

(L) RIGHT OF ENTRY.

(1) THE SECRETARY OR AN AGENT OR EMPLOYEE OF THE SECRETARY MAY ENTER, AT ANY REASONABLE HOUR, A PLACE OF BUSINESS OR PUBLIC PREMISES IF THE ENTRY IS NECESSARY TO CARRY OUT A DUTY UNDER THIS ARTICLE, THE HEALTH - ENVIRONMENTAL ARTICLE, OR THE HEALTH OCCUPATIONS ARTICLE.

(2) A PERSON MAY NOT DENY OR INTERFERE WITH AN ENTRY UNDER THIS SUBSECTION.

(3) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

REVISOR'S NOTE: This subsection is new language patterned after Article 43, § 36(b).

In paragraph (1) of this subsection, reference to the Secretary is substituted for the obsolete reference to the "State Board of Health". See the General Revisor's Note to this article.

The reference to an entry "to carry out the investigations authorized by this section" -- i.e., Article 43, § 36(a) -- is omitted as unnecessary in light of the broad reference to "a duty under this article, the Health - Environmental Article, or the Health Occupations Article."

For a discussion of constitutional issues related to warrantless searches of private houses and business premises and to the issuance of administrative search warrants, see the General Revisor's Note to this article.

Defined terms: "Person" § 1-101  
"Secretary" § 1-101

(M) ENFORCEMENT.

THE SECRETARY SHALL CARRY OUT AND ENFORCE THE PROVISIONS OF THIS ARTICLE, THE RULES AND REGULATIONS OF THE DEPARTMENT, AND ANY OTHER PROVISIONS OF LAW THAT RELATE TO THE SECRETARY OR THE DEPARTMENT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Article 43, § 1Fb. and the second sentence of d.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that although this subsection imposes a duty to