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By: **Delegates Hubbard, Barkley, Barve, Benson, Bobo, Branch, Bronrott, Cane, Cardin, Cryor, D. Davis, Dumais, Feldman, Franchot, Frush, Gaines, Goldwater, Gordon, Gutierrez, Heller, Hixson, Kaiser, King, Lawton, Lee, Madaleno, Marriott, McIntosh, Menes, Moe, Montgomery, Murray, Nathan-Pulliam, Niemann, Oaks, Pendergrass, Quinter, Rosenberg, Ross, Stern, F. Turner, V. Turner, and Vaughn**

Introduced and read first time: February 8, 2006  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health - Licensed Pharmacists - Contraception Dispensing Program**

3 FOR the purpose of establishing the Contraception Dispensing Program in the  
4 Department of Health and Mental Hygiene; providing for the purpose of the  
5 Program; authorizing the Department to adopt certain regulations, collect  
6 certain fees, issue and renew certificates to certain licensed pharmacists, and  
7 conduct and approve certain educational training programs; requiring that  
8 licensed pharmacists, to qualify for a certificate, complete certain educational  
9 training programs; requiring applicants for certificates to submit certain  
10 applications and pay a certain application fee; requiring the Department or  
11 certain entities to issue a certificate to certain licensed pharmacists; requiring  
12 the certificates to include certain information; providing for the replacement,  
13 duration, and renewal process of the certificates; authorizing licensed  
14 pharmacists who are certified to dispense emergency contraception without a  
15 certain prescription in accordance with certain procedures; requiring certain  
16 licensed pharmacists and the Department to develop a written protocol  
17 authorizing certain licensed pharmacists to dispense emergency contraception;  
18 requiring certain licensed pharmacists to follow a certain procedure prior to  
19 dispensing emergency contraception; requiring the Department to develop  
20 certain fact sheets, in consultation with certain entities, to distribute to certain  
21 individuals; requiring certain licensed pharmacists to record the number of  
22 individuals receiving emergency contraception and to report the number at  
23 certain times to the Department; requiring review and modification of the  
24 protocol by the Department at certain times; providing that this Act does not  
25 affect, and may not be construed as affecting, the requirements of existing law  
26 relating to maintaining the confidentiality of medical records; prohibiting a  
27 cause of action to arise against certain licensed pharmacists except under  
28 certain circumstances; providing that this Act does not affect, and may not be  
29 construed as affecting, certain immunities or defenses to which licensed  
30 pharmacists may be entitled; providing that this Act may not be construed to

1 require a licensed pharmacist to obtain a certain certificate or participate in a  
2 certain program; requiring certain regulations be adopted within a certain  
3 period of time; defining certain terms; and generally relating to licensed  
4 pharmacists and the Contraception Dispensing Program.

5 BY adding to

6 Article - Health - General

7 Section 13-2301 through 13-2308, inclusive, to be under the new subtitle

8 "Subtitle 23. Contraception Dispensing Program"

9 Annotated Code of Maryland

10 (2005 Replacement Volume and 2005 Supplement)

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

13 **Article - Health - General**

14 **SUBTITLE 23. CONTRACEPTION DISPENSING PROGRAM.**

15 13-2301.

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

18 (B) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE DEPARTMENT OR A  
19 PRIVATE OR PUBLIC ENTITY TO DISPENSE EMERGENCY CONTRACEPTION.

20 (C) (1) "EMERGENCY CONTRACEPTION" MEANS MEDICATION THAT  
21 PREVENTS PREGNANCY AFTER SEXUAL INTERCOURSE.

22 (2) "EMERGENCY CONTRACEPTION" DOES NOT INCLUDE  
23 ABORTIFACIENTS.

24 (D) "PROGRAM" MEANS THE CONTRACEPTION DISPENSING PROGRAM.

25 13-2302.

26 (A) THERE IS A CONTRACEPTION DISPENSING PROGRAM IN THE  
27 DEPARTMENT.

28 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A MEANS OF  
29 AUTHORIZING LICENSED PHARMACISTS TO DISPENSE EMERGENCY  
30 CONTRACEPTION.

31 13-2303.

32 THE DEPARTMENT SHALL:

33 (1) ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE PROGRAM;

1 (2) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE  
2 PROGRAM;

3 (3) ISSUE AND RENEW CERTIFICATES TO LICENSED PHARMACISTS WHO  
4 MEET THE REQUIREMENTS OF THIS SUBTITLE; AND

5 (4) (I) CONDUCT EDUCATIONAL TRAINING PROGRAMS DESCRIBED  
6 UNDER § 13-2304 OF THIS SUBTITLE; AND

7 (II) APPROVE EDUCATIONAL TRAINING PROGRAMS CONDUCTED BY  
8 OTHER STATE AGENCIES OR PRIVATE ENTITIES.

