

5-304. SAME -- REQUIRED CONSIDERATIONS.

IN SETTING ANY STANDARD FOR LABELING AND CHILD RESISTANT PACKAGING OF ANY DANGEROUS HOUSEHOLD SUBSTANCE, THE SECRETARY SHALL CONSIDER:

(1) THE NATURE AND USE OF THE DANGEROUS HOUSEHOLD SUBSTANCE;

(2) THE REASONABLENESS OF THE STANDARD;

(3) AVAILABLE SCIENTIFIC AND ENGINEERING INFORMATION ABOUT CHILD RESISTANT PACKAGING;

(4) AVAILABLE MEDICAL INFORMATION ABOUT PERSONAL INJURY TO AND ILLNESS OF CHILDREN FROM ACCIDENTAL ACCESS TO DANGEROUS HOUSEHOLD SUBSTANCES; AND

(5) MANUFACTURING PRACTICES OF INDUSTRIES AFFECTED BY THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 889(b).

In item (4) of this section, the former provision that related to childhood "ingestions" is deleted as unnecessary in light of § 5-303(a) of this subtitle.

5-305. SAME -- PROCEDURES FOR ADOPTION.

(A) COMPLIANCE WITH ADMINISTRATIVE PROCEDURE ACT.

EXCEPT FOR A STATE ADOPTED FEDERAL REGULATION, THE SECRETARY MAY NOT ADOPT ANY RULE OR REGULATION UNDER THIS SUBTITLE UNLESS THE REQUIREMENTS OF THIS SUBTITLE AND THE ADMINISTRATIVE PROCEDURE ACT ARE MET.

(B) NOTICE OF PROPOSED RULES AND REGULATIONS.

IF THE SECRETARY PROPOSES TO SET A STANDARD FOR CHILD RESISTANT PACKAGING OF A DANGEROUS HOUSEHOLD SUBSTANCE, THE SECRETARY SHALL PUBLISH:

(1) THE FINDINGS MADE BY THE SECRETARY UNDER § 5-303 OF THIS SUBTITLE;

(2) THE REASONS FOR THE PROPOSED STANDARD; AND

(3) THE CITATION OF EACH STATUTORY PROVISION THAT AUTHORIZES THE ACTION.

REVISOR'S NOTE: This section is new language derived