

(II) ANY BRAND NAME UNDER WHICH THE FROZEN DESSERT OR FROZEN DESSERT MIX IS TO BE SOLD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 193(c) and the first and last clauses of the first sentence of (d).

4-809. INSPECTIONS; QUALIFICATIONS FOR PLANTS OUTSIDE STATE.

(A) INSPECTIONS OF PLANTS IN STATE.

IF AN APPLICATION IS SUBMITTED FOR A LICENSE FOR A MANUFACTURING PLANT THAT IS IN THIS STATE, BEFORE ISSUING THE LICENSE, THE SECRETARY SHALL INSPECT THE PROPERTY, BUILDINGS, AND EQUIPMENT OF THE PLANT TO DETERMINE WHETHER THE PLANT MEETS THE REQUIREMENTS FOR A LICENSE.

(B) QUALIFICATIONS FOR PLANTS OUTSIDE STATE.

(1) TO DETERMINE WHETHER THE PLANT MEETS THE REQUIREMENTS FOR A LICENSE, THE SECRETARY MAY INSPECT A MANUFACTURING PLANT THAT IS OUTSIDE OF THIS STATE.

(2) IF THE SECRETARY DOES NOT INSPECT A PLANT OUTSIDE OF THIS STATE, THE SECRETARY MAY NOT ISSUE A LICENSE FOR THE PLANT UNLESS THE APPLICANT SATISFIES THE SECRETARY THAT:

(I) THE PLANT AND THE FROZEN DESSERTS OR FROZEN DESSERT MIXES PRODUCED IN THE PLANT CONFORM TO THE LAWS OF THE JURISDICTION IN WHICH THE PLANT IS LOCATED; AND

(II) THOSE LAWS, RULES, AND REGULATIONS ARE AT LEAST AS STRINGENT AS THOSE THAT APPLY UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence and the first sentence of former Article 43, § 193(d), except as it applied to the license fee and issuance of the license.

The former law imposed alternative requirements, depending on whether a manufacturing plant was "beyond the limits of the area of routine inspection". The effect of that language was to leave to administrative determination whether an inspection by the Secretary was required of a plant that is outside this State. The practice is not to inspect any plant located outside of this State and this section is revised to state directly the meaning of the former law that has developed through practice. The revision states