

HOUSE BILL 1150

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By: **Prince George's County Delegation**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Food Service Facilities – Letter Grading**

3 **PG 313–13**

4 FOR the purpose of requiring the Prince George's County Health Department to
5 establish and implement a system for grading and classifying health inspection
6 results for certain food service facilities in Prince George's County; requiring the
7 Health Department to provide certain food service facilities with letter grade
8 cards; requiring food service facilities to immediately post letter grade cards
9 under certain circumstances; prohibiting the Health Department from providing
10 a letter grade card to a food service facility if the Health Department orders the
11 closing of the facility; prohibiting a letter grade card from being defaced,
12 marred, camouflaged, or hidden from public view; requiring certain food service
13 facilities to post letter grade cards in a conspicuous manner; requiring the
14 Health Department to conduct second inspections of certain food service
15 facilities under certain circumstances; authorizing certain food service facilities
16 to request certain hearings to contest certain letter grades; authorizing a food
17 service facility to defer posting a letter grade card pending the results of a
18 subsequent inspection; requiring a food service facility to remove a letter grade
19 card and post a sign provided by the Health Department advising the public of
20 certain information regarding the inspection of the facility; requiring the Prince
21 George's County Health Officer to regrade certain inspection results and issue
22 new letter grade cards under certain circumstances; defining certain terms; and
23 generally relating to the grading of health inspection results for food service
24 facilities in Prince George's County.

25 BY adding to

26 Article – Health – General

27 Section 21–307.1

28 Annotated Code of Maryland

29 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 **21-307.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) “DEPARTMENT” MEANS THE PRINCE GEORGE’S COUNTY
8 HEALTH DEPARTMENT.

9 (3) “DEPOT” MEANS A RESTAURANT PERMITTED BY THE
10 DEPARTMENT OR ANOTHER REGULATORY AGENCY APPROVED BY THE PRINCE
11 GEORGE’S COUNTY HEALTH OFFICER THAT PROVIDES ONE OR MORE OF THE
12 FOLLOWING SERVICES TO A MOBILE FOOD SERVICE FACILITY ON A ROUTINE
13 BASIS:

14 (I) STORAGE OF FOODS;

15 (II) UTENSIL WASH FACILITIES;

16 (III) SOURCE OF POTABLE WATER; OR

17 (IV) DISPOSAL OF LIQUID AND SOLID WASTE.

18 (4) “FOOD SERVICE FACILITY” MEANS A:

19 (I) FULL-SERVICE RESTAURANT; OR

20 (II) MOBILE FOOD SERVICE FACILITY THAT IS PROPELLED
21 MECHANICALLY, ELECTRICALLY, MANUALLY, OR IN ANY OTHER WAY AND THAT
22 IS RELOCATED FOLLOWING EACH DAY’S OPERATION TO A DEPOT OR OTHER
23 LOCATION ACCEPTABLE TO THE PRINCE GEORGE’S COUNTY HEALTH OFFICER.

24 (B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

25 (C) (1) THE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT A
26 SYSTEM FOR GRADING AND CLASSIFYING INSPECTION RESULTS FOR A FOOD
27 SERVICE FACILITY USING LETTERS TO IDENTIFY AND REPRESENT A FOOD
28 SERVICE FACILITY’S DEGREE OF COMPLIANCE WITH THE STATE AND LOCAL

1 LAWS THAT REQUIRE A FOOD SERVICE FACILITY TO OPERATE IN A SANITARY
2 MANNER TO PROTECT PUBLIC HEALTH.

3 (2) THE LETTER "A" SHALL BE THE GRADE REPRESENTING THE
4 HIGHEST DEGREE OF COMPLIANCE WITH APPLICABLE STATE AND LOCAL LAWS.

5 (3) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (4) OF THIS
6 SUBSECTION, THE DEPARTMENT SHALL PROVIDE EACH FOOD SERVICE
7 FACILITY THAT THE DEPARTMENT INSPECTS WITH A LETTER GRADE CARD
8 INDICATING THE INSPECTION GRADE OF THE FOOD SERVICE FACILITY.

9 (4) THE DEPARTMENT MAY NOT PROVIDE A LETTER GRADE TO A
10 FOOD SERVICE FACILITY IF THE DEPARTMENT ORDERS THE CLOSING OF THE
11 FOOD SERVICE FACILITY.

12 (D) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (4) AND
13 (5) OF THIS SUBSECTION, A FOOD SERVICE FACILITY SHALL CONSPICUOUSLY
14 POST A LETTER GRADE CARD SO THAT IT IS VISIBLE TO THE PUBLIC AND TO
15 PATRONS BEFORE THE PATRONS ENTER THE FOOD SERVICE FACILITY.

