

HOUSE BILL 1288

J2
HB 1063/18 – HGO

9lr3043
CF 9lr3054

By: **Delegate Barron**

Introduced and read first time: February 11, 2019

Assigned to: Rules and Executive Nominations

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 2018 Supplement)

12 BY adding to

13 Article – Health Occupations

14 Section 12–102(k)

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2018 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:

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, 2019.