

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 390

(Senator Raskin)

Finance

Health and Government Operations

Health - Food Allergy Awareness, Food Safety, and Food Service Facility Letter
Grading - Posting Requirement and Task Force

This bill establishes, and specifies membership for, a Task Force to Study Food Allergy Awareness, Food Safety, and Food Service Facility Letter Grading. The Department of Health and Mental Hygiene (DHMH) must provide staff for the task force, which must report findings and recommendations to the Governor and specified committees of the General Assembly by January 1, 2014. In addition, the bill requires a food establishment to, by March 1, 2014, display a specified poster related to food allergies. DHMH must create and make available on its website the required poster, as specified by the bill.

The bill's provisions related to the task force take effect June 1, 2013, and terminate June 30, 2014.

Fiscal Summary

State Effect: DHMH can handle the bill's requirements with existing budgeted resources.

Local Effect: Local health departments (LHDs) can assess, in the course of their regular inspections, whether a food establishment is in compliance with the bill. Thus, enforcement can be handled within existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: The task force is required to study and make recommendations regarding food allergy awareness and training, food safety training, and the use of

systems for grading and classifying health inspection results for food service facilities in the State. The task force must also review food safety efforts at the State and local levels as well as study and evaluate mandated food service manager certification options, mandated food handler training options, and online food safety training programs for certification and recertification. In addition, the task force must study various issues related to food allergies and classification systems, as specified by the bill.

A member of the task force may not receive compensation as a member of the task force but is entitled to reimbursement for standard expenses, as provided in the State budget.

Current Law/Background: A food establishment (including a food service facility or a food processing plant) must be licensed by DHMH and is subject to inspections. If DHMH finds that a food establishment has violated the Maryland Food, Drug, and Cosmetic Act, or any regulation adopted under the Act, the licensee must be notified of the specific findings and the specific, reasonable date by which the licensee must correct the violations or deficiencies. If corrections are not made by the specified date, DHMH may suspend or revoke the food establishment's license. LHDs license and inspect food service facilities.

Food establishment licensees that violate any laws regulating the industry are guilty of a misdemeanor and on conviction are subject to fines of up to \$1,000 and/or up to 90 days imprisonment for a first violation. For a second violation, the maximum penalty is a \$2,500 fine and/or one year imprisonment. In addition, violators are subject to civil penalties of up to \$5,000, collected by the District Court for any county, and may be enjoined from continuing the violation.

A number of states (including Mississippi, North Carolina, and Tennessee) and local jurisdictions (including New York City and Los Angeles County) require the results of restaurant inspections to be graded and publicly posted. A proposal to require inspection grades for restaurants in Baltimore City is currently pending before the city council.

According to the Food Allergy and Anaphylaxis Network, as many as 15 million individuals nationwide suffer from food allergies. Because no medication can be taken to prevent food allergies, strict avoidance of the allergy-causing food is the only way to prevent a reaction.

Additional Information

Prior Introductions: None.

Cross File: HB 9 (Delegate Hixson, *et al.*) - Health and Government Operations.

Information Source(s): Food Allergy and Anaphylaxis Network, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2013
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