

4-237. DEFINITIONS AND STANDARDS OF IDENTITY AND QUALITY.

(A) FOODS.

(1) EXCEPT AS PROVIDED FOR MEAT AND POULTRY PRODUCTS UNDER PARAGRAPH (3) OF THIS SUBSECTION AND FOR FROZEN DESSERTS UNDER SUBTITLE 8 OF THIS TITLE, THE DEFINITIONS AND STANDARDS OF IDENTITY AND QUALITY ADOPTED BY RULE OR REGULATION UNDER THE FEDERAL ACT FOR FOODS ARE THE DEFINITIONS AND STANDARDS OF IDENTITY AND QUALITY FOR FOODS IN THIS STATE.

(2) BY RULE OR REGULATION, THE SECRETARY MAY ADOPT A DEFINITION OR STANDARD OF IDENTITY OR QUALITY FOR ANY FOOD IF:

(I) A DEFINITION OR STANDARD HAS NOT BEEN ADOPTED FOR THE FOOD UNDER THE FEDERAL ACT; AND

(II) THE SECRETARY FINDS THAT THE DEFINITION OR STANDARD WILL PROMOTE HONESTY AND FAIR DEALING IN THE INTEREST OF CONSUMERS.

(3) ANY DEFINITION OR STANDARD OF IDENTITY OR QUALITY FOR A MEAT OR POULTRY PRODUCT THAT IS ADOPTED UNDER A RULE OR REGULATION OF THE STATE DEPARTMENT OF AGRICULTURE IS THE DEFINITION OR STANDARD OF IDENTITY OR QUALITY FOR THAT PRODUCT IN THIS STATE.

(B) DRUGS.

(1) FOR PURPOSES OF THIS SUBTITLE, THE STANDARDS FOR THE QUALITY, PURITY, AND STRENGTH OF ANY DRUG ARE THE STANDARDS SET BY AN OFFICIAL COMPENDIUM.

(2) IF A DRUG IS NOT STANDARDIZED BY AN OFFICIAL COMPENDIUM, THEN SUBJECT TO § 4-241 OF THIS SUBTITLE, THE STANDARDS OF QUALITY, PURITY, AND STRENGTH ADOPTED BY RULE OR REGULATION UNDER THE FEDERAL ACT ARE THE STANDARDS OF QUALITY, PURITY, AND STRENGTH FOR THE DRUG IN THIS STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 188A(c) and the first and second sentences of (a) and the first paragraph of § 192(a).

As to subsection (a)(1) and (2) of this section, the third sentence of former Article 43, § 188A(a), which provided that the Secretary may amend the regulations that are adopted by the Secretary, is deleted as unnecessary and misleading. Unless an express statement is made to the contrary, it is implicit that the power to adopt rules and regulations includes the power to amend those rules and regulations.