



Committee: House Health and Government Operations Committee

Bill Number: HB 1171 - Nonprescription Drugs and Devices - Provision by Registered Nurses and Sale of Contraceptives Through Automatic Devices

Hearing Date: March 1, 2024

Position: Support

The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports *House Bill 1171 – Nonprescription Drugs and Devices – Provision by Registered Nurses and Sale of Contraceptives Through Automatic Devices*. Maryland’s laws regarding condoms and other forms of over-the-counter contraception are outdated. This legislation updates several of provisions of law including:

- **Repealing the Ban on the Sale of Non-Latex Condoms in Vending Machines:** Maryland law prohibits the sale of non-latex condoms in vending machines. We understand that this prohibition dates back to the 1980’s when there were no non-latex condoms approved by the Food and Drug Administration. At the time, there may have been a concern about the effectiveness of non-latex condoms in protecting against HIV transmission. Now, the FDA has approved many types of non-latex condoms, as latex allergies have become more prevalent, with rates as high as 10%-17% for health care professionals because of overexposure by wearing latex gloves.¹ The bill repeals this outdated provision; and
- **Clarifying that Nurses can Provide Over-the-Counter Medications and Devices in Local Health Departments:** The Nurse Practice Act has a provision that allows registered nurses to dispense medication and supplies at local health departments in family planning and alcohol and drug abuse clinics. The existing law, as it references requirements for “prescriptions”, has created concern among registered nurses about whether they can provide condoms or other over-the-counter products to patients. The law should be clarified. There are rising rates of HIV and syphilis transmission in

Maryland. Nurses should have clarity that they are allowed to distribute condoms. There is also now an over-the-counter birth control pill, approved by the FDA last year, that will soon be available, and there may be low-cost options for local health departments.

We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net.

ⁱ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5356959/>