
By: Delegates Bonsack and Jacobs

Introduced and read first time: January 25, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drugs - Evidence of Forgery**

3 FOR the purpose of authorizing the introduction into evidence as proof of a certain
4 forgery or alteration of a prescription for a prescription drug under certain
5 circumstances a certain statement made by a practitioner licensed to administer a
6 prescription drug.

7 BY repealing and reenacting, without amendments,
8 Article 27 - Crimes and Punishments
9 Section 300(a), (g-1), and (h)
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

12 BY adding to
13 Article 27 - Crimes and Punishments
14 Section 300(g-2)
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1995 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 300.

21 (a) "Prescription drugs" shall mean and include any drug intended for use by man
22 which, because of its toxicity or other potentiality for harmful effect, or the method of its
23 use, or the collateral measures necessary for its use, bears a cautionary label warning
24 against dispensing without a prescription under federal law or is designated by the
25 Department as not safe for use except under the supervision of a practitioner licensed by
26 law to administer such drugs. Provided that this term shall not mean any controlled
27 dangerous substance as defined in this subheading.

28 (g-1) Except as authorized by this subheading it is unlawful for any person to:

29 (1) Manufacture, distribute, or possess with intent to distribute a
30 prescription drug.

1 (2) Obtain or attempt to obtain a prescription drug by (i) fraud, deceit,
2 misrepresentation, or subterfuge, (ii) the forgery or alteration of a prescription or a
3 written order, (iii) the concealment of any material fact or the use of false name or
4 address, (iv) falsely assuming the title of or representing himself to be a manufacturer,
5 distributor or practitioner, or (v) making or uttering any false or forged prescription or
6 written order.

7 (3) Affix any false or forged label to a package, container, or other
8 receptacle containing any prescription drug, or to omit, remove, alter, or obliterate any
9 label or symbol on a prescription drug as required by federal, State, or local law.

10 (G-2) EVIDENCE IN THE FORM OF AN AFFIDAVIT BY A PRACTITIONER GIVEN
11 UNDER OATH SUBJECT TO THE PENALTY OF PERJURY THAT IS ATTACHED TO A
12 COPY OF A PRESCRIPTION AND DECLARES THE FORGERY OR ALTERATION OF THE
13 PRESCRIPTION AND DESCRIBES IN DETAIL THOSE PARTS OF THE PRESCRIPTION
14 THAT HAVE BEEN FORGED AND WHETHER THERE IS A PATIENT RELATIONSHIP
15 BETWEEN THE INDIVIDUAL NAMED ON THE PRESCRIPTION AND THE PRACTITIONER
16 MAY BE INTRODUCED AS PROOF THAT:

17 (1) THE SIGNATURE ON A PRESCRIPTION OF A PRACTITIONER THAT IS
18 LICENSED BY LAW TO ADMINISTER A PRESCRIPTION DRUG HAS BEEN FORGED;

19 (2) THE INDIVIDUAL NAMED ON THE PRESCRIPTION WAS NOT A
20 PATIENT OF THE PRACTITIONER; OR

21 (3) THE INDIVIDUAL NAMED ON THE PRESCRIPTION DID NOT HAVE A
22 PRESCRIPTION FROM THE PRACTITIONER FOR THE NAMED PRESCRIPTION DRUG OR
23 DID NOT HAVE A PRESCRIPTION FOR THAT QUANTITY OF THE PRESCRIPTION DRUG.

24 (h) Any person who violates any of the provisions of this section, or refuses,
25 neglects or fails to comply with the provisions and requirements thereof, or who obtains
26 or possesses a prescription drug in violation of this section, shall be deemed guilty of a
27 misdemeanor and upon conviction thereof shall be fined not more than one thousand
28 dollars (\$1,000) and/or imprisoned for not more than two (2) years, or both.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1996.