

(2) REQUEST A HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from the third, fifth, and sixth sentences and, except as it related to State adopted federal regulations, the first half of the seventh sentence of former Article 43, § 891(c).

Throughout this section, "protest" is substituted for "objections" for clarity and uniformity.

5-308. HEARINGS.

(A) IN GENERAL.

THE SECRETARY SHALL GIVE NOTICE OF AND HOLD ANY HEARING AUTHORIZED OR REQUIRED BY THIS SUBTITLE IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(B) HEARINGS ON PROTESTS.

IF A WRITTEN PROTEST AGAINST A RULE OR REGULATION IS FILED IN ACCORDANCE WITH § 5-306 OR § 5-307 OF THIS SUBTITLE, THE SECRETARY SHALL PROVIDE AN OPPORTUNITY FOR A PUBLIC HEARING:

(1) TO RECEIVE EVIDENCE ON THE ISSUES RAISED BY THE PROTEST; AND

(2) TO HEAR ANY INTERESTED PERSON.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 891(b) and the second half of the seventh and the entire eighth sentences of (c).

The reference in subsection (a) of this section to the Administrative Procedure Act is new language added to demonstrate the intended application of the Administrative Procedure Act, Article 41, § 244 et seq. of the Code, to administrative hearings under this subtitle.

In subsection (b) of this section, the phrase "or his representative", which formerly followed "interested person", is deleted as unnecessary.

5-309. ORDERS AFTER PROTEST HEARINGS.

(A) ORDER AFTER HEARING.

(1) AS SOON AS PRACTICABLE AFTER A HEARING ON A PROTEST AGAINST A RULE OR REGULATION UNDER § 5-308 OF THIS