

# SENATE BILL 408

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CF HB 411

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By: **Senator Klausmeier**

Introduced and read first time: January 18, 2024

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Opioid Overdose Reversal Drugs – Standing Orders**

3 FOR the purpose of requiring a licensed health care provider, when issuing a standing order  
4 for an opioid reversal drug, to allow an individual to choose any formulation of any  
5 opioid reversal drug approved by the federal Food and Drug Administration; and  
6 generally relating to standing orders for opioid overdose reversal drugs.

7 BY repealing and reenacting, without amendments,

8 Article – Health – General

9 Section 13–3101(a) and (e)

10 Annotated Code of Maryland

11 (2023 Replacement Volume)

12 BY repealing and reenacting, with amendments,

13 Article – Health – General

14 Section 13–3106

15 Annotated Code of Maryland

16 (2023 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Health – General**

20 13–3101.

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

22 (e) “Standing order” means a written instruction for the prescribing and  
23 dispensing of an opioid overdose reversal drug approved by the federal Food and Drug  
24 Administration in accordance with § 13–3106 of this subtitle.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 13–3106.

2 (a) A licensed health care provider with prescribing authority may prescribe and  
3 dispense an opioid overdose reversal drug approved by the federal Food and Drug  
4 Administration to an individual who:

5 (1) Is believed by the licensed health care provider to be at risk of  
6 experiencing an opioid overdose; or

7 (2) Is in a position to assist an individual at risk of experiencing an opioid  
8 overdose.

9 (b) (1) A licensed health care provider with prescribing authority may  
10 prescribe and dispense opioid overdose reversal drugs approved by the federal Food and  
11 Drug Administration by issuing a standing order if the licensed health care provider:

12 (i) Is employed by the Department or a local health department; or

13 (ii) Has a written agreement with an authorized private or public  
14 entity under § 13–3104 of this subtitle.

15 **(2) WHEN ISSUING A STANDING ORDER FOR AN OPIOID REVERSAL**  
16 **DRUG UNDER PARAGRAPH (1) OF THIS SUBSECTION, A LICENSED HEALTH CARE**  
17 **PROVIDER SHALL ALLOW THE INDIVIDUAL TO CHOOSE ANY FORMULATION OF ANY**  
18 **OPIOID REVERSAL DRUG APPROVED BY THE FEDERAL FOOD AND DRUG**  
19 **ADMINISTRATION.**

20 ~~[(2)]~~ **(3)** A licensed health care provider with prescribing authority who  
21 issues a standing order under paragraph (1) of this subsection may delegate the dispensing  
22 of opioid overdose reversal drugs approved by the federal Food and Drug Administration to  
23 an employee or a volunteer of an authorized private or public entity in accordance with a  
24 written agreement under § 13–3104 of this subtitle.

25 ~~[(3)]~~ **(4)** Any licensed health care provider who has dispensing authority  
26 also may dispense an opioid overdose reversal drug approved by the federal Food and Drug  
27 Administration to any individual in accordance with a standing order issued by a licensed  
28 health care provider with prescribing authority in accordance with this subsection.

29 (c) A pharmacist may dispense opioid overdose reversal drugs approved by the  
30 federal Food and Drug Administration in accordance with a therapy management contract  
31 under Title 12, Subtitle 6A of the Health Occupations Article.

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