

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1381 (Delegate Rudolph)
Health and Government Operations

Prescription Drugs - Controlled Dangerous Substances - Certification of
Information on Delivery

This bill requires a pharmacy that delivers a prescription drug that is a controlled dangerous substance to a patient or to the agent of the patient to require the endorsement of a delivery form approved by the State Board of Pharmacy that certifies that (1) the recipient is at least 18 years old; (2) documentary proof of the recipient's age has been provided; and (3) the recipient is the patient or the agent of the patient. Each endorsed delivery form or a record of the form must be retained by the pharmacy in the manner and for the period that the board requires. Out-of-state pharmacies must also comply with these provisions. The board must adopt regulations to carry out the bill's provisions.

Fiscal Summary

State Effect: The State Board of Pharmacy can likely carry out the bill's requirements with existing resources; nevertheless, special fund expenditures may increase minimally to monitor compliance under the bill's provisions.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: Controlled dangerous substances are listed on one of five schedules set forth in statute. No distinction is made in the law regarding the illegal possession of any controlled dangerous substance, regardless of which schedule it is on, with the exception of marijuana. When the substance is marijuana, the maximum criminal penalties for a violation are one year imprisonment and/or a \$1,000 fine.

Controlled dangerous substances do not include distilled spirits, wine, malt beverages, or tobacco.

When a prescription drug is delivered by U.S. mail, a common carrier, or a delivery service and is not personally hand delivered to a patient or to the agent of the patient, a general written notice must be provided in each shipment of the prescription drug alerting the consumer that, under certain circumstances, the medication's effectiveness may be affected by exposure to extreme heat, cold, or humidity. In addition, a notice must also include a toll-free or local consumer-access telephone number to respond to consumer questions pertaining to medications.

The Division of Drug Control (DDC), Laboratories Administration within the Department of Health and Mental Hygiene inspects pharmacies every three years during its controlled dangerous substances inspection. In addition, the State Board of Pharmacy annually inspects pharmacies to ensure proper sanitation and operating practices are in place.

Small Business Effect: There are 384 out-of-state pharmacies that will be required to retain forms under this bill; however, it is unknown how many of the 1,143 pharmacies that operate within the State operate mail order delivery services. In addition, it is unclear how many Maryland residents receive controlled dangerous substance prescriptions through mail order; therefore, the volume of forms pharmacies must retain cannot be estimated.

Additional Information

Prior Introductions: None.

Cross File: Although SB 662 (Senator Klausmeier - Education, Health, and Environmental Affairs) is designated as a cross file, it is different.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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