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January 27, 2021

To: The Honorable Shane E. Pendergrass  
Chair, Health and Government Operations Committee

From: Patricia F. O'Connor, Health Education and Advocacy Unit

Re: House Bill 107 (Prohibition on Vending Machine Sales of Drugs and Medicines – Repeal): Support with Amendment

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) supports House Bill 107 which would repeal Maryland's prohibition against the sale of any drug, medicine, pharmaceutical preparation, or medicinal preparation by means of a vending machine or similar device except as otherwise approved by the Secretary of Health. We propose amendments that would partially repeal the prohibition by expressly allowing the sale of nonprescription drugs, subject to regulations from the Secretary and the Department's enforcement authority. The prohibition would otherwise remain intact, subject to the Secretary's authority to exempt any commodity if the Secretary finds that the commodity may be dispensed by vending machine or other similar device without danger to the public health.

Currently, condoms and nonprescription pain relief drugs may be sold in vending machines in Maryland. All states but four permit (or do not prohibit) vending machine sales of nonprescription drugs. Maryland consumers without 24/7 access to retail outlets selling nonprescription drugs would benefit from partial repeal of the prohibition, subject to appropriate regulations and enforcement. And all consumers benefit from increased competition among sellers when prices decrease as a result.

For these reasons, we ask the Committee for a favorable report.

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