J1 3lr1085

By: Senator Young

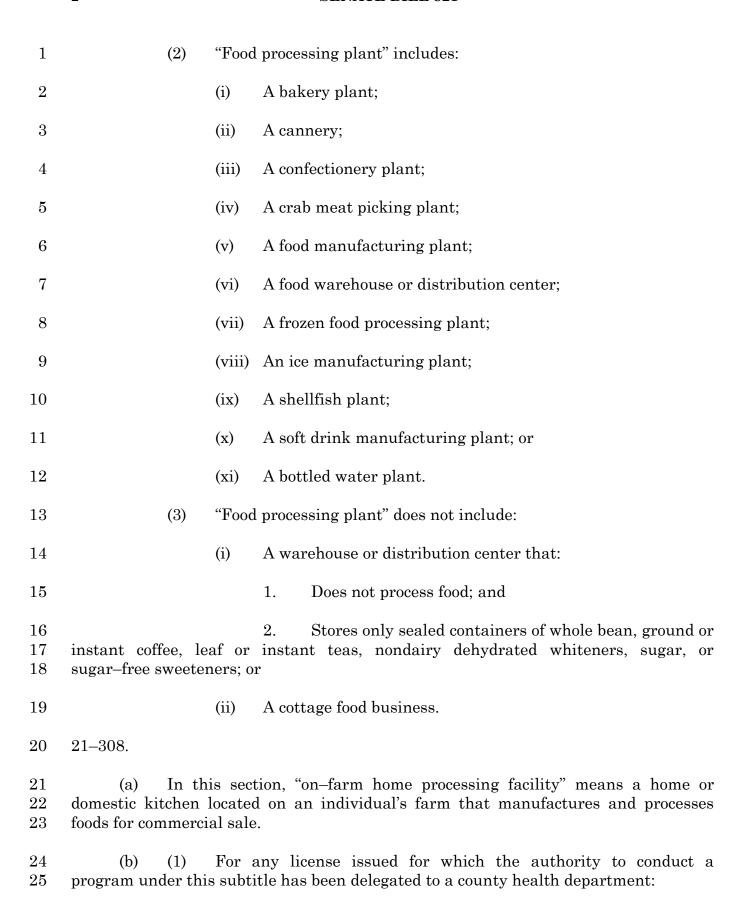
Introduced and read first time: February 1, 2013

Assigned to: Finance

A BILL ENTITLED

1	AN ACT concerning
2 3	Food Processing Plants – License Fees – Farms and Civic and Nonprofit Organizations
4 5 6 7	FOR the purpose of limiting to a certain amount the fee that may be charged for a food processing plant license under certain provisions of law to certain farms and civic and nonprofit organizations, under certain circumstances; and generally relating to license fees for food processing plants.
8 9 10 11 12	BY repealing and reenacting, without amendments, Article – Health – General Section 21–301(g) Annotated Code of Maryland (2009 Replacement Volume and 2012 Supplement)
13 14 15 16 17	BY repealing and reenacting, with amendments, Article – Health – General Section 21–308 Annotated Code of Maryland (2009 Replacement Volume and 2012 Supplement)
18 19	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
20	Article - Health - General
21	21–301.
22 23 24 25	(g) (1) "Food processing plant" means any place used for, or in connection with, the commercial manufacturing, preparing, processing, packaging, canning, freezing, storing, distributing, labeling, or holding of food or drink for human consumption.





1 2 3 4	(i) A county governing body or the Mayor and City Council of Baltimore City may and the Anne Arundel County Council shall provide for a license fee schedule based on the anticipated cost of licensing, inspecting, and regulating food establishments and may provide for exemptions from the license fee schedule; and
5 6	(ii) All license fees shall be paid to the local health department or chief financial officer of the county governing body or Baltimore City.
7 8 9	(2) Except in Anne Arundel County, Baltimore City, Montgomery County, and Prince George's County, a license fee under this subsection may not exceed \$70 for a seasonal food processing operation that:
10 11	(i) Uses only food that is grown on the property of the licensee; and
12 13	(ii) Is in operation for not more than a 3-month continuous period in the calendar year.
14 15 16	(3) A seasonal food processing operation may obtain a food establishment license for a fee of \$70 under paragraph (2) of this subsection only twice in a calendar year.
17 18	(c) (1) An on-farm home processing facility may obtain an on-farm home processing plant license for a fee established in regulations.
19 20 21	(2) An on-farm home processing facility that obtains an on-farm home processing plant license may manufacture or process only foods provided for in regulations of the Department.
22 23	(3) A license or permit is not required to deliver prepackaged foods to fill an order of a customer.
24 25	(d) For any other food establishment license, the Secretary shall establish a license fee in accordance with $\S~2-104$ of this article.
26 27 28	(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A LICENSE FEE UNDER THIS SECTION MAY NOT EXCEED \$150 ANNUALLY FOR A FOOD PROCESSING PLANT THAT:
29 30	(1) (I) IS A FARM THAT PROCESSES ANIMALS RAISED ON THE FARM FOR HUMAN CONSUMPTION; OR
31	(II) IS A BONA FIDE CIVIC OR NONPROFIT ORGANIZATION

THAT PROCESSES ANIMALS FOR HUMAN CONSUMPTION; AND

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- 1 (2) ENGAGES IN THE PROCESSING OF ANIMALS FOR HUMAN 2 CONSUMPTION NO MORE THAN THREE TIMES A YEAR.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 2013.