

HOUSE BILL 1452

E1, J2, J1

8lr2207
CF SB 1223

By: Delegates Pena–Melnik, Angel, Barron, Bromwell, Cullison, Hayes, Kelly, Kipke, Miele, Rosenberg, Sample–Hughes, Valentino–Smith, West, ~~and K. Young~~ K. Young, Hill, Krebs, Metzgar, Morales, Morgan, Pendergrass, Platt, Saab, and Szeliga

Introduced and read first time: February 9, 2018
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Controlled Dangerous Substances Registration – Authorized Providers –**
3 **Continuing ~~Medical~~ Education**

4 FOR the purpose of requiring ~~an~~ a certain authorized provider to ~~submit certain evidence~~
5 attest on a certain registration form to the Maryland Department of Health that the
6 authorized provider completed certain continuing ~~medical~~ education before the
7 authorized provider may be registered by the Department or renew a certain
8 registration to dispense a controlled dangerous substance; requiring certain
9 continuing ~~medical~~ education to be related to the prescribing or dispensing of
10 controlled dangerous substances and ~~developed by organizations~~ recognized by a
11 certain licensing or certification board or accredited by a certain organization;
12 ~~requiring an authorized provider who dispenses a controlled dangerous substance to~~
13 ~~complete certain continuing medical education before the authorized provider's~~
14 ~~registration may be renewed by the Department;~~ and generally relating to
15 registration requirements for authorized providers to dispense controlled dangerous
16 substances.

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Law
19 Section 5–301 ~~and 5–302~~
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2017 Supplement)

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

3 **Article – Criminal Law**

4 5–301.

5 (a) (1) Except as otherwise provided in this section, a person shall be
6 registered by the Department before the person manufactures, distributes, or dispenses a
7 controlled dangerous substance in the State.

8 (2) The Department shall adopt regulations to carry out this subsection.

9 (b) An applicant must register separately each principal place of business or
10 professional practice where the applicant manufactures, distributes, or dispenses a
11 controlled dangerous substance.

12 (c) (1) ~~BEFORE THE DEPARTMENT REGISTERS AN AUTHORIZED~~
13 ~~PROVIDER TO DISPENSE A CONTROLLED DANGEROUS SUBSTANCE, AN AN~~
14 ~~AUTHORIZED PROVIDER APPLYING FOR A REGISTRATION TO DISPENSE A~~
15 ~~CONTROLLED DANGEROUS SUBSTANCE UNDER THIS SECTION AND WHO WILL~~
16 ~~PRESCRIBE OR DISPENSE CONTROLLED DANGEROUS SUBSTANCES UNDER THAT~~
17 ~~REGISTRATION SHALL SUBMIT ATTEST ON THE REGISTRATION FORM TO THE~~
18 ~~DEPARTMENT SATISFACTORY EVIDENCE THAT THE AUTHORIZED PROVIDER~~
19 ~~SUCCESSFULLY COMPLETED TWO CREDITS OF CONTINUING MEDICAL THAT THE~~
20 ~~AUTHORIZED PROVIDER HAS COMPLETED 2 HOURS OF CONTINUING EDUCATION.~~

21 (2) AN AUTHORIZED PROVIDER SHALL MAKE THE ATTESTATION
22 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

23 (I) BEFORE THE AUTHORIZED PROVIDER'S INITIAL
24 REGISTRATION; OR

25 (II) IF THE AUTHORIZED PROVIDER IS REGISTERED BEFORE
26 OCTOBER 1, 2018, BEFORE THE FIRST RENEWAL OF THE AUTHORIZED PROVIDER'S
27 REGISTRATION THAT OCCURS ON OR AFTER OCTOBER 1, 2018.

28 ~~(2)~~ (3) THE CONTINUING MEDICAL EDUCATION REQUIRED UNDER
29 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

30 (I) RELATED TO THE PRESCRIBING OR DISPENSING OF
31 CONTROLLED DANGEROUS SUBSTANCES; AND

1 ~~(II) DEVELOPED BY ORGANIZATIONS THAT ARE RECOGNIZED BY~~
2 THE AUTHORIZED PROVIDER'S LICENSING OR CERTIFICATION BOARD OR
3 ACCREDITED BY THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL
4 EDUCATION.

5 ~~[(c) (D)]~~ To the extent authorized by the registration and subject to subsection
6 (b) of this section and this subtitle, a person registered by the Department under this
7 subtitle may:

8 (1) possess, manufacture, distribute, or dispense controlled dangerous
9 substances; and

10 (2) perform any activity listed in item (1) of this subsection to conduct
11 research.

12 ~~[(d) (E)]~~ A person need not register with the Department to possess a controlled
13 dangerous substance while acting in the course of the person's business or profession if the
14 person is:

15 (1) an agent or agent's employee of a registered manufacturer, distributor,
16 or dispenser of a controlled dangerous substance;

17 (2) a common or contract carrier or warehouseman, or an employee of a
18 common or contract carrier or warehouseman; or

19 (3) an ultimate user or person in possession of a controlled dangerous
20 substance acting in good faith in accordance with a lawful order of an authorized provider.

21 ~~[(e) (F)]~~ If the Department finds that a waiver is consistent with public health
22 and safety, by regulation, the Department may waive the registration requirement for a
23 manufacturer, distributor, or dispenser.

24 ~~5-302.~~

25 ~~(a) A registration expires on the date set by the Department unless it is renewed~~
26 ~~for an additional term as provided in this section.~~

27 ~~(b) A registration may not be renewed for more than 3 years.~~

28 ~~(c) (1) BEFORE A REGISTRATION EXPIRES, AN AUTHORIZED PROVIDER~~
29 ~~WHO DISPENSES A CONTROLLED DANGEROUS SUBSTANCE MAY RENEW THE~~
30 ~~REGISTRATION PERIODICALLY FOR AN ADDITIONAL TERM IF THE AUTHORIZED~~
31 ~~PRESCRIBER SUBMITS TO THE DEPARTMENT SATISFACTORY EVIDENCE OF~~
32 ~~COMPLETION OF TWO CREDITS OF CONTINUING MEDICAL EDUCATION.~~

1 ~~(2) THE CONTINUING MEDICAL EDUCATION REQUIRED UNDER~~
2 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:~~

3 ~~(I) RELATED TO THE DISPENSING OF CONTROLLED~~
4 ~~DANGEROUS SUBSTANCES; AND~~

5 ~~(II) DEVELOPED BY ORGANIZATIONS THAT ARE ACCREDITED BY~~
6 ~~THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION.~~

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.