
By: **Senator Hollinger**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pharmacy**

3 FOR the purpose of making various changes to the State Pharmacy Practice Act;
4 repealing a certain conditional reciprocity requirement concerning the waiver of
5 a certain examination for individuals licensed to practice pharmacy in another
6 state; altering a certain time period before which the State Board of Pharmacy
7 must send to a pharmacy permit holder a certain renewal application and
8 notice; repealing a certain mailing classification that the Board must use to
9 send a certain renewal application and notice to certain permit holders; altering
10 a certain requirement concerning the form in which certain renewal
11 applications must be submitted to the Board; requiring the payment of a certain
12 reinstatement fee for a pharmacy permit under certain circumstances; altering
13 a certain time period before which the Board must send a manufacturing permit
14 holder and a distribution permit holder a certain renewal notice; requiring a
15 certain manufacturing permit and distribution permit to expire at a certain time
16 without subsequent reinstatement under certain circumstances; altering and
17 adding certain definitions; and generally relating to the State Board of
18 Pharmacy and the practice of pharmacy.

19 BY repealing and reenacting, with amendments,
20 Article - Health Occupations
21 Section 12-101(n), 12-305, 12-407, 12-601(j), and 12-602(j)
22 Annotated Code of Maryland
23 (1994 Replacement Volume and 1998 Supplement)

24 BY adding to
25 Article - Health Occupations
26 Section 12-101(q) and (r)
27 Annotated Code of Maryland
28 (1994 Replacement Volume and 1998 Supplement)

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

1

Article - Health Occupations

2 12-101.

3 (n) "Pharmacy" means an establishment in which [prescription or
4 nonprescription drugs or devices are compounded, dispensed, or distributed]:

5 (1) A PRESCRIPTION AREA EXISTS IN WHICH PRESCRIPTION DRUGS AND
6 PRESCRIPTION DEVICES ARE COMPOUNDED, DISPENSED, OR DISTRIBUTED; AND

7 (2) NONPRESCRIPTION DRUGS OR DEVICES ARE COMPOUNDED,
8 DISPENSED, OR DISTRIBUTED.

9 (Q) "PRESCRIPTION AREA" MEANS THAT PORTION OF AN ESTABLISHMENT TO
10 WHICH A PHARMACY PERMIT HAS BEEN ISSUED WHICH CONTAINS:

11 (1) PRESCRIPTION DRUGS;

12 (2) PRESCRIPTION DEVICES; AND

13 (3) PATIENT RECORDS.

14 (R) "SUPERVISION" MEANS THE RESPONSIBILITY OF A LICENSED
15 PHARMACIST WHO IS AVAILABLE ON SITE TO EXERCISE DIRECTION AND
16 EVALUATION FOR ANCILLARY PHARMACY PERSONNEL WHO PERFORM TASKS IN THE
17 PRESCRIPTION AREA.

18 12-305.

19 (a) Subject to the provisions of this section, the Board may waive any
20 examination requirement of this title for an applicant who is licensed to practice
21 pharmacy in any other state[, if that state grants a similar waiver to licensees of this
22 State].

23 (b) The Board may grant a waiver under this section only if the applicant:

24 (1) Is of good moral character;

25 (2) Pays the application fees set by the Board; and

26 (3) Provides adequate evidence that the applicant:

27 (i) Meets the qualifications otherwise required by this title; and

28 (ii) Became licensed or registered in the other state to practice
29 pharmacy only after passing an examination that is approved by the Board.

30 (c) The Board shall adopt by regulation an examination to be administered to
31 applicants who are licensed to practice pharmacy in any other state.

1 12-407.

2 (a) A pharmacy permit expires on the December 31 after its effective date,
3 unless the pharmacy permit is renewed for a 1-year term as provided in this section.

4 (b) [On or before November 1 of each year,] BEFORE A PERMIT EXPIRES, the
5 Board shall send to each pharmacy permit holder[, by first-class mail] to the last
6 known address of the holder:

7 (1) A pharmacy permit renewal application form for each pharmacy
8 permit held; and

9 (2) A renewal notice that states:

10 (i) The date on which the current pharmacy permits expire;

11 (ii) The date by which the renewal applications must be received by
12 the Board for the renewals to be issued and mailed before the pharmacy permits
13 expire; and

14 (iii) The amount of the renewal fee for each pharmacy permit.

15 (c) Before the pharmacy permit expires, the pharmacy permit holder
16 periodically may renew it for an additional 1-year term, if the pharmacy permit
17 holder:

18 (1) Otherwise is entitled to the pharmacy permit;

19 (2) Pays to the Board a renewal fee set by the Board; and

20 (3) Submits a renewal application to the Board [on the] IN A form
21 ACCEPTABLE TO [that] the Board [provides].

