

CalvertCounty_FAV_SB544_HB559.pdf

Uploaded by: Earl Hance

Position: FAV



**CALVERT COUNTY
BOARD OF COUNTY COMMISSIONERS**

175 Main Street
Prince Frederick, Maryland 20678
410-535-1600 • 301-855-1243
www.calvertcountymd.gov

Board of Commissioners
Mark C. Cox Sr.
Catherine M. Grasso
Earl F. Hance
Mike Hart
Todd Ireland

February 10, 2025

The Honorable Senator Pamela Beidle, Chair
Finance Committee
3 East, Miller Senate Office Building
Annapolis, Maryland 21401

The Honorable Delegate C. T. Wilson, Chair
Economic Matters Committee
230 Taylor House Office Building
Annapolis, Maryland 21401

Re: SB544/HB559 – Food Establishments - Portable Chemical Toilets

Chair Beidle, Chair Wilson, and Committee Members:


The Board of County Commissioners for Calvert County writes in strong **SUPPORT** of **SB544** and **HB559** and requests **FAVORABLE** Committee reports. This legislation proposes authorizing certain food establishments, including agritourism businesses, Class 4 limited wineries, and Class 8 farm breweries, to comply with the requirement of providing a convenient lavatory by offering a portable chemical toilet that meets specified sanitary and ventilation standards.

As a rural county with a rich agricultural heritage, we have witnessed the significant contributions that agritourism, local wineries, and farm breweries make to our State's economy and cultural heritage. These establishments not only promote local agriculture but also attract tourism, support small businesses, and foster community engagement. Senate Bill 544 and House Bill 559 offer a practical solution for these businesses operating in rural and agricultural settings where permanent restroom facilities may not be feasible. By allowing the use of portable chemical toilets that adhere to health and safety standards, these Bills ensure that these establishments can continue to operate effectively while maintaining necessary sanitary conditions for both employees and patrons.

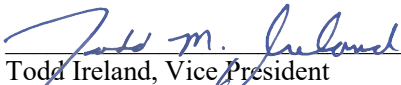
Furthermore, this measure supports the growth and sustainability of Maryland's agritourism sector by reducing potential financial and logistical burdens associated with constructing permanent facilities. It strikes a balance between upholding public health standards and recognizing the unique operational challenges faced by these businesses. We commend the sponsors' initiative in presenting this legislation, and urge the Maryland General Assembly to pass Senate Bill 544 and House Bill 559.

Your thoughtful consideration of this legislation is sincerely appreciated. Should you have any questions or require further information, please do not hesitate to contact County Administrator Julian M. Willis at 410-535-1600, extension 2202, or County Attorney John Norris at 410-535-1600, extension 2566. Thank you for your kind consideration of our position regarding this important local Bill. You for your kind consideration of our position regarding this important local Bill.

BOARD OF COUNTY COMMISSIONERS
CALVERT COUNTY, MARYLAND



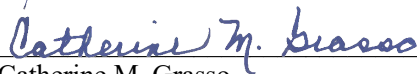
Earl F. Hance, President



Todd Ireland, Vice President



Mark C. Cox Sr.



Catherine M. Grasso

cc: Calvert County Senators and Delegation

Mike Hart

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Uploaded by: Todd Ireland

Position: FAV



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BOARD OF COUNTY COMMISSIONERS
CALVERT COUNTY, MARYLAND

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Earl F. Hance, President

Handwritten signature of Todd Ireland in blue ink.

Todd Ireland, Vice President

Handwritten signature of Mark C. Cox Sr. in blue ink.

Mark C. Cox Sr.

Handwritten signature of Catherine M. Grasso in blue ink.

Catherine M. Grasso

cc: Calvert County Senators and Delegation

Mike Hart

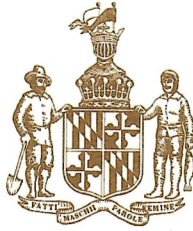
HB559 DTMorgan Testimony.pdf

Uploaded by: Todd Morgan

Position: FAV

TODD B. MORGAN
Legislative District 29C
Calvert and St. Mary's Counties

Environment and Transportation
Committee



The Maryland House of Delegates
6 Bladen Street, Room 215
Annapolis, Maryland 21401
410-841-3319 · 301-858-3319
800-492-7122 Ext. 3319
Todd.Morgan@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB559 - Food Establishments - Portable Chemical Toilets

January 30, 2025

Good Afternoon Chair Wilson & Members of the Esteemed House Economic Matters Committee:

I am here today to present House Bill 559. The purpose of this bill is to make it easier for agritourism businesses that serve food to comply with state regulations on restrooms. House Bill 559 provides an alternative and more cost-effective way for these businesses to comply with these requirements and would allow for clear and concise guidelines to exist across the State.

