labels for blind and visually impaired patients.
- The Department of Health is requested to report to the General Assembly by December 2023 on the feasibility of an enhanced dispensing fee for pharmacies that provide accessible labels and compliant packaging for the blind and visually impaired.
- Attached is the amended version of the HB 456 for the committee's reference.
- HB 456 has passed Third Reader in the House.

HOUSE BILL 456

J2

3lr0865
CF SB 940

By: Delegates Guyton, Attar, Foley, McCaskill, Palakovich Carr, Terrasa, ~~and Valderrama~~ Valderrama, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods

Introduced and read first time: January 30, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

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

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

17 BY adding to
18 Article – Health Occupations
19 Section 12–505.1
20 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(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;~~

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

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

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

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

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

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

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

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

18 (1) AT NO ADDITIONAL COST TO THE INDIVIDUAL;

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

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

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

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

29 (1) FOLLOW THE GUIDELINES AND RECOMMENDATIONS IN THE
30 “PRESCRIPTION DRUG LABELS: ACTIONS NEEDED TO INCREASE AWARENESS OF

1 BEST PRACTICES FOR ACCESSIBLE LABELS FOR INDIVIDUALS WHO ARE BLIND OR
 2 VISUALLY IMPAIRED” REPORT THAT WAS ISSUED BY THE U.S. GOVERNMENT
 3 ACCOUNTABILITY OFFICE IN DECEMBER 2016; AND

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

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,
 12 2023, the Maryland Department of Health shall submit to the General Assembly, in
 13 accordance with § 2-1257 of the State Government Article, a report on the potential process
 14 for and costs of implementing enhanced professional dispensing fees for providing
 15 accessible labels and compliant packaging to blind, visually impaired, and otherwise print
 16 disabled individuals.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

SB940_FWA_MACDS.pdf

Uploaded by: Sarah Price

Position: FWA



**MARYLAND ASSOCIATION
OF CHAIN DRUG STORES**

171 CONDUIT STREET, ANNAPOLIS, MD 21401 | 410-269-1440

**SB940 Pharmacies - Prescription Drugs - Accessible Labels for Blind, Visually Impaired, and Print Disabled Individuals
Senate Finance Committee
March 21, 2023**

Position: Favorable with Amendments

Background: SB940 would establish regulations requiring pharmacies to provide accessible medication labels to patients who are visually impaired.

Comments: The Maryland Association of Chain Drug Stores (MACDS) is supportive of amendments to conform SB940 with HB456 as passed by the House of Delegates. The bill would require pharmacies to provide accessible labels to patients who are visually impaired or blind, and amendments adopted by the House Health and Government Operations (HGO) Committee would require the Maryland Board of Pharmacy to develop regulations to carry out the law's requirements. We appreciated the opportunity to share our thoughts on the bill as introduced in the House and to collaborate with the sponsor and other stakeholders to produce the amendments adopted by the HGO Committee.

MACDS would urge the Finance Committee to conform SB940 to HB456 as passed, should you choose to take action on the bill. Thank you for your consideration.

SB940.DD Council.Support.pdf

Uploaded by: Stephanie Dolamore

Position: FWA



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Finance Committee

March 21, 2023

SB 940: Pharmacies - Prescription Drugs - Accessible Labels for Blind, Visually Impaired, and Print Disabled Individuals

Position: Support with Amendments

The Maryland Developmental Disabilities Council (Council) is an independent, public policy organization that creates changes to make it possible for people with developmental disabilities to live the lives they want with the support they need. Our vision is that people with and without disabilities in Maryland live, learn, work, and play together. SB 940 is critical to ensure Marylanders who are blind, have low vision, those with reading and print disabilities, and older adults can access prescription medication fully and independently.

WHAT does this legislation do?

- Requires pharmacies to inform customers about the availability of accessible label options.
- Requires a pharmacy to provide an accessible prescription label at no cost and within a reasonable timeframe.
- Establishes standards for label accessibility and prescription readers.

WHY is this legislation important?

- **Increases independence.** Independent living is a fundamental right but, for many Marylanders, the ability to access medical prescriptions independently is limited due to inaccessible, one-size-fits-all labelling. The inability to access prescription labels can result in taking the wrong type or amount medication, taking medication at the wrong time, consuming expired medication, or not being able to catch pharmacy errors.
- **It aligns with best practices.** The U.S. Access Board already set requirements for accessible prescription drug container labels.
- **Helps Maryland come into compliance with federal regulations for accessibility of prescription labels.** The Americans with Disabilities Act and the Food and Drug Administration Safety and Innovation Act already require pharmacies to provide effective communication of medical information to blind or low-vision customers.
- Prescription drug labels are a legal document and are already regulated by state and federal laws.

Amendments

The Council supports the amendments passed by the House of Delegates. These include placing this bill under the scope of the Maryland State Board of Pharmacy and requiring the Board to develop the regulations. These amendments align with input from advocates and business associations.

People with visual disabilities need and want equal access to prescription labels. The ability to have functionally equivalent access to medical information is essential to supporting independent living for all people with disabilities. For these reasons, the Council supports SB 940 with amendments.

Contact: Dr. Stephanie Dolamore, Director of Policy Initiatives: SDolamore@md-council.org