

## A PERSON MAY NOT:

(1) MAKE A WRITTEN REPORT THAT FALSELY CERTIFIES THE RESULTS OF ANY INSPECTION, EXAMINATION, OR TEST THAT IS MADE TO DETERMINE IF THERE IS A VIOLATION OF ANY PROVISION OF PART VI OF THIS SUBTITLE;

(2) USE TO THAT PERSON'S OWN PERSONAL ADVANTAGE ANY INFORMATION THAT IS ACQUIRED UNDER AUTHORITY OF THIS SUBTITLE AND CONCERNS ANY METHOD OR PROCESS THAT IS ENTITLED TO PROTECTION AS A TRADE SECRET; OR

(3) OTHER THAN TO THE SECRETARY, TO THE SECRETARY'S AUTHORIZED REPRESENTATIVE, OR TO A COURT IN A JUDICIAL PROCEEDING UNDER THIS SUBTITLE, REVEAL ANY INFORMATION THAT:

(I) IS ACQUIRED UNDER AUTHORITY OF THIS SUBTITLE; AND

(II) CONCERNS ANY METHOD OR PROCESS THAT IS ENTITLED TO PROTECTION AS A TRADE SECRET.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 187B(8) and (12).

## 4-260. DEFENSES TO ALLEGED VIOLATIONS; BURDEN OF PROOF.

## (A) GENERAL DEFENSE.

EXCEPT AS TO AN ALLEGED VIOLATION THAT IS ENUMERATED UNDER SUBSECTION (B)(2) OF THIS SECTION, A PERSON MAY NOT BE CONVICTED OF ANY VIOLATION OF PART VI OF THIS SUBTITLE, IF, WITH RESPECT TO THE ALLEGED VIOLATION, THE PERSON ESTABLISHES BY A PREPONDERANCE OF EVIDENCE THAT THE PERSON DID NOT COMMIT THE ALLEGED VIOLATION PURPOSELY, KNOWINGLY, RECKLESSLY, OR NEGLIGENTLY.

## (B) ADDITIONAL ELEMENTS OF DEFENSE TO CERTAIN CHARGES.

(1) A PERSON MAY NOT BE CONVICTED OF ANY VIOLATION OF THE PROVISIONS OF THIS SUBTITLE THAT ARE ENUMERATED UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF, WITH RESPECT TO THE ALLEGED VIOLATION, THE PERSON ESTABLISHES BY A PREPONDERANCE OF THE EVIDENCE THAT:

(I) FOR THE PURPOSE OF DISCLOSING THE POSSIBLE EXISTENCE OF THE VIOLATION, THE PERSON:

1. MADE AN INSPECTION, EXAMINATION, OR TEST; OR

2. RECEIVED A WRITTEN REPORT THAT CERTIFIED THE RESULTS OF AN INSPECTION, EXAMINATION, OR TEST