

SENATE BILL 440

J2, J1
SB 497/19 – EHE & FIN

0lr2464
CF HB 1594

By: **Senators Hayes, Benson, Ellis, Kramer, Patterson, and Washington**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs and Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Pharmacists – Aids for the Cessation of Tobacco Product Use**

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

14 ~~BY repealing and reenacting, without amendments,~~
15 ~~Article – Health – General~~
16 ~~Section 15–101(a), (b), and (h)~~
17 ~~Annotated Code of Maryland~~
18 ~~(2019 Replacement Volume)~~

19 ~~BY adding to~~
20 ~~Article – Health – General~~
21 ~~Section 15–150~~
22 ~~Annotated Code of Maryland~~
23 ~~(2019 Replacement Volume)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
 2 Article – Health Occupations
 3 Section 12–101(a) and (b)
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume and 2019 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – Health Occupations
 8 Section 12–101(x)
 9 Annotated Code of Maryland
 10 (2014 Replacement Volume and 2019 Supplement)

11 BY adding to
 12 Article – Health Occupations
 13 Section 12–513
 14 Annotated Code of Maryland
 15 (2014 Replacement Volume and 2019 Supplement)

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

18 ~~Article – Health – General~~

19 ~~15–101.~~

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

21 (b) ~~“Enrollee” means a program recipient who is enrolled in a managed care~~
 22 ~~organization.~~

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

24 ~~15–150.~~

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

32 Article – Health Occupations

33 12–101.

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

2 (b) “Authorized prescriber” means any licensed dentist, licensed physician,
3 licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive
4 authority under § 8–508 of this article, or other individual authorized by law to prescribe
5 prescription or nonprescription drugs or devices.

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

7 (i) Providing pharmaceutical care;

8 (ii) Compounding, dispensing, or distributing prescription drugs or
9 devices;

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

11 (iv) Monitoring prescriptions for prescription and nonprescription
12 drugs or devices;

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

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

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

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

22 (ix) Delegating a pharmacy act to a registered pharmacy technician,
23 pharmacy student, or an individual engaged in a Board approved pharmacy technician
24 training program;

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

28 (xi) Providing drug therapy management in accordance with
29 § 19–713.6 of the Health – General Article; [or]

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

1 (XIII) PRESCRIBING AND DISPENSING NICOTINE REPLACEMENT
2 THERAPY MEDICATIONS APPROVED BY THE U.S. FOOD AND DRUG
3 ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO
4 PRODUCTS.

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

7 12-513.

8 (A) A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS
9 ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE NICOTINE
10 REPLACEMENT THERAPY MEDICATIONS APPROVED BY THE U.S. FOOD AND DRUG
11 ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO
12 PRODUCTS.

13 (B) (1) ON OR BEFORE SEPTEMBER 1, 2021, THE BOARD SHALL ADOPT
14 REGULATIONS ESTABLISHING:

15 (I) STANDARD PROCEDURES THAT A PHARMACIST SHALL USE
16 TO:

17 1. PRESCRIBE AND DISPENSE TO A PATIENT THE
18 APPROPRIATE AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS BY THE
19 PATIENT; AND

20 2. REFER THE PATIENT TO A PRIMARY CARE
21 PRACTITIONER FOR TREATMENT; AND

22 (II) THE CONDITIONS UNDER WHICH A PHARMACIST MAY
23 PRESCRIBE AND DISPENSE AN AID FOR THE CESSATION OF THE USE OF TOBACCO
24 PRODUCTS.

25 (2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

26 (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
27 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR
28 PRESCRIBING AND DISPENSING AIDS FOR THE CESSATION OF THE USE OF TOBACCO
29 PRODUCTS;

30 (II) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY
31 THE BOARD; AND

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

3 1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO
4 THE PATIENT’S PRIMARY CARE PRACTITIONER;

5 2. PROVIDE THE PATIENT WITH:

6 A. A WRITTEN RECORD OF THE MEDICATION
7 DISPENSED; AND

8 B. INFORMATION ON THE IMPORTANCE OF THE PATIENT
9 SEEING THE PATIENT’S PRIMARY CARE PRACTITIONER; AND

10 3. RECORD THE PRESCRIBING AND DISPENSING OF THE
11 AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS IN ANY ELECTRONIC
12 HEALTH RECORD MAINTAINED FOR THE PATIENT BY THE PHARMACIST.

13 (3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO
14 COMPLETE THE TRAINING PROGRAM UNDER PARAGRAPH (2)(I) OF THIS
15 SUBSECTION FOR A PHARMACIST WHO ALREADY HAS UNDERGONE THE TRAINING AS
16 PART OF THE PHARMACIST’S FORMAL EDUCATIONAL PROGRAM.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.