

(2) PAY TO THE BOARD AN APPLICATION FEE OF 25 CENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of the first sentence of former Article 43, § 278.

In subsection (a) of this section, the defined term "licensed pharmacist" is substituted for the term "duly registered pharmacist" and the phrase "individual engaged in a clinical pharmacy training program and acting under the direct supervision of a licensed pharmacist" is substituted for the reference to "duly registered assistant pharmacist" for clarity and to reflect current terminology. See HO § 12-301.

In subsection (b) of this section, the former term "bona fide", which described merchants, is deleted as unnecessary.

5-113. SELLING, DELIVERING, OR PROVIDING CONTROLLED POISONS.

(A) LABELING; INTENDED USE; POISON REGISTER.

A PERSON MAY NOT SELL, DELIVER, OR PROVIDE, DIRECTLY OR INDIRECTLY, ANY CONTROLLED POISON UNLESS THE PERSON:

(1) COMPLIES WITH THE LABELING REQUIREMENTS OF § 5-114 OF THIS SUBTITLE;

(2) RECORDS THE TRANSACTION IN A POISON REGISTER AS PROVIDED IN § 5-115 OF THIS SUBTITLE; AND

(3) IN GOOD FAITH BELIEVES THAT:

(I) THE INDIVIDUAL WHO RECEIVES THE CONTROLLED POISON UNDERSTANDS THE NATURE OF THE POISON; AND

(II) THE CONTROLLED POISON IS INTENDED FOR A LAWFUL USE.

(B) INCOMPETENT INDIVIDUALS.

A PERSON MAY NOT SELL, DELIVER, OR PROVIDE ANY CONTROLLED POISON TO ANY INDIVIDUAL KNOWN TO BE:

(1) OF UNSOUND MIND; OR

(2) UNDER THE INFLUENCE OF AN INTOXICANT.

(C) MINORS.