

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 440

(Senator Hayes, *et al.*)

Education, Health, and Environmental Affairs
and Finance

Health and Government Operations

Pharmacists - Aids for the Cessation of Tobacco Product Use

This bill expands the scope of practice for a licensed pharmacist, who meets specified requirements, to include prescribing and dispensing nicotine replacement therapy medications approved by the U.S. Food and Drug Administration (FDA) as an aid for the cessation of the use of tobacco products (tobacco cessation aids). By September 1, 2021, the State Board of Pharmacy must adopt specified regulations.

Fiscal Summary

State Effect: The State Board of Pharmacy can adopt the required regulations using existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not affect the finances or operations of local governments.

Small Business Effect: Meaningful.

Analysis

Bill Summary: The regulations adopted by the board must establish (1) standard procedures a pharmacist must use to prescribe and dispense the appropriate tobacco cessation aid and refer the patient to a primary care practitioner for treatment and (2) the conditions under which a pharmacist may prescribe and dispense a tobacco cessation aid. The regulations must require a pharmacist to (1) complete a training program approved by the board; (2) follow the standard procedures established by the board; and (3) perform specified duties after prescribing and dispensing a tobacco cessation aid. The training

program requirement may be waived for a pharmacist who has already undergone such training as part of the pharmacist's formal educational program.

After prescribing and dispensing a tobacco cessation aid, a pharmacist must (1) refer the patient for any additional care; (2) provide the patient with a written record of the medication dispensed and information about the importance of seeing the patient's primary care practitioner; and (3) record the prescribing and dispensing in any electronic health record maintained on the patient by the pharmacist.

Current Law: An individual must be licensed by the State Board of Pharmacy to practice pharmacy in the State. The practice of pharmacy includes compounding, dispensing, or distributing prescription drugs or devices; monitoring prescriptions; providing information, explanation, and recommendations to patients and health care practitioners about the safe and effective use of prescription drugs or devices; providing drug therapy management; and administering vaccinations as well as administering a self-administered drug to a patient in accordance with regulations adopted by the board.

To administer vaccinations, a pharmacist must submit a registration form to the board that includes verification that the pharmacist has successfully completed a specified certification course and is certified in cardiopulmonary resuscitation.

Chapters 820 and 821 of 2017 expanded the scope of practice for a licensed pharmacist, who meets specified requirements, to include prescribing and dispensing contraceptive medications and self-administered contraceptive devices approved by FDA.

Background: As of November 2019, 12 states have statutes or regulations addressing pharmacist prescribing of tobacco cessation aids. Five states (Colorado, Idaho, Indiana, New Mexico, and West Virginia) include all medications approved by FDA. Four states (Arizona, California, Maine, and Missouri) include nicotine replacement therapy products only. State protocols in Arkansas, Iowa, and Oregon are under development.

Small Business Effect: Small business pharmacies may prescribe and dispense nicotine replacement therapy medications as tobacco cessation aids under the bill.

Additional Information

Prior Introductions: SB 497 of 2019, which included similar provisions, received an unfavorable report from the Senate Education, Health, and Environmental Affairs and Senate Finance committees. Its cross file, HB 1217, received a hearing in the House Health and Government Operations Committee but was subsequently withdrawn.

Designated Cross File: HB 1594 (Delegate Kelly) - Rules and Executive Nominations.

Information Source(s): National Alliance of State Pharmacy Associations;
Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2020
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Analysis by: Jennifer B. Chasse

Direct Inquiries to:
(410) 946-5510
(301) 970-5510