

HOUSE BILL 1452

E1, J2, J1

8lr2207

By: **Delegates Pena–Melnyk, Angel, Barron, Bromwell, Cullison, Hayes, Kelly, Kipke, Miele, Rosenberg, Sample–Hughes, Valentino–Smith, West, and K. Young**

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances Registration – Authorized Providers –**
3 **Continuing Medical Education**

4 FOR the purpose of requiring an authorized provider to submit certain evidence to the
5 Maryland Department of Health that the authorized provider completed certain
6 continuing medical education before the authorized provider may be registered by
7 the Department to dispense a controlled dangerous substance; requiring certain
8 continuing medical education to be related to the dispensing of controlled dangerous
9 substances and developed by organizations accredited by a certain organization;
10 requiring an authorized provider who dispenses a controlled dangerous substance to
11 complete certain continuing medical education before the authorized provider's
12 registration may be renewed by the Department; and generally relating to
13 registration requirements for authorized providers to dispense controlled dangerous
14 substances.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 5–301 and 5–302
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2017 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Criminal Law**

23 5–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Except as otherwise provided in this section, a person shall be
2 registered by the Department before the person manufactures, distributes, or dispenses a
3 controlled dangerous substance in the State.

4 (2) The Department shall adopt regulations to carry out this subsection.

5 (b) An applicant must register separately each principal place of business or
6 professional practice where the applicant manufactures, distributes, or dispenses a
7 controlled dangerous substance.

8 (c) (1) **BEFORE THE DEPARTMENT REGISTERS AN AUTHORIZED**
9 **PROVIDER TO DISPENSE A CONTROLLED DANGEROUS SUBSTANCE, AN AUTHORIZED**
10 **PROVIDER SHALL SUBMIT TO THE DEPARTMENT SATISFACTORY EVIDENCE THAT**
11 **THE AUTHORIZED PROVIDER SUCCESSFULLY COMPLETED TWO CREDITS OF**
12 **CONTINUING MEDICAL EDUCATION.**

13 (2) **THE CONTINUING MEDICAL EDUCATION REQUIRED UNDER**
14 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:**

15 (i) **RELATED TO THE DISPENSING OF CONTROLLED**
16 **DANGEROUS SUBSTANCES; AND**

17 (ii) **DEVELOPED BY ORGANIZATIONS THAT ARE ACCREDITED BY**
18 **THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION.**

19 [(c)] (D) To the extent authorized by the registration and subject to subsection
20 (b) of this section and this subtitle, a person registered by the Department under this
21 subtitle may:

22 (1) possess, manufacture, distribute, or dispense controlled dangerous
23 substances; and

24 (2) perform any activity listed in item (1) of this subsection to conduct
25 research.

26 [(d)] (E) A person need not register with the Department to possess a controlled
27 dangerous substance while acting in the course of the person's business or profession if the
28 person is:

29 (1) an agent or agent's employee of a registered manufacturer, distributor,
30 or dispenser of a controlled dangerous substance;

31 (2) a common or contract carrier or warehouseman, or an employee of a
32 common or contract carrier or warehouseman; or

1 (3) an ultimate user or person in possession of a controlled dangerous
2 substance acting in good faith in accordance with a lawful order of an authorized provider.

3 ~~[(e)]~~ (F) If the Department finds that a waiver is consistent with public health
4 and safety, by regulation, the Department may waive the registration requirement for a
5 manufacturer, distributor, or dispenser.

6 5-302.

7 (a) A registration expires on the date set by the Department unless it is renewed
8 for an additional term as provided in this section.

9 (b) A registration may not be renewed for more than 3 years.

10 **(C) (1) BEFORE A REGISTRATION EXPIRES, AN AUTHORIZED PROVIDER**
11 **WHO DISPENSES A CONTROLLED DANGEROUS SUBSTANCE MAY RENEW THE**
12 **REGISTRATION PERIODICALLY FOR AN ADDITIONAL TERM IF THE AUTHORIZED**
13 **PRESCRIBER SUBMITS TO THE DEPARTMENT SATISFACTORY EVIDENCE OF**
14 **COMPLETION OF TWO CREDITS OF CONTINUING MEDICAL EDUCATION.**

15 **(2) THE CONTINUING MEDICAL EDUCATION REQUIRED UNDER**
16 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:**

17 **(I) RELATED TO THE DISPENSING OF CONTROLLED**
18 **DANGEROUS SUBSTANCES; AND**

19 **(II) DEVELOPED BY ORGANIZATIONS THAT ARE ACCREDITED BY**
20 **THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2018.