

and installation services at charges, computed at not less than the fair market value for such services. Any person violating any of the provisions of this section shall, upon conviction, be punished by a fine of not more than ~~five~~ one thousand dollars ~~[((\$5,000.00)]~~ (\$1,000.00) or by imprisonment for not more than two years or by both fine and imprisonment in the discretion of the court.

SEC. 2. *And be it further enacted*, That this Act shall take effect July 1, 1972.

Approved May 26, 1972.

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CHAPTER 405  
(Senate Bill 370)

AN ACT to repeal and re-enact, with amendments, Sections 187A(f), (i) and (v); 187D(b); 188C; 188F(a); 189C(b); 189D(g); 190A(a) and 191C(a) and (b) of Article 43 of the Annotated Code of Maryland (1971 Supplement), title "Health," subtitle "Adulteration of Food and Drink," to make corrections in the Maryland Food, Drug and Cosmetic Act.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sections 187A(f), (i) and (v); 187D(b); 188C; 188F(a); 189C(b); 189D(g); 190A(a) and 191C(a) and (b) of Article 43 of the Annotated Code of Maryland (1971 Supplement), title "Health," subtitle "Adulteration of Food and Drink," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

187A.

(f) The term "device" (except when used in ~~paragraph (d) of this section and~~ Sections ~~187B(k).~~ 187(o) ~~[(1) and (3), 188C(f), 189B(c), 189B(o)]~~ and 190B(c)) means instruments, apparatus and contrivances, including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or (2) to affect the structure or any function of the body of man for medical, surgical or therapeutic purposes.

(i) The terms "consumer commodity" means any food, drug, device, or cosmetic as those terms are defined by this subheading or by the federal act. The terms does not include:

(1) Any tobacco or tobacco product;

(2) Any commodity subject to packaging or labeling requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act or the provisions of the eighth paragraph under the heading "Bureau of Animal Industry" of the act of March 4, 1913 (37 Stat. 832-833; 21 U.S.C. 151-157) commonly known as the Virus-Serum Toxin Act; as the same have been or may be amended from time to time:

(3) Any drug subject to the provisions of ~~Section 189C(a)(B) or 189B(k) of this subheading, or~~ Section 353B(1) of 356 of the federal act, as the same may be amended from time to time;