

HOUSE BILL 99

J1

2lr1159

By: **Delegate Kipke**

Introduced and read first time: January 19, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Semipermanent Food Service Facilities – Regulations**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
4 certain regulations requiring the operator of a semipermanent food service
5 facility to keep a certain record of wastewater disposal and to use, under certain
6 circumstances, a certain hose to access a potable water supply; defining the
7 term “semipermanent food service facility”; and generally relating to regulations
8 regarding the operation of semipermanent food service facilities.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 21–301(a) and (h)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 BY adding to
15 Article – Health – General
16 Section 21–301(j–2)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Health – General
21 Section 21–304(a)
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2011 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21–301.

2 (a) In this subtitle the following words have the meanings indicated.

3 (h) (1) “Food service facility” means:

4 (i) A place where food or drink is prepared for sale or service on
5 the premises or elsewhere; or

6 (ii) Any operation where food is served to or provided for the
7 public, with or without charge.

8 (2) “Food service facility” does not include:

9 (i) A kitchen in a private home where food is prepared at no
10 charge for guests in the home, for guests at a social gathering, or for service to
11 unemployed, homeless, or other disadvantaged populations;

12 (ii) A food preparation or serving area where only
13 nonpotentially hazardous food, as defined by the United States Food and Drug
14 Administration, is prepared or served only by an excluded organization; or

15 (iii) A location in a farmer’s market or at a public festival or
16 event where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle,
17 are sold.

18 **(J–2) (1) “SEMIPERMANENT FOOD SERVICE FACILITY” MEANS A FOOD**
19 **SERVICE FACILITY THAT:**

20 **(I) IS BUILT AT A LOCATION OTHER THAN WHERE IT**
21 **OPERATES;**

22 **(II) IS TRANSPORTED AS A COMPLETE UNIT THAT DOES NOT**
23 **REQUIRE A BUILDING PERMIT TO INSTALL ON THE LOCATION AT WHICH IT**
24 **OPERATES;**

25 **(III) HAS NO INDOOR SEATING FOR PATRONS; AND**

26 **(IV) WHEN SERVING COOKED FOOD, SERVES ONLY FOODS**
27 **COOKED FOR IMMEDIATE SERVICE.**

28 **(2) “SEMIPERMANENT FOOD SERVICE FACILITY” DOES NOT**
29 **INCLUDE A FOOD SERVICE FACILITY THAT IS A MECHANICALLY, ELECTRICALLY,**

1 MANUALLY, OR OTHERWISE PROPELLED VEHICLE OPERATING ON LAND OR
2 WATER THAT MOVES AS PART OF ITS ROUTINE OPERATION TO:

3 (I) CHANGE LOCATION FOR SALES;

4 (II) OBTAIN FOOD AND OTHER SUPPLIES;

5 (III) FILL POTABLE WATER SUPPLY HOLDING TANKS;

6 (IV) EMPTY WASTEWATER HOLDING TANKS; OR

7 (V) PROVIDE FOR THE CLEANING AND SANITATION OF
8 EQUIPMENT AND UTENSILS.

9 21-304.

10 (a) (1) The Department shall adopt rules and regulations necessary to
11 carry out the provisions of this subtitle.

12 (2) For excluded organizations, the Department:

13 (i) Shall adopt separate regulations that establish minimum
14 standards that:

15 1. Ensure food integrity and safety;

16 2. Preserve public health; and

17 3. Control foodborne illnesses; and

18 (ii) May adopt separate regulations that establish a licensing
19 system, with appropriate standards, that excluded organizations may voluntarily
20 choose to submit to as a nonrescindable alternative to regulation under item (i) of this
21 paragraph.

22 (3) FOR SEMIPERMANENT FOOD SERVICE FACILITIES, THE
23 DEPARTMENT SHALL ADOPT SEPARATE REGULATIONS THAT REQUIRE THE
24 OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY TO:

25 (I) KEEP A RECORD OF THE TIME, PLACE, AND METHOD OF
26 WASTEWATER DISPOSAL; AND

27 (II) USE A HOSE THAT IS APPROVED FOR FOOD SERVICE USE
28 IF THE OPERATOR OF THE SEMIPERMANENT FOOD SERVICE FACILITY USES A
29 HOSE TO ACCESS A POTABLE WATER SUPPLY.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.