

HOUSE BILL 1150

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6lr2189
CF SB 506

By: **Delegate Kerr**

Introduced and read first time: February 11, 2026

Assigned to: Health

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Pharmacists – Minor Conditions and HIV Prevention and**
3 **Treatment**

4 FOR the purpose of authorizing pharmacists, under certain circumstances, to prescribe,
5 administer, and dispense certain drugs or devices and perform and interpret certain
6 laboratory tests; repealing provisions establishing and governing the
7 Nonoccupational Postexposure Prophylaxis (nPEP) Standing Order Program;
8 authorizing the Maryland Department of Health to establish certain statewide
9 written protocols relating to the treatment of minor conditions and the prevention
10 and treatment of human immunodeficiency virus; and generally relating to the scope
11 of practice of pharmacists.

12 BY repealing

13 Article – Health – General
14 Section 13–5301 through 13–5303 and the subtitle “Subtitle 53. Nonoccupational
15 Postexposure Prophylaxis (nPEP) Standing Order Program”
16 Annotated Code of Maryland
17 (2023 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Health Occupations
20 Section 12–101(a)
21 Annotated Code of Maryland
22 (2021 Replacement Volume and 2025 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Health Occupations
25 Section 12–101(x)
26 Annotated Code of Maryland
27 (2021 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Health Occupations
3 Section 12–515 and 12–516
4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2025 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That Sections(s) 13–5301 through 13–5303 and the subtitle “Subtitle 53. Nonoccupational
8 Postexposure Prophylaxis (nPEP) Standing Order Program” of Article – Health – General
9 of the Annotated Code of Maryland be repealed.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
11 as follows:

12 **Article – Health Occupations**

13 12–101.

14 (a) In this title the following words have the meanings indicated.

15 (x) (1) “Practice pharmacy” means to engage in any of the following activities:

16 (i) Providing pharmaceutical care;

17 (ii) Compounding, dispensing, or distributing prescription drugs or
18 devices;

19 (iii) Compounding or dispensing nonprescription drugs or devices;

20 (iv) Monitoring prescriptions for prescription and nonprescription
21 drugs or devices;

22 (v) Providing information, explanation, or recommendations to
23 patients and health care practitioners about the safe and effective use of prescription or
24 nonprescription drugs or devices;

25 (vi) Identifying and appraising problems concerning the use or
26 monitoring of therapy with drugs or devices;

27 (vii) Acting within the parameters of a therapy management contract,
28 as provided under Subtitle 6A of this title;

29 (viii) Administering vaccinations in accordance with § 12–508 of this
30 title or self-administered drugs or maintenance injectable medications in accordance with
31 § 12–509 of this title;

1 (ix) Delegating a pharmacy act to a registered pharmacy technician,
2 pharmacy student, or an individual engaged in a Board approved pharmacy technician
3 training program;

4 (x) Supervising a delegated pharmacy act performed by a registered
5 pharmacy technician, pharmacy student, or an individual engaged in a Board approved
6 pharmacy technician training program;

7 (xi) Providing drug therapy management in accordance with §
8 19–713.6 of the Health – General Article;

9 (xii) Prescribing and dispensing contraceptive medications and
10 self-administered contraceptive devices approved by the U.S. Food and Drug
11 Administration;

12 (xiii) Prescribing and dispensing nicotine replacement therapy
13 medications; [or

14 (xiv) If the pharmacist is registered with the Nonoccupational
15 Postexposure Prophylaxis (nPEP) Standing Order Program established under § 13–5302 of
16 the Health – General Article, dispensing nonoccupational postexposure prophylaxis (nPEP)
17 medication approved by the U.S. Food and Drug Administration and in accordance with
18 “Updated Guidelines for Antiretroviral Postexposure Prophylaxis After Sexual, Injection
19 Drug Use, or Other Nonoccupational Exposure to HIV – United States 2016” or subsequent
20 guidelines published by the federal Centers for Disease Control and Prevention]

21 (XIV) IN ACCORDANCE WITH § 12–515 OF THIS TITLE,
22 PRESCRIBING DRUGS OR DEVICES, EXCLUDING CONTROLLED SUBSTANCES, THAT
23 ARE PRESCRIBED:

24 1. IN ACCORDANCE WITH THE PRODUCT’S U.S. FOOD
25 AND DRUG ADMINISTRATION–APPROVED LABELING; AND

26 2. TO TREAT CONDITIONS THAT:

27 A. DO NOT REQUIRE A NEW DIAGNOSIS;

28 B. ARE MINOR AND GENERALLY SELF–LIMITING; OR

29 C. HAVE A TEST THAT IS USED TO GUIDE DIAGNOSIS OR
30 CLINICAL DECISION MAKING THAT IS CLASSIFIED AS WAIVED UNDER THE FEDERAL
31 CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988; OR

