

SUBTITLE, THE SECRETARY SHALL:

(I) ACT ON THE PROTEST BY ISSUING AN ORDER; AND

(II) SEND A COPY OF THE ORDER TO EACH PROTESTER BY REGISTERED MAIL.

(2) EACH ORDER ISSUED UNDER THIS SECTION SHALL BE BASED ON SUBSTANTIAL EVIDENCE IN THE RECORD OF THE HEARING.

(B) EFFECT OF ORDER.

AN ORDER ISSUED BY THE SECRETARY UNDER THIS SECTION MAY:

(1) REINSTATE, RESCIND, OR MODIFY A STATE ADOPTED FEDERAL REGULATION AS A RULE OR REGULATION OF THIS STATE; OR

(2) AS TO ANY OTHER RULE OR REGULATION PROPOSED UNDER THIS SUBTITLE:

(I) WITHDRAW THE PROPOSAL;

(II) MODIFY THE PROPOSAL AND SET AN EFFECTIVE DATE FOR THE MODIFIED PROPOSAL THAT IS AT LEAST 60 DAYS AFTER PUBLICATION OF THE ORDER; OR

(III) SET A NEW EFFECTIVE DATE FOR THE ORIGINAL PROPOSAL THAT IS AT LEAST 60 DAYS AFTER PUBLICATION OF THE ORDER.

REVISOR'S NOTE: This section is new language derived without substantive change from the ninth through thirteenth sentences of former Article 43, § 891(c).

In subsection (a) of this section, "registered mail" is substituted for "certified mail" in light of Article 1, § 20 of the Code.

The General Assembly may wish to amend this section to require a public hearing on any modification the Secretary may propose to make to a proposal. Under the current law, there appears to be no requirement for a hearing on these modifications.

5-310. PACKAGING FOR ELDERLY OR HANDICAPPED INDIVIDUALS.

(A) EXCEPTION TO CHILD RESISTANT PACKAGING.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A