



Affiliates of  
The Maryland Association of Counties, Inc.

DATE: February 2, 2026  
TO: Members, House Health Committee  
FROM: Maryland Conference of Local Environmental Health Directors (Conference)  
Maryland Association of County Health Officers (MACHO)  
RE: **House Bill 272 Food Establishments – Lavatory Requirement and On-Farm Food Service Facility License**

The Maryland Conference of Local Environmental Health Directors (Conference) and the Maryland Association of County Health Officers (MACHO) provide this **Letter of Support with Amendments for HB 272** 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 the Maryland Department of the Environment and the Maryland Department of Health (MDH).

We support the bill's intent to create a pathway for food service at agritourism operations to transition from temporary food events to facility-based service. Given this intent, we suggest several amendments to the bill language to ensure alignment with the existing regulatory frameworks at the local level and avoid conflict with other legal and statutory requirements for businesses in their respective jurisdictions. We note that existing regulatory frameworks already establish minimum safety standards for facilities serving food and any new regulations should ensure consistency with those minimum requirements in the interest of public health and safety.

After discussion with MDH, the Conference and MACHO recommend the following amendments:

### ***Licensing Fee Language***

For Page 3, lines 29-31, and Page 4, line 1, amend the text as follows:

(C) THE FEE FOR AN ON-FARM FOOD SERVICE FACILITY LICENSE:

~~(1) SHALL BE DETERMINED BY THE LOCAL APPROVING AUTHORITY. THE DEPARTMENT BASED ON THE ANTICIPATED COST OF LICENSING, INSPECTING, AND REGULATING LICENSEES; AND~~

~~(2) MAY NOT EXCEED \$100.~~

Rationale: This suggested amendment will ensure that the fee is consistent with local fee schedules for all yearly licenses or permits and ensure adequate revenue to support LHD work. It will also avoid the appearance of disparate treatment between on-farm food service facilities and

similar brick-and-mortar facilities.

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***Timeline for Regulations***

For Page 4, lines 9-11, amend the text as follows:

(E) **NO LATER THAN JANUARY 31, 2027**, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF AGRICULTURE, SHALL ADOPT REGULATIONS FOR AN ON-FARM FOOD SERVICE FACILITY REGARDING:

Rationale: LHDs are currently awaiting the completion and implementation of multiple sets of regulations from previously passed bills, many of which are years past their respective bills becoming law. These delays can often lead to stakeholder frustration and resentment that is then directed at LHDs and their staff. The proposed timeline for the adoption of proposed regulations related to HB 272 will ensure that the regulations are completed by the time the law goes into effect.

***Compliance with Local, State and Federal Requirements***

For Page 5, after line 3, add the following text:

**(G) ON-FARM FOOD SERVICE FACILITY OPERATORS SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL LAWS, REGULATIONS AND ORDINANCES.**

Rationale: Licensing of any new food service facility requires multiple types of local reviews. While many of these are known to LHDs, they fall outside of our delegated purview. We propose this additional statutory text to ensure that facility operators understand their responsibility to comply with all relevant laws and fulfill the requirements of these other critical local reviews.

***Clarification Regarding Foods Served***

For Page 3, line 27, amend the language as follows:

(A) IN THIS SECTION, “ON-FARM FOOD SERVICE FACILITY” MEANS A FOOD SERVICE FACILITY THAT:  
(1) IS LOCATED ON A FARM; AND  
(2) SERVES FOOD ~~AS DESIGNATED BY THE DEPARTMENT THAT ORIGINATED~~ **FROM THE FACILITY REQUESTING THE ON-FARM FOOD SERVICE FACILITY LICENSE.**

Rationale: The proposed amendment provides a path forward for an on-farm food service facility and ties the new food service facility category to agricultural activities occurring on the farm. This amendment will assist with ensuring that the on-farm food service facility category has an interim solution to obtain approval while differentiating it from other food service facilities not tied to a farm with different requirements.

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***Clarification Regarding Definition of a Farm***

For Page 3, line 26, add the following text:

**(1) IS LOCATED ON A FARM AS DEFINED IN THE CODE OF MARYLAND REGULATIONS 10.15.03; AND**

**Rationale:** The proposed amendment will clarify the bill's purpose to provide a licensure pathway to agritourism businesses by reference to the definition of a farm included in COMAR.

The Conference and MACHO look forward to working with all stakeholders regarding agritourism, including the development of regulations for on-farm food service facilities to ensure clarity and consistency in the regulatory framework and the prioritization of public health concerns.

For more information, please contact:

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