32 (XV) IN ACCORDANCE WITH § 12–516 OF THIS TITLE:

1 **1. PERFORMING AND INTERPRETING LABORATORY**
2 **TESTS FOR HUMAN IMMUNODEFICIENCY VIRUS; AND**

3 **2. PRESCRIBING AND DISPENSING PRE-EXPOSURE**
4 **PROPHYLAXIS AND POSTEXPOSURE PROPHYLAXIS MEDICATIONS.**

5 (2) "Practice pharmacy" does not include the operations of a person who
6 holds a permit issued under § 12-6C-03 of this title.

7 **12-515.**

8 **(A) IN ACCORDANCE WITH A STATEWIDE WRITTEN PROTOCOL ESTABLISHED**
9 **BY THE STATE BOARD OF PHARMACY, A PHARMACIST MAY ORDER, TEST FOR,**
10 **SCREEN FOR, AND TREAT MINOR CONDITIONS, INCLUDING:**

11 **(1) COLD SORES;**

12 **(2) GROUP A STREPTOCOCCUS PHARYNGITIS;**

13 **(3) INFLUENZA;**

14 **(4) LICE;**

15 **(5) COVID-19 AND OTHER RESPIRATORY ILLNESSES, CONDITIONS,**
16 **OR DISEASES;**

17 **(6) SKIN CONDITIONS, INCLUDING RINGWORM AND ATHLETE'S FOOT;**

18 **(7) URINARY TRACT INFECTION; AND**

19 **(8) OTHER EMERGING AND EXISTING PUBLIC HEALTH THREATS**
20 **IDENTIFIED BY THE DEPARTMENT, IF AUTHORIZED BY AN ORDER, A RULE, OR A**
21 **REGULATION.**

22 **(B) (1) A PHARMACIST WHO ORDERS, TESTS FOR, SCREENS FOR, OR**
23 **TREATS A HEALTH CONDITION UNDER THIS SECTION MAY USE ANY TEST THAT MAY**
24 **GUIDE CLINICAL DECISION MAKING THAT IS CLASSIFIED AS WAIVED UNDER THE**
25 **FEDERAL CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988, THE**
26 **FEDERAL RULES ADOPTED UNDER THE FEDERAL CLINICAL LABORATORY**
27 **IMPROVEMENT AMENDMENTS OF 1988, OR ANY SCREENING PROCEDURE THAT IS**
28 **ESTABLISHED BY STATEWIDE WRITTEN PROTOCOL.**

29 **(2) A TEST PERFORMED UNDER THIS SUBSECTION DOES NOT**
30 **REQUIRE A LETTER OF EXCEPTION FROM THE DEPARTMENT.**

1 **(C) A PHARMACIST MAY DELEGATE THE ADMINISTRATIVE AND TECHNICAL**
2 **TASKS OF PERFORMING A TEST CLASSIFIED AS WAIVED UNDER THE FEDERAL**
3 **CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 TO:**

4 **(1) A REGISTERED PHARMACY TECHNICIAN;**

5 **(2) A PHARMACY STUDENT; OR**

6 **(3) AN INDIVIDUAL ENGAGED IN A BOARD-APPROVED PHARMACY**
7 **TECHNICIAN TRAINING PROGRAM UNDER THE SUPERVISION OF THE PHARMACIST.**

8 **12-516.**

9 **(A) THE DEPARTMENT MAY ESTABLISH A STATEWIDE WRITTEN PROTOCOL**
10 **FOR THE DELIVERY OF PRE-EXPOSURE PROPHYLAXIS AND POSTEXPOSURE**
11 **PROPHYLAXIS MEDICATIONS FOR THE PREVENTION AND TREATMENT OF HUMAN**
12 **IMMUNODEFICIENCY VIRUS.**

13 **(B) IN ACCORDANCE WITH THE STATEWIDE WRITTEN PROTOCOL**
14 **ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION, A PHARMACIST MAY:**

15 **(1) PERFORM AND INTERPRET LABORATORY TESTS;**

16 **(2) CONDUCT ASSESSMENTS AND CONSULTATIONS;**

17 **(3) INITIATE, DISPENSE, OR ADMINISTER:**

18 **(I) PRE-EXPOSURE PROPHYLAXIS MEDICATIONS; OR**

19 **(II) POSTEXPOSURE PROPHYLAXIS MEDICATIONS; AND**

20 **(4) PROVIDE REFERRALS FOR ADDITIONAL CARE.**

21 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**
22 **October 1, 2026.**