

# SENATE BILL 408

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4lr1762  
CF HB 411

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By: **Senator Klausmeier**

Introduced and read first time: January 18, 2024

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 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)~~

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That ~~the Laws of Maryland read as follows:~~ on or before December 1, 2024, December 1,

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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 2025, and December 1, 2026, the Maryland Department of Health shall report to the Senate  
 2 Finance Committee and the House Health and Government Operations Committee, in  
 3 accordance with § 2-1257 of the State Government Article, on:

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

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

9 **~~Article Health General~~**

10 ~~§ 3101.~~

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

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

15 ~~§ 3106.~~

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

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

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

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

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

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

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

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

6           ~~[(3)] (4)~~     Any licensed health care provider who has dispensing authority  
 7 also may dispense an opioid overdose reversal drug approved by the federal Food and Drug  
 8 Administration to any individual in accordance with a standing order issued by a licensed  
 9 health care provider with prescribing authority in accordance with this subsection.

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.