

HOUSE BILL 494

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By: **Delegates Hubbard, Costa, King, Kirk, Kullen, Levy, Love, Minnick, Montgomery, Oaks, and Stein**

Introduced and read first time: February 1, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Infant Formula and Baby Food – Auction Sales – Prohibition – Exception**

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

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 21–1110
12 Annotated Code of Maryland
13 (2009 Replacement Volume)

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 21–1206
17 Annotated Code of Maryland
18 (2009 Replacement Volume)

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

21 **Article – Health – General**

22 21–1110.

23 (a) A person may not sell any drug, medicine, cosmetic, pharmaceutical
24 preparation, [or] medicinal preparation, **OR INFANT FORMULA OR BABY FOOD THAT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **IS SUBJECT TO DATING REQUIREMENTS BY THE UNITED STATES FOOD AND**
2 **DRUG ADMINISTRATION** at any auction sale unless the person notifies the Secretary
3 in writing of the proposed auction at least 7 days before the date of the auction.

4 (b) (1) The Secretary may:

5 (i) Inspect any drugs, medicines, cosmetics, pharmaceutical
6 preparations, [or] medicinal preparations, **INFANT FORMULA, OR BABY FOOD** that a
7 person proposes to sell by auction sale; and

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

10 (2) A person may not hold an auction sale of any drug, medicine,
11 cosmetic, pharmaceutical preparation, [or] medicinal preparation, **INFANT FORMULA,**
12 **OR BABY FOOD** in violation of an order issued under this section.

13 21–1206.

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

16 (1) § 21–818 of this title; and

17 (2) § 21–1110 of this title.

18 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
19 October 1, 2010.