

SENATE BILL 428

J2, J1

7lr1368
CF HB 316

By: **Senators Klausmeier, Astle, Benson, Eckardt, Hershey, Hough, Rosapepe, Salling, Smith, Young, and Zucker**

Introduced and read first time: January 27, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pharmacy – Dispensing of Drugs Containing Controlled**
3 **Dangerous Substances – Requirements**

4 FOR the purpose of requiring, except under certain circumstances, a pharmacist to
5 dispense drugs that contain certain controlled dangerous substances in lockable
6 vials; authorizing the State Board of Pharmacy to adopt certain regulations;
7 requiring the Board to create and make available to pharmacists a statement that
8 educates patients on the potential for abuse and diversion of drugs that contain
9 certain controlled dangerous substances; requiring a pharmacist to provide the
10 statement to certain patients; defining certain terms; and generally relating to the
11 dispensing of drugs containing controlled dangerous substances.

12 BY adding to

13 Article – Health Occupations

14 Section 14–509

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2016 Supplement)

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

19 **Article – Health Occupations**

20 **14–509.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(2) “LOCKABLE VIAL” MEANS A DISPOSABLE VIAL THAT:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) HAS SPECIAL PACKAGING AS DEFINED IN 15 U.S.C. § 1471;
2 AND

3 (II) HAS A LOCKING-CAP CLOSURE MECHANISM THAT CAN BE
4 UNLOCKED ONLY BY USING A NUMERIC OR ALPHA-NUMERIC COMBINATION CODE
5 THAT:

6 1. IS SELECTED BY THE PATIENT OR, IF APPLICABLE,
7 THE GUARDIAN OF THE PATIENT; AND

8 2. IS ENCODED IN THE LOCKING-CAP CLOSURE
9 MECHANISM BY THE PHARMACIST AS PART OF THE PROCESS OF DISPENSING THE
10 DRUG.

11 (3) "SCHEDULE II" MEANS A LIST OF CONTROLLED DANGEROUS
12 SUBSTANCES THAT APPEARS IN § 5-403 OF THE CRIMINAL LAW ARTICLE.

13 (4) "SCHEDULE III" MEANS A LIST OF CONTROLLED DANGEROUS
14 SUBSTANCES THAT APPEARS IN § 5-404 OF THE CRIMINAL LAW ARTICLE.

15 (5) "SCHEDULE IV" MEANS A LIST OF CONTROLLED DANGEROUS
16 SUBSTANCES THAT APPEARS IN § 5-405 OF THE CRIMINAL LAW ARTICLE.

17 (6) "SCHEDULE V" MEANS A LIST OF CONTROLLED DANGEROUS
18 SUBSTANCES THAT APPEARS IN § 5-406 OF THE CRIMINAL LAW ARTICLE.

19 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
20 PHARMACIST SHALL DISPENSE A DRUG THAT CONTAINS A SUBSTANCE LISTED IN
21 SCHEDULE II, SCHEDULE III, SCHEDULE IV, OR SCHEDULE V IN A LOCKABLE VIAL.

22 (2) (I) A PHARMACIST IS NOT REQUIRED TO COMPLY WITH
23 PARAGRAPH (1) OF THIS SUBSECTION IF THE PATIENT WOULD HAVE DIFFICULTY IN
24 OPENING THE LOCKABLE VIAL DUE TO PHYSICAL LIMITATIONS.

25 (II) THE BOARD MAY ADOPT REGULATIONS THAT SPECIFY
26 ADDITIONAL CIRCUMSTANCES UNDER WHICH A PHARMACIST IS EXEMPT FROM
27 COMPLYING WITH PARAGRAPH (1) OF THIS SUBSECTION BECAUSE THE USE OF A
28 LOCKABLE VIAL IS NOT PRACTICABLE.

29 (C) (1) THE BOARD SHALL CREATE AND MAKE AVAILABLE TO
30 PHARMACISTS A STATEMENT THAT EDUCATES PATIENTS ON THE POTENTIAL FOR
31 ABUSE AND DIVERSION, INCLUDING DIVERSION IN THE HOME, OF DRUGS THAT

1 CONTAIN SUBSTANCES LISTED IN SCHEDULE II, SCHEDULE III, SCHEDULE IV, OR
2 SCHEDULE V.

3 (2) A PHARMACIST SHALL PROVIDE THE STATEMENT CREATED
4 UNDER PARAGRAPH (1) OF THIS SUBSECTION TO A PATIENT TO WHOM THE
5 PHARMACIST IS DISPENSING A DRUG THAT CONTAINS A SUBSTANCE LISTED IN
6 SCHEDULE II, SCHEDULE III, SCHEDULE IV, OR SCHEDULE V.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2017.