

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 1452

(Delegate Pena-Melnyk, *et al.*)

Health and Government Operations

Finance

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Controlled Dangerous Substances Registration – Authorized Providers –  
Continuing Education

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This bill requires an authorized provider of controlled dangerous substances (CDS) to attest that the authorized provider has completed two hours of specified continuing education to the Maryland Department of Health (MDH) as a qualification for initial or renewal registration to dispense CDS, as specified. The required continuing education must be related to the prescribing or dispensing of CDS and must be recognized by the authorized provider's licensing or certification board or accredited by a specified organization.

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Fiscal Summary

**State Effect:** The bill's requirements can likely be handled with existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** The required attestation must be made before the *initial* registration for newly authorized providers. However, if already registered before October 1, 2018, authorized providers must make the attestation before their *first* registration *renewal* that occurs on or after that date.

**Current Law:** CDS are listed on one of five schedules (Schedules I through V) set forth in statute depending on their potential for abuse and acceptance for medical use. Under

the federal Controlled Substances Act, for a drug or substance to be classified as Schedule I, the following findings must be made: (1) the substance has a high potential for abuse; (2) the drug or other substance has no currently accepted medical use in the United States; and (3) there is a lack of accepted safety for use of the drug or other substance under medical supervision.

A person must be registered by MDH before manufacturing, distributing, or dispensing CDS in the State. An applicant must obtain a separate registration for each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses CDS.

MDH may deny, suspend, revoke, or refuse to renew a registration if MDH finds that the applicant or registrant has (1) materially falsified an application; (2) been convicted of a crime under any federal or state law relating to CDS; (3) had federal registration suspended or revoked and may no longer manufacture, distribute, or dispense a CDS; or (4) otherwise violated State law relating to CDS. MDH may limit revocation or suspension of a registration to the particular CDS for which grounds for revocation or suspension exist.

Pursuant to Chapters 571 and 572 of 2017, MDH may also deny, suspend, revoke, or refuse to renew a registration if the applicant or registrant has surrendered federal registration or has failed to meet the requirements for registration. MDH may also limit an initial registration or the renewal of a registration to the particular CDS for which grounds for denial or refusal to renew exist.

The Office of Controlled Substances Administration advises that it receives between 3,000 and 3,500 applications for registration per month.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 1223 (Senator Klausmeier) - Finance.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2018  
mm/jc Third Reader - March 23, 2018  
Revised - Amendment(s) - March 23, 2018

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