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By: Senators Bates, Guzzone, Norman, Ready, and Waugh

Introduced and read first time: January 22, 2016

Assigned to: Finance

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A BILL ENTITLED

1	AN ACT concerning
2 3	Public Health - Mobile Food Service Facilities - Licensing and Inspection by Counties
4	FOR the purpose of prohibiting, under certain circumstances, a county from requiring a
5	mobile food service facility to obtain a license from the county in order to operate in
6	the county; authorizing a county to inspect a mobile food service facility that is
7	operating in the county; requiring, under certain circumstances, a county to forward
8	the result of a certain inspection to the county that licenses a certain mobile food
9	service facility; providing for the application of this Act; defining certain terms; and
10 11	generally relating to the licensing and inspection of mobile food service facilities by counties.
11	countries.
12	BY repealing and reenacting, with amendments,
13	Article – Health – General
14	Section 21–304
15	Annotated Code of Maryland
16	(2015 Replacement Volume)
17	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18	That the Laws of Maryland read as follows:
19	Article – Health – General
20	21–304.
21	(a) (1) The Department shall adopt rules and regulations necessary to carry
22	out the provisions of this subtitle.

For excluded organizations, the Department:

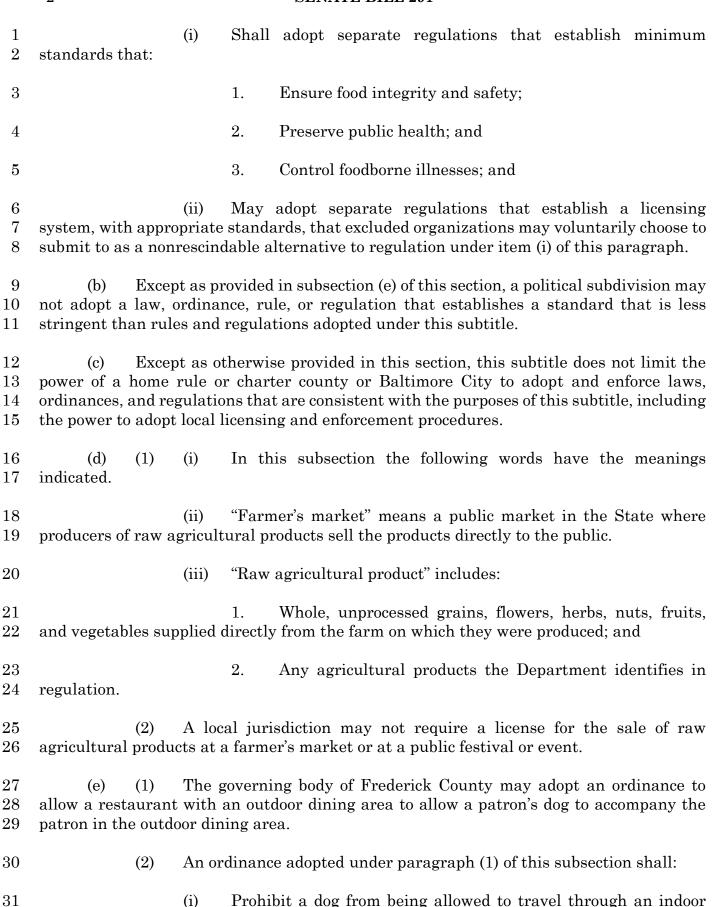
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

(2)



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space of a restaurant to enter or exit an outdoor dining area; and

1 2 3	(ii) Contain a provision to ensure that the ordinance does not affect the right of an individual to use a service animal, as defined in § 7–701 of the Human Services Article.
4 5	(F) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
6 7	(II) "BASE OF OPERATIONS" MEANS A LOCATION USED BY THE OWNER OR OPERATOR OF A MOBILE FOOD SERVICE FACILITY THAT PROVIDES:
8	1. A SOURCE OF POTABLE WATER, POTABLE WATER HOSES, AND CLEAN CONNECTIONS;
0	2. A METHOD FOR THE DISPOSAL OF SEWAGE;
$rac{1}{2}$	3. CLEAN, ADEQUATE, AND COVERED TRASH RECEPTACLES;
13 14	4. If NECESSARY, REFRIGERATED AND DRY FOOD STORAGE AREAS;
15 16	5. A STORAGE AREA FOR SINGLE SERVE FOOD ITEMS;
17	6. IF NECESSARY, A UTENSIL WASHING FACILITY.
18 19 20 21	(III) "MOBILE FOOD SERVICE FACILITY" MEANS A FOOD SERVICE FACILITY THAT IS A MECHANICALLY, ELECTRICALLY, MANUALLY, OR OTHERWISE PROPELLED VEHICLE OPERATING ON LAND THAT CHANGES ITS LOCATION AS PART OF ITS ROUTINE SALES OPERATION.
22 23 24	(2) THIS SUBSECTION DOES NOT APPLY TO A MOBILE FOOD SERVICE FACILITY THAT SOLELY OPERATES AT TEMPORARY FIXED LOCATIONS IN CONJUNCTION WITH FAIRS, CARNIVALS, OR SIMILAR EVENTS.
25 26 27	(3) A COUNTY MAY NOT REQUIRE A MOBILE FOOD SERVICE FACILITY TO OBTAIN A LICENSE FROM THE COUNTY IN ORDER TO OPERATE IN THE COUNTY IF THE MOBILE FOOD SERVICE FACILITY IS LICENSED BY THE COUNTY IN WHICH:

(I) The business address for the mobile food service 29 $\,$ facility is located; or

- 1 (II) THE BASE OF OPERATIONS FOR THE MOBILE FOOD SERVICE 2 FACILITY IS LOCATED.
- 3 (4) (I) A COUNTY HEALTH DEPARTMENT MAY INSPECT A MOBILE FOOD SERVICE FACILITY THAT IS OPERATING IN THE COUNTY REGARDLESS OF WHETHER THE MOBILE FOOD SERVICE FACILITY IS LICENSED BY THE COUNTY.
- 6 (II) IF A COUNTY HEALTH DEPARTMENT INSPECTS A MOBILE 7 FOOD SERVICE FACILITY THAT IS NOT LICENSED BY THE COUNTY, THE COUNTY 8 SHALL FORWARD THE RESULT OF THE INSPECTION TO THE COUNTY THAT LICENSES 9 THE MOBILE FOOD SERVICE FACILITY.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.