



Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

February 4, 2026

The Honorable Heather Bagnall
Chair, House Health Committee
Room 241, House Office Building
Annapolis, Maryland 21401

RE: House Bill 272 – Food Establishments – Lavatory Requirement and On–Farm Food Service Facility License – Letter of Support

Dear Chair Bagnall and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support for House Bill (HB) 272 – Food Establishments – Lavatory Requirement and On–Farm Food Service Facility License. This bill seeks to accomplish three related objectives.

First, Section 1 amends Chapters 544 and 559 of the Acts of 2025 (SB 544/HB 559) to expand the type of portable toilets that may be used in conjunction with food service related to agritourism. Second, Section 2 modifies the duration of an on-farm retail food service license by replacing the current maximum of 90 days per year with an annual license. Third, the bill requires the Department, in consultation with Maryland Department of the Environment and the Maryland Department of Agriculture, to adopt regulations governing on-farm retail food service facilities. These regulations would address issues such as water and wastewater, outdoor cooking, on-farm structures, and other areas necessary to protect public health. The bill would become effective January 31, 2027, with the provisions related to portable toilets taking effect on July 1, 2026.

This bill addresses one of the most frequent challenges faced by agricultural operations that seek to offer retail food service on their farms. Under current law, these businesses may apply for 30-day temporary event licenses associated with events or festivals, or for a 30 consecutive-day on-farm retail food service facility license with the option to renew for up to two additional 30 consecutive-day periods. However, farm operations vary widely, and range from small, limited food service offerings during a single season, to operations that run on weekends across three or four seasons. HB 272 would better accommodate this range of business models by allowing greater flexibility through an annual licensing structure.

The bill also requires the Department to develop regulations for on-farm retail food service facilities in consultation with the Departments of the Environment Agriculture. These regulations

would provide clarity to licensing authorities and farm operators regarding applicable requirements related to water and wastewater systems, outdoor cooking, on-farm structures, and other relevant public health considerations depending on the nature of the food service being provided. The Department plans to develop these regulations through a collaborative, open, and transparent process including public meetings with the three State agencies, interested farms, trade groups, local health departments, food service industry representatives, and other stakeholders.

HB 272 is the product of collaboration among the Department of Health, the Departments of Agriculture and Environment, the agricultural community, local health departments, and other stakeholders, many of whom participate in the Governor's Interagency Commission on Agriculture (GICA). The bill addresses significant challenges facing the agricultural community as it develops value-added food service operations and provides an additional sustainability strategy to help maintain vital farming operations across the State.

If you would like to discuss this further, please do not hesitate to contact Meghan Lynch, Director of Governmental Affairs at meghan.lynch@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Meena Seshamani', with a stylized flourish at the end.

Meena Seshamani, M.D., Ph.D.
Secretary