

SENATE BILL 944

E1, J2

(4lr0656)

ENROLLED BILL

— Finance and Judicial Proceedings/Health and Government Operations —

Introduced by **Senator Kelly**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Nonprescription Drugs and Devices – Provision by Registered Nurses and Sale**
3 **of Contraceptives Through Automatic Devices**

4 FOR the purpose of ~~repealing the prohibition on the sale of certain contraceptives by means~~
5 ~~of a vending machine or other automatic device~~ repealing a prohibition against the
6 sale of nonlatex condoms through a vending machine or other automatic device;
7 prohibiting the sale of natural membrane condoms through a vending machine or
8 other automatic device *prohibiting the sale of natural membrane condoms, rather*
9 *than all nonlatex condoms, through a vending machine or other automatic device;*
10 *excluding the violation of a certain provision of this Act from certain penalties;*
11 authorizing registered nurses to provide, without a prescription, nonprescription
12 drugs and devices in a local health department under certain circumstances; and
13 generally relating to nonprescription drugs and devices.

14 BY repealing

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.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Criminal Law
2 Section 10–104 ~~and 10–105~~
3 Annotated Code of Maryland
4 (2021 Replacement Volume and 2023 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – Health – General
7 Section 3–403(a)(1)
8 Annotated Code of Maryland
9 (2023 Replacement Volume)

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 3–403(b) *and 21–1215*
13 Annotated Code of Maryland
14 (2023 Replacement Volume)

15 BY adding to
16 Article – Health – General
17 Section 21–228
18 Annotated Code of Maryland
19 (2023 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article – Health Occupations
22 Section 8–512
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2023 Supplement)

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

27 **Article – Criminal Law**

28 [10–104.

29 (a) A person may not sell or offer for sale a nonlatex condom by means of a vending
30 machine or other automatic device.

31 (b) (1) A person who violates this section is guilty of a misdemeanor and on
32 conviction is subject to a fine not exceeding \$1,000 for each violation.

33 (2) Each vending machine or other automatic device in violation of this
34 section is a separate violation.]

35 ~~10–105.~~

1 ~~(a) A person may not sell or offer for sale a contraceptive or a contraceptive device,~~
2 ~~whether or not advertised as a prophylactic, by means of a vending machine or other~~
3 ~~automatic device at a kindergarten, nursery school, or elementary or secondary school.~~

4 ~~(b) (1) A person who violates this section is guilty of a misdemeanor and on~~
5 ~~conviction is subject to a fine not exceeding \$1,000 for each violation.~~

6 ~~(2) Each vending machine or other automatic device in a school is a~~
7 ~~separate violation.]~~

8 Article – Health – General

9 3–403.

10 (a) (1) There is a Committee on Registered Nurses Personally Preparing and
11 Dispensing Drugs and Devices in Local Health Departments.

12 (b) The Committee shall:

13 (1) Develop and approve a formulary for use by registered nurses **THAT**
14 **INCLUDES ALL NONPRESCRIPTION CONTRACEPTIVE DRUGS AND DEVICES**
15 **APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR**
16 **OVER-THE-COUNTER USE;** and

17 (2) Annually review the formulary to ensure compliance with current
18 prescribing standards.

19 **21–228.**

20 **A PERSON MAY NOT SELL OR OFFER FOR SALE A NATURAL MEMBRANE**
21 **CONDOM BY MEANS OF A VENDING MACHINE OR OTHER AUTOMATIC DEVICE.**

22 **21–1215.**

23 *(a) This section does not apply to a violation of § 21–220(b)(4), § 21–228, or §*
24 *21–259.2 of this title.*

25 *(b) A person who violates any provision of Subtitle 2 of this title or any regulation*
26 *adopted under Subtitle 2 of this title is guilty of a misdemeanor and on conviction is subject*
27 *to:*

28 *(1) A fine not exceeding \$10,000 or imprisonment not exceeding 1 year or*
29 *both; or*

1 (c) A registered nurse may personally prepare and dispense drugs and devices
2 **OR PROVIDE, WITHOUT A PRESCRIPTION, NONPRESCRIPTION DRUGS AND DEVICES**
3 if the registered nurse:

4 (1) Complies with the formulary developed and approved under § 3–403(b)
5 of the Health – General Article;

6 (2) Has successfully completed a training program administered by the
7 Department in accordance with § 3–405 of the Health – General Article;

8 (3) Maintains the patient’s health record in a manner that ensures the
9 confidentiality of the patient’s drug and device medication record in accordance with State
10 and federal laws;

11 (4) Complies with drug and device storage and inventory procedures in
12 accordance with Department policy; and

13 (5) [Has] **FOR A PRESCRIPTION DRUG OR DEVICE, HAS** received a
14 prescription from an authorized prescriber employed at a local health department.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.