

Chapter 849

(Senate Bill 408)

AN ACT concerning

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

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

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

~~BY repealing and reenacting, with amendments,~~
~~Article—Health—General~~
~~Section 13—3106~~
~~Annotated Code of Maryland~~
~~(2023 Replacement Volume)~~

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

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

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

Article—Health—General~~13—3101.~~

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

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

~~13-3106.~~

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 16, 2024.