

HOUSE BILL 596

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4r1188

By: **Delegates Morhaim and Elliott**
Introduced and read first time: January 30, 2014
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 11, 2014

CHAPTER _____

1 AN ACT concerning

2 **State Board of Pharmacy – Wholesale Distributors – Notification to**
3 **Pharmacy**

4 FOR the purpose of requiring a wholesale distributor to notify a pharmacy within a
5 certain time period before the wholesale distributor imposes a limit on the
6 quantity of a prescription drug or prescription device distributed to the
7 pharmacy; requiring a wholesale distributor, while a limit is in effect, to provide
8 a pharmacy with a certain update with a certain frequency; establishing the
9 circumstances in which a notification and an update are not required; and
10 generally relating to wholesale distributors and notification to a pharmacy.

11 BY adding to
12 Article – Health Occupations
13 Section 12–6C–09(f)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2013 Supplement)

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

18 **Article – Health Occupations**

19 12–6C–09.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(F) ~~A~~ (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**
2 **A WHOLESALE DISTRIBUTOR SHALL:**

3 **(~~1~~) (I) NOTIFY A PHARMACY AT LEAST 30 DAYS BEFORE THE**
4 **WHOLESALE DISTRIBUTOR IMPOSES A LIMIT ON THE QUANTITY OF A**
5 **PRESCRIPTION DRUG OR PRESCRIPTION DEVICE DISTRIBUTED TO THE**
6 **PHARMACY; AND**

7 **(~~2~~) (II) WHILE A LIMIT IS IN EFFECT, PROVIDE A PHARMACY**
8 **WITH AN UPDATE, AT LEAST WEEKLY, ON THE QUANTITY OF A PRESCRIPTION**
9 **DRUG OR PRESCRIPTION DEVICE AVAILABLE TO THE PHARMACY.**

10 **(2) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1)(I) OF**
11 **THIS SUBSECTION IS NOT REQUIRED IF:**

12 **(I) 1. DUE TO CIRCUMSTANCES BEYOND THE CONTROL**
13 **OF THE WHOLESALE DISTRIBUTOR, THE WHOLESALE DISTRIBUTOR IS NOT**
14 **AWARE OF THE QUANTITY LIMIT AT LEAST 30 DAYS BEFORE A LIMIT IS IMPOSED**
15 **ON THE PHARMACY; OR**

16 **2. A LIMIT IS IMPOSED ON THE PHARMACY DUE TO**
17 **SUSPECTED ILLEGAL ACTIVITY; AND**

18 **(II) THE WHOLESALE DISTRIBUTOR PROVIDES**
19 **DOCUMENTATION OF THE CIRCUMSTANCES OR SUSPECTED ILLEGAL ACTIVITY**
20 **UNDER ITEM (I) OF THIS PARAGRAPH DURING ANY INSPECTION BY THE BOARD**
21 **OR THE BOARD'S DESIGNEE.**

22 **(3) THE UPDATE REQUIRED UNDER PARAGRAPH (1)(II) OF THIS**
23 **SUBSECTION IS NOT REQUIRED IF:**

24 **(I) 1. DUE TO CIRCUMSTANCES BEYOND THE CONTROL**
25 **OF THE WHOLESALE DISTRIBUTOR, THE WHOLESALE DISTRIBUTOR IS NOT**
26 **AWARE OF THE QUANTITY OF A PRESCRIPTION DRUG OR DEVICE AVAILABLE TO**
27 **THE PHARMACY; OR**

28 **2. A LIMIT IS IMPOSED ON THE PHARMACY DUE TO**
29 **SUSPICION OF ILLEGAL ACTIVITY; AND**

30 **(II) THE WHOLESALE DISTRIBUTOR PROVIDES**
31 **DOCUMENTATION OF THE CIRCUMSTANCES OR SUSPECTED ILLEGAL ACTIVITY**
32 **UNDER ITEM (I) OF THIS PARAGRAPH DURING ANY INSPECTION BY THE BOARD**
33 **OR THE BOARD'S DESIGNEE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.