

IF THE SECRETARY HAS REASON TO BELIEVE THAT ANY MARKING, LABELING, SIZE, OR FORM OF ANY CONTAINER, IN USE OR PROPOSED FOR USE WITH RESPECT TO ANY ARTICLE SUBJECT TO THIS SUBTITLE, IS FALSE OR MISLEADING IN ANY PARTICULAR, HE MAY DIRECT THAT ITS USE BE WITHHELD UNLESS THE MARKING, LABELING, OR CONTAINER IS MODIFIED SO THAT IT IS NOT FALSE OR MISLEADING. IF THE PERSON USING OR PROPOSING TO USE THE MARKING, LABELING, OR CONTAINER DOES NOT ACCEPT THE DETERMINATION OF THE SECRETARY, HE MAY REQUEST A HEARING BEFORE THE SECRETARY. THE SECRETARY MAY WITHHOLD THE USE OF THE MARKING, LABELING, OR CONTAINER PENDING HEARING AND FINAL DETERMINATION BY THE SECRETARY. THE DETERMINATION OF THE SECRETARY IS CONCLUSIVE UNLESS, WITHIN 30 DAYS AFTER RECEIPT OF NOTICE OF THE FINAL DETERMINATION, THE PERSON ADVERSELY AFFECTED APPEALS IN ACCORDANCE WITH THE PROCEDURES OF THE ADMINISTRATIVE PROCEDURE ACT.

REVISOR'S NOTE: Subsection (a) is new language derived from Art. 43, §197-9(c) of the Code.

Art. 43, §197-9(c) is proposed for deletion because its substance appears in §4-211(a).

Subsection (b) presently appears as Art. 43, §197-9(d) of the Code. The last phrase is proposed for deletion and a reference to the Administrative Procedure Act is substituted therefor. This Act governs all administrative appeals and designates which court hears the cause of actions.

The only other changes made are in style.

SEC. 4-212. REFUSAL OR WITHDRAWAL OF INSPECTION.

(A) PERSON RESPONSIBLY CONNECTED WITH BUSINESS — DEFINED.

FOR THE PURPOSE OF THIS SECTION, A PERSON IS RESPONSIBLY CONNECTED IF HE IS AN OFFICER, DIRECTOR, HOLDER, OR AN OWNER OF AT LEAST 10 PERCENT OF THE VOTING STOCK, OR AN EMPLOYEE IN A MANAGERIAL OR EXECUTIVE CAPACITY IN THE BUSINESS.

(B) UNFIT APPLICANT OR RECIPIENT.