

DANGEROUS HOUSEHOLD SUBSTANCE THAT IS SUBJECT TO A CHILD RESISTANT PACKAGING STANDARD MAY BE PROVIDED IN SINGLE SIZE CONVENTIONAL PACKAGES DESIGNED FOR EASY OPENING BY ELDERLY OR HANDICAPPED INDIVIDUALS IF:

(1) ELDERLY OR HANDICAPPED INDIVIDUALS WOULD BE UNABLE TO USE THE DANGEROUS HOUSEHOLD SUBSTANCE IF PACKAGED IN ACCORDANCE WITH THE CHILD RESISTANT PACKAGING STANDARD;

(2) THE DANGEROUS HOUSEHOLD SUBSTANCE IS AT THE SAME TIME PROVIDED IN PACKAGES THAT MEET THE CHILD RESISTANT PACKAGING STANDARDS ADOPTED UNDER THIS SUBTITLE; AND

(3) THE SINGLE SIZE CONVENTIONAL PACKAGE OF THE DANGEROUS HOUSEHOLD SUBSTANCE BEARS A CONSPICUOUS LABEL ON WHICH IS PRINTED:

(I) "THIS PACKAGE FOR HOUSEHOLDS WITHOUT YOUNG CHILDREN"; OR

(II) IF THE PACKAGE IS TOO SMALL FOR THAT STATEMENT, A SUBSTITUTE STATEMENT AS REQUIRED BY RULE OR REGULATION.

(B) REQUIRING CHILD RESISTANT PACKAGING EXCLUSIVELY.

(1) IF THE SECRETARY FINDS THAT A DANGEROUS HOUSEHOLD SUBSTANCE OFFERED IN A SINGLE SIZE CONVENTIONAL PACKAGE UNDER SUBSECTION (A) OF THIS SECTION IS NOT OFFERED AT THE SAME TIME IN A POPULAR SIZE PACKAGE THAT CONFORMS TO THE CHILD RESISTANT PACKAGING STANDARDS, THE SECRETARY MAY NOTIFY THE MANUFACTURER OR PACKER OF THE DANGEROUS HOUSEHOLD SUBSTANCE OF THE VIOLATION AND OF A TIME PERIOD WITHIN WHICH THE VIOLATION IS TO BE CORRECTED.

(2) IF THE VIOLATION REMAINS UNCORRECTED AT THE END OF THE SPECIFIED TIME PERIOD, THE SECRETARY, AFTER GIVING THE MANUFACTURER OR PACKER AN OPPORTUNITY FOR A HEARING, MAY ORDER THE MANUFACTURER OR PACKER TO PACKAGE THE DANGEROUS HOUSEHOLD SUBSTANCE ONLY IN PACKAGES THAT CONFORM TO THE CHILD RESISTANT PACKAGING STANDARDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 890(a) and (c).

In subsection (b)(2) of this section, the former reference to the Secretary ordering exclusive use of child resistant packaging only if that is necessary to accomplish the purposes of this subtitle is deleted as unnecessary and inherent in the responsibilities of the Secretary under this subtitle.

5-311. PACKAGING OF DANGEROUS HOUSEHOLD SUBSTANCES