

section to delete its present subsections (a)(1) through (3) and (b). Those present subsections now appear in Title 14 of the Health Occupations Article. This section also was restated since present subsection (a)(4) was the only item remaining in the section.

272.

(A) "DRUG" DEFINED.

IN THIS SECTION, "DRUG" DOES NOT INCLUDE SURGICAL OR DENTAL INSTRUMENTS, PHYSICAL THERAPY EQUIPMENT, X-RAY APPARATUS, THEIR COMPONENT PARTS OR ACCESSORIES.

(B) PROHIBITED ACTS; EXCEPTIONS.

It shall be unlawful for any person, copartnership, association or corporation to sell, distribute, vend or otherwise dispose of any drug, medicine or pharmaceutical or medical preparation by means of a vending machine, automatically operated coin machine, or other similar device; provided, however, that, whenever the State Board of Health determines that a specified commodity is not deleterious or injurious to public health and safety and the dispensing of such specified commodity from such a machine or device is approved by such Board and a permit issued by it for the dispensing of such specified commodity from such a machine or device, the provisions of this section shall not be applicable as to such permitted and approved specified commodity.

(C) PENALTIES.

Any person, copartnership, association or corporation that shall violate this section shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than one hundred dollars (\$100.00) for each offense, and each and every day such violation continues shall constitute a separate and distinct offense.

REVISOR'S NOTE: Ch. \_\_\_\_\_, Acts of 1981, which enacted the Health Occupations Article, also amended this section to add a new subsection (a) to this section, to designate the present first sentence in the section as subsection (b), and to designate the present last sentence in the section as subsection (c).

Subsection (a) of this section is new language derived without substantive change from the penultimate paragraph of present Art. 43, § 250(a), which, inter alia, defines "drug" as that term is used in this section. Since present Art. 43, § 250(a) now appears in Title 12 of the Health Occupations Article, the definition of "drug" is restated in subsection (a) of this section.