

# SENATE BILL 1223

E1, J2, J1

8lr4032  
CF HB 1452

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By: **Senator Klausmeier**

Introduced and read first time: February 28, 2018

Assigned to: Rules

Re-referred to: Finance, March 9, 2018

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2018

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

1 AN ACT concerning

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

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

17 BY repealing and reenacting, with amendments,  
18 Article – Criminal Law  
19 Section 5-301 ~~and 5-302~~  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2017 Supplement)

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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.



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

**Article – Criminal Law**

5–301.

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

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

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

~~(C) (1) BEFORE THE DEPARTMENT REGISTERS AN AUTHORIZED PROVIDER TO DISPENSE A CONTROLLED DANGEROUS SUBSTANCE, AN AN AUTHORIZED PROVIDER APPLYING FOR A REGISTRATION TO DISPENSE A CONTROLLED DANGEROUS SUBSTANCE UNDER THIS SECTION AND WHO WILL PRESCRIBE OR DISPENSE CONTROLLED DANGEROUS SUBSTANCES UNDER THAT REGISTRATION SHALL SUBMIT ATTEST ON THE REGISTRATION FORM TO THE DEPARTMENT SATISFACTORY EVIDENCE THAT THE AUTHORIZED PROVIDER SUCCESSFULLY COMPLETED TWO CREDITS OF CONTINUING MEDICAL THAT THE AUTHORIZED PROVIDER HAS COMPLETED 2 HOURS OF CONTINUING EDUCATION.~~

(2) AN AUTHORIZED PROVIDER SHALL MAKE THE ATTESTATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) BEFORE THE AUTHORIZED PROVIDER'S INITIAL REGISTRATION; OR

(II) IF THE AUTHORIZED PROVIDER IS REGISTERED BEFORE OCTOBER 1, 2018, BEFORE THE FIRST RENEWAL OF THE AUTHORIZED PROVIDER'S REGISTRATION THAT OCCURS ON OR AFTER OCTOBER 1, 2018.

~~(2) (3)~~ THE CONTINUING MEDICAL EDUCATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) RELATED TO THE PRESCRIBING OR DISPENSING OF CONTROLLED DANGEROUS SUBSTANCES; AND

(II) DEVELOPED BY ORGANIZATIONS THAT ARE RECOGNIZED BY THE AUTHORIZED PROVIDER'S LICENSING OR CERTIFICATION BOARD OR

1 ACCREDITED BY THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL  
2 EDUCATION.

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

6 (1) possess, manufacture, distribute, or dispense controlled dangerous  
7 substances; and

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

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

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

15 (2) a common or contract carrier or warehouseman, or an employee of a  
16 common or contract carrier or warehouseman; or

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

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

22 ~~5-302.~~

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

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

26 ~~(c) (1) BEFORE A REGISTRATION EXPIRES, AN AUTHORIZED PROVIDER~~  
27 ~~WHO DISPENSES A CONTROLLED DANGEROUS SUBSTANCE MAY RENEW THE~~  
28 ~~REGISTRATION PERIODICALLY FOR AN ADDITIONAL TERM IF THE AUTHORIZED~~  
29 ~~PRESCRIBER SUBMITS TO THE DEPARTMENT SATISFACTORY EVIDENCE OF~~  
30 ~~COMPLETION OF TWO CREDITS OF CONTINUING MEDICAL EDUCATION.~~

31 ~~(2) THE CONTINUING MEDICAL EDUCATION REQUIRED UNDER~~  
32 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:~~

1 ~~(I) RELATED TO THE DISPENSING OF CONTROLLED~~  
2 ~~DANGEROUS SUBSTANCES; AND~~

3 ~~(II) DEVELOPED BY ORGANIZATIONS THAT ARE ACCREDITED BY~~  
4 ~~THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION.~~

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 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.