

8-501.

(a) (1) A person who fails, refuses, or neglects to comply with any provision of this title, or with any rule or regulation adopted under this title, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$100 for each day that the violation continues] \$10,000 OR IMPRISONMENT NOT TO EXCEED EXCEEDING 1 YEAR OR BOTH.

[(b)] (2) Before any prosecution is begun under this [section,] SUBSECTION, the Secretary shall serve written notice of each alleged violation on a person who is in charge of the place where the violation allegedly exists.

(B) -A- (1) IN ADDITION TO ANY CRIMINAL PENALTY IMPOSED UNDER THIS SECTION, A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE, ANY RULE, REGULATION, OR ORDER ISSUED UNDER THIS TITLE, OR ANY TERM, CONDITION, OR LIMITATION OF ANY LICENSE OR REGISTRATION CERTIFICATE ISSUED UNDER THIS TITLE, SHALL BE TITLE:

(I) IS LIABLE FOR A CIVIL PENALTY NOT EXCEEDING \$10,000 \$5,000 FOR THE VIOLATION, WHICH MAY BE RECOVERED, TO BE COLLECTED IN A CIVIL ACTION BROUGHT IN THE CIRCUIT COURT OF ANY COUNTY OR OF BALTIMORE CITY, AND THE PERSON MAY FOR ANY COUNTY; AND

(II) MAY BE ENJOINED FROM CONTINUING THE VIOLATION. EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION UNDER THIS SECTION. THE SECRETARY OF HEALTH AND MENTAL HYGIENE, (2) WHETHER OR NOT A COURT ACTION HAS BEEN FILED, THE SECRETARY, WITH THE CONCURRENCE OF THE ATTORNEY GENERAL, HAS THE POWER TO MAY COMPROMISE AND SETTLE ANY CLAIM FOR A PENALTY IN SUCH A MANNER AS MAY APPEAR FAIR AND EQUITABLE UNDER ALL THE CIRCUMSTANCES WHETHER OR NOT AN ACTION HAS BEEN FILED IN COURT CIVIL PENALTY UNDER THIS SECTION.

(C) THIS SECTION DOES NOT APPLY TO AN ACTION SUBJECT TO A PENALTY PROVISION OF TITLE 7 OR TITLE 9 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

Approved June 1, 1982.

CHAPTER 618

(House Bill 467)