

HOUSE BILL 1279

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EMERGENCY BILL

0lr0634

By: **Delegates Johnson, Pena–Melnik, Acevero, Arikan, Hill, Kelly, Kerr, Kipke, Krebs, R. Lewis, Parrott, Saab, Shetty, Szeliga, ~~and Valderrama~~ Valderrama, Bagnall, Belcastro, Bhandari, Carr, Charles, Chisholm, Cullison, Morgan, Pendergrass, Reilly, Rosenberg, and K. Young**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2020

CHAPTER _____

1 AN ACT concerning

2 **Pharmacists – Refills of Prescriptions – Dispensing Requirements**

3 FOR the purpose of requiring that a certain refill be dispensed in a certain commercially
4 available package under certain circumstances if a prescription cannot be dispensed
5 or sold in a certain quantity; making this Act an emergency measure; and generally
6 relating to pharmacists and dispensing requirements.

7 BY repealing and reenacting, with amendments,

8 Article – Health Occupations

9 Section 12–506

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2019 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Health Occupations**

15 12–506.

16 (a) A pharmacist may refill a prescription for a drug or device for which the refill
17 has not been authorized if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (1) The pharmacist:

2 (i) Attempts to obtain an authorization from the authorized
3 prescriber; and

4 (ii) Is not able readily to obtain the authorization;

5 (2) The refill of the prescription is not for a controlled dangerous substance;

6 (3) The drug or device is essential to the maintenance of life;

7 (4) (i) The drug or device is essential to the continuation of therapy in
8 chronic conditions; and

9 (ii) In the pharmacist's professional judgment, the interruption of
10 the therapy reasonably might produce an undesirable health consequence, be detrimental
11 to the patient's welfare, or cause physical or mental discomfort;

12 (5) The pharmacist:

13 (i) Enters on the back of the prescription or on another appropriate
14 uniformly maintained, readily retrievable record, such as a medication record, the date and
15 the quantity of the drug or device dispensed; and

16 (ii) Signs or initials the record; and

17 (6) The pharmacist notifies the authorized prescriber of the refill of the
18 prescription within 72 hours of dispensing the drug or device.

19 (b) If a pharmacist refills a prescription under subsection (a) of this section, the
20 pharmacist may provide only 1 refill of the prescription and the refill quantity dispensed
21 [shall]:

22 (1) **SHALL** be in conformity with the prescriber's directions for use [and
23 may]; **AND**

24 (2) (I) **MAY** not exceed a 14-day supply or unit of use; **OR**

25 (II) **IF THE PRESCRIPTION CANNOT BE DISPENSED OR SOLD IN**
26 **A 14-DAY OR LESS SUPPLY OR UNIT OF USE, SHALL BE IN THE SMALLEST**
27 **COMMERCIALY AVAILABLE PACKAGE.**

28 (c) If the federal or a state government declares a state of emergency, a
29 pharmacist working in Maryland may refill a prescription for a drug for which the refill
30 has not been authorized if:

1 (1) As a result of the emergency, the pharmacist is unable to obtain an
2 authorization from the authorized prescriber;

3 (2) The refill of the prescription is not for a controlled dangerous substance;

4 (3) The quantity dispensed does not exceed a 30-day supply or unit of use;
5 and

6 (4) The pharmacist notifies the authorized prescriber of the refill of the
7 prescription within 7 days of dispensing the drug.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
9 ~~October 1, 2020~~ is an emergency measure, is necessary for the immediate preservation of
10 the public health or safety, has been passed by a yea and nay vote supported by three-fifths
11 of all the members elected to each of the two Houses of the General Assembly, and shall
12 take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.