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By: **Delegates Goldwater, Ross, Barkley, Barve, Bobo, Bronrott, Cardin, Cryor, Dumais, Feldman, Franchot, Harrison, Hixson, Hubbard, Jones, Kaiser, King, Lee, Madaleno, Mandel, McIntosh, Menes, Montgomery, Morhaim, Nathan-Pulliam, Pendergrass, Petzold, Quinter, Rosenberg, Stern, F. Turner, and V. Turner**

Introduced and read first time: January 22, 2004  
Assigned to: Health and Government Operations

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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 State Board of Physicians to jointly develop and adopt certain  
10 regulations; providing for the application of this Act; defining certain terms; and  
11 generally relating to the dispensing of emergency contraception by a licensed  
12 pharmacist.

13 BY adding to  
14 Article - Health Occupations  
15 Section 12-605  
16 Annotated Code of Maryland  
17 (2000 Replacement Volume and 2003 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) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
23 INDICATED.

24 (2) "ARRANGEMENT" MEANS A COLLABORATIVE PRACTICE  
25 ARRANGEMENT BETWEEN A LICENSED PHARMACIST AND A LICENSED PHYSICIAN

1 THAT AUTHORIZES THE LICENSED PHARMACIST TO DISPENSE EMERGENCY  
2 CONTRACEPTION TO EITHER:

3 (I) PATIENTS OF THE LICENSED PHYSICIAN; OR

4 (II) INDIVIDUALS WHO ARE NOT PATIENTS OF THE LICENSED  
5 PHYSICIAN.

6 (3) (I) "EMERGENCY CONTRACEPTION" MEANS A METHOD OF  
7 PREVENTING PREGNANCY.

8 (II) "EMERGENCY CONTRACEPTION" DOES NOT INCLUDE  
9 ABORTIFACIENTS.

10 (4) "LICENSED PHYSICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED TO  
11 PRACTICE MEDICINE UNDER TITLE 14 OF THIS ARTICLE.

12 (B) IF A LICENSED PHARMACIST HAS AN ARRANGEMENT THAT HAS BEEN  
13 APPROVED BY THE BOARD AND THE STATE BOARD OF PHYSICIANS, THE PHARMACIST  
14 MAY DISPENSE EMERGENCY CONTRACEPTION.

15 (C) AN ARRANGEMENT:

16 (1) MAY BE INITIATED BY EITHER A LICENSED PHARMACIST OR A  
17 LICENSED PHYSICIAN; AND

18 (2) SHALL BE VALID FOR 2 YEARS FROM THE DATE OF ITS FINAL  
19 APPROVAL BY THE BOARD AND THE STATE BOARD OF PHYSICIANS UNLESS  
20 RENEWED IN ACCORDANCE WITH ESTABLISHED REGULATIONS ADOPTED UNDER  
21 SUBSECTION (E) OF THIS SECTION.

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

24 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD AND  
25 THE STATE BOARD OF PHYSICIANS SHALL JOINTLY DEVELOP AND ADOPT  
26 REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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

29 (I) DEFINE THE CRITERIA FOR THE ESTABLISHMENT OF AN  
30 ARRANGEMENT;

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

34 (III) ESTABLISH A PROCEDURE TO ALLOW FOR THE APPROVAL,  
35 MODIFICATION, CONTINUATION, OR DISAPPROVAL OF AN ARRANGEMENT BY THE  
36 BOARD AND THE STATE BOARD OF PHYSICIANS.

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

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect October 1, 2004.