

# HOUSE BILL 1063

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8lr3247

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By: **Delegate Platt**

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Physicians – Dispensing Permit Exemption – Prepackaged Topical**

3 FOR the purpose of providing that certain provisions of law do not prohibit a physician  
4 from personally dispensing a prepackaged topical; establishing a certain exception  
5 to the requirement to receive a certain written permit; defining a certain term; and  
6 generally relating to the dispensing of a prepackaged topical by a physician.

7 BY repealing and reenacting, with amendments,  
8 Article – Health Occupations  
9 Section 12–102(c)(2)(ii)1.C. and (k) through (m)  
10 Annotated Code of Maryland  
11 (2014 Replacement Volume and 2017 Supplement)

12 BY adding to  
13 Article – Health Occupations  
14 Section 12–102(k)  
15 Annotated Code of Maryland  
16 (2014 Replacement Volume and 2017 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 12–102.

21 (c) (2) This title does not prohibit:

22 (ii) A licensed dentist, physician, or podiatrist from personally  
23 preparing and dispensing the dentist’s, physician’s, or podiatrist’s prescriptions when:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   1.     The dentist, physician, or podiatrist:

2                   C.     Has received a written permit from that board to dispense  
3 prescription drugs or devices except that a written permit is not required in order to  
4 dispense starter dosages or samples without charge **OR FOR A PHYSICIAN TO DISPENSE**  
5 **A PREPACKAGED TOPICAL UNDER SUBSECTION (K) OF THIS SECTION;** and

6                   **(K) (1) IN THIS SUBSECTION, “PREPACKAGED TOPICAL” MEANS A**  
7 **PRESCRIPTION–STRENGTH CREAM, LOTION, OR SOLUTION THAT:**

8                   **(I) IS PACKAGED AT THE SITE OF PRODUCTION; AND**

9                   **(II) REQUIRES NO PREPARATION PRIOR TO DISPENSING.**

10                   **(2) THIS TITLE DOES NOT PROHIBIT A PHYSICIAN FROM PERSONALLY**  
11 **DISPENSING A PREPACKAGED TOPICAL.**

12                   **[(k)] (L)**     This title does not limit the right of a general merchant to sell:

13                   (1)     Any nonprescription drug or device;

14                   (2)     Any commonly used household or domestic remedy; or

15                   (3)     Any farm remedy or ingredient for a spraying solution, in bulk or  
16 otherwise.

17                   **[(l)] (M)**     The Board of Pharmacy, the Board of Dental Examiners, the Board of  
18 Physicians, and the Board of Podiatric Medical Examiners annually shall report to the  
19 Office of Controlled Substances Administration:

20                   (1)     The names and addresses of its licensees who are authorized to  
21 personally prepare and dispense prescription drugs; and

22                   (2)     The names and addresses of its licensees who have reported, in  
23 accordance with subsection (c)(2)(ii)4L of this section, that they have personally prepared  
24 and dispensed prescription drugs within the previous year.

25                   **[(m)] (N)**     A dentist, physician, or podiatrist who fails to comply with the  
26 provisions of this section governing the dispensing of prescription drugs or devices shall:

27                   (1)     Have the dispensing permit revoked; and

28                   (2)     Be subject to disciplinary actions by the appropriate licensing board.

29                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2018.