

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Agriculture

3-201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Biological product" means any product derived from or containing microorganisms or animal tissues removed from the animal and used for diagnosing, treating, or immunizing against livestock or poultry diseases.

3-201.1.

(A) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A PERSON MAY NOT POSSESS, SELL, DONATE, OR DISTRIBUTE ANY BIOLOGICAL PRODUCT THAT IS USABLE FOR THE TREATMENT OR PREVENTION OF A DISEASE TRANSMISSIBLE TO A HUMAN BEING.

(2) THIS SUBSECTION DOES NOT APPLY TO:

(I) A PHYSICIAN LICENSED TO PRACTICE IN THIS STATE;

(II) A VETERINARIAN LICENSED TO PRACTICE IN THIS STATE;

(III) A PERSON WHO SELLS OR DISTRIBUTES A BIOLOGICAL PRODUCT TO A PHYSICIAN OR VETERINARIAN LICENSED TO PRACTICE IN THIS STATE;

(IV) A PERSON EMPLOYED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WHO POSSESSES THE BIOLOGICAL PRODUCT UNDER AN OFFICIAL PROGRAM THAT IS BEING CONDUCTED BY THAT DEPARTMENT;

(V) A PERSON WHO, WHILE ENGAGED IN THE SERVICE OF A BONA FIDE PRODUCT LABORATORY, PERFORMS RESEARCH OR AN INVESTIGATION OF OR ABOUT A BIOLOGICAL PRODUCT; OR

(VI) THE FOLLOWING PRODUCTS USED FOR IMMUNIZING ANIMALS:

LEPTOSPIROSIS VACCINES AND BACTERINS, STAPHYLOCOCCUS BACTERINS AND TOXOIDS, STREPTOCOCCUS BACTERINS AND TOXOIDS, NEWCASTLE DISEASE VACCINE, ERYSIPELAS VACCINES AND BACTERINS, TETANUS TOXOIDS AND SUCH OTHER PRODUCTS AS MAY BY REGULATION BE GRANTED EXCEPTION; OR

~~(VI)~~ (VII) ANY OTHER PERSON TO WHOM THE SECRETARY GRANTS AN EXCEPTION THAT IS BASED ON A FINDING:

1. THAT THERE IS A NEED; AND