

In subsection (d)(2) of this section, the former provision that related to food that contained red dye number 2 and that was shipped before July 2, 1976, is deleted as obsolete.

4-211. CONTROL OF FOOD SUBJECT TO CONTAMINATION WITH MICROORGANISMS.

(A) APPLICATION OF SECTION.

BY THE ISSUANCE, DENIAL, OR SUSPENSION OF PERMITS AS PROVIDED IN THIS SECTION, THE SECRETARY MAY REGULATE THE DISTRIBUTION IN THIS STATE OF ANY CLASS OF FOOD THAT MAY BE CONTAMINATED WITH MICROORGANISMS.

(B) RULES AND REGULATIONS GOVERNING PERMIT REQUIREMENTS.

(1) THE SECRETARY SHALL ADOPT RULES AND REGULATIONS THAT PROVIDE FOR THE ISSUANCE OF PERMITS TO FOOD MANUFACTURERS, PROCESSORS, OR PACKERS IN ANY LOCALITY IF, ON INVESTIGATION, THE SECRETARY FINDS:

(I) THAT THE DISTRIBUTION IN THIS STATE OF ANY CLASS OF FOOD MANUFACTURED, PROCESSED, OR PACKED IN THAT LOCALITY MAY BE INJURIOUS TO HEALTH BECAUSE OF POSSIBLE CONTAMINATION WITH MICROORGANISMS; AND

(II) THAT THE DANGER IMPOSED BY THE FOOD NORMALLY WOULD NOT BE DETERMINABLE AFTER THE FOOD HAS ENTERED COMMERCE.

(2) FOR WHATEVER TEMPORARY PERIOD OF TIME THAT MAY BE NECESSARY, THE RULES AND REGULATIONS SHALL SPECIFY THE CONDITIONS NECESSARY TO GOVERN THE MANUFACTURING, PROCESSING, AND PACKING OF THE CLASS OF FOOD IN QUESTION IN ORDER TO PROTECT THE PUBLIC FROM THE DANGERS IMPOSED BY THAT FOOD. THESE CONDITIONS SHALL BE ATTACHED TO AND BE CONSIDERED PART OF ANY PERMIT THAT IS ISSUED UNDER THIS SECTION.

(C) PROHIBITED ACTIONS.

A PERSON MAY NOT INTRODUCE OR DELIVER FOR INTRODUCTION INTO COMMERCE IN THIS STATE ANY FOOD THAT WAS MANUFACTURED, PROCESSED, OR PACKED BY AN ESTABLISHMENT THAT WAS REQUIRED BY RULE OR REGULATION ADOPTED UNDER THIS SECTION TO HOLD A PERMIT, UNLESS EACH MANUFACTURER, PROCESSOR, AND PACKER OF THE FOOD HELD THE REQUIRED PERMIT.

(D) RIGHT OF ENTRY; INSPECTIONS; DENIAL OF ACCESS.

(1) AT ANY REASONABLE TIME, A REPRESENTATIVE OF THE SECRETARY MAY ENTER ANY ESTABLISHMENT THAT HOLDS A