

the decision of a board within the Department subject to judicial review under any provision of law first be appealed to the Board of Review of the Department.

In this section, the former reference to the review being heard de novo is deleted. Under Department of Natural Resources v. Linchester Sand & Gravel Corp., 274 Md. 211 (1975), these provisions are unconstitutional because they violate Article 8 of the Maryland Declaration of Rights.

Also in this section, the former references to the courts to which a judicial appeal may be taken are deleted as unnecessary in light of the provisions of the Administrative Procedure Act.

In subsection (b) of this section, the term "rule or regulation" is substituted for "order" in former Article 43, § 277(d) since the reference relates only to the Board's action in adding poisons under § 5-107 to the Schedule of Controlled Poisons.

5-110. RESERVED.

5-111. RESERVED.

PART III. RESTRICTIONS AND PROHIBITIONS.

5-112. PERSONS AUTHORIZED TO SELL POISONS; PERMITS.

(A) LICENSED PHARMACIST.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ONLY A LICENSED PHARMACIST OR AN INDIVIDUAL ENGAGED IN A CLINICAL PHARMACY TRAINING PROGRAM AND ACTING UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST MAY SELL OR DISPENSE A CONTROLLED POISON.

(B) POISON PERMITS.

THE DEPARTMENT MAY ISSUE TO ANY MERCHANT IN A RURAL COMMUNITY A POISON PERMIT THAT AUTHORIZES THE HOLDER TO SELL OR OTHERWISE DISPENSE 1 OR MORE CONTROLLED POISONS THAT THE DEPARTMENT SPECIFIES BY RULE OR REGULATION.

(C) APPLICATION FOR POISON PERMIT.

TO APPLY FOR A POISON PERMIT, AN APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD PROVIDES; AND