

# SENATE BILL 266

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71r0751

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By: **Senators Lenett and Madaleno**

Introduced and read first time: January 30, 2007

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Privacy Act**

3 FOR the purpose of prohibiting the transfer by certain persons of information that  
4 identifies a specific prescriber or patient on a prescription; providing certain  
5 exceptions; requiring the Secretary of Health and Mental Hygiene to adopt  
6 certain regulations and enforce certain requirements; and generally relating to  
7 the transfer of identifying information on a prescription.

8 BY adding to

9 Article – Health – General

10 Section 21–220.1

11 Annotated Code of Maryland

12 (2005 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Health – General

15 Section 21–1215

16 Annotated Code of Maryland

17 (2005 Replacement Volume and 2006 Supplement)

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

20 **Article – Health – General**

21 **21–220.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**  
2 **INFORMATION THAT IDENTIFIES A SPECIFIC PRESCRIBER OR PATIENT ON A**  
3 **PRESCRIPTION MAY NOT BE TRANSFERRED BY ANY PHARMACY, PHARMACY**  
4 **BENEFITS MANAGER, INSURER, DATA TRANSFER INTERMEDIARY, OR THE**  
5 **AGENTS OF ANY PHARMACY, PHARMACY BENEFITS MANAGER, INSURER, OR**  
6 **DATA TRANSFER INTERMEDIARY.**

7           **(B) IF NO PAYMENT IS RECEIVED FOR THE TRANSFER OF THE**  
8 **INFORMATION, INFORMATION THAT IDENTIFIES A SPECIFIC PRESCRIBER OR**  
9 **PATIENT ON A PRESCRIPTION MAY BE TRANSFERRED TO:**

10                   **(1) THE PATIENT FOR WHOM THE ORIGINAL PRESCRIPTION WAS**  
11 **ISSUED;**

12                   **(2) A LICENSED HEALTH CARE PRACTITIONER WHO ISSUED THE**  
13 **PRESCRIPTION OR WHO TREATS THE PATIENT;**

14                   **(3) FOR THE PURPOSE OF OFFICIAL BUSINESS, AN OFFICER,**  
15 **INSPECTOR, OR INVESTIGATOR FOR A GOVERNMENT HEALTH, HEALTH**  
16 **OCCUPATIONS LICENSING, OR LAW ENFORCEMENT AGENCY AUTHORIZED BY**  
17 **LAW TO HAVE ACCESS TO PRESCRIPTION INFORMATION;**

18                   **(4) A PERSON AUTHORIZED BY COURT ORDER TO RECEIVE THE**  
19 **INFORMATION;**

20                   **(5) A PHARMACY RESEARCHER OR MEDICAL RESEARCHER WHO**  
21 **HAS WRITTEN AUTHORIZATION SIGNED BY THE PATIENT OR THE PATIENT'S**  
22 **LEGAL REPRESENTATIVE TO RECEIVE SUCH INFORMATION;**

23                   **(6) ANOTHER PHARMACY, FOR THE LIMITED PURPOSE OF**  
24 **PREVENTING INDIVIDUALS FROM MISUSING OR FALSIFYING PRESCRIPTION**  
25 **FORMS TO ILLEGALLY OBTAIN EXCESSIVE OR UNAUTHORIZED DRUGS; OR**

26                   **(7) THE PATIENT'S INSURER OR THE AGENT OF THE PATIENT'S**  
27 **INSURER, FOR THE LIMITED PURPOSE OF REIMBURSING THE PHARMACY.**

28           **(C) THE SECRETARY SHALL:**

1                   **(1) ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF**  
2 **THIS SECTION; AND**

3                   **(2) ENFORCE THE REQUIREMENTS OF THIS SECTION.**

4 21-1215.

5           (a) This section does not apply to a violation of § 21-220(b)(4) of this title.

6           (b) A person who violates any provision of Subtitle 2 of this title or any  
7 regulation adopted under Subtitle 2 of this title is guilty of a misdemeanor and on  
8 conviction is subject to:

9                   (1) A fine not exceeding \$10,000 or imprisonment not exceeding 1 year  
10 or both; or

11                   (2) If the person has been convicted once of violating Subtitle 2 of this  
12 title, a fine not exceeding \$25,000 or imprisonment not exceeding 3 years or both.

13           (c) In addition to any criminal penalties imposed under this section, a person  
14 who violates any provision of Subtitle 2 of this title, any rule or regulation adopted  
15 under Subtitle 2 of this title, or any term, condition, or limitation of any license or  
16 registration issued under Subtitle 2 of this title:

17                   (1) Is subject to a civil penalty not exceeding \$5,000, in an action in  
18 any District Court; and

19                   (2) May be enjoined from continuing the violation.

20           (d) Each day on which a violation occurs is a separate violation under this  
21 section.

22                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2007.