

# HOUSE BILL 28

J2, J1  
HB 1594/20 – HRU

(PRE-FILED)

2lr1062  
CF SB 62

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By: **Delegates Bhandari and R. Lewis**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Pharmacists – ~~Aids for the Cessation of Tobacco Product Use~~ Nicotine**  
3 **Replacement Therapy Medication**

4 FOR the purpose of authorizing a pharmacist who meets the requirements of regulations  
5 adopted by the State Board of Pharmacy to prescribe and dispense nicotine  
6 replacement therapy medications approved by the U.S. Food and Drug  
7 Administration ~~as aids for the cessation of the use of tobacco products~~ for the purpose  
8 of aiding in tobacco cessation or smoking cessation; and generally relating to the  
9 prescribing and dispensing of ~~aids for the cessation of the use of tobacco products~~  
10 nicotine replacement therapy medications.

11 BY repealing and reenacting, without amendments,  
12 Article – Health Occupations  
13 Section 12–101(a) and (b)  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume)

16 BY adding to  
17 Article – Health Occupations  
18 Section 12–101(o–2) and 12–514  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume)

21 BY repealing and reenacting, with amendments,

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### 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 Article – Health Occupations  
 2 Section 12–101(x)  
 3 Annotated Code of Maryland  
 4 (2021 Replacement Volume)

5 ~~BY adding to~~  
 6 ~~Article – Health Occupations~~  
 7 ~~Section 12–514~~  
 8 ~~Annotated Code of Maryland~~  
 9 ~~(2021 Replacement Volume)~~

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

12 **Article – Health Occupations**

13 12–101.

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

15 (b) “Authorized prescriber” means any licensed dentist, licensed dental hygienist  
 16 with prescriptive authority under § 4–206.4 of this article, licensed physician, licensed  
 17 podiatrist, licensed veterinarian, advanced practice nurse with prescriptive authority  
 18 under § 8–508 of this article, or other individual authorized by law to prescribe prescription  
 19 or nonprescription drugs or devices.

20 **(O–2) “NICOTINE REPLACEMENT THERAPY MEDICATION” MEANS A DRUG OR**  
 21 **PRODUCT, REGARDLESS OF WHETHER IT IS AVAILABLE OVER THE COUNTER, THAT:**

22 **(1) DELIVERS SMALL DOSES OF NICOTINE TO AN INDIVIDUAL; AND**

23 **(2) IS APPROVED BY THE FEDERAL FOOD AND DRUG**  
 24 **ADMINISTRATION FOR THE SOLE PURPOSE OF AIDING IN TOBACCO CESSATION OR**  
 25 **SMOKING CESSATION.**

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

27 (i) Providing pharmaceutical care;

28 (ii) Compounding, dispensing, or distributing prescription drugs or  
 29 devices;

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

31 (iv) Monitoring prescriptions for prescription and nonprescription  
 32 drugs or devices;

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

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

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

8 (viii) Administering vaccinations in accordance with § 12-508 of this  
9 title or self-administered drugs or maintenance injectable medications in accordance with  
10 § 12-509 of this title;

11 (ix) Delegating a pharmacy act to a registered pharmacy technician,  
12 pharmacy student, or an individual engaged in a Board approved pharmacy technician  
13 training program;

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

17 (xi) Providing drug therapy management in accordance with  
18 § 19-713.6 of the Health – General Article; [or]

19 (xii) Prescribing and dispensing contraceptive medications and  
20 self-administered contraceptive devices approved by the U.S. Food and Drug  
21 Administration; OR

22 **(XIII) PRESCRIBING AND DISPENSING NICOTINE REPLACEMENT**  
23 **THERAPY MEDICATIONS ~~APPROVED BY THE U.S. FOOD AND DRUG~~**  
24 **~~ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO~~**  
25 **~~PRODUCTS.~~**

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

28 **12-514.**

29 **(A) A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS**  
30 **ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE NICOTINE**  
31 **REPLACEMENT THERAPY MEDICATIONS ~~APPROVED BY THE U.S. FOOD AND DRUG~~**  
32 **~~ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO~~**  
33 **~~PRODUCTS.~~**

1 (B) (1) ON OR BEFORE SEPTEMBER 1, 2023, THE BOARD SHALL ADOPT  
2 REGULATIONS ESTABLISHING:

3 (I) STANDARD PROCEDURES THAT A PHARMACIST SHALL USE  
4 TO:

5 1. PRESCRIBE AND DISPENSE TO A PATIENT THE  
6 APPROPRIATE ~~AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS BY THE~~  
7 ~~PATIENT~~ NICOTINE REPLACEMENT THERAPY MEDICATION; AND

8 2. REFER THE PATIENT TO A PRIMARY CARE  
9 PRACTITIONER FOR TREATMENT; AND

10 (II) THE CONDITIONS UNDER WHICH A PHARMACIST MAY  
11 PRESCRIBE AND DISPENSE ~~AN AID FOR THE CESSATION OF THE USE OF TOBACCO~~  
12 ~~PRODUCTS~~ NICOTINE REPLACEMENT THERAPY MEDICATION.

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

14 (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
15 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR  
16 PRESCRIBING AND DISPENSING ~~AIDS FOR THE CESSATION OF THE USE OF TOBACCO~~  
17 ~~PRODUCTS~~ NICOTINE REPLACEMENT THERAPY MEDICATION;

18 (II) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY  
19 THE BOARD; AND

20 (III) AFTER PRESCRIBING AND DISPENSING TO A PATIENT ~~AN~~  
21 ~~AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS~~ NICOTINE  
22 REPLACEMENT THERAPY MEDICATION:

23 1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO  
24 THE PATIENT'S PRIMARY CARE PRACTITIONER;

25 2. PROVIDE THE PATIENT WITH:

26 A. A WRITTEN RECORD OF THE NICOTINE  
27 REPLACEMENT THERAPY MEDICATION DISPENSED; AND

28 B. INFORMATION ON THE IMPORTANCE OF THE PATIENT  
29 SEEING THE PATIENT'S PRIMARY CARE PRACTITIONER; AND

30 3. RECORD THE PRESCRIBING AND DISPENSING OF THE  
31 ~~AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS~~ NICOTINE

1 REPLACEMENT THERAPY MEDICATION IN ANY ELECTRONIC HEALTH RECORD  
2 MAINTAINED FOR THE PATIENT BY THE PHARMACIST.

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.