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

Introduced and read first time: February 21, 2006

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, February 27, 2006

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

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
 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

1 (2005 Replacement Volume)

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

4 **Article - Criminal Law**

5 5-702.

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

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

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

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

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

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

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

30 **Article - Health Occupations**

31 12-313.

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

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

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

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