

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 189

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Health)

Judicial Proceedings

Controlled Substances - Schedules

This departmental bill alters the lists of substances designated as controlled dangerous substances (CDS) under schedules in the Maryland Controlled Dangerous Substances Act. The bill conforms the classification and nomenclature in the State's statutory schedules to the federal CDS schedules. However, the bill retains the State's more stringent classification and treatment of specified substances.

Fiscal Summary

State Effect: The bill is procedural/technical in nature and is not anticipated to materially affect State finances or operations.

Local Effect: The bill is procedural/technical in nature and is not anticipated to materially affect local government finances or operations.

Small Business Effect: The Maryland Department of Health (MDH) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

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.

Under the Maryland Controlled Dangerous Substances Act, if the federal government places a substance on Schedules I through V, it is automatically considered a substance on the same schedule under Maryland law unless MDH objects to the designation. MDH must update and republish schedules annually.

Maryland regulates a few substances more stringently than the federal government. Schedule III in Maryland includes “not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit.” However, this is Schedule V federally. Currently, Schedule III in Maryland also includes butalbital (including fiorinal and fioricet). However, fiorinal is the only product controlled federally. The only difference between fioricet and fiorinal is that fioricet contains acetaminophen and fiorinal contains aspirin.

The U.S. Drug Enforcement Administration’s list of scheduled CDS and the State’s exceptions can be found on [MDH’s website](#).

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford County; Judiciary (Administrative Office of the Courts); Maryland State’s Attorneys’ Association; Maryland Department of Health; Office of the Public Defender; Department of Legislative Services

Fiscal Note History: First Reader - January 6, 2022
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES
Maryland Department of Health Session 2022

BILL TITLE: **Controlled Substances- Schedules**

PREPARED BY: _____
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 Administration)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X _____ WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON
MARYLAND SMALL BUSINESS

OR

_____ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
_____ SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

There is no economic impact on small businesses.