

(i) The sale is made by a licensed pharmacist, a manufacturer, or a wholesale dealer; and

(ii) The permit authorizes its holder to sell that controlled poison.]

[5-103.

(a) Subject to the notice and hearing provisions of this section, the Department may:

(1) Issue orders to carry out the provisions of this subtitle; and

(2) Adopt rules and regulations that:

(i) As necessary for the protection of the public, prohibit the sale of any controlled poison unless the sale is made at the direction of an authorized prescriber by an original written order or prescription;

(ii) In the interest of the public health, further prohibit or restrict the retail sale of any controlled poison; and

(iii) Specify any controlled poison that may be sold or dispensed by the holder of a poison permit issued under § 5-112 of this subtitle.

(b) Before the Department issues any order under this subtitle, the Department shall give notice and provide an opportunity for a hearing as provided in the Administrative Procedure Act.

(c) (1) Before the Department adopts any rule or regulation under this section, the Department shall give notice and provide an opportunity for a public hearing in accordance with the Administrative Procedure Act and the State Documents Law.

(2) At least 10 days before any public hearing for the adoption of a rule or regulation, the Department shall publish notice of the hearing:

(i) In a daily newspaper of general circulation in Baltimore City;

(ii) By issuing a press release, copies of which shall be made available at the Department; or

(iii) By any other means that the Department considers necessary.

(d) On request, the Department shall provide to any person who is authorized under this subtitle to sell or dispense controlled poisons a list of all articles, preparations, and