

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 674

(Chair, Judiciary Committee)(By Request - Departmental
- Health)

Judiciary

Rules

Controlled Dangerous Substances - Schedules

This departmental bill alters the lists of substances designated as controlled dangerous substances (CDS) under schedules in the Maryland Controlled Dangerous Substances Act. The bill conforms the classification and nomenclature in the State’s statutory schedules to the federal CDS schedules. However, the bill retains the State’s more stringent classification and treatment of specified substances.

Fiscal Summary

State Effect: The bill is procedural/technical and is not anticipated to materially affect State finances or operations.

Local Effect: The bill is procedural/technical and is not anticipated to materially affect local government finances or operations.

Small Business Effect: The Maryland Department of Health (MDH) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law/Background: CDS are listed on one of five schedules (Schedules I through V) set forth in statute depending on their potential for abuse and acceptance for medical use. Under the federal Controlled Substances Act, for a drug or substance to be classified as Schedule I, the following findings must be made: (1) the substance has a high potential for abuse; (2) the drug or other substance has no currently accepted medical use in the

United States; and (3) there is a lack of accepted safety for use of the drug or other substance under medical supervision.

Under the Maryland Controlled Dangerous Substances Act, if the federal government places a substance on Schedules I through V, it is automatically considered a substance on the same schedule under Maryland law unless MDH objects to the designation. MDH must update and republish schedules annually.

Maryland regulates a few substances more stringently than the federal government. Schedule III in Maryland includes “not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit.” However, this is Schedule V federally. Currently, Schedule III in Maryland also includes butalbital (including fiorinal and fioricet). However, fiorinal is the only product controlled federally. The only difference between fioricet and fiorinal is that fioricet contains acetaminophen and fiorinal contains aspirin.

The U.S. Drug Enforcement Administration’s list of scheduled CDS and the State’s exceptions can be found on [MDH’s website](#).

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Harford, Montgomery, and Wicomico counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2020
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Analysis by: Hillary J. Cleckler

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Controlled Substances Schedules – Updates

BILL NUMBER: HB 674

PREPARED BY: Webster Ye

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

None