

CHAPTER 256

(Senate Bill 890)

AN ACT to repeal and re-enact, with amendments, Sections 300(a), (d), (e) and (h) of Article 27 of the Annotated Code of Maryland (1971 Replacement Volume and 1972 Supplement), title and subtitle "Crimes and Punishments," subheading "Health - Controlled Dangerous Substances," to clarify the definition of prescription drugs and to correct the language in these sections referring to prescription drugs.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Sections 300(a), (d), (e) and (h) of Article 27 of the Annotated Code of Maryland (1971 Replacement Volume and 1972 Supplement), title and subtitle "Crimes and Punishments," subheading "Health - Controlled Dangerous Substances," be, and they are hereby, repealed and re-enacted, with amendments, to read as follows:

300.

(a) "Prescription drugs" shall mean and include any drug intended for use by man which, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary for its use, BEARS A CAUTIONARY LABEL WARNING AGAINST DISPENSING WITHOUT A PRESCRIPTION UNDER FEDERAL LAW. III QR is designated by the Department as not safe for use except under the supervision of a practitioner licensed by law to administer such drugs. IIII Provided that this term shall not mean any controlled dangerous substance as defined in this subheading.

(d) The provisions of this subheading shall not apply to sales of [dangerous] PRESCRIPTION drugs made to registered practitioners of pharmacy, medicine, dentistry, or veterinary medicine, or to sales made by any manufacturer, wholesale druggist, or licensed pharmacist to another manufacturer, wholesale druggist, or licensed pharmacist or to a hospital or institution operating a dispensary in which a practitioner licensed by law to administer prescription drugs is in charge, providing records of such sales are maintained, and available for inspection, showing date of sale, name and address of purchaser, and quantity purchased.

(e) (i) Generally the provisions of this section shall apply to the sale by any manufacturer, wholesale druggist, retail pharmacist, or jobber of prescription drugs, to any person, other than those legally qualified and authorized to purchase and hold same for use or resale, and to any practitioner's assistant who is not legally licensed to administer [dangerous] PRESCRIPTION drugs.

(ii) No person shall be permitted to advertise through any media other than a professional or trade publication any controlled dangerous [drug] SUBSTANCE or prescription drug by either its "trade name" or by its generic or formulary name.

(h) Any person who violates any of the provisions of this section, or refuses, neglects or fails to comply with the provisions and requirements thereof, or who obtains or possesses a [dangerous] PRESCRIPTION drug in violation of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000) and/or imprisoned for not more than two (2) years, or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a yea and nay vote