

# SENATE BILL 497

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By: **Senator Hayes**

Introduced and read first time: February 4, 2019

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacists – Aids for the Cessation of Tobacco Product Use – Prescribing and**  
3 **Dispensing**

4 FOR the purpose of authorizing a pharmacist who meets the requirements of certain  
5 regulations to prescribe and dispense certain aids for the cessation of the use of  
6 tobacco products; requiring the State Board of Pharmacy, on or before a certain date,  
7 to adopt regulations establishing certain procedures and conditions relating to the  
8 prescribing and dispensing of certain aids for the cessation of the use of tobacco  
9 products; requiring the Maryland Medical Assistance Program and the Maryland  
10 Children’s Health Program to provide coverage for certain services rendered by a  
11 licensed pharmacist under this Act to the same extent as certain services rendered  
12 by any other licensed health care practitioner; altering certain definitions; and  
13 generally relating to the prescribing and dispensing of aids for the cessation of the  
14 use of tobacco products.

15 BY repealing and reenacting, without amendments,  
16 Article – Health – General  
17 Section 15–101(a), (b), and (h)  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2018 Supplement)

20 BY adding to  
21 Article – Health – General  
22 Section 15–150  
23 Annotated Code of Maryland  
24 (2015 Replacement Volume and 2018 Supplement)

25 BY repealing and reenacting, without amendments,  
26 Article – Health Occupations  
27 Section 12–101(a) and (b)  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2014 Replacement Volume and 2018 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Health Occupations  
4 Section 12–101(x)  
5 Annotated Code of Maryland  
6 (2014 Replacement Volume and 2018 Supplement)

7 BY adding to  
8 Article – Health Occupations  
9 Section 12–513  
10 Annotated Code of Maryland  
11 (2014 Replacement Volume and 2018 Supplement)

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

14 **Article – Health – General**

15 15–101.

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

17 (b) “Enrollee” means a program recipient who is enrolled in a managed care  
18 organization.

19 (h) “Program” means the Maryland Medical Assistance Program.

20 **15–150.**

21 **THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM SHALL**  
22 **PROVIDE COVERAGE FOR SERVICES RENDERED TO AN ENROLLEE BY A LICENSED**  
23 **PHARMACIST UNDER § 12–513 OF THE HEALTH OCCUPATIONS ARTICLE, TO THE**  
24 **SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE**  
25 **PRACTITIONER, IN SCREENING AN ENROLLEE AND PRESCRIBING MEDICATIONS**  
26 **APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION AS AN AID FOR THE**  
27 **CESSATION OF THE USE OF TOBACCO PRODUCTS FOR THE ENROLLEE.**

28 **Article – Health Occupations**

29 12–101.

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

31 (b) “Authorized prescriber” means any licensed dentist, licensed physician,  
32 licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive

1 authority under § 8–508 of this article, or other individual authorized by law to prescribe  
2 prescription or nonprescription drugs or devices.

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

4 (i) Providing pharmaceutical care;

5 (ii) Compounding, dispensing, or distributing prescription drugs or  
6 devices;

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

8 (iv) Monitoring prescriptions for prescription and nonprescription  
9 drugs or devices;

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

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

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

17 (viii) Administering vaccinations in accordance with § 12–508 of this  
18 title or self-administered drugs in accordance with § 12–509 of this title;

19 (ix) Delegating a pharmacy act to a registered pharmacy technician,  
20 pharmacy student, or an individual engaged in a Board approved pharmacy technician  
21 training program;

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

25 (xi) Providing drug therapy management in accordance with  
26 § 19–713.6 of the Health – General Article; [or]

27 (xii) Prescribing and dispensing contraceptive medications and  
28 self-administered contraceptive devices approved by the U.S. Food and Drug  
29 Administration; **OR**

30 **(XIII) PRESCRIBING AND DISPENSING MEDICATIONS APPROVED**  
31 **BY THE U.S. FOOD AND DRUG ADMINISTRATION AS AN AID FOR THE CESSATION OF**  
32 **THE USE OF TOBACCO PRODUCTS.**

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

3 **12-513.**

4           **(A)    A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS**  
5 **ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE MEDICATIONS**  
6 **APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION AS AN AID FOR THE**  
7 **CESSATION OF THE USE OF TOBACCO PRODUCTS.**

8           **(B)    (1)    ON OR BEFORE SEPTEMBER 1, 2020, THE BOARD SHALL ADOPT**  
9 **REGULATIONS ESTABLISHING:**

10                               **(I)    STANDARD PROCEDURES THAT A PHARMACIST SHALL USE**  
11 **TO:**

12                                       **1.    PRESCRIBE AND DISPENSE TO A PATIENT THE**  
13 **APPROPRIATE AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS BY THE**  
14 **PATIENT; AND**

15                                       **2.    REFER THE PATIENT TO A PRIMARY CARE**  
16 **PRACTITIONER FOR TREATMENT; AND**

17                               **(II)   THE CONDITIONS UNDER WHICH A PHARMACIST MAY**  
18 **PRESCRIBE AND DISPENSE AN AID FOR THE CESSATION OF THE USE OF TOBACCO**  
19 **PRODUCTS.**

20                               **(2)   THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:**

21                                       **(I)   EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
22 **SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR**  
23 **PRESCRIBING AND DISPENSING AIDS FOR THE CESSATION OF THE USE OF TOBACCO**  
24 **PRODUCTS;**

25                                       **(II)   FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY**  
26 **THE BOARD; AND**

27                                       **(III)  AFTER PRESCRIBING AND DISPENSING TO A PATIENT AN**  
28 **AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS:**

29                                       **1.    REFER THE PATIENT FOR ANY ADDITIONAL CARE TO**  
30 **THE PATIENT’S PRIMARY CARE PRACTITIONER;**

1                                   **2. PROVIDE THE PATIENT WITH:**

2                                   **A. A WRITTEN RECORD OF THE MEDICATION**  
3 **DISPENSED; AND**

4                                   **B. INFORMATION ON THE IMPORTANCE OF THE PATIENT**  
5 **SEEING THE PATIENT'S PRIMARY CARE PRACTITIONER; AND**

6                                   **3. RECORD THE PRESCRIBING AND DISPENSING OF THE**  
7 **AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS IN ANY ELECTRONIC**  
8 **HEALTH RECORD MAINTAINED FOR THE PATIENT BY THE PHARMACIST.**

9                                   **(3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO**  
10 **COMPLETE THE TRAINING PROGRAM UNDER PARAGRAPH (2)(I) OF THIS**  
11 **SUBSECTION FOR A PHARMACIST WHO ALREADY HAS UNDERGONE THE TRAINING AS**  
12 **PART OF THE PHARMACIST'S FORMAL EDUCATIONAL PROGRAM.**

13                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2019.