

SENATE BILL 982

E1, E4, J1

8lr2910
CF HB 1480

By: The President (By Request – Office of the Attorney General) and Senators Brochin and Zirkin

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances – Distributors – Reporting Suspicious Orders**

3 FOR the purpose of requiring a certain distributor of controlled dangerous substances to
4 report certain suspicious orders to the Maryland Department of Health and the
5 Office of the Attorney General; authorizing a certain distributor to satisfy a certain
6 reporting obligation by providing to the Department and the Office of the Attorney
7 General copies of certain reports; requiring the Department and the Office of the
8 Attorney General to maintain certain reports confidentially, with a certain
9 exception; and generally relating to controlled dangerous substances.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 5–303
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2017 Supplement)

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

17 **Article – Criminal Law**

18 5–303.

19 (a) Unless the Department determines that the issuance of the registration is
20 inconsistent with the public interest, the Department shall register an applicant to
21 manufacture or distribute controlled dangerous substances included in Schedule I through
22 Schedule V.

23 (b) To determine the public interest, the Department shall consider:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) the maintenance of effective controls against diversion of particular
2 controlled dangerous substances and any Schedule I or Schedule II substance compounded
3 from a controlled dangerous substance into other than legitimate medical, scientific, or
4 industrial channels;

5 (2) compliance with applicable federal, State, and local law;

6 (3) any convictions of the applicant under federal, State, and local laws
7 relating to the manufacture, distribution, or dispensing of controlled dangerous substances;

8 (4) the applicant's experience in the manufacture and distribution of
9 controlled dangerous substances and the effectiveness of the applicant's controls against
10 diversion; and

11 (5) any other factor that is relevant to and consistent with public health
12 and safety.

13 (c) (1) A registrant may manufacture or distribute only a controlled dangerous
14 substance that is specified in the registration.

15 (2) A manufacturer or distributor who complies with federal law on
16 registration, other than fees, is deemed to have complied with this section.

17 (d) (1) A registrant may distribute controlled dangerous substances in
18 Schedule I and Schedule II only in accordance with an order form.

19 (2) A registrant who complies with federal law on order forms for Schedule
20 I and Schedule II is deemed to have complied with this subsection.

21 **(E) (1) A REGISTRANT DISTRIBUTOR SHALL REPORT TO THE**
22 **DEPARTMENT AND THE OFFICE OF THE ATTORNEY GENERAL ANY SUSPICIOUS**
23 **ORDER OF CONTROLLED DANGEROUS SUBSTANCES, INCLUDING AN ORDER:**

24 **(I) OF UNUSUAL SIZE;**

25 **(II) OF UNUSUAL FREQUENCY; OR**

26 **(III) THAT DEVIATES SUBSTANTIALLY FROM A NORMAL**
27 **PATTERN.**

28 **(2) A REGISTRANT DISTRIBUTOR MAY SATISFY THE REPORTING**
29 **REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION BY PROVIDING TO THE**
30 **DEPARTMENT AND THE OFFICE OF THE ATTORNEY GENERAL COPIES OF REPORTS**
31 **MADE UNDER 21 C.F.R. § 1301.74(B).**

32 **(3) UNLESS DISCLOSED IN THE COURSE OF AN ADMINISTRATIVE,**

1 CIVIL, OR CRIMINAL INVESTIGATION OR PROCEEDING INITIATED TO ENFORCE
2 LOCAL, STATE, OR FEDERAL LAW OR TO PROTECT THE PUBLIC HEALTH, A REPORT
3 MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MAINTAINED
4 CONFIDENTIALLY.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2018.