



**Committee:** Senate Finance Committee

**Bill Number:** SB 944 - Nonprescription Drugs and Devices - Provision by Registered Nurses and Sale of Contraceptives Through Automatic Devices

**Hearing Date:** March 12, 2024

**Position:** Support

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The Maryland Nurses Association (MNA) supports *Senate Bill 944 – Nonprescription Drugs and Devices – Provision by Registered Nurses and Sale of Contraceptives Through Automatic Devices*. The law clarifies that registered nurses are able to distribute condoms and other over-the-counter products in local health departments. The current Nurse Practice Act only allows registered nurses in local health departments to dispense prescribed products. If these nurses provide over-the-counter products to a consumer, they risk disciplinary action by the Board.

Registered nurses have been able to dispense prescribed medication and devices in substance use disorder and family planning clinics in local health departments since 1999. Normally, registered nurses need prescriptive orders to dispense prescribed medication or devices; but in 1999, the Board of Physician Quality Assurance (now called the Board of Physicians) issued a declaratory ruling authorizing registered nurses to dispense prescribed medication and devices in local health departments without prescriptive orders. Registered nurses needed to follow a formulary approved by the Department of Health and Mental Hygiene (now Department of Health) and local health department procedures.

Then, in 2015, the Board of Nursing came to the Maryland General Assembly with House Bill 945/Senate Bill 626. In working with the Department of Health to implement the expedited partner therapy program, the Board had determined that the 1999 declaratory ruling was not legally sufficient. The law needed to be changed to allow registered nurses to dispense medications and devices of the formulary. The Maryland General Assembly passed the legislation unanimously, and it went into effect in October 2015.

The 2015 law was tailored for prescribed medications and devices. The Nurse Practice Act does not allow registered nurses to provide over-the-counter products to any individual without a prescription. This issue first arose when some nurses were hesitant to provide condoms to patients during a visit. The condoms could be kept in a bowl in a waiting or exam room, but nurses wondered if they risked disciplinary action under the Nurse Practice Act by handing a condom to a patient.

We support this legislation because it clarifies that registered nurses in local health departments may provide over-the-counter products that are on a formulary determined by the Department of Health. The bill also recognizes that the formulary should include over-the-counter contraception, including condoms.

We should note that when the FDA approves a product for over-the-counter use, it is only after extensive testing to ensure that consumers can read and follow the directions on the labeling for the product. This means that FDA believes consumers can appropriately determine if an over-the-counter product is right for them.

We ask for a favorable vote on this legislation. If we can provide any additional information, please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net).