

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1121 (Delegates Vogel and Tomlinson)
Health and Government Operations

Public Health - Opioids and Opioid Overdose Reversal Drugs - Information

This bill requires a licensed health care provider who prescribes or dispenses an opioid or an opioid overdose reversal drug to provide to the individual receiving the prescription information regarding (1) the potential dangers of opioids; (2) overdose prevention; and (3) the availability and use of a drug approved by the U.S. Food and Drug Administration (FDA) as an opioid antagonist for the complete or partial reversal of an opioid-induced respiratory depression. A pharmacist may comply with the requirement by posting the information in a conspicuous location.

Fiscal Summary

State Effect: The bill is not anticipated to materially alter State finances or operations.

Local Effect: While there may be an operational impact for local health departments (LHDs) that prescribe or dispense an opioid or an opioid overdose reversal drug, the bill is not anticipated to materially affect local finances.

Small Business Effect: Minimal.

Analysis

Current Law:

Co-prescribing of Opioid Overdose Reversal Drugs

The Secretary of Health must establish guidelines for the co-prescribing of opioid overdose reversal drugs that are applicable to all licensed health care providers in the State who are

authorized to prescribe a monitored prescription drug. The guidelines must address the co-prescribing of opioid overdose reversal drugs for patients who are at an elevated risk of overdose and are (1) receiving opioid therapy for chronic pain; (2) receiving a prescription for benzodiazepines; or (3) being treated for opioid use disorders (OUD).

Maryland regulations (COMAR 10.13.03.01 *et. seq.*) authorize a prescribing licensed health care provider (if the provider determines it to be appropriate) to co-prescribe an opioid overdose reversal drug if the individual is at an elevated risk of experiencing an opioid overdose by virtue of belonging to one or more categories of the targeted patient population. “Targeted patient population” means an individual likely to experience or witness an opioid overdose and includes an individual who (1) is being prescribed opioids for acute or chronic pain; (2) is being treated for an OUD; (3) is receiving a prescription for an opioid and a benzodiazepine; or (4) resides or spends time with an individual who is prescribed opioids, misuses opioids, or has an OUD. The prescribing licensed health care provider may provide risk monitoring and education and should document any education or clinical services related to the provision of an opioid overdose reversal drug in the patient’s medical chart.

Overdose Response Program

The Maryland Department of Health (MDH) Overdose Response Program (ORP) allows for FDA-approved opioid overdose reversal drugs to be offered to specified individuals – free of charge – by multiple providers, programs, and entities. Subject to the limitations of the State budget, MDH must purchase and provide FDA-approved opioid overdose reversal drugs, at no cost, to the entities who may provide the reversal drugs only if MDH provides them. MDH may authorize private or public entities to conduct education and training on opioid overdose recognition and response that includes (1) education on recognizing the signs and symptoms of an opioid overdose; (2) training on responding to an opioid overdose, including the administration of FDA-approved opioid overdose reversal drugs; and (3) access to opioid overdose reversal drugs and the necessary supplies for the administration of the opioid overdose reversal drug. Individuals are not required to obtain the specified training and education on opioid overdose recognition and response from a private or public entity before a pharmacist may dispense an FDA-approved opioid overdose reversal drug.

Standing Orders for Opioid Overdose Reversal Drugs

A licensed health care provider with prescribing authority may prescribe and dispense an FDA-approved opioid overdose reversal drug to an individual who is believed to be at risk of experiencing an opioid overdose or is in a position to assist the individual at risk of experiencing an opioid overdose. A health care provider may also prescribe and dispense an FDA-approved opioid overdose reversal drug by issuing a standing order if the licensed

health care provider (1) is employed by MDH or an LHD or (2) has a written agreement with an authorized private or public entity.

A licensed health care provider who issues a standing order may delegate the dispensing of an FDA-approved opioid overdose reversal drug to an employee or volunteer of an authorized private or public entity in accordance with a written agreement between the delegating licensed health care provider and the authorized private or public entity that employs the employee or volunteer. A licensed health care provider with dispensing authority may also dispense an FDA-approved opioid overdose reversal drug to any individual in accordance with a standing order that is issued by a licensed health care provider with prescribing authority as described above. A pharmacist may also dispense an FDA-approved opioid overdose reversal drug in accordance with a therapy management contract under the Health Occupations Article.

Maryland has a statewide standing order for opioid overdose reversal drugs that authorizes any Maryland-licensed pharmacist to dispense unlimited prescriptions and refills of naloxone and devices for its administration to any individual, as specified. A pharmacist must provide consultation with the individual regarding the naloxone dosage that is most appropriate, select and dispense two doses of naloxone, and provide directions for use. The standing order is set to expire June 30, 2024, at which time a new order will be issued. If a patient cannot afford naloxone or related copayments, or does not wish to use insurance coverage, pharmacists are instructed to refer them to ORP where they can obtain a naloxone kit free of charge.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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