Article - Health - General

§21–305.

(a) Except as otherwise provided in this subtitle, a person may not operate a food establishment unless the person is licensed by the Department.

(b) (1) A separate license is required for each food establishment that a person owns or operates.

(2) Except in Baltimore City, the provisions of this subsection may require a license for each location where vending machines are operated, but may not require a separate license for each individual vending machine.

(3) Except in Baltimore City, vending machine locations used exclusively for prepackaged and commercially sealed foods that are not potentially hazardous, as defined by regulation, are not required to be licensed.

(4) In Baltimore City, a license may be required for each individual vending machine.

(5) An excluded organization may operate a food establishment without a license unless the excluded organization has been issued a license under § 21–304(a)(2)(ii) of this subtitle.

(6) A license is not required for a person who:

(i) Produces shell eggs;

(ii) Sells the shell eggs directly to the public; and

(iii) Is registered with or inspected by the Secretary of Agriculture under § 4–310 or § 4–311.1 of the Agriculture Article.

(7) Except as provided in § 21–304 of this subtitle, nothing in this subtitle shall preempt the right of a county to require a permit under the authority provided by a local law, ordinance, or regulation if this subtitle does not require the food establishment to obtain a State license.

(c) A license is not transferable:

(1) Except as provided by regulation for transfer of the license on the death of the licensee from person to person; or

(2) From location to location, except for a producer mobile farmer's market license under § 21–309.1 of this subtitle.

(d) (1) For the purposes of this section a license issued by a county health department under the authority provided by local law, ordinance, or regulation in

accordance with § 21-304(b) and (c) of this subtitle shall constitute the license required under this subtitle, unless the Department, after a hearing, determines that the licensee is not in compliance with this subtitle and regulations adopted under this subtitle.

(2) After a determination of noncompliance under paragraph (1) of this subsection, the Department shall act to ensure that the food establishment and its operator comply with this subtitle and the rules and regulations adopted under this subtitle.

(3) Nothing in this subtitle shall allow the issuance of 2 separate licenses issued solely for the regulation of a food establishment under this subtitle.

(e) In Charles County, an issuance, renewal, or transfer of an off-sale alcoholic beverages license shall not require Department approval.

(f) In Carroll County, a bona fide religious organization that meets the requirements of an excluded organization under § 21–301 of this subtitle or a county–owned and county–operated park or facility that is hosting a public festival may offer for sale or sell the following types of homemade–style food if the food is produced at the organization, park, or facility and meets the appropriate health and safety standards adopted by the Department:

(1) Fruit jellies, jams, and preserves made from apples, apricots, blackberries, blueberries, boysenberries, cherries, cranberries, grapes, nectarines, oranges, peaches, plums, quince, raspberries, red currants, strawberries, or tangerines;

(2) Fruit butter made from apples, apricots, grapes, peaches, plums, prunes, or quince;

(3) Fruit pies made from apples, apricots, blackberries, blueberries, boysenberries, cherries, cranberries, grapes, nectarines, oranges, peaches, plums, quince, raspberries, red currants, strawberries, or tangerines; and

(4) Honey.