
By: **Delegates Goldwater and Ross**

Introduced and read first time: February 7, 2003

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health - Licensed Pharmacists - Dispensing Emergency**
3 **Contraception**

4 FOR the purpose of authorizing a licensed pharmacist to dispense emergency
5 contraception if the pharmacist has a certain arrangement with a certain
6 physician under certain circumstances; authorizing a certain pharmacist to
7 initiate a certain arrangement; providing for the duration of a certain
8 arrangement under certain circumstances; requiring the Board of Pharmacy
9 and the Board of Physician Quality Assurance to jointly develop and adopt
10 certain regulations; providing for the application of this Act; defining certain
11 terms; and generally relating to the dispensing of emergency contraception by a
12 licensed pharmacist.

13 BY adding to
14 Article - Health Occupations
15 Section 12-605
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2002 Supplement)

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

20 **Article - Health Occupations**

21 12-605.

22 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (1) "ARRANGEMENT" MEANS A COLLABORATIVE PRACTICE
25 ARRANGEMENT BETWEEN A LICENSED PHARMACIST AND A LICENSED PHYSICIAN
26 THAT AUTHORIZES THE LICENSED PHARMACIST TO DISPENSE EMERGENCY
27 CONTRACEPTION TO EITHER:

28 (I) PATIENTS OF THE LICENSED PHYSICIAN; OR

1 (II) INDIVIDUALS WHO ARE NOT PATIENTS OF THE LICENSED
2 PHYSICIAN.

3 (2) (I) "EMERGENCY CONTRACEPTION" MEANS A METHOD OF
4 PREVENTING PREGNANCY.

5 (II) "EMERGENCY CONTRACEPTION" DOES NOT INCLUDE
6 ABORTIFACIENTS.

7 (3) "LICENSED PHYSICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED TO
8 PRACTICE MEDICINE UNDER TITLE 14 OF THIS ARTICLE.

9 (B) IF A LICENSED PHARMACIST HAS AN ARRANGEMENT THAT HAS BEEN
10 APPROVED BY THE BOARD AND THE BOARD OF PHYSICIAN QUALITY ASSURANCE,
11 THE PHARMACIST MAY DISPENSE EMERGENCY CONTRACEPTION.

12 (C) AN ARRANGEMENT:

13 (1) MAY BE INITIATED BY EITHER A LICENSED PHARMACIST OR A
14 LICENSED PHYSICIAN; AND

15 (2) SHALL BE VALID FOR 2 YEARS FROM THE DATE OF ITS FINAL
16 APPROVAL BY THE BOARD AND THE BOARD OF PHYSICIAN QUALITY ASSURANCE
17 UNLESS RENEWED IN ACCORDANCE WITH ESTABLISHED REGULATIONS ADOPTED
18 UNDER SUBSECTION (E) OF THIS SECTION.

19 (D) THIS SECTION DOES NOT SUPERSEDE THE PROVISIONS OF § 5-902 OF THE
20 CRIMINAL LAW ARTICLE.

21 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD,
22 TOGETHER WITH THE BOARD OF PHYSICIAN QUALITY ASSURANCE, SHALL JOINTLY
23 DEVELOP AND ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS
24 SECTION.

25 (2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS
26 SUBSECTION SHALL INCLUDE PROVISIONS THAT:

27 (I) DEFINE THE CRITERIA FOR THE ESTABLISHMENT OF AN
28 ARRANGEMENT;

29 (II) ESTABLISH GUIDELINES CONCERNING AN ARRANGEMENT
30 INCLUDING COMMUNICATION, DOCUMENTATION, AND OTHER RELEVANT FACTORS;
31 AND

32 (III) ESTABLISH A PROCEDURE TO ALLOW FOR THE APPROVAL,
33 MODIFICATION, CONTINUATION, OR DISAPPROVAL OF AN ARRANGEMENT BY THE
34 BOARD AND THE BOARD OF PHYSICIAN QUALITY ASSURANCE.

35 SECTION 2. AND BE IT FURTHER ENACTED, That the regulations required
36 by this Act shall be adopted within 6 months of the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2003.