

public attention "in any manner whatsoever" is deleted as surplusage.

In subsection (b)(2) of this section, the phrase "treatment, alleviation, or cure of venereal disease" is added for clarity.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that it is unclear whether the exemptions listed in subsection (a)(3) and (4) of this section apply to publication or republication by electronic means, including the Internet, which may make available to the public advertisements that are not initially intended for public distribution.

The Criminal Law Article Review Committee also notes, for the consideration of the General Assembly, that the general prohibition on advertising or calling to public attention a treatment for venereal disease or a source for that treatment may constitute a prior restraint or speech, a content-based restriction that raises free-speech concerns under the First Amendment to the United States Constitution and Md. Decl. of Rights, Art. 40.

Defined terms: "Distribute" § 10-101

"Person" § 1-101

"Venereal disease" § 10-101

#### 10-103. SAME — SALE OF REMEDY.

##### (A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

- (1) A PHYSICIAN LICENSED TO PRACTICE MEDICINE;
- (2) A GOVERNMENT UNIT; OR
- (3) THE OTHERWISE LAWFUL CONDUCT OF BUSINESS BETWEEN COMMERCIAL, MEDICAL, PHARMACEUTICAL, SCIENTIFIC, OR GOVERNMENT UNITS.

##### (B) PROHIBITED.

EXCEPT IN ACCORDANCE WITH A PRESCRIPTION WRITTEN BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE, A PERSON MAY NOT SELL, DISPENSE, OR GIVE TO ANOTHER A DRUG, MEDICINE, PREPARATION, SUBSTANCE, OR A PREPARATION CONTAINING A SULFONAMIDE DRUG TO ALLEVIATE, TREAT, OR CURE VENEREAL DISEASE.

##### (C) REQUIREMENTS FOR PRESCRIPTION.

- (1) A PRESCRIPTION UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:
- (I) THE PHYSICIAN'S SIGNATURE AND ADDRESS; AND
  - (II) THE DATE THE PRESCRIPTION WAS WRITTEN.