

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 370 (Senator Della)
Education, Health, and Environmental Affairs

Pharmacies - Delivery of Controlled Dangerous Substances

This bill requires an adult to sign for the residential delivery of a prescription drug that is a controlled dangerous substance.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: Controlled dangerous substances are listed on one of five schedules set forth in statute. No distinction is made in the law regarding the illegal possession of any controlled dangerous substance, regardless of which schedule it is on, with the exception of marijuana. When the substance is marijuana, the maximum criminal penalties for a violation are one year imprisonment and/or a \$1,000 fine.

Controlled dangerous substances do not include distilled spirits, wine, malt beverages, or tobacco.

When a prescription drug is delivered by U.S. mail, a common carrier, or a delivery service and is not personally hand delivered to a patient or to the agent of the patient, a general written notice must be provided in each shipment of the prescription drug alerting the consumer that, under certain circumstances, the medication's effectiveness may be

affected by exposure to extreme heat, cold, or humidity. In addition, a notice must include a toll-free or local consumer access telephone number to respond to consumer questions pertaining to medications.

The Division of Drug Control (DDC), Laboratories Administration within the Department of Health and Mental Hygiene inspects pharmacies every three years during its controlled dangerous substances inspection. In addition, the State Board of Pharmacy annually inspects pharmacies to ensure that proper sanitation and operating practices are in place.

Of the 1,143 pharmacies in the State, it is unknown how many fill mail orders.

State Fiscal Effect: Since both DDC and the board currently inspect pharmacies, expenditures and revenues are unaffected by the bill's provisions. However, the board has to change its inspection forms and database to reflect whether inspectors have reviewed documentation for controlled dangerous substance prescriptions that are delivered to a residence. This change is technical in nature and does not affect board finances.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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