

**CHAPTER 315**

**(Senate Bill 519)**

AN ACT concerning

**Food, Drugs, and Cosmetics - Regulation**

FOR the purpose of defining the term "person" to include a unit of State or local government if the State or local unit of government is the operator of a facility and an operator of a facility owned by a unit of State or local government, as the term is used in provisions of law regulating food, drugs, and cosmetics; and generally relating to the regulation by the State of food, drugs, and cosmetics.

BY repealing and reenacting, with amendments,

Article - Health - General

Section 21-101

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland reads as follows:

**Article - Health - General**

21-101.

(a) In this title the following words have the meanings indicated.

(b) "Advertisement" means any representation that:

(1) Is intended or is likely to induce, directly or indirectly, any person to purchase any food, drug, device, or cosmetic; and

(2) Is published by any means other than labeling.

(c) (1) "Color additive" means any material that:

(i) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source; or

(ii) When added or applied to a food, drug, or cosmetic, or to any part of the human body, is capable, alone or through reaction with any other substance, of imparting color, including black, white, or intermediate grays, to the food, drug, cosmetic, or body.

(2) "Color additive" does not include any material that is not a color additive under the federal act.

(d) "Consumer commodity" means any food, drug, device, or cosmetic that is not: