E1, J2 4lr0656 CF 4lr0657

By: Senator Kelly

Introduced and read first time: February 2, 2024 Assigned to: Finance and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning	
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2	Nonprescription Drugs and Devices - Provision by Registered Nurses and Sale
3	of Contraceptives Through Automatic Devices

- FOR the purpose of repealing the prohibition on the sale of certain contraceptives by means of a vending machine or other automatic device; authorizing registered nurses to provide, without a prescription, nonprescription drugs and devices in a local health department under certain circumstances; and generally relating to nonprescription drugs and devices.
- 9 BY repealing
- 10 Article Criminal Law
- 11 Section 10–104 and 10–105
- 12 Annotated Code of Maryland
- 13 (2021 Replacement Volume and 2023 Supplement)
- 14 BY repealing and reenacting, without amendments.
- 15 Article Health General
- 16 Section 3–403(a)(1)
- 17 Annotated Code of Maryland
- 18 (2023 Replacement Volume)
- 19 BY repealing and reenacting, with amendments,
- 20 Article Health General
- 21 Section 3–403(b)
- 22 Annotated Code of Maryland
- 23 (2023 Replacement Volume)
- 24 BY repealing and reenacting, with amendments,
- 25 Article Health Occupations
- 26 Section 8–512
- 27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2021 Replacement Volume and 2023 Supplement)

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

4 Article - Criminal Law

- 5 [10–104.
- 6 (a) A person may not sell or offer for sale a nonlatex condom by means of a vending 7 machine or other automatic device.
- 8 (b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each violation.
- 10 (2) Each vending machine or other automatic device in violation of this 11 section is a separate violation.]
- 12 **[**10–105.
- 13 (a) A person may not sell or offer for sale a contraceptive or a contraceptive device, 14 whether or not advertised as a prophylactic, by means of a vending machine or other 15 automatic device at a kindergarten, nursery school, or elementary or secondary school.
- 16 (b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each violation.
- 18 (2) Each vending machine or other automatic device in a school is a 19 separate violation.]

20 Article - Health - General

- 21 3–403.
- 22 (a) (1) There is a Committee on Registered Nurses Personally Preparing and 23 Dispensing Drugs and Devices in Local Health Departments.
- 24 (b) The Committee shall:
- 25 (1) Develop and approve a formulary for use by registered nurses THAT
- 26 INCLUDES ALL NONPRESCRIPTION CONTRACEPTIVE DRUGS AND DEVICES
- 27 APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR
- 28 OVER-THE-COUNTER USE; and
- 29 (2) Annually review the formulary to ensure compliance with current 30 prescribing standards.

1 Article - Health Occupations 2 8-512. 3 (a) In this section the following words have the meanings indicated. (1)4 (2) "Authorized prescriber" means a licensed registered nurse, licensed dentist, licensed physician, licensed physician's assistant, licensed podiatrist, or other 5 6 individual authorized by law to prescribe prescription or nonprescription drugs or devices. 7 (3)"Device" means an item used in the diagnosis, treatment, or (i) 8 prevention of disease. 9 "Device" does not include: (ii) Surgical or dental instruments: 10 1. 11 2. Physical therapy equipment; 12 3. X-ray apparatuses; or 13 Component parts of or accessories for any of the items described in items 1 through 3 of this subparagraph. 14 "Dispense" means a procedure that results in the receipt of a 15 drug or device by a patient or a patient's agent. 16 "Dispense" includes: 17 (ii) 18 1. Interpreting an authorized prescriber's prescription for a 19 drug or device; 20 2. Selecting and labeling the drug or device prescribed; 213. Measuring and packaging the drug or device in accordance 22with State and federal law; and 23 4. Documenting the transaction in the patient's medical 24record. 25"Drug" means, unless the context requires otherwise, a prescription or 26nonprescription drug. 27 "Formulary" means a list of drugs and devices. (6)

"Nonprescription drug **OR DEVICE**" means a drug **OR DEVICE** that:

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(7)

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(4)

accordance with Department policy; and

1		(i)	May be sold without a prescription; and			
2 3	federal law.	(ii)	Is labeled for use by a consumer in accordance with State and			
4	(8)	"Pers	sonally prepare and dispense" means to:			
5		(i)	Physically prepare a prescription;			
6 7	patient; and	(ii)	Perform a final check of the prescription before dispensing it to a			
8		(iii)	Not delegate any step of the dispensing process.			
9 10	(9) "Prescription drug" means a drug that, under § 21–220 of the Health – General Article, may be dispensed only on the prescription of an authorized prescriber.					
11 12 13 14	WITHOUT A PRESCRIPTION, NONPRESCRIPTION DRUGS AND DEVICES in a local health					
15 16 17	(1) In accordance with the Overdose Response Program under Title 13. Subtitle 31 of the Health – General Article or the Expedited Partner Therapy Pilot Program under § 18–214.1 of the Health – General Article; or					
18 19	(2) family planning,	_	atients in need of communicable disease, alcohol and drug abuse, eductive health services.			
20 21 22	(c) A registered nurse may personally prepare and dispense drugs and devices OR PROVIDE, WITHOUT A PRESCRIPTION, NONPRESCRIPTION DRUGS AND DEVICES if the registered nurse:					
23 24	(1) of the Health – G	_	plies with the formulary developed and approved under § 3–403(b) Article;			
25 26	(2) Department in ac		successfully completed a training program administered by the ce with \S 3–405 of the Health – General Article;			
27 28 29	(3) confidentiality of and federal laws;		tains the patient's health record in a manner that ensures the ient's drug and device medication record in accordance with State			

Complies with drug and device storage and inventory procedures in

- 1 (5) [Has] FOR A PRESCRIPTION DRUG OR DEVICE, HAS received a prescription from an authorized prescriber employed at a local health department.
- 3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 2024.