



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue, Baltimore, Maryland 21215-2299

Kevin M. Morgan, Board President | Deena Speights-Napata, Executive Director

February 11, 2020

The Honorable Delegate Shane E. Pendergrass
Chari, Health and Government Operations Committee
Room 241, House Office Building
Annapolis, MD 21401-1991

**RE: House Bill 316 – Public Health – Schedule II Controlled Dangerous Substances –
Partial Filling of Prescriptions – Letter of Information**

Dear Chair Pendergrass:

The Maryland Board of Pharmacy (the “Board”) is submitting this letter of information for House Bill 316 – Public Health – Schedule II Controlled Dangerous Substances – Partial Filling of Prescriptions.

Federal CARA provisions provide that partial filling of prescriptions for Schedule II substances must comply with the provisions of 21 U.S.C. § 829.¹ The Board of Pharmacy thus suggests two (2) friendly amendments to harmonize the bill with federal law. The Board’s proposed amendments are summarized below. The amendments themselves are attached to this letter as Exhibit A.

First, the provision contained in Criminal Law Article 5-501(e)(2)(i) of the draft bill does not comply with the federal CARA law. Subsection (e)(2)(i) allows for the remaining portion of a partially filled Schedule II prescription to be filled within sixty (60) days after the prescription is partially filled. 21 U.S.C. § 829((2)(A)(ii) requires that the remaining portion of a partially filled prescription for a Schedule II substance be filled within thirty (30) days of the prescription being partially filled. Because state laws must comply with the federal law, the Board respectfully suggests amending the language of subsection (2)(e)(i) of the draft bill to reflect the 30-day limit imposed by federal law. This amendment is reflected in Exhibit A.

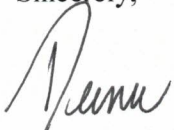
Second, the provision in Criminal Law Article 5-501(e)(1) of the draft bill is more restrictive than the corresponding provision of the federal CARA law, 21 U.S.C. § 829(1)(C). In the federal provision, a partial fill of a Schedule II substance may be performed at the request of

¹ See 21 U.S.C. § 829(f)(1)(B).

either the patient “or the practitioner that wrote the prescription.” Subsection 5-501(e)(1) of the draft bill, however, only allows such a partial fill to be performed at the request of the patient. Although this more restrictive provision is permissible under federal law and the principles of federalism, the Board suggests mirroring the federal provision. This amendment is reflected in Exhibit A.

I hope this information is useful. If you would like to discuss this further, please contact me at 410-764-4753 or deena.speights-napata@maryland.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deena".

Deena Speights-Napata, M.A.
Executive Director
Maryland Board of Pharmacy

EXHIBIT A

AMENDMENT NO. 1

On page 3, line 10, after the word “patient” and before the full stop, insert “**OR THE PRACTITIONER WHO WROTE THE PRESCRIPTION**”.

AMENDMENT NO. 2

On page 3, line 16, strike “**60**” and substitute “**30**”.