

HOUSE BILL 303

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4r2055
CF SB 412

By: ~~Delegate Reznik~~ Delegates Reznik, Bromwell, Costa, Cullison, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Ready, Tarrant, and V. Turner

Introduced and read first time: January 21, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 13, 2014

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Licensed Dentists Who ~~Prepare and~~ Dispense**
3 **Antibiotics – Exclusion From Maryland Pharmacy Act**

4 FOR the purpose of providing that the Maryland Pharmacy Act does not prohibit,
5 under certain circumstances, a licensed dentist from ~~personally preparing and~~
6 dispensing a full course of treatment of antibiotics to a patient for infection
7 control; and generally relating to the exclusion of licensed dentists from the
8 Maryland Pharmacy Act.

9 BY repealing and reenacting, without amendments,
10 Article – Health Occupations
11 Section 12–102(a)(1) and (3)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2013 Supplement)

14 BY adding to
15 Article – Health Occupations
16 Section 12–102(h)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,

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 Article – Health Occupations
 2 Section 12–102(h), (i), and (j),
 3 Annotated Code of Maryland
 4 (2009 Replacement Volume and 2013 Supplement)

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

7 **Article – Health Occupations**

8 12–102.

9 (a) (1) In this section the following terms have the meanings indicated.

10 (3) “Personally preparing and dispensing” means that the licensed
 11 dentist, physician, or podiatrist:

12 (i) Is physically present on the premises where the prescription
 13 is filled; and

14 (ii) Performs a final check of the prescription before it is
 15 provided to the patient.

16 **(H) THIS TITLE DOES NOT PROHIBIT A LICENSED DENTIST FROM**
 17 ~~**PERSONALLY PREPARING AND DISPENSING A FULL COURSE OF ANTIBIOTICS TO**~~
 18 **A PATIENT FOR INFECTION CONTROL IF:**

19 **(1) THE PATIENT IS RECEIVING PRO BONO DENTAL CARE;**

20 **(2) THERE IS NO CHARGE FOR THE ANTIBIOTICS; ~~AND~~**

21 **(3) THE LICENSED DENTIST ENTERS AN APPROPRIATE RECORD**
 22 **OF THE TREATMENT IN THE PATIENT’S CHART; AND**

23 **(4) THE LICENSED DENTIST AFFIXES A LABEL ON THE**
 24 **ANTIBIOTIC CONTAINER THAT INCLUDES:**

25 **(I) THE NAME OF THE PATIENT; AND**

26 **(II) UNLESS ALREADY PRINTED ON THE CONTAINER:**

27 **1. THE EXPIRATION DATE OF THE ANTIBIOTIC; AND**

28 **2. THE INSTRUCTIONS FOR TAKING THE ANTIBIOTIC.**

29 **[(h)] (I)** This title does not limit the right of a general merchant to sell:

- 1 (1) Any nonprescription drug or device;
- 2 (2) Any commonly used household or domestic remedy; or
- 3 (3) Any farm remedy or ingredient for a spraying solution, in bulk or
- 4 otherwise.

5 **[(i)] (J)** The Board of Pharmacy, the Board of Dental Examiners, the Board
 6 of Physicians, and the Board of Podiatric Medical Examiners annually shall report to
 7 the Division of Drug Control:

8 (1) The names and addresses of its licensees who are authorized to
 9 personally prepare and dispense prescription drugs; and

10 (2) The names and addresses of its licensees who have reported, in
 11 accordance with subsection (c)(2)(iv)12 of this section, that they have personally
 12 prepared and dispensed prescription drugs within the previous year.

13 **[(j)] (K)** A dentist, physician, or podiatrist who fails to comply with the
 14 provisions of this section governing the dispensing of prescription drugs or devices
 15 shall:

- 16 (1) Have the dispensing permit revoked; and
- 17 (2) Be subject to disciplinary actions by the appropriate licensing
- 18 board.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.