

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 28

(Delegates Bhandari and R. Lewis)

Health and Government Operations

Education, Health, and Environmental Affairs  
and Finance

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**Pharmacists - Nicotine Replacement Therapy Medication**

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This bill expands the scope of practice for a licensed pharmacist, who meets specified requirements, to include prescribing and dispensing “nicotine replacement therapy medication” that delivers nicotine to an individual and is approved by the U.S. Food and Drug Administration (FDA) for the sole purpose of aiding in tobacco cessation or smoking cessation (regardless of whether it is available over the counter). By September 1, 2023, the State Board of Pharmacy must adopt specified regulations.

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**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.

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**Analysis**

**Bill Summary:** The regulations adopted by the board must establish (1) standard procedures a pharmacist must use to prescribe and dispense the appropriate nicotine replacement therapy medication and refer the patient to a primary care practitioner for treatment and (2) the conditions under which a pharmacist may prescribe and dispense a nicotine replacement therapy medication. 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 nicotine replacement therapy medication. 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 nicotine replacement therapy medication, 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.

In general, 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 (CPR).

Chapters 792 and 793 of 2021 authorize a licensed pharmacist, from July 1, 2021, to June 30, 2023, to administer a vaccine approved by FDA to an individual age 3 to 17, if (1) the vaccination is ordered and administered in accordance with the U.S. Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices immunization schedules and (2) the pharmacist meets additional requirements. To administer a vaccine to an individual age 3 to 17, a pharmacist must (1) complete a specified practical training program; (2) have a current certificate in basic CPR; (3) complete a minimum of two hours of specified continuing pharmaceutical education related to immunizations; (4) comply with specified recordkeeping and reporting requirements; and (5) inform each child vaccination patient and adult caregiver of the importance of well-child visits with a pediatric primary care provider and refer the patient to such a provider when appropriate.

Chapter 758 of 2021 authorizes a licensed pharmacist to administer a "maintenance injectable medication" that is not a biological product to a patient (1) that is prescribed by an authorized prescriber; (2) in accordance with a standing order issued by an authorized public health official; or (3) in accordance with a drug therapy management protocol. A pharmacist may not administer an initial dose of a maintenance injectable medication product without written approval from the prescriber.

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.

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

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### **Additional Information**

**Prior Introductions:** SB 440 of 2020, a similar bill, passed the Senate and was referred to the House Health and Government Operations Committee, but no further action was taken. Its cross file, HB 1594, was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

**Designated Cross File:** SB 62 (Senator Washington) - Education, Health, and Environmental Affairs and Finance.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - January 14, 2022  
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