

Article - Business Regulation

2-105.

(a) The Secretary may adopt regulations for the Office of the Secretary.

(b) Before a unit in the Department publishes a proposed regulation under § 10-112 of the State Government Article, the unit shall submit the proposed regulation to the Secretary.

(c) (1) ~~[The]~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE Secretary may approve any proposed regulation.

(2) Within 30 days after submission of a proposed regulation on a regulatory, supervisory, quasi-judicial, disciplinary, or enforcement function of a unit, the Secretary may disapprove the proposed regulation but only if the Secretary finds that it:

(i) would discourage competition within a regulated occupation or profession;

(ii) would unfairly restrict entry of applicants into a regulated occupation or profession; or

(iii) otherwise is contrary to the public interest.

(3) The Secretary may disapprove or revise any other proposed regulation.

(D) ~~(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY MAY NOT PROPOSE OR ADOPT ANY REGULATION THAT RESTRICTS THE SMOKING OR POSSESSION OF TOBACCO PRODUCTS IN ANY OF THE FOLLOWING ESTABLISHMENTS:~~

~~(I) ANY ESTABLISHMENTS OR RESTAURANTS THAT POSSESS AN ALCOHOLIC BEVERAGE LICENSE ISSUED UNDER ARTICLE 2B OF THE CODE;~~

~~(II) BARS;~~

~~(III) TAVERNS;~~

~~(IV) HOTELS; AND~~

~~(V) MOTELS.~~

~~(2) THE SECRETARY MAY ADOPT REGULATIONS TO PROHIBIT THE SMOKING OF TOBACCO PRODUCTS IN SPECIFIED AREAS OF AN ESTABLISHMENT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, PROVIDED THAT THE AREAS OF THE ESTABLISHMENT WHERE SMOKING IS ALLOWED SHALL:~~

~~(I) BE ENTITLED TO RECEIVE THE SAME SERVICES, ALLOW THE SAME ACTIVITIES, AND BE AT LEAST THE SAME AREA SIZE AS THE AREAS IN THE ESTABLISHMENT THAT PROHIBIT SMOKING; AND~~