

## Chapter 84

### (House Bill 164)

AN ACT concerning

#### **Department of Health and Mental Hygiene – Regulatory Authority – Permit and Licensing Renewals and Building Plan Reviews**

FOR the purpose of lengthening the renewal period for tissue bank permits and residential service agency licenses; altering the entity to which certain food establishments must submit for review certain plans and specifications before the construction, remodeling, or alteration of the food establishments; providing for a delayed effective date for certain provisions of this Act; making conforming changes; and generally relating to the regulatory authority of the Department of Health and Mental Hygiene and permit and licensure renewals and building plan reviews.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 17–310(a) and (c), 19–4A–03(b), and 21–321  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Health – General  
 Section 17–310(b) and 19–4A–03(a) and (c)  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2012 Supplement)

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

#### **Article – Health – General**

17–310.

(a) A permit expires on the first anniversary of its effective date, unless the permit is renewed for a [1–year] **2–YEAR** term as provided in this section.

(b) At least 1 month before the permit expires, the Department shall send to the permit holder, by first–class mail to the last known address of the holder, a renewal notice that states:

(1) The date on which the current permit expires;

(2) The date by which the renewal application must be received by the Secretary for the renewal to be issued and mailed before the permit expires; and

(3) The amount of the renewal fee.

(c) Before the permit expires, the permit holder periodically may renew it for an additional [1-year] **2-YEAR** term, if the permit holder:

(1) Otherwise is entitled to the permit;

(2) Pays to the Department the renewal fee set by the Secretary; and

(3) Submits to the Secretary:

(i) A renewal application on the form that the Secretary requires; and

(ii) Satisfactory evidence of compliance with any standards and qualifications set under this subtitle for permit renewal.

~~19-4A-03.~~

~~(a) The Department shall adopt regulations that set standards for the care, treatment, health, safety, welfare, and comfort of individuals who receive home health care services through a residential service agency.~~

~~(b) The regulations shall provide for the licensing of residential service agencies and the [annual] renewal of licenses **FOR A 3-YEAR TERM.**~~

~~(c) The regulations shall require the Secretary to charge fees in a manner which will produce funds sufficient to at least cover the actual direct or indirect costs of the inspection and licensure of residential service agencies under this subtitle.~~

21-321.

(a) Except as provided in subsection (d) of this section, before a food establishment is constructed, remodeled, or materially altered, or before an existing building or structure is converted or remodeled for use as a food establishment, properly prepared plans and specifications for the construction, remodeling, or alteration of a food establishment shall be submitted to:

(1) The Department, if the food establishment is:

(i) [Except as provided in paragraph (2) of this subsection, a] **A** food processing plant; or

(ii) A chain or franchise [operation] **FOOD SERVICE FACILITY** planning to construct 2 or more facilities in the State from a single uniform set of plans; or

(2) [For all other food establishments, including a soft drink manufacturing plant] **EXCEPT AS PROVIDED IN ITEM (1)(II) OF THIS SUBSECTION, FOR FOOD SERVICE FACILITIES**, to the appropriate county health department.

(b) The plans or specifications required under subsection (a) of this section shall include:

- (1) Layout and arrangement of work areas;
- (2) Construction materials;
- (3) The location, size, manufacturer, and model number of equipment and facilities; and
- (4) Any other information that may be required for the proper review of the plans and specifications.

(c) Unless the required plans and specifications are approved by the Department, a person may not:

- (1) Construct, remodel, or alter a food establishment; or
- (2) Convert or remodel an existing building or structure for use as a food establishment.

(d) The provisions of this section do not apply to the construction, remodeling, or alteration of any areas in a food establishment used solely for office space, or recreational areas.

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

**Article – Health – General**

19-4A-03.

(a) The Department shall adopt regulations that set standards for the care, treatment, health, safety, welfare, and comfort of individuals who receive home health care services through a residential service agency.

(b) The regulations shall provide for the licensing of residential service agencies and the [annual] renewal of licenses FOR A 3-YEAR TERM.

(c) The regulations shall require the Secretary to charge fees in a manner which will produce funds sufficient to at least cover the actual direct or indirect costs of the inspection and licensure of residential service agencies under this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2014.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2013.

**Approved by the Governor, April 9, 2013.**