

(II) A RULE OR REGULATION ADOPTED BY THE SECRETARY UNDER SUBSECTION (C) OF THIS SECTION.

(2) IF A FOOD, DRUG, OR COSMETIC CONTAINS ANY ADDED POISONOUS OR OTHERWISE DELETERIOUS SUBSTANCE, ANY FOOD ADDITIVE, OR ANY COLOR ADDITIVE IN A QUANTITY THAT IS ALLOWED BY A RULE OR REGULATION AS PROVIDED BY PARAGRAPH (1) OF THIS SUBSECTION, THE FOOD, DRUG, OR COSMETIC MAY NOT BE CONSIDERED ADULTERATED BECAUSE IT CONTAINS THAT SUBSTANCE OR ADDITIVE.

(B) AUTOMATIC ADOPTION OF FEDERAL RULES AND REGULATIONS.

SUBJECT TO THE PROVISIONS OF § 4-241 OF THIS SUBTITLE, ANY RULE OR REGULATION THAT REGULATES THE USE OF A FOOD ADDITIVE OR A COLOR ADDITIVE AND THAT IS ADOPTED BY THE FEDERAL GOVERNMENT UNDER THE FEDERAL ACT AUTOMATICALLY IS ADOPTED AS A RULE OR REGULATION OF THIS STATE.

(C) CONTROL BY STATE RULES AND REGULATIONS.

WHETHER OR NOT IN ACCORDANCE WITH ANY RULE OR REGULATION THAT SETS TOLERANCES UNDER THE FEDERAL ACT AND IF PUBLIC HEALTH OR OTHER CONSIDERATIONS IN THIS STATE MAKE IT NECESSARY, THE SECRETARY MAY ADOPT A RULE OR REGULATION THAT:

(1) AS TO ANY ADDED POISONOUS OR OTHERWISE DELETERIOUS SUBSTANCE, ANY FOOD ADDITIVE, OR ANY COLOR ADDITIVE:

(I) PROHIBITS ITS USE; OR

(II) SETS TOLERANCES FOR ITS USE; OR

(2) AS TO ANY FOOD ADDITIVE OR ANY COLOR ADDITIVE:

(I) SETS CONDITIONS UNDER WHICH IT MAY BE USED SAFELY; OR

(II) PROVIDES EXEMPTIONS FOR ITS USE FOR INVESTIGATIONAL OR EXPERIMENTAL PURPOSES.

(D) PROCEDURE FOR ADOPTING STATE RULES AND REGULATIONS.

(1) THE RULE OR REGULATION MAY BE ADOPTED BY THE SECRETARY EITHER ON THE SECRETARY'S OWN INITIATIVE OR ON THE PETITION OF ANY INTERESTED PARTY.

(2) BEFORE THE SECRETARY MAY ADOPT THE RULE OR REGULATION ON THE BASIS OF A PETITION, THE PETITIONER SHALL