

HOUSE BILL 1480

E1

2lr3292

By: **Delegate R. Jones**

Introduced and read first time: March 1, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Controlled Dangerous Substances – Suspicious Order Reporting**

3 FOR the purpose of altering a certain provision of law to require a registrant that
4 distributes controlled dangerous substances, rather than a registrant distributor, to
5 report suspicious orders of controlled dangerous substances to the Maryland
6 Department of Health and the Office of the Attorney General; and generally relating
7 to reporting suspicious orders of controlled dangerous substances.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section 5–303

11 Annotated Code of Maryland

12 (2021 Replacement Volume and 2021 Supplement)

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

15 **Article – Criminal Law**

16 5–303.

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

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

22 (1) the maintenance of effective controls against diversion of particular
23 controlled dangerous substances and any Schedule I or Schedule II substance compounded
24 from a controlled dangerous substance into other than legitimate medical, scientific, or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 industrial channels;

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

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

5 (4) the applicant's experience in the manufacture and distribution of
6 controlled dangerous substances and the effectiveness of the applicant's controls against
7 diversion; and

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

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

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

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

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

18 (e) (1) A registrant **[distributor] THAT DISTRIBUTES CONTROLLED**
19 **DANGEROUS SUBSTANCES** shall report to the Department and the Office of the Attorney
20 General any suspicious order of controlled dangerous substances, including an order:

21 (i) of unusual size;

22 (ii) of unusual frequency; or

23 (iii) that deviates substantially from a normal pattern.

24 (2) A registrant **[distributor] THAT DISTRIBUTES CONTROLLED**
25 **DANGEROUS SUBSTANCES** may satisfy the reporting requirement under paragraph (1) of
26 this subsection by providing to the Department and the Office of the Attorney General
27 copies of reports made under 21 C.F.R. § 1301.74(b).

28 (3) Unless disclosed in the course of an administrative, civil, or criminal
29 investigation or proceeding initiated to enforce local, State, or federal law or to protect the
30 public health, a report made under paragraph (1) of this subsection shall be maintained
31 confidentially.

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

1 October 1, 2022.