

# SENATE BILL 852

J2

4lr2887  
CF HB 1029

---

By: **Senator Conway**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Dispensers of Devices and Equipment – Exclusion**  
3 **From the Maryland Pharmacy Act**

4 FOR the purpose of providing that the Maryland Pharmacy Act does not apply to a  
5 person who only dispenses certain prescription devices, certain durable medical  
6 equipment, or certain other medical devices and supplies; and generally relating  
7 to the exclusion of dispensers of devices and equipment from the Maryland  
8 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**

---

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 12-102.

2 (H) THIS TITLE DOES NOT APPLY TO A PERSON WHO ONLY DISPENSES:

3 (1) PRESCRIPTION DEVICES THAT DO NOT CONTAIN A  
4 PRESCRIPTION DRUG;

5 (2) PRESCRIPTION DEVICES WITHIN WHICH THE ONLY  
6 PRESCRIPTION DRUG IS MEDICAL OXYGEN;

7 ~~(2)~~ (3) DURABLE MEDICAL EQUIPMENT, AS DEFINED BY THE  
8 CENTERS FOR MEDICARE AND MEDICAID SERVICES; OR

9 ~~(3)~~ (4) PROSTHETICS, ORTHOTICS, AND RELATED SUPPLIES.

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

11 (1) Any nonprescription drug or device;

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

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

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

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

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

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

26 (1) Have the dispensing permit revoked; and

27 (2) Be subject to disciplinary actions by the appropriate licensing  
28 board.

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

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.