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2004 Regular Session 4lr0503

By: Delegates Boutin and Mandel

Introduced and read first time: January 29, 2004 Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

## 2 Prescription Drug Safety Act

- 3 FOR the purpose of requiring certain health practitioners to print or type written
- 4 prescriptions in a legible manner, include certain information on the
- 5 prescription, and sign the prescription; prohibiting certain health practitioners
- from writing prescriptions in a certain manner; authorizing certain licensing
- 7 boards to take disciplinary action against certain health care practitioners; and
- 8 generally relating to health practitioners and written prescriptions.
- 9 BY repealing and reenacting, with amendments,
- 10 Article Health General
- 11 Section 21-220
- 12 Annotated Code of Maryland
- 13 (2000 Replacement Volume and 2003 Supplement)
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 15 MARYLAND, That the Laws of Maryland read as follows:
- 16 Article Health General

17 21-220.

- 18 (a) A drug that is intended for use by human beings and is in any of the
- 19 following classifications may be dispensed by a pharmacist only on a written or oral
- 20 prescription from a health practitioner authorized by law to prescribe the drug:
- 21 (1) A habit-forming drug to which § 21-218(b)(1) of this subtitle applies.
- 22 (2) A drug that because of its toxicity or other potentiality for harmful
- 23 effect, the method of its use, or the collateral measures necessary to its use, is not safe
- 24 for use except under the supervision of a health practitioner who is authorized by law
- 25 to administer such a drug.
- 26 (3) A drug that is limited by an approved application under § 355 of the
- 27 federal act or § 21-223 of this subtitle to use under the professional supervision of a
- 28 health practitioner authorized by law to administer such a drug.

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	· · · · · · · · · · · · · · · · · · ·		ay be written or oral. However, a pharmacist may ion unless the pharmacist promptly writes out	
6	(2) A prescription for a controlled dangerous substance within the meaning of Title 5 of the Criminal Law Article may not be written on a preprinted prescription form that states the name, quantity, or strength of the controlled dangerous substance.			
10 11	(3) When a prescription is written, a separate prescription form is required for each controlled dangerous substance. If a pharmacist is otherwise satisfied that a prescription is valid the pharmacist may fill the prescription if the pharmacist promptly writes out and files a prescription for each substance and also files the original prescription.			
13 14	(4) (I) AUTHORIZED BY LAW TO		A PRESCRIPTION IS WRITTEN, A HEALTH PRACTITIONER RIBE A DRUG SHALL:	
	MANNER SO THAT IT CAN THE PRESCRIPTION;	1. N BE REA	PRINT OR TYPE THE PRESCRIPTION IN A LEGIBLE AD AND UNDERSTOOD BY THE PHARMACIST FILLING	
18		2.	INDICATE ON THE PRESCRIPTION:	
19 20	TEXTUAL LETTERS;	A.	THE DATE OF ISSUANCE, WITH THE MONTH STATED IN	
21		B.	THE NAME OF THE AUTHORIZING PRESCRIBER;	
22 23	STRENGTH WRITTEN IN M	C. METRIC	THE NAME AND STRENGTH OF THE DRUG, WITH THE UNITS;	
24 25	NUMERICAL FORMATS;	D.	THE QUANTITY OF THE DRUG IN BOTH TEXTUAL AND	
26		E.	THE DIRECTIONS FOR USING THE DRUG;	
27		F.	THE REASON FOR PRESCRIBING THE DRUG; AND	
28 29	THE CHILD; AND	G.	FOR CHILDREN UNDER AGE 12, THE AGE AND WEIGHT OF	
30 31	PRESCRIPTION IS ISSUED	3.	SIGN THE PRESCRIPTION ON THE DATE THAT THE	
32 33	(II) AUTHORIZED BY LAW TO		A PRESCRIPTION IS WRITTEN, A HEALTH PRACTITIONER RIBE A DRUG MAY NOT:	
34		1.	USE LATIN OR APOTHECARY ABBREVIATIONS;	

33 October 1, 2004.

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1 2. USE LEADING ZEROS BEFORE A DECIMAL POINT FOR 2 NUMBERS LESS THAN ONE; 3. USE TRAILING ZEROS AFTER A DECIMAL POINT FOR 4 WHOLE NUMBERS; AND 5 4. ABBREVIATE THE NAME OR STRENGTH OF A DRUG. A pharmacist may not refill and dispense a prescription unless the refilling 6 (c) 7 is authorized by: The health practitioner's specification in the original prescription as 8 (1) 9 to how many times it may be refilled; or 10 [By an] AN oral order of the health practitioner that promptly is 11 written out and filed by the pharmacist. 12 The dispensing of a drug without complying with the requirements of this 13 section is the dispensing of a misbranded drug. 14 A drug that is subject to the prescription requirements of this section (e) 15 is misbranded if, at any time before it is dispensed, its label does not bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription", or "Caution: State Law Prohibits Dispensing Without Prescription". 18 A drug to which the prescription requirements of this section do not 19 apply is misbranded if, at any time before it is dispensed, its label bears the caution statement quoted in paragraph (1) of this subsection. 21 (f) (1) The prescription requirements of this section do not apply to any 22 drug that is exempted under a rule or regulation adopted by the Secretary. 23 The Secretary, by rule or regulation, may exempt any drug from the 24 requirements of this section if the Secretary finds that, as to the drug, the 25 requirements of this section are not necessary for the protection of the public health. The Secretary, by rule and regulation, may exempt from the 26 (3) 27 requirements of this section any drug that is removed from the prescription 28 requirements of the federal act by a rule or regulation adopted under that act. 29 A HEALTH PRACTITIONER AUTHORIZED BY LAW TO PRESCRIBE A DRUG (G) 30 WHO FAILS TO COMPLY WITH SUBSECTION (B)(4) OF THIS SECTION MAY BE SUBJECT 31 TO DISCIPLINARY ACTIONS BY THE APPROPRIATE LICENSING BOARD. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 32