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By: **Senator Hollinger**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 1999

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CHAPTER \_\_\_\_\_

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

1 Section 12-101(q) and (r)  
2 Annotated Code of Maryland  
3 (1994 Replacement Volume and 1998 Supplement)

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

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

12 (2) NONPRESCRIPTION DRUGS OR DEVICES ARE COMPOUNDED,  
13 DISPENSED, OR DISTRIBUTED.

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

16 (1) PRESCRIPTION DRUGS;

17 (2) PRESCRIPTION DEVICES; AND

18 (3) PATIENT RECORDS.

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

23 12-305.

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

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

29 (1) Is of good moral character;

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

31 (3) Provides adequate evidence that the applicant:

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

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

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

5 12-407.

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

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

11 (1) A pharmacy permit renewal application form for each pharmacy  
12 permit held; and

13 (2) A renewal notice that states:

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

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

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

19 (c) Before the pharmacy permit expires, the pharmacy permit holder  
20 periodically may renew it for an additional 1-year term, if the pharmacy permit  
21 holder:

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

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

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

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

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

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

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

1 12-601.

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

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

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

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

13 (iii) The amount of the renewal fee.

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

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

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

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

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

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

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

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

32 12-602.

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

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

5                   (i)     The date on which the current distribution 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 distribution permit  
8 expires; and

9                   (iii)   The amount of the renewal fee.

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

13                   (i)     Otherwise is entitled to a distribution 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 form that the~~  
16 ~~Board requires~~ ON A FORM ACCEPTABLE TO THE BOARD.

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

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

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

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

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