Under current law, food establishments must provide convenient restrooms which meet certain regulations relating to cleanliness and ventilation. In recent years, the state has seen rapid growth in agritourism, most notably in the growth of farm wineries and breweries. A regulatory structure has been created and improved at the state level alongside this growth, and now under their Class 8 limited winery or Class 4 farm brewery licenses these establishments can offer food alongside their sampling of beverages. This addition has afforded more growth to the sector, providing more options to the dinner-and-drink seeking consumer.

A key difference between restaurants and these wineries and breweries is that the agritourism businesses are, first and foremost, farms, and were not originally designed to accommodate the opportunities that are now available to them to sell food and drinks on site. Therefore, many of these businesses do not have the facilities required to comply with State laws for food establishments. Some of these businesses are on preserved farmland or are in rural zoning areas and therefore do not have the opportunity to build permanent

restrooms. This bill would provide an alternative by allowing these businesses specifically the option to provide a portable chemical toilet in lieu of a permanent restroom facility.

The construction of restrooms can pose a substantial financial burden on these small businesses. Some currently use portable chemical toilets; however, this varies on a county-by-county basis, requiring the permission of the local health department with varying regulations in different counties. This complex environment poses a strain to small business owners, who often resort to renovating their private restroom in their own home to meet regulatory compliance. This bill would smooth out the inconsistencies between counties and provide a clear framework for these small business owners moving forward to ensure patrons receive a quality experience without the establishment being unduly burdened by regulation. This bill is narrowly targeted to apply only to these agro-tourism businesses, and I believe that this bill is consistent with other changes in State law that we have made over the past several years to encourage the growth and lasting success of these businesses in the State.

I respectfully request a favorable report on House Bill 559. Thank you for your consideration.

MDFB - Support - HB559 Food Establishments - Porta

Uploaded by: Tyler Hough

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035

410-922-3426 | www.mdfarmbureau.com

February 10, 2025

To: House Economic Matters Committee

From: Maryland Farm Bureau, Inc.

RE: Support of HB559 - Food Establishments - Portable Chemical Toilets

On behalf of the nearly 8,000 member families of the Maryland Farm Bureau, I submit written testimony in favor of HB559 Food Establishments - Portable Chemical Toilets. This legislation would authorize certain food establishments, including agritourism businesses, limited wineries, and farm breweries, to meet lavatory requirements by providing portable chemical toilets.

Agritourism businesses, such as farms that host visitors, vineyards, and breweries, play a crucial role in Maryland's economy. They promote local agriculture, create jobs, and contribute to the state's rural development. However, many of these businesses operate in rural locations where the installation of permanent restroom facilities is costly and impractical due to land use constraints and environmental considerations. House Bill 559 provides a practical and cost-effective solution that allows these businesses to remain compliant with health regulations while continuing to serve their customers.

By allowing the use of portable chemical toilets, this bill ensures that agritourism businesses can provide necessary sanitation facilities without facing undue financial burdens. Portable restrooms, when properly maintained, meet health and safety standards and provide a sanitary option for visitors. Moreover, this measure helps maintain the integrity of agricultural lands by reducing the need for extensive infrastructure changes that could impact farming operations.

Supporting House Bill 559 aligns with Maryland's commitment to fostering its agricultural economy and promoting sustainable tourism. The bill will enable small farm-based businesses to expand their offerings, enhance customer experiences, and contribute more significantly to local economies. Furthermore, it acknowledges the unique needs of agritourism enterprises and provides them with a viable path to compliance without unnecessary regulatory hurdles.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyler Hough', with a horizontal line above it.

Tyler Hough
Director of Government Relations

Please reach out to Tyler Hough, though@marylandfb.org, with any questions

HB0559-ECM_MACo_OPP.pdf

Uploaded by: Karrington Anderson

Position: UNF



House Bill 559

Food Establishments - Portable Chemical Toilets

MACo Position: **OPPOSE**

To: Economic Matters Committee

Date: February 12, 2025

From: Karrington Anderson

The Maryland Association of Counties (MACo) **OPPOSES** HB 559. This bill would allow agritourism food establishments, Class 4 limited wineries, and Class 8 farm breweries to comply with restroom requirements by providing a portable chemical toilet. While counties understand the intent behind this bill, it raises significant public health and safety concerns.

