

SENATE BILL 246

J1, J2

(PRE-FILED)

4lr0193
CF HB 127

By: **Chair, Finance Committee (By Request – Departmental – Health)**

Requested: September 13, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Nonoccupational Postexposure Prophylaxis (nPEP) Standing**
3 **Order Program – Establishment**

4 FOR the purpose of establishing the Nonoccupational Postexposure Prophylaxis (nPEP)
5 Standing Order Program to authorize pharmacists and health care providers to
6 prescribe or dispense nPEP under certain circumstances; authorizing the Maryland
7 Department of Health to administer the Program, collect fees necessary for the
8 administration of the Program, and establish guidelines for training related to the
9 Program; and generally relating to the Nonoccupational Postexposure Prophylaxis
10 (nPEP) Standing Order Program.

11 BY adding to

12 Article – Health – General
13 Section 13–5201 through 13–5205 to be under the new subtitle “Subtitle 52.
14 Nonoccupational Postexposure Prophylaxis (nPEP) Standing Order Program”
15 Annotated Code of Maryland
16 (2023 Replacement Volume)

17 BY repealing and reenacting, without amendments,

18 Article – Health Occupations
19 Section 12–101(a)
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Health Occupations
24 Section 12–101(x)
25 Annotated Code of Maryland
26 (2021 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health – General**

4 **SUBTITLE 52. NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS (NPEP)**
5 **STANDING ORDER PROGRAM.**

6 **13–5201.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) “BOARD” MEANS THE STATE BOARD OF PHARMACY.

10 (C) “CDC GUIDELINES” MEANS THE “UPDATED GUIDELINES FOR
11 ANTIRETROVIRAL POSTEXPOSURE PROPHYLAXIS AFTER SEXUAL, INJECTION
12 DRUG USE, OR OTHER NONOCCUPATIONAL EXPOSURE TO HIV – UNITED STATES
13 2016” OR ANY SUBSEQUENT GUIDELINES PUBLISHED BY THE CENTERS FOR
14 DISEASE CONTROL AND PREVENTION.

15 (D) “NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS” OR “NPEP”
16 MEANS MEDICATION USED IN ACCORDANCE WITH CDC GUIDELINES TO REDUCE
17 THE CHANCES OF A PATIENT DEVELOPING HIV AFTER POTENTIAL EXPOSURE TO
18 THE DISEASE.

19 (E) “PHARMACIST” MEANS A PHARMACIST LICENSED IN THE STATE UNDER
20 TITLE 12 OF THE HEALTH OCCUPATIONS ARTICLE.

21 (F) “PRIVATE OR PUBLIC ENTITY” MEANS A HEALTH CARE PROVIDER,
22 LOCAL HEALTH DEPARTMENT, COMMUNITY–BASED ORGANIZATION, OR OTHER
23 PERSON THAT ADDRESSES MEDICAL OR SOCIAL ISSUES RELATED TO HIV
24 EXPOSURE.

25 (G) “PROGRAM” MEANS THE NONOCCUPATIONAL POSTEXPOSURE
26 PROPHYLAXIS (NPEP) STANDING ORDER PROGRAM.

27 (H) “STANDING ORDER” MEANS A DIRECTIVE AUTHORIZING PHARMACISTS
28 AND HEALTH CARE PROVIDERS TO DISPENSE THE NPEP REGIMENS LISTED IN THE
29 ORDER WITHOUT A PRESCRIPTION.

30 **13–5202.**

1 **(A) THERE IS A NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS**
2 **(NPEP) STANDING ORDER PROGRAM.**

3 **(B) THE PROGRAM SHALL:**

4 **(1) AUTHORIZE A PHARMACIST WHO IS REGISTERED WITH THE**
5 **PROGRAM TO DISPENSE NPEP THROUGH A STANDING ORDER IN ACCORDANCE**
6 **WITH § 13-5203 OF THIS SUBTITLE;**

7 **(2) AUTHORIZE A LICENSED HEALTH CARE PROVIDER WITH**
8 **PRESCRIBING AUTHORITY TO PRESCRIBE AND DISPENSE NPEP THROUGH A**
9 **STANDING ORDER IN ACCORDANCE WITH § 13-5204 OF THIS SUBTITLE; AND**

10 **(3) OPERATE IN ACCORDANCE WITH THE PROCEDURES APPROVED BY**
11 **THE DEPARTMENT WITH THE ADVICE AND APPROVAL OF THE BOARD.**

12 **(C) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY FOR THE**
13 **ADMINISTRATION OF THE PROGRAM.**

14 **(D) THE DEPARTMENT MAY:**

15 **(1) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE**
16 **PROGRAM;**

17 **(2) ADMINISTER THE PROGRAM AND ESTABLISH A STANDARDIZED**
18 **SET OF GUIDELINES FOR PRIVATE AND PUBLIC ENTITIES PARTICIPATING IN THE**
19 **PROGRAM TO USE IN DEVELOPING AND CONDUCTING PATIENT EDUCATION AND**
20 **TRAINING ON NPEP THAT INCLUDES:**

