

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 266  
Finance

(Senators Lenett and Madaleno)

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Prescription Privacy Act

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This bill prohibits the transfer of identifying prescriber or patient information on a prescription by a pharmacy, a pharmacy benefits manager, an insurer, or a data transfer intermediary, or their agents. Specified exemptions apply if no payment is received for the information transfer.

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Fiscal Summary

**State Effect:** None. The change would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** If no payment is received for transferring the identifying prescriber or patient information, then that information may be transferred to:

- the patient issued the original prescription;
- a licensed health care practitioner who issued the prescription or treats the patient;
- an officer, inspector, or investigator for a government health, health occupations licensing, or law enforcement agency authorized by law to access prescription information for the purposes of official business;
- a person authorized by court order to receive the information;

- a pharmacy researcher or medical researcher with written authorization to receive the information;
- another pharmacy for preventing individuals from misusing or falsifying prescription forms to illegally obtain excessive or unauthorized drugs; or
- the patient's insurer or agent for reimbursing the pharmacy.

The Secretary of Health and Mental Hygiene has to adopt implementing regulations and enforce the bill's requirements.

**Current Law:** A person who violates any provision of the Maryland Food, Drug, and Cosmetic Act is guilty of a misdemeanor and on conviction is subject to maximum penalties of a \$10,000 fine and/or maximum one year imprisonment. For a subsequent violation, a person is subject to maximum penalties of a \$25,000 fine and/or three years imprisonment. A violator also is subject to a maximum \$5,000 civil penalty and may be enjoined from continuing the violation.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 27, 2007  
ncs/jr

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