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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of prohibiting a person from dispensing without a written  
 5 prescription a ~~controlled dangerous substance~~ narcotic drug listed in Schedule  
 6 III or Schedule IV of controlled dangerous substances except in certain  
 7 circumstances; specifying the circumstances under which a Schedule III or a  
 8 Schedule IV narcotic drug may be dispensed without a written prescription;  
 9 allowing prohibiting a prescription for a ~~controlled dangerous substance~~ narcotic  
 10 drug listed in Schedule III or Schedule IV ~~to be from being~~ refilled by an oral  
 11 refill order; and generally relating to Schedule III and Schedule IV ~~controlled~~  
 12 ~~dangerous substances~~ narcotic drugs.

13 BY repealing and reenacting, with amendments,  
 14 Article - Criminal Law  
 15 Section 5-501  
 16 Annotated Code of Maryland  
 17 (2002 Volume and 2004 Supplement)

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

1 **Article - Criminal Law**

2 5-501.

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

6 (1) (I) listed in ~~Schedule II, SCHEDULE III, OR SCHEDULE IV; and~~  
7 SCHEDULE II; OR

8 (II) A NARCOTIC DRUG LISTED IN SCHEDULE III OR SCHEDULE IV;  
9 AND

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

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

13 (1) an authorized provider who:

14 (i) is not a pharmacist; and

15 (ii) dispenses the controlled dangerous substance directly to an  
16 ultimate user; ~~or~~

17 (2) a pharmacist if:

18 (i) an emergency exists;

19 (ii) the pharmacist dispenses the drug under regulations of the  
20 Department on an oral prescription that the pharmacist reduces promptly to writing  
21 and keeps on file; and

22 (iii) federal law authorizes the oral prescription; OR

23 (3) FOR A NARCOTIC DRUG LISTED IN SCHEDULE III OR SCHEDULE IV, A  
24 PHARMACIST IF:

25 (I) NO MORE THAN A 72-HOUR SUPPLY OF THE DRUG IS  
26 DISPENSED ON AN ORAL PRESCRIPTION; AND

27 (II) THE PHARMACIST DISPENSING THE DRUG CALLS THE  
28 PRESCRIBING PHYSICIAN'S OFFICE WITHIN 96 HOURS TO VERIFY THE PRESCRIPTION.

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

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

1                   (2)     A PRESCRIPTION FOR A ~~CONTROLLED DANGEROUS SUBSTANCE~~  
2 NARCOTIC DRUG LISTED IN SCHEDULE III OR SCHEDULE IV MAY NOT BE REFILLED  
3 BY AN ORAL REFILL ORDER.

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