

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1417

(Delegate Marriott)

Judiciary

**Pharmacists - Dispensing Hypodermic Needles - Required Information –
Immunity**

This bill requires a licensed pharmacist who dispenses a hypodermic needle to provide the patient with certain information, and provides that the prohibition against possessing or distributing controlled paraphernalia does not apply to the possession of ten or fewer hypodermic needles under specified circumstances.

Fiscal Summary

State Effect: The bill's criminal penalty provisions are not expected to significantly impact governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: A licensed pharmacist who dispenses a hypodermic needle is required to provide the patient with the following information: (1) the legal restrictions on the use of a hypodermic needle; (2) the procedures to follow for the proper use and handling of a hypodermic needle; and (3) the procedures to follow for the proper disposal of a used hypodermic needle. A violator is guilty of a misdemeanor and subject to a fine of up to \$1,000. Except under circumstances that reasonably indicate the intention of an individual to use a hypodermic needle for the illegal administration of a controlled dangerous substance, a pharmacist who provides this information is immune from

criminal liability for distributing, possessing, selling, or delivering controlled paraphernalia.

The bill also provides that possession of ten or fewer hypodermic needles under circumstances which do not reasonably indicate the intent to illegally administer a controlled dangerous substance does not constitute possession or distribution of controlled paraphernalia.

Current Law: It is unlawful for any person to possess or distribute controlled paraphernalia, including a hypodermic needle, for the administration of controlled dangerous substances under circumstances that reasonably indicate an intention to use the paraphernalia to illegally administer any controlled dangerous substance. It is also unlawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to inject a controlled dangerous substance into the human body.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Community Public Health Administration, Boards and Commissions), Department of Legislative Services

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