

The second sentence of former Article 43, § 579, which prohibited dipping or ladling milk, is deleted as obsolete.

4-428. IMPOUNDMENT OF MISHANDLED MILK PRODUCTS.

(A) DUTIES OF SECRETARY.

THE SECRETARY SHALL IMPOUND A MILK PRODUCT THAT HAS BEEN HANDLED IMPROPERLY OR HAS NOT BEEN KEPT AT THE REQUIRED TEMPERATURE AND SHALL DISPOSE OF THE MILK PRODUCT IN ACCORDANCE WITH THE HEALTH LAWS OF THIS STATE.

(B) STOP SALE ORDER.

IF A RETAIL ESTABLISHMENT REPEATEDLY FAILS TO HANDLE AND MAINTAIN MILK PRODUCTS PROPERLY, THE SECRETARY, AFTER DUE NOTICE, MAY ORDER THAT RETAIL ESTABLISHMENT TO STOP SELLING MILK PRODUCTS UNTIL THE ESTABLISHMENT SHOWS THAT IT CAN AND WILL HANDLE AND KEEP ITS MILK PRODUCTS PROPERLY.

REVISOR'S NOTE: This section is new language derived without substantive change from the fifth and sixth sentences of former Article 43, § 579.

In subsection (b) of this section, "establishment" is substituted for "outlets" for clarity.

The former reference to the power of the Secretary to impound and dispose of adulterated milk products is deleted as unnecessary in light of similar provisions in Subtitle 2 of this title.

The Commission to Revise the Annotated Code suggests that the General Assembly may wish to delete this section and repeal the fifth and sixth sentences of former Article 43, § 579. Former Article 43, §§ 571 and 579 were similar in that both gave the Secretary broad powers in dealing with adulterated milk products. Former Article 43, § 571 is repealed (see the General Revisor's Note to this subtitle) as essentially duplicative of the Secretary's powers -- provided in Subtitle 2 of this title -- in dealing with adulterated food products generally. Former Article 43, § 579 added an element not found in § 571 -- namely the power to suspend retail sale. However, the Secretary does not exercise that power and allows local health agencies to deal with retail establishments.

4-429. SALE OF MILK PRODUCTS FROM OUTSIDE DEPARTMENTAL INSPECTION AREA; POWERS OF SECRETARY; RECIPROCITY.