

HOUSE BILL 1149

J1
SB 662/10 – EHE

11r1973
CF SB 700

By: **Delegate Costa**

Introduced and read first time: February 14, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacies – Delivery of Controlled Dangerous Substances**

3 FOR the purpose of requiring certain pharmacies to require an adult to sign for the
4 delivery of certain controlled dangerous substances to a residence; requiring the
5 State Board of Pharmacy to waive certain requirements for certain pharmacies
6 under certain circumstances; and generally relating to pharmacies and the
7 delivery of controlled dangerous substances.

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 12–403(b)(17) and (c)(3)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

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

15 **Article – Health Occupations**

16 12–403.

17 (b) Except as otherwise provided in this section, a pharmacy for which a
18 pharmacy permit has been issued under this title:

19 (17) With regard to a prescription drug that is delivered in this State by
20 the United States mail, a common carrier, or a delivery service and is not personally
21 hand delivered directly to a patient or to the agent of the patient at the residence of
22 the patient or at another location designated by the patient, shall:

23 (i) Provide a general written notice in each shipment of a
24 prescription drug that alerts a consumer that, under certain circumstances, a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 medication's effectiveness may be affected by exposure to extremes of heat, cold, or
2 humidity; [and]

3 (ii) Provide a specific written notice in each shipment of a
4 prescription drug that provides a consumer with a toll-free or local consumer access
5 telephone number accessible during regular hours of operation, which is designed to
6 respond to consumer questions pertaining to medications; **AND**

7 **(III) REQUIRE AN ADULT TO SIGN FOR THE DELIVERY OF A**
8 **PRESCRIPTION DRUG OR SUBSTANCE THAT IS LISTED IN SCHEDULE II AS A**
9 **CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE**
10 **CRIMINAL LAW ARTICLE, TO A RESIDENCE;**

11 (c) (3) The Board shall waive the requirements of subsection [(b)(20)]
12 **(B)(17)(III) AND (20)** of this section for a pharmacy **SERVICING A NURSING**
13 **FACILITY OR** owned and operated by a hospital, nursing facility, or clinic to which the
14 public does not have access to purchase pharmaceuticals on a retail basis.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2011.