

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2010

CHAPTER _____

1 AN ACT concerning

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

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

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 21–1110
15 Annotated Code of Maryland
16 (2009 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – Health – General

21–1110.

(A) THIS SECTION DOES NOT APPLY TO COSMETICS, INFANT FORMULA, OR BABY FOOD IF:

(1) THE COSMETICS, INFANT FORMULA, OR BABY FOOD ARE BEING SOLD IN A SINGLE LOT AT A CHARITY AUCTION; AND

(2) THE TOTAL VALUE OF THE COSMETICS, INFANT FORMULA, OR BABY FOOD IN THE LOT IS \$100 OR LESS.

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

~~(C)~~ **(C)** (1) The Secretary may:

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

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

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

21–1206.

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

(1) § 21–818 of this title; and

(2) § 21–1110 of this title.

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