

payment of the fine is deleted as unnecessary in light of -- and, to the extent of any inconsistencies, as superseded by -- Article 38, § 4 of the Code.

GENERAL REVISOR'S NOTE TO ARTICLE:

Departmental organization and positions:

Throughout this article, references to current departments, units, and positions are substituted for obsolete references to entities that have been abolished or otherwise ceased to exist.

References to the Secretary are substituted for the obsolete references to the State Board of Health and the State Board of Health and Mental Hygiene.

Because the position has been abolished, references to the Commissioner of Health are deleted throughout this article and, if necessary to preserve a duty conferred on the former Commissioner, a reference to the Secretary is substituted.

Membership of boards and commissions:

In the "Membership" sections of this article, there is a subsection captioned "Tenure; vacancies". A standard paragraph included in each of those subsections provides that a "member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies". That paragraph applies: (1) When a successor is appointed to replace a member who has died, resigned, or failed for any other reason to complete a term; (2) When a member is appointed to succeed a member who has "held over" to part of the next term, pending the delayed appointment and qualification of the successor; or (3) When, in any other situation, a member takes office after a term has begun, e.g., when, at the completion of a term, there is a delay in the appointment of a successor, but the member who served the prior term does not "hold over".

Right of entry:

The Commission notes, for consideration by the General Assembly, that this article contains numerous provisions that authorize entry into premises to carry out duties imposed by this article. The Commission notes that there are constitutional issues with respect to nonconsensual, warrantless searches of premises and issuance of administrative search warrants.

The Fourth Amendment of the United States Constitution and Article 26 of the State Declaration of Rights require