

Procedure Act. This revision is called to the attention of the General Assembly.

SUBTITLE 5. PRACTICE OF PHARMACY AND OPERATION OF PHARMACIES.

12-501. SUPERVISION BY LICENSED PHARMACIST.

WHENEVER A PHARMACY IS IN OPERATION, IT SHALL BE CONSTANTLY UNDER THE PERSONAL AND IMMEDIATE SUPERVISION OF A LICENSED PHARMACIST.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of Art. 43, § 249 and revised to conform to the similar provision of present Art. 43, § 268(b)(c), which now appears in § 12-403(a)(3) of this title.

The first clause of the first sentence of present Art. 43, § 249 states that "~~no~~ ^{no} person shall open, conduct or keep a pharmacy in this State, either as a principal or agent, unless such a person shall have obtained a" license to practice pharmacy (emphasis added). Since only an individual may become a licensed pharmacist, this provision -- if read literally -- effectively would outlaw the operation of the many existing pharmacies in this State that are owned and operated by corporations, partnerships, trusts, and similar entities. Such a result may have been appropriate in 1902, when present Art. 43, § 249 was first enacted; however, it is inconsistent with the later enacted provisions of present Art. 43, § 268, which clearly permit a "copartnership, association or corporation" to "operate, maintain, open or establish" a pharmacy if it first obtains a pharmacy permit (cf. § 12-401 et seq. of this title). Therefore, the first clause of the first sentence of present Art. 43, § 249 is deleted as obsolete. This deletion is called to the attention of the General Assembly.

12-502. PHARMACEUTICAL INFORMATION.

IN THE OPERATION OF A PHARMACY, ONLY A LICENSED PHARMACIST OR AN INDIVIDUAL ENGAGING IN A CLINICAL PHARMACY TRAINING PROGRAM AND ACTING UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST MAY PROVIDE INFORMATION TO THE PUBLIC CONCERNING DRUGS, MEDICINES, AND DEVICES, INCLUDING INFORMATION AS TO THEIR THERAPEUTIC VALUES, POTENTIAL SIDE EFFECTS, AND USE IN THE TREATMENT AND PREVENTION OF DISEASES.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 250(c).