



Committee: Judiciary

Bill: House Bill 380 – Criminal Law – Prohibition on Sale of Contraceptives and Contraceptive Devices by Vending Machines in Schools- Repeal

Date: February 4, 2025

Position: Letter of Information/Support

I am writing today to submit information regarding Maryland’s criminal penalties on the sale of contraception in vending machines in schools under the Criminal Law Article. In 2020, my firm conducted a 50-state review of laws and regulations regarding the sale of over-the-counter (OTC) medication in vending machines. We found that nearly all states permitted vending machine sales of OTC medication with the exception of Maryland and Connecticut. Connecticut’s restrictions were through regulations, leaving Maryland with the only statutory prohibition in the country. We could not identify the origins of Maryland’s restrictions, as the law pre-dated legislative records.

Maryland’s law had two exemptions: 1) OTC medication identified by the Department of Health through regulation; and 2) the sale of condoms. The latter exception was enacted by the Maryland General Assembly in the height of the AIDS crisis in the 1980’s with legislation sponsored by Delegate Pauline Menes.

In 2021, the Maryland General Assembly began repealing prohibition on sale of OTC medications and devices through vending machines by enacting:

- HB 107/SB 499 in 2021 to repeal the broad restriction in the Health General Article on the sale of OTC medications and devices through vending machines; and
- HB 1171/SB 944 in 2024 to repeal the criminal penalty for the sale of non-latex condoms in vending machines under the Criminal Law Article.

With HB 380, the Maryland General Assembly is considering repealing the last remaining criminal penalty on the vending machine sale of an OTC medication or device, specifically contraception, in Maryland. In my research, we have not found any evidence of why this penalty exists or was every imposed.

If I can provide any further information, please contact me at relliott@policypartners.net.