Portable chemical toilets are intended as a temporary solution for special events, not as a permanent or long-term replacement for proper restrooms. These facilities typically lack full handwashing stations, which are essential for food and beverage handlers to maintain safe sanitation practices. Proper handwashing with soap and running water is a fundamental requirement for food safety, and chemical toilets generally do not meet this standard. Without these essential hygiene measures, the risk of foodborne illness and public health concerns increases.

Furthermore, HB 559 does not include any limitations on the duration for which chemical toilets may be used in place of an approved restroom. There is also no requirement for a preliminary evaluation of a property's capacity to install a sewage disposal system in the future, which raises additional concerns about long-term compliance and environmental effects. Without these safeguards, this bill could allow businesses to operate indefinitely without ever establishing the necessary infrastructure to support proper restroom facilities.

If the committee chooses to move forward with this bill, MACo urges consideration of a local control provision. Local governments are best positioned to assess the unique needs and constraints of their communities and should have the ability to determine if and when such exemptions are appropriate.

For these reasons, MACo respectfully urges an **UNFAVORABLE** report on HB 559.

MDE HB559 INF.pdf

Uploaded by: Jeremy D. Baker

Position: INFO



**The Maryland Department of the Environment
Secretary Serena McIlwain**

***House Bill 559
Food Establishments – Portable Chemical Toilets***

Position: Informational
Committee: Environment and Transportation
Date: February 5, 2025
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) offers the following **INFORMATIONAL** testimony on HB 559.

Bill Summary

House Bill 559 would allow food establishments to use portable chemical toilets if the food establishment: (1) conducts agritourism; (2) has a Class 4 limited winery license; or (3) has a Class 8 farm brewery license. The chemical toilet must be supplied with water, soap, approved hand drying devices, properly ventilated, and kept in a sanitary condition. The bill will likely have a significant impact on MDE’s regulatory oversight authority for septic systems and could raise public health concerns.

Position Rationale

Although HB 559 is found in the Health General Article, the bill overlaps with MDE’s regulatory authority related to septic systems and sanitary facilities. Food establishments typically must install a septic system, which requires a permit and must follow COMAR 26.04.02. The septic system requirement is designed to protect public health. Chemical toilets, as defined per COMAR 26.04.02.01, do not have a pressurized water supply for hand washing. The lack of pressurized water poses a sanitary and public health risk.

The bill’s provisions would also apply very broadly. A “food establishment” is defined as a food service facility or a food processing plant. So the bill would apply to both restaurants and food preparation facilities. “Agritourism” is also broadly as “an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in a farm operation.” Agritourism includes activities such as: farm museums, guest farms, camping, incidental outdoor stays, classes related to agriculture products or skills, and picnic and party facilities. Depending on the specific circumstances, chemical toilets may not be appropriate for these types of activities and could, in turn, impact sanitation issues and raise public health concerns.

MDE hopes this **INFORMATIONAL** testimony regarding HB 559 is helpful. Please do not hesitate to reach out if you have any questions.

Contact: Alex Butler, Deputy Director of Government Relations
Email: alex.butler@maryland.gov

HB 559 - Food Est - Port Chem Toilets - HOU ECM -

Uploaded by: Lisa Laschalt

Position: INFO



Affiliates of

The Maryland Association of Counties, Inc.

TO: Members of the House Economic Matters Committee
FROM: Maryland Conference of Local Environmental Health Directors
Maryland Association of County Health Officers (MACHO)
RE: **HB 559 - Food Establishments-Portable Chemical Toilets**

The Maryland Conference of Local Environmental Health Directors (Conference) and the Maryland Association of County Health Officers (MACHO) provide this letter of concern for HB 559 in their capacities as the state's twenty-four Health Officers who oversee the state's twenty-four local public health departments and their Environmental Health Directors who carry out delegated authorities from both MDE and MDH. The concerns are as follows:

On page 2, in line 25-28, the bill specifies that **A FOOD ESTABLISHMENT MAY COMPLY WITH THE REQUIREMENT TO PROVIDE CONVENIENT LAVATORY BY PROVIDING A PORTABLE CHEMICAL TOILET THAT OTHERWISE MEETS THE REQUIREMENTS OF SUBSECTION (A)(2) OR (B)(2) OF THIS SECTION.**

- Due to portable chemical toilet design, they do not meet requirements of subsection A(2) or B(2).
- Lavatory design must allow full hand washing with soap, water, towels, or other approved hand-drying devices/materials to prevent the spread of infection.
- Hand sanitizer has been proven less effective than hand washing in removing pathogens or certain viruses, such as Norovirus, which has been causing increasing rates of illness across the state.
- To meet these requirements, a chemical toilet would need to include a stocked hand-washing sink that can dispense potable water under pressure. Chemical toilets do not typically contain these sinks.
- To protect the health and safety of patrons and food and beverage handlers, chemical toilets must have access to a sufficient, stocked toilet and handwashing area to support safe food practices.

