

SENATE BILL 440

J2, J1
SB 497/19 – EHE & FIN

0lr2464

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

A BILL ENTITLED

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)

24 BY repealing and reenacting, without amendments,
25 Article – Health Occupations
26 Section 12–101(a) and (b)
27 Annotated Code of Maryland
28 (2014 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Health Occupations
3 Section 12–101(x)
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2019 Supplement)

6 BY adding to
7 Article – Health Occupations
8 Section 12–513
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2019 Supplement)

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

13 **Article – Health – General**

14 15–101.

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

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

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

19 **15–150.**

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

27 **Article – Health Occupations**

28 12–101.

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

30 (b) “Authorized prescriber” means any licensed dentist, licensed physician,
31 licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive
32 authority under § 8–508 of this article, or other individual authorized by law to prescribe

1 prescription or nonprescription drugs or devices.

2 (x) (1) "Practice pharmacy" means to engage in any of the following activities:

3 (i) Providing pharmaceutical care;

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

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

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

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

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

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

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

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

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

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

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

29 **(XIII) PRESCRIBING AND DISPENSING MEDICATIONS APPROVED**
30 **BY THE U.S. FOOD AND DRUG ADMINISTRATION AS AN AID FOR THE CESSATION OF**
31 **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, 2021, 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;

31 2. PROVIDE THE PATIENT WITH:

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

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

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

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

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