

(12) EXCEPT AS PERMITTED UNDER § 12-508 OF THE HEALTH OCCUPATIONS ARTICLE, DISPENSE OR CAUSE TO BE DISPENSED, WITHOUT THE PERMISSION OF THE PRESCRIBER, A DIFFERENT DRUG OR BRAND OF DRUG INSTEAD OF THE DRUG OR BRAND OF DRUG PRESCRIBED;

(13) PRESCRIBE ANY DRUG ON A WRITTEN PRESCRIPTION FORM WITHOUT CLEARLY IDENTIFYING THE NAME OF THE PRESCRIBER;

(14) DISPENSE ANY DRUG BASED ON A PRESCRIPTION FORM THAT LACKS THE NAME OF THE PRESCRIBER; OR

(15) FAIL TO PROVIDE TO THE SECRETARY ON REQUEST INFORMATION ABOUT PRESCRIPTION DRUGS, AS REQUIRED UNDER § 4-227 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 187B(5) and (13) through (19).

In subsection (b)(1) of this section, the former language "delivery for sale, holding for sale, or offering for sale" is deleted as unnecessary in light of the rule of construction in § 4-102 of this title that relates to "sale".

The attention of the General Assembly is invited to the provisions of subsection (b)(6) and (7) of this section that prohibit a person from disposing of a counterfeit marking tool or causing it to be disposed of. When these provisions are read in context with the other prohibitions of subsection (b)(6) through (9) of this section, it appears that once a person comes into possession, control, or custody of a counterfeit marking tool, there is no way that person can avoid the commission of a crime. The Commission to Revise the Annotated Code questions whether it really was intended to prohibit the disposing of a counterfeit marking tool without allowing some lawful manner of disposing of the tool. The General Assembly may wish to amend subsection (b)(6) and (7) to express this intent.

In subsection (b)(12) of this section, an express exception is added to clarify that the provisions of that subsection do not contravene the provisions for the substitution of a generic equivalent drug for a brand name drug product, under § 12-508 of the Health Occupations Article.

4-259. SAME -- FALSE REPORTS; MISUSE OF INFORMATION.