

# HOUSE BILL 171

J2, M4

4lr1351

(PRE-FILED)

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By: **Delegate Guyton**

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pharmacy – Membership – Veterinary Pharmacist**

3 FOR the purpose of adding a veterinary pharmacist member to the State Board of  
4 Pharmacy; and generally relating to the State Board of Pharmacy.

5 BY repealing and reenacting, with amendments,  
6 Article – Health Occupations  
7 Section 12–202  
8 Annotated Code of Maryland  
9 (2021 Replacement Volume and 2023 Supplement)

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

### Article – Health Occupations

12 12–202.

13 (a) (1) The Board consists of [13] 14 members.

14 (2) Of the [13] 14 Board members:

15 (i) Ten shall be licensed pharmacists, including:

16 1. Two who at the time of appointment practice primarily in  
17 chain store pharmacies;

18 2. Two who at the time of appointment practice primarily in  
19 independent pharmacies;  
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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3. Two who at the time of appointment practice primarily in  
2 an acute-care hospital;

3 4. One who at the time of appointment practices primarily in  
4 a pharmacy that provides services to a long-term care facility;

5 5. One who at the time of appointment practices primarily in  
6 a pharmacy that specializes in the provision of home infusion/home care services; [and]

7 **6. ONE WHO AT THE TIME OF APPOINTMENT PRACTICES**  
8 **PRIMARILY AS A VETERINARY PHARMACIST; AND**

9 [6.] 7. Two pharmacists at-large;

10 (ii) One shall be a registered pharmacy technician; and

11 (iii) Two shall be consumer members.

12 (3) (i) The Governor shall appoint the chain store pharmacist members,  
13 with the advice of the Secretary, from a list of names submitted to the Secretary and the  
14 Governor by the Maryland Association of Chain Drug Stores.

15 (ii) The Governor shall appoint the independent pharmacist  
16 members, with the advice of the Secretary, from a list of names submitted to the Secretary  
17 and the Governor by the Maryland Pharmacists Association and the Maryland  
18 Pharmaceutical Society.

19 (iii) The Governor shall appoint the acute-care hospital pharmacist  
20 members, with the advice of the Secretary, from a list of names submitted to the Secretary  
21 and the Governor by the Maryland Society of Health-System Pharmacists.

22 (iv) The Governor shall appoint the long-term care facility  
23 pharmacist member, with the advice of the Secretary, from a list of names submitted to the  
24 Secretary and the Governor by the Maryland Chapter of the American Society of  
25 Consultant Pharmacists.

26 (v) The Governor shall appoint the home infusion/home care  
27 pharmacist member, with the advice of the Secretary, from a list of names submitted to the  
28 Secretary and the Governor by the Maryland Society of Health-System Pharmacists.

29 (vi) The Governor shall appoint the at-large pharmacist members,  
30 with the advice of the Secretary, from a list of all names submitted to the Maryland  
31 Pharmacists Association, and then forwarded to the Secretary and the Governor.

32 (vii) The Governor shall appoint the registered pharmacy technician  
33 member, with the advice of the Secretary, from a list of all names submitted to the

1 Secretary and the Governor by the Maryland Society of Health–System Pharmacists and  
2 the Maryland Pharmacists Association.

3 **(VIII) THE GOVERNOR SHALL APPOINT THE VETERINARY**  
4 **PHARMACIST, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF ALL NAMES**  
5 **SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY THE MARYLAND**  
6 **VETERINARY MEDICAL ASSOCIATION.**

7 ~~[(viii)]~~ **(IX)** Except for the at–large vacancies, the number of names on  
8 each list submitted to the Secretary and the Governor under this paragraph shall be three  
9 times the number of vacancies.

10 (4) For each pharmacist vacancy and each registered pharmacy technician  
11 vacancy:

12 (i) The Board shall notify all licensed pharmacists, registered  
13 pharmacy technicians, and other interested parties of record in the State of the vacancy to  
14 solicit nominations to fill the vacancy and provide information for contacting a  
15 representative of the group that submits the list of names to the Governor under paragraph  
16 (3) of this subsection; and

17 (ii) Except for the at–large vacancies, each association that is  
18 responsible for submitting a list of nominees to the Secretary and the Governor under this  
19 section shall:

20 1. Issue a nomination form upon the request of any licensed  
21 pharmacist and consider all nominations received by the association’s deadline;

22 2. Form a committee, which recognizes diversity within the  
23 State in geographic distribution, sex, race, and age, comprised of at least five pharmacists  
24 to review nominations, interview all qualified nominees in a meeting open to the public,  
25 and select three names for each vacancy to be submitted to the Secretary and the Governor;  
26 and

27 3. In the event that fewer than three qualified nominees are  
28 submitted to the association, select any additional names that are needed to complete the  
29 list required to be submitted to the Secretary and the Governor under this section.

30 (5) The Governor shall appoint the consumer members with the advice of  
31 the Secretary and the advice and consent of the Senate.

32 (6) Each member of the Board shall be a resident of this State.

33 (7) A member of the Board shall be recused from all aspects of the licensing  
34 exam if that Board member:

35 (i) Is a member of the board of trustees at a school of pharmacy;

1 (ii) Is a teacher at a school of pharmacy; or

2 (iii) Acquires the member's primary source of income through  
3 employment by a school of pharmacy.

4 (b) Each pharmacist member and each registered pharmacy technician member  
5 of the Board shall:

6 (1) Be skilled and competent in practicing pharmacy; and

7 (2) Have at least 5 years of active pharmacy practice.

8 (c) Each consumer member of the Board:

9 (1) Shall be a member of the general public;

10 (2) May not be or ever have been a pharmacist or in training to become a  
11 pharmacist;

12 (3) May not have a household member who is a pharmacist or in training  
13 to become a pharmacist;

14 (4) May not participate or ever have participated in a commercial or  
15 professional field related to practicing pharmacy;

16 (5) May not have a household member who participates in a commercial or  
17 professional field related to practicing pharmacy; and

18 (6) May not have had within 2 years before appointment a substantial  
19 financial interest in a person regulated by the Board.

20 (d) While a member of the Board, a consumer member may not have a substantial  
21 financial interest in a person regulated by the Board.

22 (e) Before taking office, each appointee to the Board shall take the oath required  
23 by Article I, § 9 of the Maryland Constitution.

24 (f) (1) The term of a member is 4 years.

25 (2) The terms of members are staggered as required by the terms provided  
26 for members of the Board on July 1, 1981.

27 (3) At the end of a term, a member continues to serve until a successor is  
28 appointed and qualifies.

1                   (4)    A member who is appointed after a term has begun serves only for the  
2 rest of the term and until a successor is appointed and qualifies.

3                   (5)    To the extent practicable, the Governor shall fill any vacancy on the  
4 Board within 60 days of the date of the vacancy.

5                   (6)    A member may not serve more than 2 consecutive full terms.

6           (g)    (1)    The Governor may remove a member for incompetence or misconduct.

7                   (2)    Upon the recommendation of the Secretary, the Governor may remove  
8 a member whom the Secretary finds to have been absent from 2 successive Board meetings  
9 without adequate reason.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2024.