

(I) A PHARMACY PERMIT, MANUFACTURER'S PERMIT, OR DISTRIBUTOR'S PERMIT ISSUED BY THE STATE BOARD OF PHARMACY UNDER TITLE 12 OF THE HEALTH OCCUPATIONS ARTICLE; OR

(II) A DISPENSING PERMIT ISSUED BY A BOARD UNDER THE AUTHORITY OF § 12-102(C)(2) OF THE HEALTH OCCUPATIONS ARTICLE.

(8) "PRESCRIPTION DRUG" MEANS A DRUG THAT UNDER § 21-220 OF THE HEALTH - GENERAL ARTICLE MAY BE DISPENSED ONLY ON THE PRESCRIPTION OF A HEALTH PRACTITIONER WHO IS AUTHORIZED BY LAW TO PRESCRIBE THE DRUG.

(B) (1) THE DEPARTMENT MAY ISSUE AN ORDER OF IMPOUNDMENT AND IMMEDIATELY IMPOUND DRUGS OR PRESCRIPTION RECORDS OF A PERMIT HOLDER OR AN AUTHORIZED PRESCRIBER IF:

(I) A PERMIT HOLDER'S PERMIT OR AUTHORIZED PRESCRIBER'S LICENSE HAS EXPIRED OR HAS BEEN REVOKED OR SUSPENDED;

(II) AN APPLICATION FOR A PERMIT OR LICENSE HAS BEEN DENIED;

(III) A BOARD HAS:

1. DETERMINED THAT THE PERMIT HOLDER OR AUTHORIZED PRESCRIBER FAILED TO COMPLY WITH A BOARD ORDER, LETTER OF SURRENDER, OR LAW REGARDING THE DISPOSITION OF DRUGS OR PRESCRIPTION RECORDS; AND

2. REQUESTED THAT THE DEPARTMENT IMPOUND THE DRUGS OR PRESCRIPTION RECORDS;

(IV) THE DRUGS POSE AN IMMINENT THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE; OR

(V) THE CONFIDENTIALITY OF THE PRESCRIPTION RECORDS IS IN IMMINENT DANGER OF BEING COMPROMISED.

(2) THE DEPARTMENT MAY NOT IMPOUND THE DRUGS OR PRESCRIPTION RECORDS OF A PERMIT HOLDER OR AUTHORIZED PRESCRIBER WHO IS IN COMPLIANCE WITH A BOARD ORDER OR LAW SPECIFICALLY PROVIDING FOR THE MANNER OF THE DISPOSITION OF DRUGS OR PRESCRIPTION RECORDS.

(C) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL:

(I) ATTEMPT TO SERVE WRITTEN NOTICE OF AN IMPOUNDMENT ON THE PERMIT HOLDER OR AUTHORIZED PRESCRIBER; AND

(II) PROVIDE THE PERMIT HOLDER OR THE AUTHORIZED PRESCRIBER WITH AN OPPORTUNITY TO AVOID IMPOUNDMENT BY ALLOWING THE PERMIT HOLDER OR AUTHORIZED PRESCRIBER TO DISPOSE OF THE DRUGS OR PRESCRIPTION RECORDS IN A MANNER ACCEPTABLE TO THE DEPARTMENT;