

## CHAPTER 712

(Senate Bill 806)

AN ACT to repeal and re-enact, with amendments, Sections 54G(b), 187A(f), 187A(i), 188C(10), 387D(a), 424, 529(p), 532(a), 580, and 795(b) of Article 43 of the Annotated Code of Maryland (1971 Replacement Volume and 1972 Supplement), title "Health," subtitles, respectively, "Miscellaneous Provisions," "Adulteration of Food and Drink," "Water, Ice and Sewerage," "Cosmetologists," "Milk and Milk Products," and "Audiologists and Speech Pathologists," correcting certain errors in the laws relating generally to health.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Sections 54G(b), 187A(f), 187A(i), 188C(10), 387D(a), 424, 529(p), 532(a), 580, and 795(b) of Article 43 of the Annotated Code of Maryland (1971 Replacement Volume and 1972 Supplement), title "Health," subtitles, respectively, "Miscellaneous Provisions," "Adulteration of Food and Drink," "Water, Ice and Sewerage," "Cosmetologists," "Milk and Milk Products," and "Audiologists and Speech Pathologists," are hereby repealed and re-enacted, with amendments, and all to read as follows:

54G.

(b) This section shall not apply to any model of an aircraft, ship, motor vehicle, toy gun, railroad engine, car, or rocketship or other spacecraft, or to any part [or] OF such model.

187A.

(f) The term "device" (except when used in [§§ 187(o)] Section 187A(0) 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] TERM "consumer commodity" means any food, drug, device, or cosmetic as those terms are defined by this subheading or by the federal act. The [terms] TERM 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 [§ 353B(1)] [1] SECTION 353(B)(1) [of] OR 356 of the federal act, as the same may be amended from time to time.

(4) Any beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act (27 U.S.C., et seq.), as the same may be amended from time to time; or

(5) Any seed or other commodity subject to the provisions of §§ 149 through 159 of Article 48 of this Code, as the same may be amended from time to time.