

In subsection (b) of this section, the reference in former Article 43, § 192(a) to "foods" is deleted because the publications referenced in that subsection do not include standards for food. In any event, the setting of standards for food is governed under subsection (a) of this section.

4-238. AUTHORIZATION BY PERMIT OF EXCEPTIONS TO DEFINITIONS AND STANDARDS.

(A) FEDERAL PERMITS.

IF A TEMPORARY PERMIT IS ISSUED UNDER THE FEDERAL ACT TO AUTHORIZE AN INTERSTATE SHIPMENT THAT VARIES FROM THE DEFINITIONS AND STANDARDS OF IDENTITY SET UNDER THE FEDERAL ACT, THE PERMIT IS EFFECTIVE IN THIS STATE UNDER THE CONDITIONS PROVIDED IN THE PERMIT.

(B) STATE PERMITS.

FOR EXPERIMENTAL OR OTHER PURPOSES, THE SECRETARY MAY ISSUE A PERMIT THAT AUTHORIZES VARIATIONS FROM THE DEFINITIONS AND STANDARDS OF IDENTITY AND QUALITY THAT ARE SET UNDER THIS SUBTITLE IF:

(1) THE SECRETARY FINDS THAT ISSUANCE OF THE PERMIT IS IN THE PUBLIC INTEREST; AND

(2) THE PERMIT IS ISSUED ON TERMS AND WITH SAFEGUARDS THAT ADEQUATELY PROTECT THE INTERESTS OF CONSUMERS AND POTENTIAL CONSUMERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 188A(b).

4-239. AUTHORIZATION FOR THE USE OF ADDED POISONOUS OR OTHERWISE DELETERIOUS SUBSTANCES, FOOD ADDITIVES, AND COLOR ADDITIVES.

(A) IN GENERAL.

(1) FOR PURPOSES OF §§ 4-207(B)(3), 4-216(B)(2), AND 4-230(B)(5) OF THIS SUBTITLE, REGARDING FOOD, DRUGS, AND COSMETICS RESPECTIVELY, THE USE OF ANY ADDED POISONOUS OR OTHERWISE DELETERIOUS SUBSTANCE, ANY FOOD ADDITIVE, OR ANY COLOR ADDITIVE IS CONSIDERED UNSAFE UNLESS THE USE OF THE SUBSTANCE OR ADDITIVE FOR THE PARTICULAR PURPOSE IS AUTHORIZED BY AND THE QUANTITY OF THE SUBSTANCE THAT MAY BE USED FOR THAT PURPOSE IS LIMITED BY:

(I) A STATE ADOPTED FEDERAL RULE OR REGULATION, AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION; OR