

SENATE BILL 944

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By: **Senator Kelly**

Introduced and read first time: February 2, 2024

Assigned to: Finance and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Nonprescription Drugs and Devices – Provision by Registered Nurses and Sale**
3 **of Contraceptives Through Automatic Devices**

4 FOR the purpose of repealing the prohibition on the sale of certain contraceptives by means
5 of a vending machine or other automatic device; authorizing registered nurses to
6 provide, without a prescription, nonprescription drugs and devices in a local health
7 department under certain circumstances; and generally relating to nonprescription
8 drugs and devices.

9 BY repealing

10 Article – Criminal Law
11 Section 10–104 and 10–105
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Health – General
16 Section 3–403(a)(1)
17 Annotated Code of Maryland
18 (2023 Replacement Volume)

19 BY repealing and reenacting, with amendments,

20 Article – Health – General
21 Section 3–403(b)
22 Annotated Code of Maryland
23 (2023 Replacement Volume)

24 BY repealing and reenacting, with amendments,

25 Article – Health Occupations
26 Section 8–512
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2021 Replacement Volume and 2023 Supplement)

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

Article – Criminal Law

[10–104.

(a) A person may not sell or offer for sale a nonlatex condom by means of a vending machine or other automatic device.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each violation.

(2) Each vending machine or other automatic device in violation of this section is a separate violation.]

[10–105.

(a) A person may not sell or offer for sale a contraceptive or a contraceptive device, whether or not advertised as a prophylactic, by means of a vending machine or other automatic device at a kindergarten, nursery school, or elementary or secondary school.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each violation.

(2) Each vending machine or other automatic device in a school is a separate violation.]

Article – Health – General

3–403.

(a) (1) There is a Committee on Registered Nurses Personally Preparing and Dispensing Drugs and Devices in Local Health Departments.

(b) The Committee shall:

(1) Develop and approve a formulary for use by registered nurses **THAT INCLUDES ALL NONPRESCRIPTION CONTRACEPTIVE DRUGS AND DEVICES APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR OVER-THE-COUNTER USE**; and

(2) Annually review the formulary to ensure compliance with current prescribing standards.

- 1 (i) May be sold without a prescription; and
2 (ii) Is labeled for use by a consumer in accordance with State and
3 federal law.

4 (8) “Personally prepare and dispense” means to:

- 5 (i) Physically prepare a prescription;
6 (ii) Perform a final check of the prescription before dispensing it to a
7 patient; and
8 (iii) Not delegate any step of the dispensing process.

9 (9) “Prescription drug” means a drug that, under § 21–220 of the Health –
10 General Article, may be dispensed only on the prescription of an authorized prescriber.

11 (b) If a registered nurse complies with the requirements of this section, the
12 registered nurse may personally prepare and dispense drugs and devices **OR PROVIDE,**
13 **WITHOUT A PRESCRIPTION, NONPRESCRIPTION DRUGS AND DEVICES** in a local health
14 department:

15 (1) In accordance with the Overdose Response Program under Title 13,
16 Subtitle 31 of the Health – General Article or the Expedited Partner Therapy Pilot Program
17 under § 18–214.1 of the Health – General Article; or

18 (2) To patients in need of communicable disease, alcohol and drug abuse,
19 family planning, or reproductive health services.

20 (c) A registered nurse may personally prepare and dispense drugs and devices
21 **OR PROVIDE, WITHOUT A PRESCRIPTION, NONPRESCRIPTION DRUGS AND DEVICES**
22 if the registered nurse:

23 (1) Complies with the formulary developed and approved under § 3–403(b)
24 of the Health – General Article;

25 (2) Has successfully completed a training program administered by the
26 Department in accordance with § 3–405 of the Health – General Article;

27 (3) Maintains the patient’s health record in a manner that ensures the
28 confidentiality of the patient’s drug and device medication record in accordance with State
29 and federal laws;

30 (4) Complies with drug and device storage and inventory procedures in
31 accordance with Department policy; and

1 (5) [Has] **FOR A PRESCRIPTION DRUG OR DEVICE, HAS** received a
2 prescription from an authorized prescriber employed at a local health department.

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