

10 **AN ACT CONCERNING**

20 All-Schedule Prescription Electronic Reporting

30 FOR the purpose of establishing a State-administered prescription drug monitoring systems in order to
40 ensure that health care providers have access to the accurate, timely prescription history information that
50 they may use as a tool for the early identification of patients at risk for addiction in order to initiate
60 appropriate medical interventions and avert the tragic personal, family, and community consequences of
70 untreated addiction.

80 BY adding to
90 Article-Health-General
100 Section 21-220
110 Annotated Code of Maryland

120 SECTION 1. BE IT ENACTED BY THE MARYLAND GENERAL ASSEMBLY, that the laws of
130 Maryland read as follows

140 **§ 21-220. Prescription requirements.**

150 (a) In *general*. - A drug that is intended for use by human beings and is in any of the
160 following classifications may be dispensed by a pharmacist only on a written or oral
170 prescriptions from a health practitioner authorized by law to prescribe the drug:

180 (1) A habit-forming drug to which § 21-218(b)(1) of this subtitle applies.

190 (2) A drug that because of its toxicity or other potentiality for harmful effect, the method
200 of its use, or the collateral measures necessary to its use, is not safe for use except under
210 the supervision of a health practitioner who is authorized by law to administer such a drug.

220 (3) A drug that is limited by an approved application under § 355 of the federal act or § 21-223 of
230 this subtitle to use under the professional supervision of a health practitioner authorized by law to
240 administer such a drug.

250 (b) *Form of prescription.*-

260 (1) A prescription may be written or oral. However, a pharmacist may not dispense a drug on an
270 oral prescription unless the pharmacist promptly writes out and files the prescription.

280 (2) A prescription for a controlled dangerous substance within the meaning of Title 5 of the
290 Criminal Law Article may not be written on a preprinted prescription form that states the name,
300 quantity, or strength of the controlled dangerous substance.

310 (3) ALL SCHEDULE II PRESCRIPTIONS MUST BE LOGGED BY THE
320 PHARMACIST ELECTRONICALLY IN MARYLANDS ELECTRONIC REPORTING
330 STSTEM

340 (i) THE SECRETARY SHALL ESTABLISH, MAINTAIN, AND ADMINISTER AN
350 ELECTRONIC SYSTEM TO MONITOR THE DISPENSING OF COVERED
360 SUBSTANCES TO BE KNOWN AS THE PRESCRIPTION MONITORING
370 PROGRAM.

380 (ii) THE SECRETARY SHALL PROVIDE THE MARYLAND BOARD OF

390 PHARMACY WITH A BASIC FILE LAYOUT TO ENABLE ELECTRONIC
400 TRANSMISSION OF THE INFORMATION REQUIRED.

410 ~~(3)~~ (4) When a prescription is written, a separate prescription form is required for each controlled
420 dangerous substances. If a pharmacist is otherwise satisfied that a prescription is valid the
430 pharmacists may fill the prescription if the pharmacist promptly writes out and files a prescription
440 for each substance and also files the original prescription.

450 ~~(4)~~ (5) A prescription shall be legible.

460 (c) Prescription *refills*. - A pharmacist may not refill and dispense a prescription unless the refilling is
470 authorized by:

- 480 (1) The health practitioner's specification in the original prescription as to how many times it may
490 be refilled; or
500 (2) An oral order of the health practitioner that promptly is written out and filed by the pharmacist.

510 (d) *Improperly dispensed drug considered misbranded*. - The dispensing of a drug without complying with
520 the requirements of this section is the dispensing of a misbranded drug.

530 (e) *Caution statements*. -

540 (1) A drug that is subject to the prescription requirements of this section is misbranded if, at any
550 time before it is dispensed, its label does not bear the statement "Caution: Federal Law Prohibits
560 Dispensing Without Prescription", or "Caution: State Law Prohibits Dispensing Without
570 Prescription".

580 (2) A drug to which the prescription requirements of this section do not apply is misbranded if, at
590 any time before it is dispensed, its label bears the caution statement quoted in paragraph (1) of this
600 subsection.

610 (f) *Exemptions by rule or regulation*. -

620 (1) The prescription requirements of this section do not apply to any drug that is exempted under a
630 rule or regulation adopted by the Secretary

630 (2) The Secretary, by rule or regulation, may exempt any drug from the requirements of this
640 section if the Secretary finds that, as to the drug, the requirements of this section are not necessary
650 for the protection of the public health.

660 (3) The Secretary, by rule and regulation, may exempt from the requirements of this section any
670 drug that is removed from the prescription requirements of the federal act by a rule or regulation
680 adopted under that act.

690 **MANDATES:**

700 Martin O'Malley, Governor of Maryland
710 Anthony G. Brown, Lieutenant Governor of Maryland
720 Thomas V. Mike Miller, President of the Senate
730 Michael E. Busch, Speaker of the House of Delegates
740 John M. Colmers, Maryland Secretary of Health & Mental Hygiene
750 Douglas F. Gansler, Maryland Attorney General

Sponsor:

Robert Jonathan Estrada
University of Maryland Baltimore County