

PERMIT ISSUED UNDER THIS SECTION AND INSPECT THE ESTABLISHMENT TO DETERMINE IF IT IS IN COMPLIANCE WITH THE PERMIT CONDITIONS.

(2) IF ACCESS FOR INSPECTION IS DENIED TO A REPRESENTATIVE OF THE DEPARTMENT WHO IS ACTING UNDER THIS SUBSECTION, THE SECRETARY MAY SUSPEND THE PERMIT OF THE ESTABLISHMENT INVOLVED UNTIL ACCESS IS ALLOWED.

(E) SUSPENSION OF PERMIT FOR FAILURE TO COMPLY WITH PERMIT CONDITIONS; REINSTATEMENT.

(1) IF THE SECRETARY FINDS THAT AN ESTABLISHMENT HAS VIOLATED ANY CONDITION OF A PERMIT ISSUED UNDER THIS SECTION, THE SECRETARY MAY SUSPEND THE PERMIT IMMEDIATELY AFTER GIVING NOTICE TO THE PERMIT HOLDER.

(2) THE HOLDER OF A SUSPENDED PERMIT MAY APPLY TO THE SECRETARY AT ANY TIME FOR REINSTATEMENT OF THE PERMIT.

(3) ON RECEIPT OF AN APPLICATION FOR REINSTATEMENT, THE SECRETARY SHALL HOLD A HEARING AND HAVE THE ESTABLISHMENT INSPECTED.

(4) IF THE SECRETARY FINDS THAT ADEQUATE MEASURES HAVE BEEN TAKEN TO ASSURE COMPLIANCE WITH THE PERMIT, THE SECRETARY IMMEDIATELY SHALL REINSTATE THE PERMIT:

(I) AS ORIGINALLY ISSUED; OR

(II) WITH ANY AMENDMENT THAT, UNDER THE PROVISIONS OF THIS SECTION, THE SECRETARY CONSIDERS PROPER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 188D.

In subsection (a) of this section, an express reference to denial of a permit is added for clarity. The power to deny a permit to any person who does not meet the requirements imposed by this section was implicit in and fundamental to the regulatory mechanism of former Article 43, § 188D.

In subsection (b)(2) of this section, the former reference to rules and regulations that govern the "packaging" of a food is deleted for conformity to comparable provisions elsewhere in this subtitle. The procedure of packaging is included in the reference to "manufacturing, processing, and packing".