

SENATE BILL 708

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HB 874/99 - ENV

2000 Regular Session
0lr2720
CF HB 84

By: **Senator Pinsky**

Introduced and read first time: February 4, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Food Service Facilities - Food Service Managers - Certification**

3 FOR the purpose of requiring certain food service facilities to have a food service
4 manager; specifying certain duties for certain food service managers; requiring
5 the Department of Health and Mental Hygiene to establish a program for the
6 certification of food service managers; requiring local health departments to
7 administer the program; requiring the local health departments to perform
8 certain duties under the program; establishing certain requirements for
9 certification; requiring the Department to develop and maintain a certain
10 registry; requiring the Department to set reasonable fees for the issuance,
11 renewal, and replacement of food service manager certificates; specifying the
12 procedures for renewing a certificate; requiring the Department to adopt certain
13 regulations; providing for the application of this Act; defining a certain term;
14 and generally relating to food service facilities and food service managers.

15 BY renumbering

16 Article - Health - General
17 Section 21-301(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m), respectively
18 to be Section 21-301(d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (n), respectively
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1999 Supplement)

21 BY adding to

22 Article - Health - General
23 Section 21-2A-01 through 21-2A-06, inclusive, to be under the new subtitle
24 "Subtitle 2A. Certification of Food Service Managers"; 21-301(c) and
25 21-307.1
26 Annotated Code of Maryland
27 (1996 Replacement Volume and 1999 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 MARYLAND, That Section(s) 21-301(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m),
30 respectively, of Article - Health - General of the Annotated Code of Maryland be

1 renumbered to be Section(s) 21-301(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n),
2 respectively.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
4 read as follows:

5 **Article - Health - General**

6 SUBTITLE 2A. CERTIFICATION OF FOOD SERVICE MANAGERS.

7 21-2A-01.

8 THE DEPARTMENT SHALL ESTABLISH A PROGRAM FOR THE CERTIFICATION OF
9 FOOD SERVICE MANAGERS.

10 21-2A-02.

11 (A) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM THROUGH THE
12 LOCAL HEALTH DEPARTMENTS IN THE STATE.

13 (B) A LOCAL HEALTH DEPARTMENT SHALL:

14 (1) ISSUE A CERTIFICATE TO AN INDIVIDUAL WHO MEETS THE
15 REQUIREMENTS OF § 21-2A-03 OF THIS SUBTITLE;

16 (2) COLLECT AND RETAIN THE FEES SET BY THE DEPARTMENT; AND

17 (3) OFFER CERTIFICATION BY RECIPROCITY TO AN INDIVIDUAL WHO IS
18 CERTIFIED IN ANOTHER STATE IF THE DEPARTMENT DETERMINES THAT THE
19 INDIVIDUAL BECAME CERTIFIED IN THAT STATE AFTER PASSING AN EXAMINATION
20 THAT IS THE SAME OR SUBSTANTIALLY SIMILAR TO THE EXAMINATION REQUIRED
21 UNDER § 21-2A-03 OF THIS SUBTITLE.

22 21-2A-03.

23 (A) AN APPLICANT FOR CERTIFICATION AS A FOOD SERVICE MANAGER SHALL:

24 (1) SUBMIT AN APPLICATION TO ANY LOCAL HEALTH DEPARTMENT IN
25 THE STATE;

26 (2) PASS THE EXAM REQUIRED IN SUBSECTION (B) OF THIS SECTION;
27 AND

28 (3) PAY TO THE LOCAL HEALTH DEPARTMENT THE FEE SET BY THE
29 DEPARTMENT.

30 (B) AN APPLICANT SEEKING CERTIFICATION UNDER THIS SUBTITLE SHALL
31 PASS AN EXAMINATION DEVELOPED BY THE DEPARTMENT THAT INCLUDES THE:

1 (1) IDENTIFICATION AND PREVENTION OF FOOD-BORNE DISEASES
2 INCLUDING MEASURES RELATING TO THE SOURCE, RECEIPT, STORAGE,
3 PREPARATION, HANDLING, SERVICING, AND TRANSPORTATION OF FOOD;

4 (2) MAINTENANCE OF A SANITARY FOOD SERVICE FACILITY; AND

5 (3) SUPERVISION OF FOOD HANDLING PERSONNEL WITHIN A FOOD
6 SERVICE FACILITY AS THAT SUPERVISION RELATES TO PROPER PERSONAL HYGIENE
7 AND CORRECTION OF OPERATIONAL PROBLEMS WITHIN THE FACILITY.

8 21-2A-04.

9 (A) THE DEPARTMENT SHALL SET REASONABLE FEES FOR THE ISSUANCE,
10 RENEWAL, AND REPLACEMENT OF FOOD SERVICE MANAGER CERTIFICATES.

11 (B) A CERTIFICATE ISSUED UNDER THIS SUBTITLE IS VALID:

12 (1) FOR 3 YEARS; AND

13 (2) THROUGHOUT THE STATE.

14 (C) A CERTIFICATE EXPIRES AT THE END OF ITS TERM UNLESS THE
15 CERTIFICATION IS RENEWED FOR AN ADDITIONAL TERM.

