
By: **Delegates Sophocleus, Benson, Bobo, Boschert, Bozman, Burns,
Cadden, Cane, V. Clagett, Conway, Costa, DeBoy, Dumais, Eckardt,
Elmore, Gilleland, Griffith, Haddaway, Healey, Howard, Kelley, King,
Leopold, Love, Menes, Rosenberg, Rudolph, Sossi, and F. Turner**

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances - Schedule III and Schedule IV**
3 **Substances - Prescriptions and Refills**

4 FOR the purpose of prohibiting a person from dispensing without a written
5 prescription a controlled dangerous substance listed in Schedule III or Schedule
6 IV of controlled dangerous substances except in certain circumstances; allowing
7 a prescription for a controlled dangerous substance listed in Schedule III or
8 Schedule IV to be refilled by an oral refill order; and generally relating to
9 Schedule III and Schedule IV controlled dangerous substances.

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Law
12 Section 5-501
13 Annotated Code of Maryland
14 (2002 Volume and 2004 Supplement)

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

17 **Article - Criminal Law**

18 5-501.

19 (a) Except as provided in subsection (b) of this section, a person may not
20 dispense a controlled dangerous substance without a written prescription from an
21 authorized provider if the substance is:

22 (1) listed in Schedule II, SCHEDULE III, OR SCHEDULE IV; and

23 (2) a drug to which § 21-220 of the Health - General Article applies.

24 (b) A controlled dangerous substance to which subsection (a) of this section
25 applies may be dispensed without a written prescription by:

- 1 (1) an authorized provider who:
- 2 (i) is not a pharmacist; and
- 3 (ii) dispenses the controlled dangerous substance directly to an
4 ultimate user; or
- 5 (2) a pharmacist if:
- 6 (i) an emergency exists;
- 7 (ii) the pharmacist dispenses the drug under regulations of the
8 Department on an oral prescription that the pharmacist reduces promptly to writing
9 and keeps on file; and
- 10 (iii) federal law authorizes the oral prescription.

11 (c) A prescription for a controlled dangerous substance listed in Schedule II
12 shall be kept on file in conformity with the requirements for records and inventories
13 under § 5-306 of this title.

14 (d) (1) A person may not refill a prescription for a controlled dangerous
15 substance listed in Schedule II.

16 (2) A PRESCRIPTION FOR A CONTROLLED DANGEROUS SUBSTANCE
17 LISTED IN SCHEDULE III OR SCHEDULE IV MAY BE REFILLED BY AN ORAL REFILL
18 ORDER.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2005.