

ENROLLED BILL

-- Health and Government Operations/Education, Health, and Environmental Affairs --

Introduced by **Delegates Elliott, Bozman, and Sophocleus**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Board of Pharmacy - Revocation of License - Sale of Drug Different**
3 **from that Ordered**

4 FOR the purpose of requiring that the State Board of Pharmacy revoke a certain
5 license if the holder of the license is convicted of knowingly selling or delivering
6 a certain substance without certain authorization; authorizing the Board to
7 reinstate a certain license under certain circumstances; and generally relating
8 to the revocation of a license by the State Board of Pharmacy.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Law
11 Section 5-702
12 Annotated Code of Maryland
13 (2002 Volume and 2005 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Health Occupations

1 Section 12-313(a)
2 Annotated Code of Maryland
3 (2005 Replacement Volume)

4 BY adding to
5 Article - Health Occupations
6 Section 12-313(c)
7 Annotated Code of Maryland
8 (2005 Replacement Volume)

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

11 **Article - Criminal Law**

12 5-702.

13 (a) (1) This subsection applies to a person engaged in the business of selling
14 prescription drugs, controlled dangerous substances, medicines, chemicals, or
15 preparations for medical use or of compounding or dispensing these in accordance
16 with physicians' prescriptions.

17 (2) A person subject to this subsection may not knowingly sell or deliver
18 to another a drug, medicine, chemical, or preparation for medicinal use that is
19 recognized or authorized by the latest edition of the United States Pharmacopoeia
20 and National Formulary or prepared according to the private formula of another that
21 is:

22 (i) other or different from the prescription drug, controlled
23 dangerous substance, medicine, chemical, or preparation that is ordered or called for
24 by the person; or

25 (ii) except as authorized under § 12-504 of the Health Occupations
26 Article, called for in a prescription of a physician or other authorized provider.

27 (b) Subsection (a) of this section applies to a person acting on the person's own
28 behalf or as an agent or employee of some other person.

29 (c) (1) A person who violates this section is guilty of a misdemeanor and on
30 conviction is subject to imprisonment of not less than 1 month and not exceeding 1
31 year or a fine of not less than \$100 and not exceeding \$500 or both.

32 (2) [A] IF A person convicted under this section [may not practice
33 pharmacy under a certificate or registration issued under State law] HOLDS A
34 LICENSE UNDER TITLE 12 OF THE HEALTH OCCUPATIONS ARTICLE, THE LICENSE
35 SHALL BE REVOKED IN ACCORDANCE WITH § 12-313(C) OF THE HEALTH
36 OCCUPATIONS ARTICLE.

1

Article - Health Occupations

2 12-313.

3 (a) In this section, "convicted" includes a determination of guilt, a guilty plea,
4 or a plea of nolo contendere followed by a sentence.

5 (C) (1) THE BOARD SHALL REVOKE THE LICENSE OF A LICENSEE WHO IS
6 CONVICTED UNDER § 5-702 OF THE CRIMINAL LAW ARTICLE.

7 (2) THE BOARD MAY REINSTATE THE LICENSE OF ~~A PERSON AN~~
8 ~~INDIVIDUAL~~ A PERSON WHOSE LICENSE HAS BEEN REVOKED UNDER THIS SECTION
9 IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE BOARD.

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