22 (d) The Board shall renew the pharmacy permit of each pharmacy permit
23 holder who meets the requirements of this section.

24 (e) If application for renewal is not made on or before December 1, the
25 pharmacy permit shall expire on the last day of its term and the Board may not
26 reinstate the pharmacy permit unless the applicant:

27 (1) Provides reason, sufficient to the Board, for the failure to file within
28 the time required; and

29 (2) Pays, in addition to the renewal fee, a [late] REINSTATEMENT fee set
30 by the Board.

31 12-601.

32 (j) (1) A manufacturing permit expires on the December 31 after its
33 effective date, unless the manufacturing permit is renewed for a 1-year term as
34 provided in this subsection.

1 (2) [At least 1 month before] BEFORE a manufacturing permit expires,
2 the Board shall send to the manufacturing permit holder, [by first-class mail] to the
3 last known address of the manufacturing permit holder, a renewal notice that
4 contains a statement of:

5 (i) The date on which the current manufacturing permit expires;

6 (ii) The date by which the renewal application must be received by
7 the Board for the renewal to be issued and mailed before the manufacturing permit
8 expires; and

9 (iii) The amount of the renewal fee.

10 (3) Before a manufacturing permit expires, a manufacturing permit
11 holder periodically may renew it for an additional 1-year term, if the manufacturing
12 permit holder:

13 (i) Otherwise is entitled to a manufacturing permit;

14 (ii) Pays to the Board a renewal fee set by the Board; and

15 (iii) Submits to the Board a renewal application [on the] IN A form
16 ACCEPTABLE TO [that] the Board [requires].

17 (4) The Board shall renew the manufacturing permit of each
18 manufacturing permit holder who meets the requirements of this title.

19 (5) IF AN APPLICATION FOR RENEWAL IS NOT MADE ON OR BEFORE
20 DECEMBER 1, A MANUFACTURING PERMIT SHALL EXPIRE ON THE LAST DAY OF ITS
21 TERM AND THE BOARD MAY NOT REINSTATE THE MANUFACTURING PERMIT UNLESS
22 THE APPLICANT:

23 (I) PROVIDES A REASON THAT IS SUFFICIENT TO THE BOARD FOR
24 THE FAILURE OF THE APPLICANT TO FILE THE APPLICATION ON OR BEFORE
25 DECEMBER 1; AND

26 (II) IN ADDITION TO THE RENEWAL FEE, PAYS A REINSTATEMENT
27 FEE SET BY THE BOARD.

28 12-602.

29 (j) (1) A distribution permit expires on the December 31 after its effective
30 date, unless the distribution permit is renewed for a 1-year term as provided in this
31 subsection.

32 (2) [At least 1 month before] BEFORE a distribution permit expires, the
33 Board shall send to the distribution permit holder, [by first-class mail] to the last
34 known address of the distribution permit holder, a renewal notice that contains a
35 statement of:

36 (i) The date on which the current distribution permit expires;

1 (ii) The date by which the renewal application must be received by
2 the Board for the renewal to be issued and mailed before the distribution permit
3 expires; and

4 (iii) The amount of the renewal fee.

5 (3) Before a distribution permit expires, a distribution permit holder
6 periodically may renew it for an additional 1-year term, if the distribution permit
7 holder:

8 (i) Otherwise is entitled to a distribution permit;

9 (ii) Pays to the Board a renewal fee set by the Board; and

10 (iii) Submits to the Board a renewal application on the form that the
11 Board requires.

12 (4) The Board shall renew the distribution permit of each distribution
13 permit holder who meets the requirements of this section and any regulation adopted
14 under this section.

15 (5) IF THE APPLICATION FOR RENEWAL IS NOT MADE ON OR BEFORE
16 DECEMBER 1, THE DISTRIBUTION PERMIT SHALL EXPIRE ON THE LAST DAY OF ITS
17 TERM AND THE BOARD MAY NOT REINSTATE THE DISTRIBUTION PERMIT UNLESS
18 THE APPLICANT:

19 (I) PROVIDES A REASON THAT IS SUFFICIENT TO THE BOARD FOR
20 THE FAILURE OF THE APPLICANT TO FILE ON OR BEFORE DECEMBER 1; AND

21 (II) IN ADDITION TO THE RENEWAL FEE, PAYS A REINSTATEMENT
22 FEE SET BY THE BOARD.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1999.