
By: **Delegates Cane, Bozman, Conway, Eckardt, Elmore, Haddaway, Moe,
and Rudolph**

Introduced and read first time: February 6, 2004
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 2004

CHAPTER 376

1 AN ACT concerning

2 **Food Establishments - Volunteer Fire Companies - Unlicensed Operation**

3 FOR the purpose of altering the number of days each year that a volunteer fire
4 company may operate a food establishment without a license; requiring a
5 volunteer fire company to provide a certain notice to the Department of Health
6 and Mental Hygiene under certain circumstances; and generally relating to the
7 unlicensed operation of a food establishment by a volunteer fire company.

8 BY repealing and reenacting, without amendments,
9 Article - Health - General
10 Section 21-301(a), (f), (h), and (i) and 21-305(a) and (b)
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2003 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 21-301(e)
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2003 Supplement)

18 BY adding to
19 Article - Health - General
20 Section 21-304.1
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2003 Supplement)

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

3 **Article - Health - General**

4 21-301.

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

6 (e) "Excluded organization" means:

7 (1) [a volunteer fire company or] A bona fide nonprofit fraternal, civic,
8 war veterans', religious, or charitable organization or corporation that does not serve
9 food to the public more often than 4 days per week except that once a year an
10 organization may serve food to the public for up to 14 consecutive days; AND

11 (2) A VOLUNTEER FIRE COMPANY THAT DOES NOT SERVE FOOD TO THE
12 PUBLIC MORE OFTEN THAN 4 DAYS PER WEEK EXCEPT THAT ONCE A YEAR A
13 VOLUNTEER FIRE COMPANY MAY SERVE FOOD TO THE PUBLIC FOR UP TO ~~35~~ 30
14 CONSECUTIVE ~~OR NONCONSECUTIVE~~ DAYS ~~EACH YEAR~~.

15 (f) "Food establishment" means:

16 (1) A food service facility; or

17 (2) A food processing plant.

18 (h) (1) "Food service facility" means:

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

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

23 (2) "Food service facility" does not include:

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

27 (ii) A food preparation or serving area where only nonpotentially
28 hazardous food, as defined by the United States Food and Drug Administration, is
29 prepared or served only by an excluded organization.

30 (i) "License" means a license issued by the Department under this subtitle to
31 operate a food establishment.

1 21-304.1.

2 (A) A VOLUNTEER FIRE COMPANY THAT MEETS THE REQUIREMENTS OF AN
3 EXCLUDED ORGANIZATION UNDER § 21-301(E) OF THIS SUBTITLE SHALL PROVIDE
4 WRITTEN NOTICE TO THE DEPARTMENT THAT THE VOLUNTEER FIRE COMPANY
5 INTENDS TO SERVE FOOD TO THE PUBLIC FOR UP TO 30 CONSECUTIVE DAYS.

6 (B) THE WRITTEN NOTICE SHALL INCLUDE THE DATES ON WHICH THE FOOD
7 WILL BE PREPARED, THE METHODS OF STORING AND SERVING THE FOOD, AND THE
8 METHODS OR PROCEDURES TO BE FOLLOWED TO ENSURE FOOD SAFETY AND
9 SECURITY.

10 21-305.

11 (a) Except as otherwise provided in this subtitle, a person may not operate a
12 food establishment unless the person is licensed by the Department.

13 (b) (1) A separate license is required for each food establishment that a
14 person owns or operates.

15 (2) Except in Baltimore City, the provisions of this subsection may
16 require a license for each location where vending machines are operated, but may not
17 require a separate license for each individual vending machine.

18 (3) Except in Baltimore City, vending machine locations used exclusively
19 for prepackaged and commercially sealed foods that are not potentially hazardous, as
20 defined by regulation, are not required to be licensed.

21 (4) In Baltimore City, a license may be required for each individual
22 vending machine.

23 (5) An excluded organization may operate a food establishment without
24 a license unless the excluded organization has been issued a license under §
25 21-304(a)(2)(ii) of this title.

26 (6) Nothing in this subtitle shall preempt the right of a county to require
27 a permit under the authority provided by a local law, ordinance, or regulation if this
28 subtitle does not require the food establishment to obtain a State license.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 June 1, 2004.

