

- DEVICE;
- (1) ANY NONPRESCRIPTION DRUG, MEDICINE, OR
- REMEDY; OR
- (2) ANY COMMONLY USED HOUSEHOLD OR DOMESTIC
- SOLUTION, IN BULK OR OTHERWISE.
- (3) ANY FARM REMEDY OR INGREDIENT FOR A SPRAYING

REVISOR'S NOTE: Subsection (a) of this section is new language added to reflect more accurately the state of the present law and to conform to the language used in similar provisions in other titles of this article.

Subsections (b) and (c) of this section are new language derived without substantive change from the first clause of the second sentence of Art. 43, § 249 and from Art. 43, § 271.

In subsection (b) of this section, the term "authorized prescriber" -- which is defined in § 12-101 of this subtitle -- is substituted for the present reference to "physicians and dentists". Although the substituted term is broader than the present reference, it reflects and gives effect to the intent behind the present provision. See the General Revisor's Note to this title.

Also in subsection (b) of this section, the reference to preparing a prescription is substituted for the present reference to compounding a prescription to conform with the terminology used in the definition of "practice pharmacy" in § 12-101 of this subtitle.

In subsection (c) of this section, the term "nonprescription drug, medicine, or device" is substituted for "proprietary or patent medicines" to conform with current usage.

Also as to subsection (c) of this section, the present qualifications as to the packaging, labeling, and place of consumption of the household, domestic, or farm remedies, and the ingredients for spraying solutions, are deleted as unnecessary and misleading. Regardless of the seller's compliance with these qualifications, this title in no way purports to regulate the sale of these items.

The Commission to Revise the Annotated Code suggests that the General Assembly consider repealing subsection (c)(3) of this section, which provides that this title does not limit the right of a general merchant to sell "any farm