

CONTINUED AFTER THE FIRST CONVICTION IS A SUBSEQUENT OFFENSE.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 34(e).

The reference to a "subsequent conviction for a violation of the same provision" is substituted for the reference "successive offense", for clarity.

The only other changes are in style.

Defined term: "Person" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE:

The Commission to Revise the Annotated Code has divided the provisions of former Article 43, § 34 into 2 subtitles -- Subtitle 2 of this title, which relates to medical laboratories, and this subtitle, which relates to tissue banks. This division resolves the ambiguity in the former language "laboratories and tissue banks ... which make examinations in connection with the diagnosis and control of human diseases, or which procure, process, distribute, or sell human tissue ...", by clarifying that medical laboratories make examinations and that tissue banks procure, process, and otherwise deal in tissue, and simplifies reference to the 4 permits called for by the former law.

The former law as to medical laboratories and tissue banks varied in several respects. Individual physicians and small groups of physicians who performed medical laboratory procedures for their own patients were exempted from the medical laboratory permit requirements, if the physicians passed a proficiency test. There was no comparable exemption as to tissue bank permits. The authority of the Secretary to set the qualifications of the directors of medical laboratories was restricted, while qualifications of directors of tissue banks were set by statute. Advertising by medical laboratories was restricted, but advertising by tissue banks was not.

Aside from these distinctions, the former law appeared to be identical in treatment of medical laboratories and tissue banks. In practice, however, the treatment of these entities has varied. The Department has developed standards for different classes of medical laboratories. This was suggested by the requirement in the former law that the application state the types of services to be offered and, in the revision, is reflected by the addition of §§ 17-208(b), 17-209(2), and 17-213(b) of this title.

Comparable provisions for tissue banks have been added