

SENATE BILL 262

J1

EMERGENCY BILL

7lr1396
CF 7lr1275

By: **Senators Bates, Edwards, Klausmeier, Norman, Ready, and Young**

Introduced and read first time: January 20, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Mobile Food Service Facilities – Licensing and Inspection by**
3 **County Health Departments**

4 FOR the purpose of requiring a county health department to issue a mobile reciprocity
5 license to a certain mobile food service facility; authorizing a county health
6 department to charge a certain fee for a mobile reciprocity license; providing that a
7 mobile reciprocity license is valid for a certain period of time; prohibiting a county,
8 under certain circumstances, from requiring that a mobile food service facility be
9 inspected before a county health department issues a mobile reciprocity license;
10 authorizing a county health department that issued a mobile reciprocity license to
11 inspect the mobile food service facility while the mobile food service facility is
12 operating in the county; requiring a mobile food service facility that is issued a mobile
13 reciprocity license to comply with all applicable State and local laws and regulations;
14 authorizing a county health department to take certain enforcement action against
15 a certain mobile food service facility; requiring a county health department, under
16 certain circumstances, to notify the county of origin of certain action taken; providing
17 for the application of this Act; defining certain terms; making this Act an emergency
18 measure; and generally relating to the licensing and inspection of mobile food service
19 facilities by county health departments.

20 BY adding to

21 Article – Health – General
22 Section 21–304(f)
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2016 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

27 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-304.

2 (F) (1) (I) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (II) "BASE OF OPERATIONS" MEANS A LOCATION USED BY THE
5 OWNER OR OPERATOR OF A MOBILE FOOD SERVICE FACILITY THAT PROVIDES:

6 1. A SOURCE OF POTABLE WATER, POTABLE WATER
7 HOSES, AND CLEAN CONNECTIONS;

8 2. A METHOD FOR THE DISPOSAL OF SEWAGE;

9 3. CLEAN, ADEQUATE, AND COVERED TRASH
10 RECEPTACLES;

11 4. IF NECESSARY, REFRIGERATED AND DRY FOOD
12 STORAGE AREAS;

13 5. A STORAGE AREA FOR SINGLE-SERVE FOOD ITEMS;
14 AND

15 6. IF NECESSARY, A UTENSIL WASHING FACILITY.

16 (III) "COUNTY OF ORIGIN" MEANS THE COUNTY IN WHICH THE
17 BASE OF OPERATIONS OF A MOBILE FOOD SERVICE FACILITY IS LOCATED.

18 (IV) "MOBILE FOOD SERVICE FACILITY" MEANS A FOOD SERVICE
19 FACILITY THAT:

20 1. IS A VEHICLE MECHANICALLY, ELECTRICALLY,
21 MANUALLY, OR OTHERWISE PROPELLED;

22 2. OPERATES ON LAND OR WATER; AND

23 3. CHANGES ITS LOCATION AS PART OF ITS ROUTINE
24 SALES OPERATION.

25 (V) "MOBILE RECIPROCITY LICENSE" MEANS A LICENSE
26 ISSUED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

1 **(2) THIS SUBSECTION DOES NOT APPLY TO A MOBILE FOOD SERVICE**
2 **FACILITY THAT OPERATES SOLELY UNDER A TEMPORARY FOOD SERVICE LICENSE IN**
3 **CONJUNCTION WITH FAIRS, CARNIVALS, OR SIMILAR EVENTS.**

4 **(3) A COUNTY HEALTH DEPARTMENT SHALL ISSUE A MOBILE**
5 **RECIPROCITY LICENSE TO A MOBILE FOOD SERVICE FACILITY THAT:**

6 **(I) IS OPERATING IN THE COUNTY;**

7 **(II) IS OPERATING WITHIN 90 MILES OF ITS BASE OF**
8 **OPERATIONS; AND**

9 **(III) HOLDS A VALID LICENSE FROM THE COUNTY OF ORIGIN.**

10 **(4) A COUNTY HEALTH DEPARTMENT MAY CHARGE A FEE FOR A**
11 **MOBILE RECIPROCITY LICENSE IN AN AMOUNT NOT EXCEEDING \$300.**

12 **(5) A MOBILE RECIPROCITY LICENSE IS VALID FOR A PERIOD OF 1**
13 **YEAR.**

14 **(6) IF A MOBILE FOOD SERVICE FACILITY HAS BEEN INSPECTED BY**
15 **THE COUNTY OF ORIGIN, A COUNTY MAY NOT REQUIRE THAT THE MOBILE FOOD**
16 **SERVICE FACILITY BE INSPECTED BEFORE A COUNTY HEALTH DEPARTMENT ISSUES**
17 **A MOBILE RECIPROCITY LICENSE.**

18 **(7) A COUNTY HEALTH DEPARTMENT THAT ISSUED A MOBILE**
19 **RECIPROCITY LICENSE MAY INSPECT THE MOBILE FOOD SERVICE FACILITY WHILE**
20 **THE MOBILE FOOD SERVICE FACILITY IS OPERATING IN THE COUNTY.**

21 **(8) A MOBILE FOOD SERVICE FACILITY THAT IS ISSUED A MOBILE**
22 **RECIPROCITY LICENSE SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL**
23 **LAWS AND REGULATIONS.**

24 **(9) (I) A COUNTY HEALTH DEPARTMENT MAY TAKE ENFORCEMENT**
25 **ACTION, INCLUDING THE LEVY OF FINES, AGAINST A MOBILE FOOD SERVICE**
26 **FACILITY THAT VIOLATES THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER**
27 **THIS SUBTITLE OR ANY APPLICABLE LOCAL LAWS OR REGULATIONS.**

28 **(II) IF A COUNTY HEALTH DEPARTMENT TAKES ENFORCEMENT**
29 **ACTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY HEALTH**
30 **DEPARTMENT SHALL NOTIFY THE COUNTY OF ORIGIN OF THE ACTION TAKEN.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
32 measure, is necessary for the immediate preservation of the public health or safety, has

1 been passed by a yea and nay vote supported by three-fifths of all the members elected to
2 each of the two Houses of the General Assembly, and shall take effect from the date it is
3 enacted.