

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/14/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/16/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 01 17 02

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

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201 W. Preston Street

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5. Name of Person to Call About this Document

Blair Inniss

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410-767-1935

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 3, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Kathleen A. Ellis, Assistant Attorney General, (telephone #410-767-1867) on September 10, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

September 11, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 01 PROCEDURES

10.01.17 Fees for Food Protection, Public Pools, Public Spas, Public Spray Grounds, and Youth Camp Programs

Authority: Health-General Article, §§2-104, 14-403, 21-301, 21-308, 21-309, 21-309.1, 21-403, 21-412, 21-808, and 21-812, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under COMAR 10.01.17 Fees for Food Protection, Public Pools, Public Spas, Public Spray Grounds, and Youth Camp Programs.

Statement of Purpose

The purpose of this action is to reduce the annual license fees for certain food processing plants including food manufacturing plants, ice manufacturing plants, and beverage plants. Fees are also reduced for food warehouses or distribution centers that distribute potentially or non-potentially hazardous food.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The reduction of fees for certain annual food processing plant licenses will decrease General Fund revenues and decrease expenditures of the regulated industry. The Department will collect less revenue in the form of annual food processing plant licensing fees totaling \$152,500 in the first full year that the reduced fees are charged (year one). There is no economic impact on other State agencies or local governments. The regulated industry is expected to benefit from the lower fees, particularly small food processors and manufacturers. The regulated industry's expenditures will decrease by \$152,500 in year one.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency:	(R-)	\$152,500

Grand Total – General Fund Revenue Impact 826 (\$152,500)

* Unavailable

D. There are benefits to certain regulated entities arising from this proposal that include a savings of \$152,500 from reductions in fees during year one.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The Department assumes that there will be a positive economic impact on the members of the regulated industry totaling \$152,500 annually. The Department also assumes that because a majority of the regulated entities are small businesses in Maryland, these savings will disproportionately impact small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

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and Youth Camp Programs**

Authority: Health-General Article, §§2-104, 14-403, 21-301, 21-308, 21-309, 21-309.1, 21-403, 21-412, 21-808, and 21-812,
Annotated Code of Maryland

10.01.17 (September 3, 2015)

.02 Fees.

The following fees are established by the Secretary:

A.—B. (text unchanged)

C. Annual license fee for:

(1) Food processing plants:

(a) Bakery plant — [\$400] \$150;

(b) Cannery — [\$400] \$150;

(c)—(d) (text unchanged)

(e) Confectionary plant — [\$400] \$150;

(f) Crab meat plant — [\$400] \$150;

(g) Ice manufacturing plant — [\$400] \$150;

(h) Shellfish:

(i) Shucking, packing, or repacking plant — [\$400] \$150;

(ii) Shipping or reshipping plant — [\$200] \$150; or

(iii) (text unchanged)

(i) Food manufacturing plant — [\$400] \$150;

(j) [Effective January 6, 2014, a] A food warehouse or distribution center that distributes:

(i) Potentially hazardous food — [\$400] \$150; or

(ii) Only non-potentially hazardous food — [\$200] \$150;

(k) Bottled water plant — [\$400] \$150;

(l) Soft drink manufacturing plant — [\$400] \$150;

(m) Frozen food manufacturing plant — [\$400] \$150;

(n)—(p) (text unchanged)

(2) (text unchanged)

D.—F. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

FEE JUSTIFICATION FOR
PROPOSED COMAR 10.01.17

(1) Explain/justify why an increase or decrease is necessary:

This proposal is part of a Department-wide decision to reduce fees.

(2) How much money is needed to operate effectively or to eliminate an operating fund deficit?

N/A.

(3) In what year was the most recent fee increase?

2009.

(4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?

No.

(5) Describe any measures taken to mitigate the need for increased revenue:

N/A.

(6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.

None.

(7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.

Because the proposed regulations would decrease fees for the regulated industry, there would be no hardship for the regulated industry.

(8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

The Department's Environmental Health Bureau meets periodically with the regulated community.