

## Article - Health - General

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§21–304.

(a) (1) The Department shall adopt rules and regulations necessary to carry out the provisions of this subtitle.

(2) For excluded organizations, the Department:

(i) Shall adopt separate regulations that establish minimum standards that:

1. Ensure food integrity and safety;
2. Preserve public health; and
3. Control foodborne illnesses; and

(ii) May adopt separate regulations that establish a licensing system, with appropriate standards, that excluded organizations may voluntarily choose to submit to as a nonrescindable alternative to regulation under item (i) of this paragraph.

(b) Except as provided in subsection (e) of this section, a political subdivision may not adopt a law, ordinance, rule, or regulation that establishes a standard that is less stringent than rules and regulations adopted under this subtitle.

(c) Except as otherwise provided in this section, this subtitle does not limit the power of a home rule or charter county or Baltimore City to adopt and enforce laws, ordinances, and regulations that are consistent with the purposes of this subtitle, including the power to adopt local licensing and enforcement procedures.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Farmer’s market” means a public market in the State where producers of raw agricultural products sell the products directly to the public.

(iii) “Raw agricultural product” includes:

1. Whole, unprocessed grains, flowers, herbs, nuts, fruits, and vegetables supplied directly from the farm on which they were produced; and
2. Any agricultural products the Department identifies in regulation.

(2) A local jurisdiction may not require a license for the sale of raw

agricultural products at a farmer's market or at a public festival or event.

(e) (1) The governing body of Frederick County may adopt an ordinance to allow a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area.

(2) A law, an ordinance, a rule, or a regulation adopted under paragraph (1) of this subsection shall:

(i) Prohibit a dog from being allowed to travel through an indoor space of a restaurant to enter or exit an outdoor dining area; and

(ii) Contain a provision to ensure that the law, ordinance, rule, or regulation does not affect the right of an individual to use a service animal, as defined in § 7-701 of the Human Services Article.

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