

HOUSE BILL 1088

J2

4lr2787

By: **Delegate Morhaim**

Introduced and read first time: February 6, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Ophthalmologists Who Store and Administer Drugs –**
3 **Exclusion From Maryland Pharmacy Act**

4 FOR the purpose of providing that the Maryland Pharmacy Act does not limit the
5 right of ophthalmologists to store in a certain office and administer to a certain
6 patient, without a prescription, certain drugs for the emergency treatment of
7 certain eye conditions; and generally relating to the exclusion of
8 ophthalmologists from the Maryland Pharmacy Act.

9 BY adding to

10 Article – Health Occupations
11 Section 12–102(h)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Health Occupations
16 Section 12–102(h), (i), and (j)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2013 Supplement)

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

21 **Article – Health Occupations**

22 12–102.

23 **(H) THIS TITLE DOES NOT LIMIT THE RIGHT OF AN OPHTHALMOLOGIST**
24 **TO STORE IN THE OFFICE OF THE OPHTHALMOLOGIST AND ADMINISTER TO A**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PATIENT OF THE OPHTHALMOLOGIST, WITHOUT A PRESCRIPTION, THE
2 FOLLOWING:

3 (1) ANTIBIOTICS FOR THE EMERGENCY TREATMENT OF
4 BACTERIAL ENDOPHTHALMITIS AND VIRAL RETINITIS; AND

5 (2) ANTIVASCULAR ENDOTHELIAL GROWTH FACTOR AGENTS FOR
6 THE EMERGENCY TREATMENT OF NEOVASCULAR GLAUCOMA, WET MACULAR
7 DEGENERATION, AND MACULAR EDEMA.

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

9 (1) Any nonprescription drug or device;

10 (2) Any commonly used household or domestic remedy; or

11 (3) Any farm remedy or ingredient for a spraying solution, in bulk or
12 otherwise.

13 [(i)] (J) The Board of Pharmacy, the Board of Dental Examiners, the Board
14 of Physicians, and the Board of Podiatric Medical Examiners annually shall report to
15 the Division of Drug Control:

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

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

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

24 (1) Have the dispensing permit revoked; and

25 (2) Be subject to disciplinary actions by the appropriate licensing
26 board.

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