
By: **Delegates Elliott, Bozman, and Sophocleus**

Introduced and read first time: February 21, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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
16 Section 12-313(a)
17 Annotated Code of Maryland
18 (2005 Replacement Volume)

19 BY adding to
20 Article - Health Occupations
21 Section 12-313(c)
22 Annotated Code of Maryland
23 (2005 Replacement Volume)

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

1 **Article - Criminal Law**

2 5-702.

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

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

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

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

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

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

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

27 **Article - Health Occupations**

28 12-313.

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

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

33 (2) THE BOARD MAY REINSTATE THE LICENSE OF A PERSON WHOSE
34 LICENSE HAS BEEN REVOKED UNDER THIS SECTION IN ACCORDANCE WITH THE
35 REGULATIONS ADOPTED BY THE BOARD.

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