

HOUSE BILL 456

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3lr0865
CF SB 940

By: Delegates Guyton, Attar, Foley, McCaskill, Palakovich Carr, Terrasa, ~~and Valderrama~~ Valderrama, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods

Introduced and read first time: January 30, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 ~~Pharmacies – Prescription Drugs~~ State Board of Pharmacy – Accessible
3 Prescription Labels, Bag Tags, and Medical Guides for Blind, Visually Impaired,
4 and Print Disabled Individuals – Regulations

5 FOR the purpose of requiring ~~pharmacies to provide notice to customers of the availability~~
6 ~~of accessible labels for blind, visually impaired, or otherwise print disabled~~
7 ~~individuals for prescription drugs and to provide the selected label on request;~~
8 ~~establishing certain standards for accessible labels and prescription readers to be~~
9 ~~used with accessible labels;~~ the State Board of Pharmacy to adopt regulations
10 necessary to ensure that individuals who are blind, visually impaired, or otherwise
11 print disabled have appropriate access to prescription labels, bag tags, and medical
12 guides in a certain manner; requiring the Board to give visually impaired individuals
13 an opportunity to provide input regarding the content of the regulations; and
14 generally relating to ~~pharmacies and accessible labels for prescription drugs~~
15 accessible prescription labels, bag tags, and medical guides for blind, visually
16 impaired, and print disabled individuals.

17 BY adding to
18 Article – Health Occupations
19 Section 12-505.1
20 Annotated Code of Maryland

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.



(2021 Replacement Volume and 2022 Supplement)

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

Article – Health Occupations

12-505.1.

~~(A) IN THIS SECTION, “PRESCRIPTION READER” MEANS A DEVICE THAT IS DESIGNED TO AUDIBLY CONVEY INFORMATION CONTAINED ON THE LABEL OF A PRESCRIPTION DRUG.~~

~~(B) EACH PHARMACY SHALL PROVIDE NOTICE TO CUSTOMERS THAT AN ACCESSIBLE LABEL FOR BLIND, VISUALLY IMPAIRED, OR OTHERWISE PRINT DISABLED INDIVIDUALS IS AVAILABLE ON REQUEST FOR NO ADDITIONAL COST BY:~~

~~(1) POSTING A NOTICE THAT IS ACCESSIBLE TO BLIND, VISUALLY IMPAIRED, OR OTHERWISE PRINT DISABLED INDIVIDUALS:~~

~~(i) THAT IS CONSPICUOUSLY POSITIONED IN THE PHARMACY AND READABLE BY PHARMACY CUSTOMERS; AND~~

~~(ii) IF APPLICABLE, ON THE PHARMACY’S WEBSITE; AND~~

~~(2) PROVIDING VERBAL NOTICE TO EACH CUSTOMER WHO PICKS UP A PRESCRIPTION OR REFILL.~~

~~(C) ON REQUEST OF A CUSTOMER FOR AN ACCESSIBLE LABEL, THE PHARMACIST SHALL:~~

~~(1) EXPLAIN TO THE CUSTOMER THE AVAILABLE ACCESSIBLE LABEL FORMAT OPTIONS; AND~~

~~(2) PROVIDE THE ACCESSIBLE LABEL THAT IS SELECTED BY THE CUSTOMER.~~

~~(D) AN ACCESSIBLE LABEL SHALL:~~

~~(1) PRESERVE THE INTEGRITY OF THE PRINT PRESCRIPTION DRUG CONTAINER LABEL;~~

~~(2) CONTAIN ALL THE LABEL INFORMATION REQUIRED UNDER § 12-505 OF THIS SUBTITLE AND FEDERAL LAW IN THE SAME SEQUENCE AS THE PRINT LABEL, INCLUDING WARNINGS AND CAUTIONS;~~

1 ~~(3) BE DURABLE AND LAST UNTIL THE PRESCRIPTION EXPIRATION~~
2 ~~DATE;~~

3 ~~(4) BE PROVIDED WITHIN A TIME FRAME COMPARABLE TO~~
4 ~~INFORMATION PROVIDED TO OTHER CUSTOMERS WITHOUT A VISUAL IMPAIRMENT;~~
5 ~~AND~~

6 ~~(5) CONFORM TO THE BEST PRACTICES ESTABLISHED BY THE~~
7 ~~FEDERAL U.S. ACCESS BOARD.~~

8 ~~(E) A PRESCRIPTION READER PROVIDED BY A PHARMACY SHALL BE:~~

9 ~~(1) COMPATIBLE WITH AN ACCESSIBLE LABEL PROVIDED TO A~~
10 ~~CUSTOMER BY THE PHARMACY; AND~~

11 ~~(2) AVAILABLE TO A CUSTOMER USING AN ACCESSIBLE LABEL FOR~~
12 ~~THE DURATION OF THE PRESCRIPTION.~~

13 ~~(F) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

14 (A) THE BOARD SHALL ADOPT REGULATIONS NECESSARY TO ENSURE THAT
15 AN INDIVIDUAL WHO IS BLIND, VISUALLY IMPAIRED, OR OTHERWISE PRINT
16 DISABLED HAS APPROPRIATE ACCESS TO PRESCRIPTION LABELS, BAG TAGS, AND
17 MEDICAL GUIDES:

18 (1) AT NO ADDITIONAL COST TO THE INDIVIDUAL;

19 (2) IN A FORMAT OPTION THROUGH WHICH THE INFORMATION IS
20 FULLY ACCESSIBLE TO THE INDIVIDUAL; AND

21 (3) WITHIN A TIME FRAME COMPARABLE TO THE TIME FRAME WITHIN
22 WHICH THE INFORMATION IS PROVIDED TO AN INDIVIDUAL WHO IS NOT VISUALLY
23 IMPAIRED.

24 (B) IN ADOPTING REGULATIONS UNDER SUBSECTION (A) OF THIS SECTION,
25 THE BOARD SHALL GIVE VISUALLY IMPAIRED INDIVIDUALS AN OPPORTUNITY TO
26 PROVIDE INPUT REGARDING THE CONTENT OF THE REGULATIONS.

27 (C) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION
28 SHALL:

29 (1) FOLLOW THE GUIDELINES AND RECOMMENDATIONS IN THE
30 “PRESCRIPTION DRUG LABELS: ACTIONS NEEDED TO INCREASE AWARENESS OF

1 BEST PRACTICES FOR ACCESSIBLE LABELS FOR INDIVIDUALS WHO ARE BLIND OR
 2 VISUALLY IMPAIRED” REPORT THAT WAS ISSUED BY THE U.S. GOVERNMENT
 3 ACCOUNTABILITY OFFICE IN DECEMBER 2016; AND

4 (2) INCLUDE A METHOD FOR PROVIDING NOTICE TO CUSTOMERS
 5 THAT ACCESSIBLE PRESCRIPTION LABELS, BAG TAGS, AND MEDICAL GUIDES ARE
 6 AVAILABLE, INCLUDING NOTICE REGARDING THE AVAILABILITY OF THE
 7 PRESCRIPTION LABELS, BAG TAGS, AND MEDICAL GUIDES IN AUDIO FORMAT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Pharmacy
 9 shall adopt the regulations required under § 12-505.1 of the Health Occupations Article,
 10 as enacted by Section 1 of this Act, on or before January 1, 2025.

11 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,
 12 2023, the Maryland Department of Health shall submit to the General Assembly, in
 13 accordance with § 2-1257 of the State Government Article, a report on the potential process
 14 for and costs of implementing enhanced professional dispensing fees for providing
 15 accessible labels and compliant packaging to blind, visually impaired, and otherwise print
 16 disabled individuals.

17 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.