16 (D) TO RENEW A CERTIFICATE, AN INDIVIDUAL SHALL:

17 (1) IF THE INDIVIDUAL HAS BEEN CONTINUALLY EMPLOYED AS A FOOD
18 SERVICE MANAGER DURING THE PRECEDING CERTIFICATION TERM:

19 (I) PROVIDE THE LOCAL HEALTH DEPARTMENT THAT ISSUED THE
20 INITIAL CERTIFICATE TO THE INDIVIDUAL WITH DOCUMENTATION OF
21 EMPLOYMENT;

22 (II) SUBMIT A RENEWAL APPLICATION TO THE LOCAL HEALTH
23 DEPARTMENT ON A FORM APPROVED BY THE DEPARTMENT; AND

24 (III) PAY THE RENEWAL FEE ESTABLISHED BY THE DEPARTMENT
25 TO THE LOCAL HEALTH DEPARTMENT; OR

26 (2) IF THE INDIVIDUAL HAS NOT BEEN CONTINUALLY EMPLOYED AS A
27 FOOD SERVICE MANAGER DURING THE PRECEDING CERTIFICATION TERM:

28 (I) PASS THE EXAMINATION DESCRIBED IN § 21-2A-03 OF THIS
29 SUBTITLE;

30 (II) SUBMIT A RENEWAL APPLICATION TO THE LOCAL HEALTH
31 DEPARTMENT THAT ISSUED THE INITIAL CERTIFICATE TO THE INDIVIDUAL ON A
32 FORM APPROVED BY THE DEPARTMENT; AND

33 (III) PAY THE RENEWAL FEE ESTABLISHED BY THE DEPARTMENT
34 TO THE LOCAL HEALTH DEPARTMENT.

1 21-2A-05.

2 (A) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A CENTRAL REGISTRY
3 OF CERTIFIED FOOD SERVICE MANAGERS.

4 (B) THE REGISTRY SHALL CONTAIN:

5 (1) THE NAME OF THE CERTIFIED INDIVIDUAL;

6 (2) THE ADDRESS OF THE CERTIFIED INDIVIDUAL;

7 (3) THE EFFECTIVE DATE OF CERTIFICATION; AND

8 (4) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS
9 NECESSARY.

10 21-2A-06.

11 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
12 SUBSECTION, THIS SUBTITLE SUPERSEDES ANY LAW, ORDINANCE, OR REGULATION
13 ENACTED BY ANY POLITICAL SUBDIVISION CONCERNING THE CERTIFICATION OF
14 FOOD SERVICE MANAGERS.

15 (2) A POLITICAL SUBDIVISION THAT ESTABLISHES A PROGRAM FOR THE
16 CERTIFICATION OF FOOD SERVICE MANAGERS THAT IS MORE RESTRICTIVE THAN
17 THIS SUBTITLE IS EXEMPT FROM THIS SUBTITLE.

18 (3) A FOOD SERVICE FACILITY THAT EMPLOYS A DIETICIAN OR A
19 NUTRITIONIST ON SITE IS EXEMPT FROM THIS SUBTITLE.

20 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY
21 OUT THIS SUBTITLE.

22 21-301.

23 (C) "CERTIFIED FOOD SERVICE MANAGER" MEANS AN INDIVIDUAL WHO:

24 (1) HAS PASSED THE EXAMINATION REQUIRED IN § 21-2A-03 OF THIS
25 TITLE; AND

26 (2) RECEIVED A CERTIFICATE FROM A LOCAL HEALTH DEPARTMENT TO
27 EXERCISE OPERATIONAL SUPERVISION IN A FOOD SERVICE FACILITY.

28 21-307.1.

29 (A) THIS SECTION APPLIES TO:

30 (1) A HIGH PRIORITY FOOD SERVICE FACILITY AS PROVIDED IN THE
31 CODE OF MARYLAND REGULATIONS 10.15.03.16 THROUGH 10.15.03.19; OR

1 (2) A MODERATE PRIORITY FOOD SERVICE FACILITY AS PROVIDED IN
2 THE CODE OF MARYLAND REGULATIONS 10.15.03.16 THROUGH 10.15.03.19.

3 (B) ON OR AFTER JANUARY 1, 2002, A FACILITY SHALL HAVE AT LEAST ONE
4 CERTIFIED FOOD SERVICE MANAGER ON THE PREMISES FOR A MINIMUM OF 16
5 HOURS PER WEEK.

6 (C) WITHIN THE FOOD SERVICE FACILITY WHERE A CERTIFIED FOOD SERVICE
7 MANAGER IS EMPLOYED, THE CERTIFIED FOOD SERVICE MANAGER SHALL:

8 (1) PROVIDE TRAINING TO OTHER EMPLOYEES OF THE FACILITY
9 CONCERNING:

10 (I) FOOD HANDLING;

11 (II) HAND WASHING;

12 (III) FOOD REFRIGERATION AND STORAGE; AND

13 (IV) TEMPERATURE CONTROL AS IT RELATES TO BAKING, HOT
14 HOLDING, COLD HOLDING, AND REHEATING; AND

15 (2) DOCUMENT THE FOLLOWING ASPECTS OF THE TRAINING:

16 (I) THE DATE OF THE TRAINING SESSION;

17 (II) THE SPECIFIC TOPICS COVERED AT THE TRAINING SESSION;
18 AND

19 (III) THE NAME OF THE EMPLOYEE RECEIVING TRAINING.

20 (D) THE TRAINING REQUIRED IN SUBSECTION (C) OF THIS SECTION MAY BE
21 CONDUCTED BY PERSONAL DEMONSTRATION, FILM, VIDEO, OR PRINT MEDIA.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2000.