

Chapter 562

(Senate Bill 852)

AN ACT concerning

Health Occupations – Dispensers of Devices and Equipment – Exclusion From the Maryland Pharmacy Act

FOR the purpose of providing that the Maryland Pharmacy Act does not apply to a person who only dispenses certain prescription devices, certain durable medical equipment, or certain other medical devices and supplies; and generally relating to the exclusion of dispensers of devices and equipment from the Maryland Pharmacy Act.

BY adding to

Article – Health Occupations
Section 12–102(h)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 12–102(h), (i), and (j)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

12–102.

(H) THIS TITLE DOES NOT APPLY TO A PERSON WHO ONLY DISPENSES:

(1) PRESCRIPTION DEVICES THAT DO NOT CONTAIN A PRESCRIPTION DRUG;

(2) PRESCRIPTION DEVICES WITHIN WHICH THE ONLY PRESCRIPTION DRUG IS MEDICAL OXYGEN;

~~(2)~~ (3) DURABLE MEDICAL EQUIPMENT, AS DEFINED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; OR

~~(3)~~ (4) PROSTHETICS, ORTHOTICS, AND RELATED SUPPLIES.

[(h)] (I) This title does not limit the right of a general merchant to sell:

- (1) Any nonprescription drug or device;
- (2) Any commonly used household or domestic remedy; or
- (3) Any farm remedy or ingredient for a spraying solution, in bulk or otherwise.

[(i)] (J) The Board of Pharmacy, the Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners annually shall report to the Division of Drug Control:

- (1) The names and addresses of its licensees who are authorized to personally prepare and dispense prescription drugs; and
- (2) The names and addresses of its licensees who have reported, in accordance with subsection (c)(2)(iv)12 of this section, that they have personally prepared and dispensed prescription drugs within the previous year.

[(j)] (K) A dentist, physician, or podiatrist who fails to comply with the provisions of this section governing the dispensing of prescription drugs or devices shall:

- (1) Have the dispensing permit revoked; and
- (2) Be subject to disciplinary actions by the appropriate licensing board.

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

Approved by the Governor, May 15, 2014.