

SENATE BILL 390

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CF HB 114

By: **Senators Conway, Colburn, DeGrange, Exum, Glassman, Klausmeier, Pugh, and Stone**

Introduced and read first time: February 2, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Food, Drugs, and Cosmetics – Auction and Internet Sales – Prohibition –**
3 **Exception**

4 FOR the purpose of prohibiting a person from selling drugs, medicines, cosmetics, and
5 certain infant formula and baby food at certain auction sales unless the person
6 makes a certain notification; authorizing the Secretary of Health and Mental
7 Hygiene to make certain inspections; prohibiting a person from selling drugs,
8 medicines, cosmetics, and certain infant formula and baby food at an auction
9 sale under certain circumstances; and generally relating to auction sales of
10 drugs, cosmetics, and certain food.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 21–1110
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2008 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Health – General
18 Section 21–1206
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2008 Supplement)

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

23 **Article – Health – General**

24 21–1110.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) A person may not sell any drug, medicine, cosmetic, pharmaceutical
2 preparation, [or] medicinal preparation, **OR INFANT FORMULA OR BABY FOOD THAT**
3 **IS SUBJECT TO DATING REQUIREMENTS BY THE UNITED STATES FOOD AND**
4 **DRUG ADMINISTRATION** at any auction sale **OR INTERNET AUCTION SALE**
5 **WEBSITE** unless the person notifies the Secretary in writing of the proposed auction at
6 least 7 days before the date of the auction.

7 (b) (1) The Secretary may:

8 (i) Inspect any drugs, medicines, cosmetics, pharmaceutical
9 preparations, [or] medicinal preparations, **INFANT FORMULA, OR BABY FOOD** that a
10 person proposes to sell by auction sale **OR THROUGH AN INTERNET AUCTION SALE**
11 **WEBSITE**; and

12 (ii) Issue an order that prohibits the sale of any of these if, in
13 the opinion of the Secretary, they are unfit for human use or consumption.

14 (2) A person may not hold an auction sale **OR INTERNET AUCTION**
15 **SALE** of any drug, medicine, cosmetic, pharmaceutical preparation, [or] medicinal
16 preparation, **INFANT FORMULA, OR BABY FOOD** in violation of an order issued under
17 this section.

18 21–1206.

19 A person who violates any provision of the following sections of this title is
20 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500:

21 (1) § 21–818 of this title; and

22 (2) § 21–1110 of this title.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2009.