

## CHAPTER 499

(Senate Bill 1213)

AN ACT to add new Section 270B to Article 43 of the Annotated Code of Maryland (1971 Replacement Volume), title "Health", subtitle "Commissioners of Pharmacy", to follow immediately after Section 270A thereof, and to add new Sections 326(l-1) and 375(f) to Article 81 of the Annotated Code of Maryland (1969 Replacement Volume and 1972 Supplement), title "Revenue and Taxes", subtitles, respectively, "Retail Sales Tax Act" and "Maryland Use Tax"; to allow under certain conditions, pharmacists and jobbers, distributors, wholesalers, manufacturers, and other suppliers of hemodialysis drugs and devices to distribute such drugs and devices, [without prescription,] directly to patients who require, in their home, treatment by a kidney machine because of permanent loss of their kidney functions; to require such jobbers, distributors, wholesalers, manufacturers, and other suppliers of hemodialysis drugs and devices directly to home hemodialysis patients to be licensed by the Board of Pharmacy; to exempt sales of hemodialysis drugs and devices and rental of kidney machines and other hemodialysis products from the State sales and use taxes; and relating generally to the regulation and distribution of hemodialysis drugs and devices by the Board of Pharmacy.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 270B be and it is hereby added to Article 43 of the Annotated Code of Maryland (1971 Replacement Volume), title "Health", subtitle "Commissioners of Pharmacy", to follow immediately after Section 270A thereof, and that new Sections 326(l-1) and 375(f) be and are hereby added to Article 81 of the Annotated Code of Maryland (1969 Replacement Volume and 1972 Supplement), title "Revenue and Taxes", subtitles, respectively, "Retail Sales Tax Act" and "Maryland Use Tax", and all to read as follows:

270B.

(A) DESPITE ANY PROVISION IN THIS ARTICLE, THE ANNOTATED CODE OF MARYLAND, OR ANY PUBLIC LOCAL LAW OR ORDINANCE TO THE CONTRARY, A REGISTERED PHARMACIST OR A JOBBER, DISTRIBUTOR, WHOLESALER, MANUFACTURER, OR OTHER SUPPLIER OF HEMODIALYSIS DRUGS AND DEVICES MAY DISTRIBUTE SUCH DRUGS AND DEVICES DIRECTLY TO HOME HEMODIALYSIS PATIENTS, [WITHOUT THE PRESCRIPTION OF A LICENSED PHYSICIAN,] BUT ONLY:

(1) IF THE BOARD OF PHARMACY DETERMINES THAT SUFFICIENT AND QUALIFIED SUPERVISION OF THE PHARMACIST, JOBBER, DISTRIBUTOR, WHOLESALER, MANUFACTURER, OR OTHER SUPPLIER OF HEMODIALYSIS DRUGS AND DEVICES IS ADEQUATE TO SAFEGUARD AND PROTECT THE PUBLIC HEALTH; AND

(2) PURSUANT TO REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY THAT ARE NECESSARY TO INSURE THE SAFE DISTRIBUTION OF SUCH DRUGS AND DEVICES TO HOME HEMODIALYSIS PATIENTS WITHOUT INTERRUPTION OF SUPPLY, INCLUDING, BUT NOT LIMITED TO:

(I) RECORDS AND LABELING