9 13-2304.

10 (A) TO QUALIFY FOR A CERTIFICATE, A LICENSED PHARMACIST SHALL  
11 SUCCESSFULLY COMPLETE AN EDUCATIONAL TRAINING PROGRAM APPROVED BY  
12 THE DEPARTMENT.

13 (B) EDUCATIONAL TRAINING PROGRAMS REQUIRED UNDER THIS SECTION  
14 SHALL INCLUDE:

15 (1) CONDUCT OF SENSITIVE COMMUNICATIONS;

16 (2) QUALITY ASSURANCE;

17 (3) REFERRAL TO ADDITIONAL SERVICES; AND

18 (4) DOCUMENTATION.

19 13-2305.

20 AN APPLICANT FOR A CERTIFICATE SHALL:

21 (1) SUBMIT AN APPLICATION TO THE DEPARTMENT OR A PRIVATE OR  
22 PUBLIC ENTITY ON THE FORM THAT THE DEPARTMENT REQUIRES; AND

23 (2) PAY TO THE DEPARTMENT OR A PRIVATE OR PUBLIC ENTITY THE  
24 APPLICATION FEE SET BY THE DEPARTMENT.

25 13-2306.

26 (A) THE DEPARTMENT OR A PRIVATE OR PUBLIC ENTITY SHALL ISSUE A  
27 CERTIFICATE TO ANY LICENSED PHARMACIST WHO MEETS THE REQUIREMENTS OF  
28 THIS SUBTITLE.

29 (B) EACH CERTIFICATE SHALL INCLUDE:

30 (1) THE FULL NAME OF THE CERTIFICATE HOLDER; AND

31 (2) A SERIAL NUMBER.

1 (C) A REPLACEMENT CERTIFICATE MAY BE ISSUED TO REPLACE A LOST,  
2 DESTROYED, OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE  
3 CERTIFICATE REPLACEMENT FEE.

4 (D) (1) THE CERTIFICATE SHALL BE VALID FOR 3 YEARS.

5 (2) IN ORDER TO RENEW THE CERTIFICATE FOR AN ADDITIONAL 3  
6 YEARS, THE APPLICANT SHALL:

7 (I) SUCCESSFULLY COMPLETE A REFRESHER TRAINING PROGRAM  
8 APPROVED BY THE DEPARTMENT; OR

9 (II) DEMONSTRATE PROFICIENCY TO THE DEPARTMENT OR A  
10 PRIVATE OR PUBLIC ENTITY ISSUING CERTIFICATES UNDER THIS SUBTITLE.

11 13-2307.

12 (A) A LICENSED PHARMACIST WHO IS CERTIFIED MAY DISPENSE EMERGENCY  
13 CONTRACEPTION WITHOUT A PRESCRIPTION FROM A LICENSED PHYSICIAN, IF THE  
14 PHARMACIST FOLLOWS A WRITTEN PROTOCOL DEVELOPED BY THE DEPARTMENT.

15 (B) THE PROTOCOL DEVELOPED UNDER SUBSECTION (A)(1) OF THIS SECTION  
16 SHALL:

17 (1) AUTHORIZE THE PHARMACIST TO DISPENSE EMERGENCY  
18 CONTRACEPTION TO WOMEN WHO HAVE RECENTLY HAD UNPROTECTED SEXUAL  
19 INTERCOURSE OR CONTRACEPTIVE FAILURE, AND WHO WISH TO PREVENT  
20 PREGNANCY; AND

21 (2) DEFINE THE MAXIMUM NUMBER OF DAYS AFTER UNPROTECTED  
22 SEXUAL INTERCOURSE OR CONTRACEPTIVE FAILURE THAT THE PHARMACIST MAY  
23 DISPENSE EMERGENCY CONTRACEPTION.

24 (C) THE PHARMACIST SHALL MAINTAIN A COPY OF THE WRITTEN PROTOCOL  
25 IN THE PHARMACIST'S OFFICE FILES.

26 (D) PRIOR TO DISPENSING EMERGENCY CONTRACEPTION, THE PHARMACIST  
27 SHALL:

28 (1) SCREEN THE WOMAN FOR APPROPRIATENESS OF EMERGENCY  
29 CONTRACEPTION IN ACCORDANCE WITH THE WRITTEN PROTOCOL;

30 (2) PROVIDE THE WOMAN WITH ANY PRINTED MATERIALS AND  
31 PACKAGE INSERTS THAT ACCOMPANY THE EMERGENCY CONTRACEPTION;

32 (3) PROVIDE THE WOMAN WITH A STANDARDIZED FACT SHEET THAT  
33 INCLUDES:

34 (I) INFORMATION ON:

35 1. INDICATIONS FOR USE OF THE DRUG;

