# Department of Legislative Services
Maryland General Assembly
2025 Session

## FISCAL AND POLICY NOTE
### First Reader

House Bill 1493                    (Delegate Kaufman)

Health and Government Operations

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## Health Occupations - Prescriptions for Children Subject to Shared Custody or Visitation Schedules

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This bill requires a health care provider with prescribing authority, if presented with a court-ordered or court-approved shared custody or visitation schedule by a parent, to issue two prescriptions for each drug the provider prescribes for a child of the parent. The provider must issue a prescription to be filled by each parent written for an amount of the drug that is proportionate to the time the parent spends with the child. A health care provider with dispensing authority, if presented with the prescription and the court-ordered or court-approved shared custody or visitation schedule, must fill the prescription. The dispensing provider may fill for the parent only the prescription that is for the amount of the drug proportionate to the time that parent spends with the child.

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## Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State operations or finances.

**Local Effect:** The bill does not materially affect local government operations or finances.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Under the Maryland Pharmacy Act, a person must be licensed by the State Board of Pharmacy to practice pharmacy in the State, which includes the dispensing of prescription drugs. "Dispensing" means the procedure that results in the receipt of a prescription or nonprescription drug or device by a patient or the patient's agent and that entails (1) the interpretation of an authorized prescriber's prescription for a drug or device;

(2) the selection and labeling of the drug or device; and (3) measuring and packaging of the prescribed drug or device in accordance with State and federal laws.

This requirement does not prohibit specified individuals from personally preparing and dispensing prescriptions under specified circumstances, including a licensed physician who (1) has applied to the Maryland Board of Physicians (MBP); (2) demonstrated to the satisfaction of MBP that the dispensing of prescription drugs or devices by the physician is in the public interest; (3) has received a written permit from MBP to dispense prescription drugs or devices, with the exception of starter dosages or samples without charge; and (4) posts a sign conspicuously positioned and readable regarding the process for resolving incorrectly filled prescriptions or includes written information regarding the process with each prescription dispensed. The physician must also comply with other specified requirements.

Chapter 116 of 2016 clarified that a licensed physician may personally prepare and dispense a prescription written by a physician assistant, in accordance with an authorized delegation agreement, or a prescription written by a certified nurse practitioner who works with the physician in the same office setting, if the physician otherwise complies with dispensing requirements.

A pharmacist may refuse to dispense or fill a prescription if the decision is based on professional judgment, experience, knowledge, or available reference materials. If a pharmacist refuses to dispense or refill a prescription, the pharmacist must, to the extent practicable, notify the authorized prescriber within 72 hours of the refusal. This notification requirement does not apply if a pharmacist is unable to determine the name of the authorized prescriber.

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## Additional Information

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 1016 of 2024.

**Designated Cross File:** SB 539 (Senator Charles, *et al.*) - Finance.

**Information Source(s):** Department of Budget and Management; Maryland Department of Health; Maryland Insurance Administration; Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2025
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