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§21–258.

(a) In this section, “counterfeit marking tool” means any punch, die, plate, stone, or other thing that is designed to print, imprint, or otherwise reproduce the trademark, trade name, imprint, symbol, or any other identifying mark of a drug, or a likeness of any of these markings, on a drug or on the container of a drug, other than the drug or container to which the marking belongs.

(b) A person may not:

(1) Sell any new drug in violation of § 21-223 of this subtitle;

(2) On the labeling of any drug or in any advertisement relating to the drug, use any representation or suggestion that an application as to the drug is effective under § 21-223 of this subtitle, or that the drug complies with that section;

(3) Fail to maintain and to provide to a health practitioner on request printed matter that relates to prescription drugs, as required under § 21-226 of this subtitle;

(4) Place or cause to be placed on any drug or device or on its container, with intent to defraud, the trade name, imprint, or other identifying mark of any other drug or any likeness of any of these markings;

(5) With knowledge that the trade name, imprint, or other identifying mark of another drug, or any likeness of any of these markings has been placed on a drug or device or its container in violation of item (4) of this subsection:

(i) Sell, dispense, or dispose of the drug or device or its container;

(ii) Cause the drug or device or its container to be sold, dispensed, or disposed of; or

(iii) Conceal or keep possession, control, or custody of the drug or device or its container with intent to sell, dispense, or dispose of it;

(6) Make, sell, or dispose of any counterfeit marking tool;

(7) Cause any counterfeit marking tool to be made, sold, or disposed of;

(8) Keep possession, control, or custody of any counterfeit marking tool;

(9) Conceal any counterfeit marking tool;

(10) Cause a drug to be a counterfeit drug;

(11) Sell or dispense a counterfeit drug or hold a counterfeit drug for sale or dispensing;

(12) Except as permitted under § 12-504 of the Health Occupations Article, dispense or cause to be dispensed, without the permission of the prescriber, a different drug or brand of drug instead of the drug or brand of drug prescribed;

(13) Prescribe any drug on a written prescription form without clearly identifying the name of the prescriber;

(14) Dispense any drug based on a prescription form that lacks the prescriber's name and signature which:

(i) May not be made by use of a rubber stamp; but

(ii) Except as otherwise required by State law for a controlled dangerous substance, is not required for oral prescription orders; or

(15) Fail to provide to the Secretary on request information about prescription drugs, as required under § 21-227 of this subtitle.

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