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§21–254.

(a) (1) For purposes of this section, an “immediate threat” exists if any meat, seafood, poultry, vegetable, fruit, or any other perishable substance that is intended for consumption as food:

- (i) Contains any filthy, decomposed, or putrid substance;
- (ii) Is poisonous or otherwise would be injurious to health if consumed; or
- (iii) Is otherwise unsafe.

(2) If a food poses an immediate threat, it shall be considered a public nuisance.

(b) If the Secretary finds that a food poses an immediate threat, the Secretary immediately shall destroy the food or otherwise make the food unusable for consumption by human beings.

(c) The owner of a substance that is destroyed or otherwise made unusable under this section may bring a suit for damages against the Secretary.

(d) The Secretary shall have the immunity from liability described under § 5-633 of the Courts and Judicial Proceedings Article.

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