

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 1569

(Delegate Elliott, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

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

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This bill requires the State Board of Pharmacy to revoke the license of a licensee convicted of the misdemeanor of knowingly selling or delivering a specified substance that is different from what was ordered or different from what was called for in a prescription. The board may reinstate a revoked license in accordance with board regulations. The bill repeals provisions prohibiting a person convicted of this crime from practicing pharmacy under a State certificate or registration.

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**Fiscal Summary**

**State Effect:** Any change in State activities would not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** Minimal except for any licensee that has a license revoked and then complies with board requirements for reinstatement. However, the State Board of Pharmacy expects this will not happen often.

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**Analysis**

**Current Law:** A person engaged in the business of selling prescription drugs and other specified substances may not knowingly sell or deliver to another a specified drug, medicine, chemical, or preparation for medicinal use that is different than the substance ordered or called for by the person or that is called for in a prescription. A violator is guilty of a misdemeanor and on conviction is subject to imprisonment for at least one

month but no longer than one year and/or a fine of at least \$100 but no more than \$500. A person convicted of this crime may not practice pharmacy under a State certificate or registration.

**Background:** The Board of Pharmacy anticipates that only a few licenses will be revoked based on violations of this bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of Administrative Hearings, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2006  
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