

# HOUSE BILL 1279

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By: **Delegates Johnson, Pena–Melnik, Acevero, Arian, Hill, Kelly, Kerr, Kipke, Krebs, R. Lewis, Parrott, Saab, Shetty, Szeliga, and Valderrama**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

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## A BILL ENTITLED

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; and generally relating to pharmacists and dispensing  
6 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:

18 (1) The pharmacist:

19 (i) Attempts to obtain an authorization from the authorized  
20 prescriber; and

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

8 (5) The pharmacist:

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

12 (ii) Signs or initials the record; and

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

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

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

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

21 (II) **IF THE PRESCRIPTION CANNOT BE DISPENSED OR SOLD IN**  
22 **A 14-DAY OR LESS SUPPLY OR UNIT OF USE, SHALL BE IN THE SMALLEST**  
23 **COMMERCIALLY AVAILABLE PACKAGE.**

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

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

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

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

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

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4     October 1, 2020.