

[(d)](E) The Department may list any additional drug or device products that are determined by the Department to meet requirements that are adequate to assure product quality and therapeutic equivalence, after an opportunity for public comment as provided in Title 10, Subtitle 1 of the State Government Article.

[(e)](F) The Department may disqualify a drug or device product on the United States Food and Drug Administration's current list from being used in Maryland as a generic substitute if the Department determines that the drug or device is therapeutically nonequivalent or has a negative physical or biological effect on the consumer of that drug or device product:

(1) After providing an opportunity for public comment as provided in Title 10, Subtitle 1 of the State Government Article; or

(2) Prior to providing an opportunity for public comment, if the Department believes that a particular generic drug or device product constitutes an imminent danger to the public health, safety or welfare, and the Department:

(i) Provides an opportunity for public comment as provided in Title 10, Subtitle 1 of the State Government Article within 30 days of disqualifying the drug or device product; and

(ii) After providing an opportunity for public comment, determines whether the drug or device product should remain disqualified.

[(f)](G) For a drug or device product that the Department has disqualified from being used in Maryland as a generic substitute under subsection [(e)](F) of this section, the Department shall provide an opportunity for public comment as provided in Title 10, Subtitle 1 of the State Government Article before reinstating the drug or device product for use in Maryland as a generic substitute.

[(g)](H) A pharmacist who substitutes a drug or device product in compliance with this section incurs no greater liability in filling the prescription by dispensing the equivalent drug or device product than would be incurred in filling the prescription by dispensing the prescribed brand name drug or device.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

Approved May 13, 2003.

CHAPTER 319

(House Bill 690)

AN ACT concerning

**Workers' Compensation - Continuation of Death Benefits - Wholly
Dependent Spouses - Partly Self-Supporting Spouses**

FOR the purpose of ~~requiring an employer or insurer to continue to make~~ altering the