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By: **Delegates Quinter, Carter, Gutierrez, and Menes**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Health Occupations - Pharmacists - Return of Unfilled Prescriptions to**  
3                                   **Retail Customers - Required**

4 FOR the purpose of requiring a pharmacist who refuses to fill a prescription  
5     presented by a retail customer to return the prescription to the retail customer  
6     at the time it is presented; authorizing the State Board of Pharmacy to take  
7     certain actions against a pharmacist who violates a certain provision of this Act;  
8     establishing the right of a retail customer who is injured by a violation of a  
9     certain provision of this Act to bring an action against certain persons to recover  
10    certain damages, reasonable attorney's fees, and court costs; and generally  
11    relating to establishing a requirement that pharmacists return unfilled  
12    prescriptions to retail customers.

13 BY repealing and reenacting, with amendments,  
14    Article - Health Occupations  
15    Section 12-313(b)(27) and (28)  
16    Annotated Code of Maryland  
17    (2005 Replacement Volume)

18 BY adding to  
19    Article - Health Occupations  
20    Section 12-313(b)(29) and 12-501.1  
21    Annotated Code of Maryland  
22    (2005 Replacement Volume)

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

25                                   **Article - Health Occupations**

26 12-313.

27     (b)     Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on  
28 the affirmative vote of a majority of its members then serving, may deny a license to

1 any applicant, reprimand any licensee, place any licensee on probation, or suspend or  
2 revoke a license if the applicant or licensee:

3           (27)     Provides or causes to be provided confidential patient information to  
4 any person without first having obtained the patient's consent, as required by §  
5 12-403(b)(13) of this title and by Title 4, Subtitle 3 of the Health - General Article;  
6 [or]

7           (28)     Fails to cooperate with a lawful investigation conducted by the Board  
8 or the Division of Drug Control; OR

9           (29)     VIOLATES § 12-501.1 OF THIS TITLE.

10 12-501.1.

11     (A)     A PHARMACIST WHO REFUSES TO FILL A PRESCRIPTION PRESENTED BY A  
12 RETAIL CUSTOMER SHALL RETURN THE PRESCRIPTION TO THE RETAIL CUSTOMER  
13 AT THE TIME IT IS PRESENTED.

14     (B)     IN ADDITION TO ANY OTHER PENALTIES PROVIDED UNDER THIS TITLE  
15 FOR A VIOLATION OF THIS SECTION, A RETAIL CUSTOMER WHO IS INJURED BY A  
16 VIOLATION OF SUBSECTION (A) OF THIS SECTION MAY BRING AN ACTION AGAINST  
17 THE PHARMACIST AND THE PHARMACIST'S EMPLOYER TO RECOVER:

18           (1)     DAMAGES FOR PHYSICAL INJURY AND EMOTIONAL PAIN AND  
19 SUFFERING CAUSED BY THE VIOLATION;

20           (2)     PUNITIVE DAMAGES; AND

21           (3)     REASONABLE ATTORNEY'S FEES AND COURT COSTS.

22     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2006.