

# HOUSE BILL 411

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CF SB 408

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By: ~~Delegate Kipke~~ Delegates Kipke, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, R. Lewis, Lopez, Martinez, Reilly, Rosenberg, Szeliga, Taveras, White Holland, and Woods

Introduced and read first time: January 18, 2024

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Public Health~~ Maryland Department of Health – Reports on Standing Orders  
3 and Opioid Overdose Reversal Drugs ~~– Standing Orders~~

4 FOR the purpose of ~~requiring a licensed health care provider, when issuing a standing order~~  
5 ~~for an opioid reversal drug, to allow an individual to choose any formulation of any~~  
6 ~~opioid reversal drug approved by the federal Food and Drug Administration;~~  
7 requiring the Maryland Department of Health, on or before certain dates, to report  
8 to certain committees of the General Assembly on opioid overdose reversal drugs and  
9 standing orders; and generally relating to reports on standing orders for and opioid  
10 overdose reversal drugs.

11 ~~BY repealing and reenacting, without amendments,~~  
12 ~~Article – Health – General~~  
13 ~~Section 13–3101(a) and (c)~~  
14 ~~Annotated Code of Maryland~~  
15 ~~(2023 Replacement Volume)~~

16 ~~BY repealing and reenacting, with amendments,~~  
17 ~~Article – Health – General~~  
18 ~~Section 13–3106~~  
19 ~~Annotated Code of Maryland~~  
20 ~~(2023 Replacement Volume)~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 2 That ~~the Laws of Maryland read as follows:~~ on or before December 1, 2024, December 1,  
 3 2025, and December 1, 2026, the Maryland Department of Health shall report to the Senate  
 4 Finance Committee and the House Health and Government Operations Committee, in  
 5 accordance with § 2-1257 of the State Government Article, on:

6 (1) current opioid overdose reversal drugs approved by the federal Food  
 7 and Drug Administration; and

8 (2) for any current opioid overdose reversal drug approved by the federal  
 9 Food and Drug Administration, whether the Department has added the drug to a standing  
 10 order, and if not, the reasons why the drug has not been added.

11 ~~Article Health General~~

12 ~~13-3101.~~

13 (a) ~~In this subtitle the following words have the meanings indicated.~~

14 (e) ~~“Standing order” means a written instruction for the prescribing and~~  
 15 ~~dispensing of an opioid overdose reversal drug approved by the federal Food and Drug~~  
 16 ~~Administration in accordance with § 13-3106 of this subtitle.~~

17 ~~13-3106.~~

18 (a) ~~A licensed health care provider with prescribing authority may prescribe and~~  
 19 ~~dispense an opioid overdose reversal drug approved by the federal Food and Drug~~  
 20 ~~Administration to an individual who:~~

21 (1) ~~Is believed by the licensed health care provider to be at risk of~~  
 22 ~~experiencing an opioid overdose; or~~

23 (2) ~~Is in a position to assist an individual at risk of experiencing an opioid~~  
 24 ~~overdose.~~

25 (b) (1) ~~A licensed health care provider with prescribing authority may~~  
 26 ~~prescribe and dispense opioid overdose reversal drugs approved by the federal Food and~~  
 27 ~~Drug Administration by issuing a standing order if the licensed health care provider:~~

28 (i) ~~Is employed by the Department or a local health department; or~~

29 (ii) ~~Has a written agreement with an authorized private or public~~  
 30 ~~entity under § 13-3104 of this subtitle.~~

1 ~~(2) WHEN ISSUING A STANDING ORDER FOR AN OPIOID REVERSAL~~  
2 ~~DRUG UNDER PARAGRAPH (1) OF THIS SUBSECTION, A LICENSED HEALTH CARE~~  
3 ~~PROVIDER SHALL ALLOW THE INDIVIDUAL TO CHOOSE ANY FORMULATION OF ANY~~  
4 ~~OPIOID REVERSAL DRUG APPROVED BY THE FEDERAL FOOD AND DRUG~~  
5 ~~ADMINISTRATION.~~

6 ~~[(2)] (3) A licensed health care provider with prescribing authority who~~  
7 ~~issues a standing order under paragraph (1) of this subsection may delegate the dispensing~~  
8 ~~of opioid overdose reversal drugs approved by the federal Food and Drug Administration to~~  
9 ~~an employee or a volunteer of an authorized private or public entity in accordance with a~~  
10 ~~written agreement under § 13-3104 of this subtitle.~~

11 ~~[(3)] (4) Any licensed health care provider who has dispensing authority~~  
12 ~~also may dispense an opioid overdose reversal drug approved by the federal Food and Drug~~  
13 ~~Administration to any individual in accordance with a standing order issued by a licensed~~  
14 ~~health care provider with prescribing authority in accordance with this subsection.~~

15 ~~(e) A pharmacist may dispense opioid overdose reversal drugs approved by the~~  
16 ~~federal Food and Drug Administration in accordance with a therapy management contract~~  
17 ~~under Title 12, Subtitle 6A of the Health Occupations Article.~~

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2024.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.