

(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.

REVISOR'S NOTE: Subsection (a) of this section is new language that, in part, repeats the provisions of the first sentence of Art. 41, § 1-202 and, in part, is new language derived without substantive change from the introductory sentence of former Art. 41, § 8-104(b).

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 41, § 8-104(b)(2) and the first sentence of (1).

Subsection (b) of this section is revised in the active voice to clarify that a unit submits its proposed regulations to the Secretary for review.

In subsection (b) of this section, the former cross-reference to SG § 10-111(a) is deleted as inaccurate since it does not relate to publication of proposed regulations.

Subsection (c)(1) of this section is revised to apply to any proposed regulation. Former Art. 41, § 8-104(b) specifically authorized approval only for regulations on administrative matters. However, the power to disapprove other regulations under subsection (c)(2) and (3) of this section implies that the Secretary also may approve these regulations.

In subsection (c)(2)(i) and (ii) of this section, the former word "licensed" is deleted as unnecessary in light of the broad word "regulated".

Subsection (c)(3) of this section is revised to give the Secretary discretion to disapprove or revise any type of regulation not specifically listed in subsection (c)(2) of this section.

In subsection (c)(3) of this section, the former word "review" is deleted as included in the words "disapprove" and "revise".

The second sentence of former Art. 41, § 8-104(b)(1), which precluded an administrative regulation being effective "until approved by the Secretary", is deleted as misleading since approval by the Secretary alone does not result in adoption of a proposed regulation.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that the practice of the Department of Licensing and Regulation is that the Secretary has the power to adopt regulations only for the Office of the Secretary.