



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 1, 2024

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, Maryland 21401

RE: House Bill 1171 – Nonprescription Drugs and Devices - Provision by Registered Nurses and Sale of Contraceptives Through Automatic Devices - Letter of Support with Amendments

Dear Chair Peña-Melnyk and Committee members:

The Maryland Department (the Department) respectfully submits this letter of support with amendments for HB 1171- Nonprescription Drugs and Devices - Provision by Registered Nurses and Sale of Contraceptives Through Automatic Devices. HB 1171 repeals the prohibition on the sale of certain contraceptives by means of a vending machine or other automatic device; and authorizes registered nurses to provide, without a prescription, nonprescription drugs and devices in a local health department under certain circumstances.

HB 1171 provides key modernization to public health practices regarding the accessibility and availability of contraceptives. The Department, as a recipient of Centers for Disease Control and Prevention(CDC) Integrated Human Immunodeficiency Virus (HIV) Surveillance and Prevention Programs for Health Departments (CFDA) funding, is required to implement a condom distribution program as part of Maryland's larger HIV prevention strategy. The passage of HB 1171 would facilitate the inclusion of condoms in public health vending machines and address the longstanding barrier preventing registered nurses in local health departments from directly providing condoms to constituents in the privacy of an exam room. Instead, they have been limited to merely notifying constituents of the presence of condoms in a lobby bowl. These modifications support structural interventions to broaden use of condoms as a cost-effective strategy to prevent STI and HIV transmissions,¹ while also supporting family planning.

HB 1171 would also allow the sale of contraceptives in secondary schools. Research indicates that providing condoms in high schools does not prompt increased sexual activity among teens; rather it can increase condom use among sexually active students and students at high risk. When contraception is more widely available, students are more likely to use it, leading to improved sexual health outcomes.²

¹ Condom Distribution Structural Intervention (CDSI); CDC website, accessed 02/23/2024

<https://www.cdc.gov/hiv/effective-interventions/prevent/condom-distribution-programs/index.html>

² Algur E, Wang E, Friedman HS, Deperthes B. A systematic global review of condom availability programs in high schools. *Journal of Adolescent Health*. 2019 Mar 1;64(3):292-304. doi: 10.1016/j.jadohealth.2018.11.013

The prohibition of nonlatex condoms in vending machines dates to an era when condom vending machines in public restrooms were utilized as a public health strategy. At the time, “nonlatex” only referred to natural membrane condoms, which are less effective at preventing transmission of HIV and STIs.³ However, advancements in condom technology now offer several latex alternatives, such as plastic or synthetic rubber, catering to individuals with latex allergies. Therefore, the Department proposes an amendment that would prohibit the sale of condoms with natural membranes by means of a vending machine or other automatic device. This proposed amendment will ensure that HB 1171 only increases the availability of effective contraceptives.

Sexual health includes the availability, accessibility, and acceptability of contraception and disease prevention tools, used consistently and correctly. HB 1171 supports these goals removing current barriers.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary

³ HIV Prevention: Condoms. Centers for Disease Control and Prevention. May 2021.
<https://www.cdc.gov/hiv/basics/hiv-prevention/condoms.html>

AMENDMENT TO HOUSE BILL HB 1171
(First Reading File Bill)

AMENDMENT NO.1

On page 2, beginning in line 6, strike “[“.

On page 2, line 7, before “(A)” insert “[“.

AMENDMENT NO. 2

On page 2, after line 12, insert “A PERSON MAY NOT SELL OR OFFER FOR SALE A NATURAL MEMBRANE CONDOM BY MEANS OF VENDING MACHINE OR OTHER AUTOMATIC DEVICE.”