

Chapter 216

(House Bill 771)

AN ACT concerning

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

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

BY adding to

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

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

Article – Health – General

21–304.

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

**(II) “BASE OF OPERATIONS” MEANS A LOCATION USED BY THE
OWNER OR OPERATOR OF A MOBILE FOOD SERVICE FACILITY THAT PROVIDES:**

1. A SOURCE OF POTABLE WATER, POTABLE WATER HOSES, AND CLEAN CONNECTIONS;
2. A METHOD FOR THE DISPOSAL OF SEWAGE;
3. CLEAN, ADEQUATE, AND COVERED TRASH RECEPTACLES;
4. IF NECESSARY, REFRIGERATED AND DRY FOOD STORAGE AREAS;
5. A STORAGE AREA FOR SINGLE-SERVE FOOD ITEMS; AND
6. IF NECESSARY, A UTENSIL WASHING FACILITY.

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

(IV) “MOBILE FOOD SERVICE FACILITY” MEANS A FOOD SERVICE FACILITY THAT:

1. IS A VEHICLE MECHANICALLY, ELECTRICALLY, MANUALLY, OR OTHERWISE PROPELLED;
2. OPERATES ON LAND OR WATER; AND
3. CHANGES ITS LOCATION AS PART OF ITS ROUTINE SALES OPERATION.

(V) “MOBILE RECIPROCITY LICENSE” MEANS A LICENSE ISSUED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

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

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

- (I) IS OPERATING IN THE COUNTY;
- (II) IS OPERATING WITHIN 90 MILES OF ITS BASE OF OPERATIONS; AND

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

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

(5) A MOBILE RECIPROcity LICENSE IS VALID FOR A PERIOD OF 1 YEAR.

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

(7) A COUNTY HEALTH DEPARTMENT THAT ISSUED A MOBILE RECIPROcity LICENSE MAY INSPECT THE MOBILE FOOD SERVICE FACILITY WHILE THE MOBILE FOOD SERVICE FACILITY IS OPERATING IN THE COUNTY.

(8) A MOBILE FOOD SERVICE FACILITY THAT IS ISSUED A MOBILE RECIPROcity LICENSE SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAWS AND REGULATIONS.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 18, 2017.