

# SENATE BILL 916

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9lr3054  
CF HB 1288

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By: **Senator Lam**

Introduced and read first time: February 14, 2019

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 22, 2019

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2019

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

1 AN ACT concerning

2 **Physicians – Dispensing Permit Exemption – ~~Prepackaged~~ Topical Medication**

3 FOR the purpose of providing that certain provisions of law do not prohibit a certain  
4 physician from ~~personally~~ dispensing a ~~prepackaged~~ certain topical medication;  
5 ~~establishing a certain exception to the requirement to receive a certain written~~  
6 ~~permit~~; authorizing a physician to dispense a certain topical medication if the  
7 physician meets certain requirements; authorizing the State Board of Physicians to  
8 issue a certain written permit to certain physicians under certain circumstances;  
9 defining a certain term; and generally relating to the dispensing of a ~~prepackaged~~  
10 topical topical medication by a physician.

11 BY renumbering

12 Article – Health Occupations  
13 Section 12–102(c)(2)(iii) and (iv), respectively  
14 to be Section 12–102(c)(2)(iv) and (v), respectively  
15 Annotated Code of Maryland  
16 (2014 Replacement Volume and 2018 Supplement)

17 BY repealing and reenacting, ~~with~~ without amendments,

18 Article – Health Occupations  
19 Section 12–102(c)(2)(ii) 1.C. and ~~(k) through (m)~~ 4.M.  
20 Annotated Code of Maryland  
21 (2014 Replacement Volume and 2018 Supplement)

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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 BY adding to  
 2 Article – Health Occupations  
 3 Section ~~12-102(k)~~ 12-102(c)(2)(iii) and 14-509  
 4 Annotated Code of Maryland  
 5 (2014 Replacement Volume and 2018 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 7 That Section(s) 12-102(c)(2)(iii) and (iv), respectively, of Article – Health Occupations of  
 8 the Annotated Code of Maryland be renumbered to be Section(s) 12-102(c)(2)(iv) and (v),  
 9 respectively.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 11 as follows:

### 12 Article – Health Occupations

13 12-102.

14 (c) (2) This title does not prohibit:

15 (ii) ~~A licensed dentist, physician, or podiatrist from personally~~  
 16 ~~preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:~~

17 ~~1. The dentist, physician, or podiatrist:~~

18 ~~C. Has received a written permit from that board to dispense~~  
 19 ~~prescription drugs or devices except that a written permit is not required in order to~~  
 20 ~~dispense starter dosages or samples without charge OR FOR A PHYSICIAN TO DISPENSE~~  
 21 ~~A PREPACKAGED TOPICAL UNDER SUBSECTION (K) OF THIS SECTION; and~~

22 (ii) A licensed dentist, physician, or podiatrist from personally  
 23 preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

24 1. The dentist, physician, or podiatrist:

25 C. Has received a written permit from that board to dispense  
 26 prescription drugs or devices except that a written permit is not required in order to  
 27 dispense starter dosages or samples without charge; and

28 4. The dentist, physician, or podiatrist:

29 M. Completes ten continuing education credits over a 5-year  
 30 period relating to the preparing and dispensing of prescription drugs, offered by the  
 31 Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in  
 32 consultation with each respective board of licensure, as a condition of permit renewal;

1                    (III) A LICENSED PHYSICIAN FROM DISPENSING A TOPICAL  
 2 MEDICATION WITHOUT OBTAINING THE PERMIT REQUIRED UNDER ITEM (II)1C OF  
 3 THIS PARAGRAPH OR COMPLETING THE CONTINUING EDUCATION REQUIRED UNDER  
 4 ITEM (II)4M OF THIS PARAGRAPH WHEN THE PHYSICIAN:

5                    1.    OTHERWISE COMPLIES WITH ITEM (II) OF THIS  
 6 PARAGRAPH; AND

7                    2.    HAS OBTAINED A SPECIAL WRITTEN PERMIT UNDER §  
 8 14-509 OF THIS ARTICLE;

9 14-509.

10            ~~(K) (1) (A)~~    IN THIS SUBSECTION, “PREPACKAGED TOPICAL” MEANS A  
 11 PRESCRIPTION STRENGTH CREAM, LOTION, OR SOLUTION THAT:

12                    ~~(I) IS PACKAGED AT THE SITE OF PRODUCTION; AND~~

13                    ~~(II) REQUIRES NO PREPARATION PRIOR TO DISPENSING.~~

14                    ~~(2) THIS TITLE DOES NOT PROHIBIT A PHYSICIAN FROM PERSONALLY~~  
 15 DISPENSING A PREPACKAGED TOPICAL.    SECTION, “ACCME” MEANS THE  
 16 ACCREDITING COUNCIL FOR CONTINUING MEDICAL EDUCATION.

17            (B) A PHYSICIAN MAY DISPENSE A TOPICAL MEDICATION THAT IS  
 18 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE  
 19 TREATMENT OF HYPOTICHOSIS WITHOUT OBTAINING A DISPENSING PERMIT OR  
 20 COMPLETING THE CONTINUING EDUCATION REQUIRED UNDER § 12-102(C)(2)(II)  
 21 OF THIS ARTICLE IF THE PHYSICIAN:

22                    (1) OTHERWISE COMPLIES WITH THE REQUIREMENTS OF §  
 23 12-102(C)(2)(II) OF THIS ARTICLE; AND

24                    (2) HAS RECEIVED A SPECIAL CLASS OF WRITTEN PERMIT FROM THE  
 25 BOARD.

26            (C) THE BOARD MAY ISSUE A SPECIAL CLASS OF WRITTEN PERMIT TO A  
 27 PHYSICIAN UNDER SUBSECTION (B) OF THIS SECTION IF THE PHYSICIAN:

28                    (1) COMPLETES 1 HOUR OF CONTINUING MEDICAL EDUCATION PER  
 29 YEAR ON THE DISPENSING OF TOPICAL MEDICATIONS DEVELOPED BY AN  
 30 ACCME-ACCREDITED MARYLAND NONPROFIT OR GOVERNMENTAL ENTITY; AND

31                    (2) PAYS TO THE BOARD A \$100 PERMIT FEE.

1       ~~[(k)] (L)~~       This title does not limit the right of a general merchant to sell:

2                   ~~(1)~~     Any nonprescription drug or device;

3                   ~~(2)~~     Any commonly used household or domestic remedy; or

4                   ~~(3)~~     Any farm remedy or ingredient for a spraying solution, in bulk or

5 otherwise.

6       ~~[(l)] (M)~~       The Board of Pharmacy, the Board of Dental Examiners, the Board of

7 Physicians, and the Board of Podiatric Medical Examiners annually shall report to the

8 Office of Controlled Substances Administration:

9                   ~~(1)~~     The names and addresses of its licensees who are authorized to

10 personally prepare and dispense prescription drugs; and

11                   ~~(2)~~     The names and addresses of its licensees who have reported, in

12 accordance with subsection (e)(2)(ii)4L of this section, that they have personally prepared

13 and dispensed prescription drugs within the previous year.

14       ~~[(m)] (N)~~       A dentist, physician, or podiatrist who fails to comply with the

15 provisions of this section governing the dispensing of prescription drugs or devices shall:

16                   ~~(1)~~     Have the dispensing permit revoked; and

17                   ~~(2)~~     Be subject to disciplinary actions by the appropriate licensing board.

18       SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

19 October 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.