

HOUSE BILL 229

J1, J2

9lr1520

By: **Delegate Morhaim**

Introduced and read first time: January 28, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Prescribers – Controlled Dangerous Substances – Exemption from**
3 **Registration**

4 FOR the purpose of providing that a person is not required to be registered by the
5 Department of Health and Mental Hygiene to prescribe a controlled dangerous
6 substance in the State; altering a certain definition; and generally relating to
7 the prescribing of controlled dangerous substances and registration with the
8 Department of Health and Mental Hygiene.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Law
11 Section 5–101(a) and (i)
12 Annotated Code of Maryland
13 (2002 Volume and 2008 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 5–101(k) and 5–301
17 Annotated Code of Maryland
18 (2002 Volume and 2008 Supplement)

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

21 **Article – Criminal Law**

22 5–101.

23 (a) In this title the following words have the meanings indicated.

24 (i) “Department” means the Department of Health and Mental Hygiene.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (k) (1) “Dispense” means to deliver to the ultimate user or the human
2 research subject by or in accordance with the lawful order of an authorized provider.

3 (2) “Dispense” includes to [prescribe,] administer, package, label, or
4 compound a substance for delivery.

5 5–301.

6 (a) (1) Except as otherwise provided in this section, a person shall be
7 registered by the Department before the person manufactures, distributes, or
8 dispenses a controlled dangerous substance in the State.

9 (2) **A PERSON IS NOT REQUIRED TO BE REGISTERED BY THE**
10 **DEPARTMENT TO PRESCRIBE A CONTROLLED DANGEROUS SUBSTANCE IN THE**
11 **STATE.**

12 [(2)] (3) The Department shall adopt regulations to carry out this
13 subsection.

14 (b) An applicant must register separately each principal place of business or
15 professional practice where the applicant manufactures, distributes, or dispenses a
16 controlled dangerous substance.

17 (c) To the extent authorized by the registration and subject to subsection (b)
18 of this section and this subtitle, a person registered by the Department under this
19 subtitle may:

20 (1) possess, manufacture, distribute, or dispense controlled dangerous
21 substances; and

22 (2) perform any activity listed in item (1) of this subsection to conduct
23 research.

24 (d) A person need not register with the Department to possess a controlled
25 dangerous substance while acting in the course of the person’s business or profession if
26 the person is:

27 (1) an agent or agent’s employee of a registered manufacturer,
28 distributor, or dispenser of a controlled dangerous substance;

29 (2) a common or contract carrier or warehouseman, or an employee of
30 a common or contract carrier or warehouseman; or

31 (3) an ultimate user or person in possession of a controlled dangerous
32 substance acting in good faith in accordance with a lawful order of an authorized
33 provider.

1 (e) If the Department finds that a waiver is consistent with public health
2 and safety, by regulation, the Department may waive the registration requirement for
3 a manufacturer, distributor, or dispenser.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.