

# SENATE BILL 982

E1, E4, J1

8lr2910  
CF HB 1480

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By: **The President (By Request – Office of the Attorney General) and Senators Brochin, Kelley, Lee, Muse, Norman, Ramirez, Smith and Zirkin**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Controlled Dangerous Substances – Distributors – Reporting Suspicious Orders**

3 FOR the purpose of requiring a certain distributor of controlled dangerous substances to  
4 report certain suspicious orders to the Maryland Department of Health and the  
5 Office of the Attorney General; authorizing a certain distributor to satisfy a certain  
6 reporting obligation by providing to the Department and the Office of the Attorney  
7 General copies of certain reports; requiring the Department and the Office of the  
8 Attorney General to maintain certain reports confidentially, with a certain  
9 exception; and generally relating to controlled dangerous substances.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Law  
12 Section 5–303  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2017 Supplement)

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

17 **Article – Criminal Law**

18 5–303.

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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 (a) Unless the Department determines that the issuance of the registration is  
2 inconsistent with the public interest, the Department shall register an applicant to  
3 manufacture or distribute controlled dangerous substances included in Schedule I through  
4 Schedule V.

5 (b) To determine the public interest, the Department shall consider:

6 (1) the maintenance of effective controls against diversion of particular  
7 controlled dangerous substances and any Schedule I or Schedule II substance compounded  
8 from a controlled dangerous substance into other than legitimate medical, scientific, or  
9 industrial channels;

10 (2) compliance with applicable federal, State, and local law;

11 (3) any convictions of the applicant under federal, State, and local laws  
12 relating to the manufacture, distribution, or dispensing of controlled dangerous substances;

13 (4) the applicant's experience in the manufacture and distribution of  
14 controlled dangerous substances and the effectiveness of the applicant's controls against  
15 diversion; and

16 (5) any other factor that is relevant to and consistent with public health  
17 and safety.

18 (c) (1) A registrant may manufacture or distribute only a controlled dangerous  
19 substance that is specified in the registration.

20 (2) A manufacturer or distributor who complies with federal law on  
21 registration, other than fees, is deemed to have complied with this section.

22 (d) (1) A registrant may distribute controlled dangerous substances in  
23 Schedule I and Schedule II only in accordance with an order form.

24 (2) A registrant who complies with federal law on order forms for Schedule  
25 I and Schedule II is deemed to have complied with this subsection.

26 **(E) (1) A REGISTRANT DISTRIBUTOR SHALL REPORT TO THE**  
27 **DEPARTMENT AND THE OFFICE OF THE ATTORNEY GENERAL ANY SUSPICIOUS**  
28 **ORDER OF CONTROLLED DANGEROUS SUBSTANCES, INCLUDING AN ORDER:**

29 **(I) OF UNUSUAL SIZE;**

30 **(II) OF UNUSUAL FREQUENCY; OR**

31 **(III) THAT DEVIATES SUBSTANTIALLY FROM A NORMAL**  
32 **PATTERN.**

1           **(2) A REGISTRANT DISTRIBUTOR MAY SATISFY THE REPORTING**  
2 **REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION BY PROVIDING TO THE**  
3 **DEPARTMENT AND THE OFFICE OF THE ATTORNEY GENERAL COPIES OF REPORTS**  
4 **MADE UNDER 21 C.F.R. § 1301.74(B).**

5           **(3) UNLESS DISCLOSED IN THE COURSE OF AN ADMINISTRATIVE,**  
6 **CIVIL, OR CRIMINAL INVESTIGATION OR PROCEEDING INITIATED TO ENFORCE**  
7 **LOCAL, STATE, OR FEDERAL LAW OR TO PROTECT THE PUBLIC HEALTH, A REPORT**  
8 **MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MAINTAINED**  
9 **CONFIDENTIALLY.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.