

## Chapter 557

(House Bill 494)

AN ACT concerning

~~Infant Formula and Baby Food~~ **Food and Cosmetics – Auction Sales –  
Prohibition – Exception**

FOR the purpose of prohibiting a person from selling certain infant formula and baby food at any auction sale unless the person makes a certain notification; authorizing the Secretary of Health and Mental Hygiene to make certain inspections; prohibiting a person from selling certain infant formula and baby food at an auction sale under certain circumstances; exempting the sale of certain items at a charity auction from a certain prohibition under certain circumstances; and generally relating to auction sales of certain ~~infant formula and baby food~~ food and cosmetics.

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 21–1110  
Annotated Code of Maryland  
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 21–1206  
Annotated Code of Maryland  
(2009 Replacement Volume)

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

### Article – Health – General

21–1110.

**(A) THIS SECTION DOES NOT APPLY TO COSMETICS, INFANT FORMULA, OR BABY FOOD IF:**

**(1) THE COSMETICS, INFANT FORMULA, OR BABY FOOD ARE BEING SOLD IN A SINGLE LOT AT A CHARITY AUCTION; AND**

**(2) THE TOTAL VALUE OF THE COSMETICS, INFANT FORMULA, OR BABY FOOD IN THE LOT IS \$100 OR LESS.**

~~(a)~~ **(B)** A person may not sell any drug, medicine, cosmetic, pharmaceutical preparation, [or] medicinal preparation, **OR INFANT FORMULA OR BABY FOOD THAT IS SUBJECT TO DATING REQUIREMENTS BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION** at any auction sale unless the person notifies the Secretary in writing of the proposed auction at least 7 days before the date of the auction.

~~(b)~~ **(C)** (1) The Secretary may:

(i) Inspect any drugs, medicines, cosmetics, pharmaceutical preparations, [or] medicinal preparations, **INFANT FORMULA, OR BABY FOOD** that a person proposes to sell by auction sale; and

(ii) Issue an order that prohibits the sale of any of these if, in the opinion of the Secretary, they are unfit for human use or consumption.

(2) A person may not hold an auction sale of any drug, medicine, cosmetic, pharmaceutical preparation, [or] medicinal preparation, **INFANT FORMULA, OR BABY FOOD** in violation of an order issued under this section.

21-1206.

A person who violates any provision of the following sections of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500:

(1) § 21-818 of this title; and

(2) § 21-1110 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, May 20, 2010.**