HB 559 does not include any limitations on the time frame that chemical toilets can be used in place of an approved restroom, nor does it require a preliminary evaluation of a property to support the installation of a sewage disposal system in the future.

- Currently, chemical toilets are allowed for special-term events and are a short-term solution.
- If businesses want to offer longer-term events or expand food and beverage offerings, the regulations require proper sewage disposal systems and access to a potable, sufficient water supply. These requirements would need to be implemented in coordination with their local public health department or other regulatory agency.
- There are activities included in the definition of agritourism provided in §4-212 of the Land Use Article that would place a property in violation when using chemical toilets (i.e., there are other regulated uses under agritourism that are not defined as a food service facility). One example is agritourism camping, which under COMAR 10.16.03, requires a bathhouse that meets certain design standards.

These issues are under discussion by the Governor's Intergovernmental Commission for Agriculture (GICA), which includes both agencies and stakeholders to identify solutions.

Therefore, MACHO and the Conference provide a **letter of concern for HB 559**. For more information:
Conference: Lisa A Laschalt, President, Maryland Conference of Local Environmental Health Directors, Phone: 301-609-6758, lisa.laschalt@maryland.gov
MACHO: Ruth Maiorana, Executive Director, Maryland Association of County Health Officers, Phone: 410-937-1433, rmaioral@jhu.edu

HB 559 - MDH - ECM - LOI.docx.pdf

Uploaded by: Meghan Lynch

Position: INFO



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 12, 2025

The Honorable C. T. Wilson
Chair, House Economic Matters Committee
Room 231, House Office Building
Annapolis, MD 21401-1991

RE: House Bill (HB) 559 – Food Establishments – Portable Chemical Toilets – Letter of Information

Dear Chair Wilson and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of information for House Bill (HB) 559 – Food Establishments – Portable Chemical Toilets. HB 559 would allow food establishments that conduct agritourism as defined in §4-212 of the Land Use Article or are licensed as a Class 4 Limited Winery or a Class 8 Farm Brewery (licensed under §2-206 and §2-210 respectively) of the Alcoholic Beverages and Cannabis Article to use a portable chemical toilet instead of a plumbed lavatory. The Department is open to working with the committee and bill sponsors to address some of the concerns we have outlined here.

The Department has been working with other state agencies on the Governor’s Intergovernmental Commission for Agriculture (GICA) workgroup, which is currently discussing value-added agriculture and agritourism. In particular, GICA is working to address inconsistencies across the state in how the definition of agritourism is applied to businesses in different settings.

As drafted, this bill does not address the need for water under pressure for safe food service operations, which, like permanent plumbed lavatories, would also require a method of managing the water. Depending on the size and extent of the food service operation, a given establishment may require running water and bathroom facilities, both for employees and patrons, in order to operate within the bounds of acceptable food safety risk. Currently, HB 559 does not include any limitations on a facility’s size, operation, or other characteristics to provide guidance on when chemical toilets would or would not be sufficient.

The Department has concerns with the continued and permanent use of chemical toilets over properly plumbed and maintained lavatories requiring routine maintenance and inspections. While chemical toilets may be appropriate for an establishment that operates periodically, the Department is concerned that there is no stated limit or qualifier in the bill regarding what qualifies as a “food service facility.” Portable chemical toilets may not be appropriate for a full

time operation, even in the agritourism business context, due to their inherent public health risks. Chemical toilets are designed for temporary events or as backup facilities, and require routine scheduled emptying. The health hazards can be compounded if the scheduled emptying does not occur for any reason. Additionally, if a chemical toilet is the only lavatory available and becomes inoperable for any length of time due to an issue that is not immediately correctable, the health risks could require suspension of the food service facility's license.

The Department is invested in the value that agritourism and wineries have in preserving Maryland's farming communities and promoting economic growth. However, the Department believes the bill as currently drafted does not adequately account for the expected evolution of these businesses as they mature. Chemical toilets may be appropriate at certain stages of agritourism businesses, but do not necessarily remain so as the businesses grow and change. HB 559 rules out the possibility of allowing the current ongoing and collaborative discussions of GICA to provide the appropriate and defined pathways to allow for industry development while balancing public health and safety, which the Department believes would be better and more adequately addressed through regulations. We stand ready to work with the committee and sponsor to address these concerns, in the hope of promoting both agritourism and food safety interests.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Laura Herrera Scott, M.D., M.P.H.
Secretary