
By: Delegate Elliott

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 1996

CHAPTER ____

1 AN ACT concerning

2 **Health Occupations - Pharmacies**

3 FOR the purpose of requiring a person to hold a pharmacy permit issued by the Maryland
4 State Board of Pharmacy before the person dispenses prescription drugs or devices
5 to residents of this State under certain circumstances; prohibiting a person from
6 dispensing prescription drugs or devices to residents of this State under certain
7 circumstances unless the person holds a pharmacy permit; providing that a person
8 who violates this Act is guilty of a misdemeanor and is subject to certain penalties;
9 altering a certain definition; and generally relating to the regulation of pharmacies.

10 BY repealing and reenacting, with amendments,
11 Article - Health Occupations
12 Section 12-101(i), 12-401, 12-703, and 12-707(b)
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1995 Supplement)

15 Preamble

16 WHEREAS, An increasing number of consumers in this State have prescriptions
17 filled through the mail by pharmacies located outside of this State; and

18 WHEREAS, The pharmacies filling these prescriptions are not required to have a
19 permit issued by the Maryland State Board of Pharmacy and their activities are not
20 subject to regulation by this State; and

21 WHEREAS, This State has developed a comprehensive system of laws to regulate
22 the activities of persons that provide pharmaceutical services and products to residents of
23 this State in order to protect the public health, safety, and welfare of residents of this
24 State; and

2

1 WHEREAS, Consumers in this State, whether they receive prescription drugs from
2 a pharmacy located in this State or in another state, are entitled to the protection of these
3 laws; now, therefore,

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

6 **Article - Health Occupations**

7 12-101.

8 (i) "Pharmacy permit" means a permit issued by the Board to establish and
9 operate a pharmacy OR TO DISPENSE PRESCRIPTION DRUGS OR DEVICES VIA U.S.
10 MAIL OR OTHER CARRIER TO RESIDENTS OF THIS STATE IN THE NORMAL COURSE
11 OF BUSINESS.

12 12-401.

13 (a) ~~A~~ EXCEPT AS OTHERWISE PROVIDED UNDER THIS ARTICLE. A person shall
14 hold a pharmacy permit issued by the Board before the person may:

15 (1) [establish] ESTABLISH or operate a pharmacy in this State; OR

16 (2) DISPENSE PRESCRIPTION DRUGS OR DEVICES TO ANY RESIDENT OF
17 THIS STATE.

18 (b) A separate pharmacy permit is required for each pharmacy that a person
19 establishes or operates.

20 12-703.

21 ~~A~~ EXCEPT AS OTHERWISE PROVIDED UNDER THIS ARTICLE. A person may not
22 establish or operate a pharmacy in this State, OR DISPENSE PRESCRIPTION DRUGS OR
23 DEVICES VIA U.S. MAIL OR OTHER CARRIER TO ANY RESIDENT OF THIS STATE IN
24 THE NORMAL COURSE OF BUSINESS, unless the person holds a pharmacy permit issued
25 by the Board.

26 12-707.

27 (b) A person who violates any provision of the following sections of this title is
28 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
29 imprisonment not exceeding 1 year or both:

30 (1) § 12-601 ("Manufacturing and packaging");

31 (2) § 12-602 ("Distribution permits");

32 (3) § 12-701 ("Practicing pharmacy without license");

33 (4) § 12-702 ("License obtained by false representation");

34 (5) § 12-703 ("Operating a pharmacy OR DISPENSING DRUGS without
35 permit"); and

36 (6) § 12-704 ("Misrepresentations").

3

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