21 **(I) AVOIDING EXPOSURE TO HIV;**

22 **(II) RESPONDING TO EXPOSURE TO HIV WITH THE**
23 **APPROPRIATE USE OF NPEP;**

24 **(III) ACCESS TO NPEP AND THE APPROPRIATE FOLLOW-UP**
25 **AFTER THE ADMINISTRATION OF NPEP; AND**

26 **(IV) ENGAGEMENT IN ADDITIONAL CARE INCLUDING:**

27 1. **ACCESS TO PRE-EXPOSURE PROPHYLAXIS (PREP);**

28 **AND**

1 **2. HARM REDUCTION PROGRAMS FOR PATIENTS WITH**
2 **CONTINUING RISK OF EXPOSURES; AND**

3 **(3) COLLECT AND REPORT DATA ON THE OPERATION AND RESULTS**
4 **OF THE PROGRAM.**

5 **13-5203.**

6 **(A) AT THE TIME OF DISPENSING NPEP, A PHARMACIST REGISTERED WITH**
7 **THE PROGRAM SHALL:**

8 **(1) SCREEN THE PATIENT TO DETERMINE THAT HIV EXPOSURE**
9 **OCCURRED WITHIN 72 HOURS BEFORE THE DISPENSING;**

10 **(2) DETERMINE WHETHER THE PATIENT MEETS CLINICAL CRITERIA**
11 **CONSISTENT WITH CDC GUIDELINES, INCLUDING THE IDENTIFICATION OF ANY**
12 **CONTRAINDICATED MEDICATIONS;**

13 **(3) SUBJECT TO SUBSECTION (B) OF THIS SECTION, DETERMINE**
14 **WHETHER AN AVAILABLE STANDING ORDER IS APPROPRIATE FOR THE PATIENT AND**
15 **DISPENSE NPEP IN ACCORDANCE WITH CDC GUIDELINES;**

16 **(4) REFER THE PATIENT TO A DISEASE INTERVENTION SPECIALIST**
17 **WITHIN THE DEPARTMENT FOR ONGOING TREATMENT; AND**

18 **(5) DETERMINE WHETHER THE PATIENT HAS A PRIMARY CARE**
19 **PROVIDER AND:**

20 **(i) IF THE PATIENT HAS A PRIMARY CARE PROVIDER, NOTIFY**
21 **THE PROVIDER THAT THE PATIENT WAS DISPENSED NPEP; OR**

22 **(ii) IF THE PATIENT DOES NOT HAVE A PRIMARY CARE**
23 **PROVIDER, PROVIDE THE PATIENT WITH A LIST OF PRIMARY CARE PROVIDERS AND**
24 **CLINICS.**

25 **(B) IF AN AVAILABLE STANDING ORDER IS NOT APPROPRIATE FOR THE**
26 **PATIENT, THE PHARMACIST SHALL REFER THE PATIENT TO A PRIMARY CARE**
27 **PROVIDER.**

28 **(C) A PHARMACIST MAY DISPENSE NPEP IN ACCORDANCE WITH A THERAPY**
29 **MANAGEMENT CONTRACT UNDER TITLE 12, SUBTITLE 6A OF THE HEALTH**
30 **OCCUPATIONS ARTICLE.**

1 **13-5204.**

2 (A) A LICENSED HEALTH CARE PROVIDER WITH PRESCRIBING AUTHORITY
3 WHO IS REGISTERED WITH THE PROGRAM MAY DELEGATE THE DISPENSING OF
4 NPEP UNDER A STANDING ORDER TO AN EMPLOYEE OR A VOLUNTEER OF AN
5 AUTHORIZED PRIVATE OR PUBLIC ENTITY IN ACCORDANCE WITH A WRITTEN
6 AGREEMENT UNDER § 13-5205 OF THIS SUBTITLE.

7 (B) ANY LICENSED HEALTH CARE PROVIDER WHO HAS DISPENSING
8 AUTHORITY MAY DISPENSE NPEP TO AN INDIVIDUAL IN ACCORDANCE WITH A
9 STANDING ORDER IN ACCORDANCE WITH THIS SUBSECTION.

10 **13-5205.**

11 AN AUTHORIZED PRIVATE OR PUBLIC ENTITY SHALL ENTER INTO A WRITTEN
12 AGREEMENT WITH A LICENSED HEALTH CARE PROVIDER WITH PRESCRIBING
13 AUTHORITY TO ESTABLISH PROTOCOLS FOR THE PRESCRIBING AND DISPENSING OF
14 NPEP TO ANY INDIVIDUAL IN ACCORDANCE WITH THIS SUBTITLE.

15 **Article – Health Occupations**

16 12-101.

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

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

19 (i) Providing pharmaceutical care;

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

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

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

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

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

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

3 (viii) Administering vaccinations in accordance with § 12–508 of this
4 title or self-administered drugs or maintenance injectable medications in accordance with
5 § 12–509 of this title;

6 (ix) Delegating a pharmacy act to a registered pharmacy technician,
7 pharmacy student, or an individual engaged in a Board approved pharmacy technician
8 training program;

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

12 (xi) Providing drug therapy management in accordance with §
13 19–713.6 of the Health – General Article;

14 (xii) Prescribing and dispensing contraceptive medications and
15 self-administered contraceptive devices approved by the U.S. Food and Drug
16 Administration; [or]

17 (xiii) Prescribing and dispensing nicotine replacement therapy
18 medications; **OR**

19 **(XIV) IF THE PHARMACIST IS REGISTERED WITH THE**
20 **NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS (NPEP) STANDING ORDER**
21 **PROGRAM ESTABLISHED UNDER § 13–5202 OF THE HEALTH – GENERAL ARTICLE,**
22 **PRESCRIBING AND DISPENSING NONOCCUPATIONAL POSTEXPOSURE PROPHYLAXIS**
23 **(NPEP) MEDICATION APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION**
24 **AND IN ACCORDANCE WITH “UPDATED GUIDELINES FOR ANTIRETROVIRAL**
25 **POSTEXPOSURE PROPHYLAXIS AFTER SEXUAL, INJECTION DRUG USE, OR OTHER**
26 **NONOCCUPATIONAL EXPOSURE TO HIV – UNITED STATES 2016” OR SUBSEQUENT**
27 **GUIDELINES PUBLISHED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND**
28 **PREVENTION.**

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2024.