16 (2) A LETTER GRADE CARD MAY NOT BE DEFACED, MARRED,
17 CAMOUFLAGED, OR HIDDEN FROM PUBLIC VIEW.

18 (3) (I) FOR ANY FOOD SERVICE FACILITY RECEIVING AN "A"
19 GRADE, THE DEPARTMENT SHALL PROVIDE THE FOOD SERVICE FACILITY WITH
20 A LETTER GRADE CARD AT THE CONCLUSION OF THE INSPECTION DURING
21 WHICH THE GRADE IS DETERMINED.

22 (II) THE FOOD SERVICE FACILITY SHALL IMMEDIATELY
23 POST THE LETTER GRADE CARD.

24 (4) (I) FOR A FOOD SERVICE FACILITY RECEIVING A LETTER
25 GRADE LOWER THAN "A", THE DEPARTMENT SHALL ADVISE THE FOOD SERVICE
26 FACILITY OF ITS INSPECTION GRADE AND THE FINDINGS ON WHICH THE GRADE
27 WAS BASED.

28 (II) THE DEPARTMENT SHALL CONDUCT A SUBSEQUENT
29 INSPECTION OF THE FOOD SERVICE FACILITY NO LATER THAN 7 DAYS AFTER
30 THE FIRST INSPECTION.

31 (III) AT THE CONCLUSION OF THE SECOND INSPECTION, THE
32 DEPARTMENT SHALL PROVIDE THE FOOD SERVICE FACILITY WITH A LETTER

1 GRADE CARD INDICATING THE INSPECTION GRADE THAT THE FOOD SERVICE
2 FACILITY RECEIVED ON THE INSPECTION.

3 (IV) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (5)
4 OF THIS SUBSECTION, THE FOOD SERVICE FACILITY SHALL IMMEDIATELY POST
5 THE LETTER GRADE CARD.

6 (5) (I) A FOOD SERVICE FACILITY THAT RECEIVES A LETTER
7 GRADE LOWER THAN "A" AT A SECOND INSPECTION CONDUCTED UNDER
8 PARAGRAPH (4) OF THIS SUBSECTION MAY REQUEST A HEARING TO BE
9 CONDUCTED BY THE PRINCE GEORGE'S COUNTY HEALTH OFFICER TO
10 CONTEST THE LETTER GRADE.

11 (II) THE FOOD SERVICE FACILITY MAY DEFER POSTING THE
12 LETTER GRADE CARD PROVIDED BY THE DEPARTMENT UNTIL 72 HOURS AFTER
13 THE HEARING.

14 (III) IF A FOOD SERVICE FACILITY CHOOSES TO DEFER
15 POSTING A LETTER GRADE CARD AS PROVIDED UNDER SUBPARAGRAPH (II) OF
16 THIS PARAGRAPH, THE FOOD SERVICE FACILITY SHALL REMOVE ANY LETTER
17 GRADE CARD THAT IS CURRENTLY POSTED AND CONSPICUOUSLY POST A SIGN
18 PROVIDED BY THE DEPARTMENT SO THAT IT IS VISIBLE TO THE PUBLIC AND TO
19 PATRONS BEFORE THE PATRONS ENTER THE FOOD SERVICE FACILITY.

20 (IV) THE SIGN SHALL ADVISE THE PUBLIC THAT:

21 1. THE INSPECTION RESULTS OF THE FOOD SERVICE
22 FACILITY ARE UNDER REVIEW; AND

23 2. THE RESULTS OF THE INSPECTION MAY BE
24 OBTAINED FROM THE DEPARTMENT.

25 (V) WITHIN 72 HOURS AFTER THE HEARING, THE PRINCE
26 GEORGE'S COUNTY HEALTH OFFICER SHALL REGRADE THE INSPECTION
27 RESULTS, TAKING INTO ACCOUNT ANY SUBSEQUENT INSPECTION OF THE FOOD
28 SERVICE FACILITY THAT RESULTS IN A FINDING THAT THE FOOD SERVICE
29 FACILITY COMPLIES WITH STATE AND LOCAL HEALTH LAWS.

30 (VI) IF REGRADING CHANGES THE INSPECTION GRADE, THE
31 DEPARTMENT SHALL ISSUE THE FOOD SERVICE FACILITY A NEW LETTER GRADE
32 CARD THAT THE FOOD SERVICE FACILITY SHALL IMMEDIATELY POST.

1 **(VII) IF REGRADING DOES NOT CHANGE THE INSPECTION**
2 **GRADE, THE FOOD SERVICE FACILITY SHALL IMMEDIATELY POST THE LETTER**
3 **GRADE CARD ISSUED AFTER THE SECOND INSPECTION AS PROVIDED UNDER**
4 **PARAGRAPH (4)(III) OF THIS SUBSECTION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2013.