

Chapter 320

(Senate Bill 62)

AN ACT concerning

**Pharmacists – ~~Aids for the Cessation of Tobacco Product Use~~ Nicotine Replacement Therapy Medication**

FOR the purpose of authorizing a pharmacist who meets the requirements of regulations adopted by the State Board of Pharmacy to prescribe and dispense nicotine replacement therapy medications approved by the U.S. Food and Drug Administration ~~as aids for the cessation of the use of tobacco products~~ for the purpose of aiding in tobacco cessation or smoking cessation; and generally relating to the prescribing and dispensing of ~~aids for the cessation of the use of tobacco products~~ nicotine replacement therapy medications.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 12-101(a) and (b)  
Annotated Code of Maryland  
(2021 Replacement Volume)

BY adding to  
Article – Health Occupations  
Section 12-101(o-2) and 12-514  
Annotated Code of Maryland  
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 12-101(x)  
Annotated Code of Maryland  
(2021 Replacement Volume)

~~BY adding to~~  
~~Article – Health Occupations~~  
~~Section 12-514~~  
~~Annotated Code of Maryland~~  
~~(2021 Replacement Volume)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health Occupations**

12-101.

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

(b) “Authorized prescriber” means any licensed dentist, licensed dental hygienist with prescriptive authority under § 4–206.4 of this article, licensed physician, licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive authority under § 8–508 of this article, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

**(O–2) “NICOTINE REPLACEMENT THERAPY MEDICATION” MEANS A DRUG OR PRODUCT, REGARDLESS OF WHETHER IT IS AVAILABLE OVER THE COUNTER, THAT:**

**(1) DELIVERS NICOTINE TO AN INDIVIDUAL; AND**

**(2) IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE SOLE PURPOSE OF AIDING IN TOBACCO CESSATION OR SMOKING CESSATION.**

- (x) (1) “Practice pharmacy” means to engage in any of the following activities:
- (i) Providing pharmaceutical care;
  - (ii) Compounding, dispensing, or distributing prescription drugs or devices;
  - (iii) Compounding or dispensing nonprescription drugs or devices;
  - (iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;
  - (v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;
  - (vi) Identifying and appraising problems concerning the use or monitoring of therapy with drugs or devices;
  - (vii) Acting within the parameters of a therapy management contract, as provided under Subtitle 6A of this title;
  - (viii) Administering vaccinations in accordance with § 12–508 of this title or self-administered drugs or maintenance injectable medications in accordance with § 12–509 of this title;

(ix) Delegating a pharmacy act to a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program;

(x) Supervising a delegated pharmacy act performed by a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program;

(xi) Providing drug therapy management in accordance with § 19-713.6 of the Health – General Article; [or]

(xii) Prescribing and dispensing contraceptive medications and self-administered contraceptive devices approved by the U.S. Food and Drug Administration; OR

**(XIII) PRESCRIBING AND DISPENSING NICOTINE REPLACEMENT THERAPY MEDICATIONS ~~APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS.~~**

(2) “Practice pharmacy” does not include the operations of a person who holds a permit issued under § 12-6C-03 of this title.

**12-514.**

**(A) A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE NICOTINE REPLACEMENT THERAPY MEDICATIONS ~~APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS.~~**

**(B) (1) ON OR BEFORE SEPTEMBER 1, 2023, THE BOARD SHALL ADOPT REGULATIONS ESTABLISHING:**

**(I) STANDARD PROCEDURES THAT A PHARMACIST SHALL USE TO:**

**1. PRESCRIBE AND DISPENSE TO A PATIENT THE APPROPRIATE ~~AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS BY THE PATIENT~~ NICOTINE REPLACEMENT THERAPY MEDICATION; AND**

**2. REFER THE PATIENT TO A PRIMARY CARE PRACTITIONER FOR TREATMENT; AND**

(II) THE CONDITIONS UNDER WHICH A PHARMACIST MAY PRESCRIBE AND DISPENSE ~~AN AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS~~ NICOTINE REPLACEMENT THERAPY MEDICATION.

(2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

(I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR PRESCRIBING AND DISPENSING ~~AIDS FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS~~ NICOTINE REPLACEMENT THERAPY MEDICATION;

(II) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY THE BOARD; AND

(III) AFTER PRESCRIBING AND DISPENSING TO A PATIENT ~~AN AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS~~ NICOTINE REPLACEMENT THERAPY MEDICATION:

1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO THE PATIENT'S PRIMARY CARE PRACTITIONER;

2. PROVIDE THE PATIENT WITH:

A. A WRITTEN RECORD OF THE NICOTINE REPLACEMENT THERAPY MEDICATION DISPENSED; AND

B. INFORMATION ON THE IMPORTANCE OF THE PATIENT SEEING THE PATIENT'S PRIMARY CARE PRACTITIONER; AND

3. RECORD THE PRESCRIBING AND DISPENSING OF THE ~~AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS~~ NICOTINE REPLACEMENT THERAPY MEDICATION IN ANY ELECTRONIC HEALTH RECORD MAINTAINED FOR THE PATIENT BY THE PHARMACIST.

(3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO COMPLETE THE TRAINING PROGRAM UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION FOR A PHARMACIST WHO ALREADY HAS UNDERGONE THE TRAINING AS PART OF THE PHARMACIST'S FORMAL EDUCATIONAL PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved by the Governor, May 12, 2022.