

(1) THE DEPARTMENT HAS REASONABLY SOUGHT AND BEEN DENIED ACCESS TO ~~A LICENSED OR AN~~ UNLICENSED CHILD CARE CENTER FOR THE PURPOSE OF MAKING AN INSPECTION;

(2) THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION ARE MET;

(3) THE OFFICIAL OR EMPLOYEE OF THE DEPARTMENT IS AUTHORIZED OR REQUIRED BY LAW TO MAKE AN INSPECTION OF THE ~~LICENSED OR~~ UNLICENSED CHILD CARE CENTER FOR WHICH THE WARRANT IS SOUGHT; AND

(4) PROBABLE CAUSE FOR THE ISSUANCE OF THE WARRANT HAS BEEN DEMONSTRATED BY THE DEPARTMENT BY SPECIFIC EVIDENCE:

~~(I) OF AN EXISTING VIOLATION OF ANY PROVISION § 5-574(A) OR § 5-582 OF THIS SUBTITLE OR ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE OR BY SHOWING:~~

~~(I) THAT A REASONABLE ADMINISTRATIVE INSPECTION PROGRAM EXISTS REGARDING CHILD CARE CENTERS; AND~~

~~(II) THAT THE PROPOSED INSPECTION COMES WITHIN THAT PROGRAM; AND~~

(II) THAT THE HEALTH, SAFETY, AND WELFARE OF THE CHILDREN IN THE CHILD CARE CENTER ARE SUBSTANTIALLY THREATENED DUE TO CONDITIONS IN THE CHILD CARE CENTER.

(D) THE ADMINISTRATIVE SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL SPECIFY THE PLACE, STRUCTURE, PREMISES, OR RECORDS TO BE INSPECTED AND SHALL BE ENFORCEABLE DURING OPERATING HOURS FOR A PERIOD NOT EXCEEDING 30 15 DAYS FROM THE DATE OF ISSUANCE.

(E) (1) AN ADMINISTRATIVE SEARCH WARRANT ISSUED UNDER THIS SECTION AUTHORIZES THE SECRETARY AND OTHER OFFICIALS OR EMPLOYEES OF THE DEPARTMENT TO ENTER THE SPECIFIED PROPERTY TO PERFORM THE INSPECTION AND OTHER FUNCTIONS AUTHORIZED BY LAW TO DETERMINE COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE RELATING TO CHILD CARE CENTERS.

(2) THE INSPECTION MAY NOT EXCEED THE LIMITS SPECIFIED IN THE WARRANT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

Approved May 14, 1991.