

BY adding to

Article 27 - Crimes and Punishments

Section ~~300(g-2)~~ 305

Annotated Code of Maryland

(1996 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 - Crimes and Punishments

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 or is designated by the Department as not safe for use except under the supervision of a practitioner licensed by law to administer such drugs. Provided that this term shall not mean any controlled dangerous substance as defined in this subheading.~~

~~(g-1) Except as authorized by this subheading it is unlawful for any person to:~~

~~(1) Manufacture, distribute, or possess with intent to distribute a prescription drug.~~

~~(2) Obtain or attempt to obtain a prescription drug by (i) fraud, deceit, misrepresentation, or subterfuge, (ii) the forgery or alteration of a prescription or a written order, (iii) the concealment of any material fact or the use of false name or address, (iv) falsely assuming the title of or representing himself to be a manufacturer, distributor or practitioner, or (v) making or uttering any false or forged prescription or written order.~~

~~(3) Affix any false or forged label to a package, container, or other receptacle containing any prescription drug, or to omit, remove, alter, or obliterate any label or symbol on a prescription drug as required by federal, State, or local law.~~

~~(G-2) 305.~~

(A) IN THIS SECTION, "PRESCRIPTION DRUG" HAS THE MEANING STATED IN § 300 OF THIS SUBHEADING.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN A CRIMINAL CASE INVOLVING FORGERY OF A PRESCRIPTION UNDER THIS SUBHEADING, EVIDENCE IN THE FORM OF AN AFFIDAVIT BY A PRACTITIONER GIVEN UNDER OATH SUBJECT TO THE PENALTY OF PERJURY THAT IS ATTACHED TO A COPY OF A PRESCRIPTION AND DECLARES THE FORGERY OR ALTERATION OF THE PRESCRIPTION AND DESCRIBES IN DETAIL THOSE PARTS OF THE PRESCRIPTION THAT HAVE BEEN FORGED AND WHETHER THERE IS A PATIENT RELATIONSHIP BETWEEN THE INDIVIDUAL NAMED ON THE PRESCRIPTION AND THE PRACTITIONER MAY BE INTRODUCED AS PROOF EVIDENCE THAT: