

SENATE BILL 62

J2, J1

(2lr1060)

ENROLLED BILL

— *Education, Health, and Environmental Affairs and Finance/Health and Government Operations* —

Introduced by **Senator Washington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

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)

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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2021 Replacement Volume)

3 BY adding to
4 Article – Health Occupations
5 Section 12–101(o–2) and 12–514
6 Annotated Code of Maryland
7 (2021 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 12–101(x)
11 Annotated Code of Maryland
12 (2021 Replacement Volume)

13 ~~BY adding to~~
14 ~~Article – Health Occupations~~
15 ~~Section 12–514~~
16 ~~Annotated Code of Maryland~~
17 ~~(2021 Replacement Volume)~~

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

20 **Article – Health Occupations**

21 12–101.

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

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

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

30 (1) DELIVERS NICOTINE TO AN INDIVIDUAL; AND

31 (2) IS APPROVED BY THE FEDERAL FOOD AND DRUG
32 ADMINISTRATION FOR THE SOLE PURPOSE OF AIDING IN TOBACCO CESSATION OR
33 SMOKING CESSATION.

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

- 1 (i) Providing pharmaceutical care;
- 2 (ii) Compounding, dispensing, or distributing prescription drugs or
3 devices;
- 4 (iii) Compounding or dispensing nonprescription drugs or devices;
- 5 (iv) Monitoring prescriptions for prescription and nonprescription
6 drugs or devices;
- 7 (v) Providing information, explanation, or recommendations to
8 patients and health care practitioners about the safe and effective use of prescription or
9 nonprescription drugs or devices;
- 10 (vi) Identifying and appraising problems concerning the use or
11 monitoring of therapy with drugs or devices;
- 12 (vii) Acting within the parameters of a therapy management contract,
13 as provided under Subtitle 6A of this title;
- 14 (viii) Administering vaccinations in accordance with § 12–508 of this
15 title or self-administered drugs or maintenance injectable medications in accordance with
16 § 12–509 of this title;
- 17 (ix) Delegating a pharmacy act to a registered pharmacy technician,
18 pharmacy student, or an individual engaged in a Board approved pharmacy technician
19 training program;
- 20 (x) Supervising a delegated pharmacy act performed by a registered
21 pharmacy technician, pharmacy student, or an individual engaged in a Board approved
22 pharmacy technician training program;
- 23 (xi) Providing drug therapy management in accordance with
24 § 19–713.6 of the Health – General Article; [or]
- 25 (xii) Prescribing and dispensing contraceptive medications and
26 self-administered contraceptive devices approved by the U.S. Food and Drug
27 Administration; **OR**

28 **(XIII) PRESCRIBING AND DISPENSING NICOTINE REPLACEMENT**
29 **THERAPY MEDICATIONS ~~APPROVED BY THE U.S. FOOD AND DRUG~~**
30 **~~ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO~~**
31 **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 **12-514.**

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

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

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

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

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

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

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

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

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

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

31 1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO
32 THE PATIENT'S PRIMARY CARE PRACTITIONER;

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

2 **A. A WRITTEN RECORD OF THE NICOTINE REPLACEMENT**
3 **THERAPY MEDICATION 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~~ NICOTINE**
8 **REPLACEMENT THERAPY MEDICATION IN ANY ELECTRONIC HEALTH RECORD**
9 **MAINTAINED FOR THE PATIENT BY THE PHARMACIST.**

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.