

SENATE BILL 62

J2, J1
SB 440/20 – EHE & FIN

(PRE-FILED)

2lr1060
CF HB 28

By: **Senator Washington**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

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 regulations
4 adopted by the State Board of Pharmacy to prescribe and dispense nicotine
5 replacement therapy medications approved by the U.S. Food and Drug
6 Administration as aids for the cessation of the use of tobacco products; and generally
7 relating to the prescribing and dispensing of aids for the cessation of the use of
8 tobacco products.

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

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 12–101(x)
17 Annotated Code of Maryland
18 (2021 Replacement Volume)

19 BY adding to
20 Article – Health Occupations
21 Section 12–514
22 Annotated Code of Maryland
23 (2021 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health Occupations

12–101.

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

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

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

(i) Providing pharmaceutical care;

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

(iii) Compounding or dispensing nonprescription drugs or devices;

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

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

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

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

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

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

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

(xi) Providing drug therapy management in accordance with

1 § 19–713.6 of the Health – General Article; [or]

2 (xii) Prescribing and dispensing contraceptive medications and
3 self-administered contraceptive devices approved by the U.S. Food and Drug
4 Administration; OR

5 (XIII) **PRESCRIBING AND DISPENSING NICOTINE REPLACEMENT
6 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 (2) “Practice pharmacy” does not include the operations of a person who
10 holds a permit issued under § 12–6C–03 of this title.

11 **12–514.**

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

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

19 (I) **STANDARD PROCEDURES THAT A PHARMACIST SHALL USE
20 TO:**

21 1. **PRESCRIBE AND DISPENSE TO A PATIENT THE
22 APPROPRIATE AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS BY THE
23 PATIENT; AND**

24 2. **REFER THE PATIENT TO A PRIMARY CARE
25 PRACTITIONER FOR TREATMENT; AND**

26 (II) **THE CONDITIONS UNDER WHICH A PHARMACIST MAY
27 PRESCRIBE AND DISPENSE AN AID FOR THE CESSATION OF THE USE OF TOBACCO
28 PRODUCTS.**

29 (2) **THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:**

30 (I) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
31 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR
32 PRESCRIBING AND DISPENSING AIDS FOR THE CESSATION OF THE USE OF TOBACCO
33 PRODUCTS;**

1 (II) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY
2 THE BOARD; AND

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

5 1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO
6 THE PATIENT'S PRIMARY CARE PRACTITIONER;

7 2. PROVIDE THE PATIENT WITH:

8 A. A WRITTEN RECORD OF THE MEDICATION
9 DISPENSED; AND

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

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

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

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