

SENATE BILL 969

F2, J1

8lr3739
CF 8lr2201

By: **Senators Manno, Conway, Feldman, Guzzone, Kagan, Kelley, King, Lee, Madaleno, Nathan-Pulliam, Pinsky, Robinson, Smith, and Zucker**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Access to Emergency Contraception – Student Health Centers**
3 **and Vending Machines**

4 FOR the purpose of requiring a public institution of higher education to require a student
5 health center to provide during certain hours of operation of the student health
6 center on-site access to certain emergency contraception and contraceptive
7 counseling or referrals for contraceptive counseling to other qualified health care
8 providers; requiring a public institution of higher education to ensure the availability
9 of certain emergency contraception at all times, including through vending machines
10 or other similar devices, certain information relating to the availability of emergency
11 contraception on campus and off campus, and certain information in a certain format
12 based on certain recommendations; excluding emergency contraception approved for
13 certain use by a certain federal agency from the prohibition on selling, distributing,
14 or otherwise disposing of any drug, medicine, or certain preparations by means of a
15 vending machine or other similar device; defining certain terms; and generally
16 relating to access to emergency contraception at student health centers at public
17 institutions of higher education and through vending machines.

18 BY adding to

19 Article – Education

20 Section 15–123

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2017 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Health – General

25 Section 21–1111

26 Annotated Code of Maryland

27 (2015 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 **15–123.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) “EMERGENCY CONTRACEPTION” MEANS A DRUG REGIMEN
8 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION THAT IS
9 USED AFTER SEXUAL INTERCOURSE TO PREVENT PREGNANCY.

10 (3) “OVER–THE–COUNTER” MEANS A DRUG APPROVED BY THE
11 UNITED STATES FOOD AND DRUG ADMINISTRATION FOR OVER–THE–COUNTER
12 USE.

13 (4) “STUDENT HEALTH CENTER” MEANS A HEALTH CENTER
14 OPERATED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR THE PURPOSE OF
15 PROVIDING HEALTH CARE SERVICES TO STUDENTS.

16 (B) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL REQUIRE A
17 STUDENT HEALTH CENTER TO PROVIDE DURING THE REGULAR HOURS OF
18 OPERATION OF THE STUDENT HEALTH CENTER:

19 (1) ON–SITE ACCESS TO EMERGENCY CONTRACEPTION BY
20 PRESCRIPTION AND OVER–THE–COUNTER; AND

21 (2) CONTRACEPTIVE COUNSELING OR REFERRALS FOR
22 CONTRACEPTIVE COUNSELING TO OTHER QUALIFIED HEALTH CARE PROVIDERS.

23 (C) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ENSURE THE
24 AVAILABILITY OF:

25 (1) OVER–THE–COUNTER EMERGENCY CONTRACEPTION AT ALL
26 TIMES, INCLUDING THROUGH VENDING MACHINES OR OTHER SIMILAR DEVICES;

27 (2) INFORMATION RELATING TO THE AVAILABILITY OF EMERGENCY
28 CONTRACEPTION ON CAMPUS AND OFF CAMPUS ON ITS WEBSITE AND THROUGH
29 OTHER MEANS OF COMMUNICATING WITH STUDENTS; AND

30 (3) INFORMATION RELATING TO EMERGENCY CONTRACEPTION IN A
31 CONSUMER–FRIENDLY FORMAT BASED ON THE RECOMMENDATIONS OF THE

1 **AMERICAN SOCIETY FOR EMERGENCY CONTRACEPTION.**

2 **Article – Health General**

3 21–1111.

4 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
5 **INDICATED.**

6 **(2) “EMERGENCY CONTRACEPTION” MEANS A DRUG REGIMEN**
7 **APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION THAT IS**
8 **USED AFTER SEXUAL INTERCOURSE TO PREVENT PREGNANCY.**

9 **(3) “OVER–THE–COUNTER” MEANS A DRUG APPROVED BY THE**
10 **UNITED STATES FOOD AND DRUG ADMINISTRATION FOR OVER–THE–COUNTER**
11 **USE.**

12 **[(a)] (B) This section does not apply to any:**

13 (1) Surgical or dental instrument;

14 (2) Physical therapy equipment;

15 (3) X–ray apparatus; **[or]**

16 **(4) EMERGENCY CONTRACEPTION APPROVED FOR**
17 **OVER–THE–COUNTER USE BY THE UNITED STATES FOOD AND DRUG**
18 **ADMINISTRATION; OR**

19 **[(4)] (5) Component part or accessory of any of these items.**

20 **[(b)] (C) A person may not sell, distribute, or otherwise dispose of any drug,**
21 **medicine, pharmaceutical preparation, or medicinal preparation by means of a vending**
22 **machine or other similar device.**

23 **[(c)] (D) By rule or regulation, the Secretary may exempt any commodity from**
24 **the application of this section if the Secretary finds that the commodity may be dispensed**
25 **by vending machine or other similar devices without danger to the public health.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
27 **1, 2018.**