

SENATE BILL 412

J2

4lr2067
CF HB 303

By: **Senator Dyson**

Introduced and read first time: January 24, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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,
20 Article – Health Occupations
21 Section 12–102(h), (i), and (j)
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2013 Supplement)

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

26 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 12-102.

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

3 (3) "Personally preparing and dispensing" means that the licensed
4 dentist, physician, or podiatrist:

5 (i) Is physically present on the premises where the prescription
6 is filled; and

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

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

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

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

14 **(3) THE LICENSED DENTIST ENTERS AN APPROPRIATE RECORD**
15 **OF THE TREATMENT IN THE PATIENT'S CHART.**

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

17 (1) Any nonprescription drug or device;

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

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

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

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

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

1 **[j)] (k)** A dentist, physician, or podiatrist who fails to comply with the
2 provisions of this section governing the dispensing of prescription drugs or devices
3 shall:

4 (1) Have the dispensing permit revoked; and

5 (2) Be subject to disciplinary actions by the appropriate licensing
6 board.

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