

Chapter 592

(House Bill 1480)

AN ACT concerning

Controlled Dangerous Substances – Distributors – Reporting Suspicious Orders

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

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–303

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Criminal Law

5–303.

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

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

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

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

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

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

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

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

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

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

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

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

(I) OF UNUSUAL SIZE;

(II) OF UNUSUAL FREQUENCY; OR

(III) THAT DEVIATES SUBSTANTIALLY FROM A NORMAL PATTERN.

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

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

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

Approved by the Governor, May 15, 2018.