

MARYLAND REGISTER

Proposed Action on Regulations

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1. Desired date of publication in Maryland Register: 6/24/2016

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

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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

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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:

- 1) The application fee for annual day camps and public pools or spas; and
- 2) The plan review fee for food processing plants and food service facilities.

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 day camps, public pools or spas, and food processing plants will decrease General Fund revenues and decrease expenditures for the regulated industry. The application and plan review fees range from \$50 to \$900. However, the Department will collect less revenue in the form of application and plan review fees totaling \$46,870. The regulated industry is expected to benefit from the lower fees by reducing costs either to start a new business, or continue operations. There is no economic impact on other State agencies or local governments.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
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A. On issuing agency:	(R-)	\$46,870
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$46,870
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. This estimate is based on fees collected in the previous fiscal year (2015), and assumes the same number and type of applicant when the regulations become effective. This includes a decrease in fee collections of \$8,970 from the proposed 5% reduction in fees for day camps, \$34,300 from the proposed \$100 reduction in fees for plan reviews for 343 food processors, and \$3,600 from the proposed \$100 reduction in fees for plan reviews for 36 pool plan reviews. All fees collected are deposited into the General Fund.

D. There are benefits to certain day camps, public pools or spas, and food processing plants that include a savings of \$8,970 from the proposed 5% reduction in fees for day camps, \$34,300 from the proposed \$100 reduction in fees for plan reviews for 343 food processors, and \$3,600 from the proposed \$100 reduction in fees for plan reviews for 36 pool plan reviews. The Department notes that of the 343 applications for food processors, 162 applications were for prototype retail food facilities, and would not be considered to be small businesses because they involve prototypes for food service facilities for a retail chain or a franchise operation planning to construct two or more facilities in the State from a single uniform set of plans.

Economic Impact on Small Businesses

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

Day camps will see a 5 percent decrease in the cost to apply for an operating certificate under the Department’s day camp program. This will benefit smaller day camps by decreasing their costs to start or operate a day camp. Small businesses in food manufacturing and pool operators will experience a \$100 decrease in the cost of submitting a plan for review to the Department. The Department notes that of the 343 applications for food processors, 162 applications were for prototype retail food facilities, and would not be considered to be small businesses because they involve prototypes for food service facilities for a retail chain or a franchise operation planning to construct two or more facilities in the State from a single uniform set of plans.

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 July 25, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2017
- 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:

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

10.01.17 (May 3, 2016)

.02 Fees.

The following fees are established by the Secretary:

- A. (text unchanged)

B. Annual youth camp application fee based on estimated camper days, that is, the estimated average number of campers enrolled each day multiplied by the estimated number of days a camp intends to operate during a camp season, for:

- (1) Except as specified in §B(2) of this regulation:
 - (a) [Day] *On or before December 31, 2016, day camp:*
 - (i)—(iii) (text unchanged)
 - (iv) Greater than 5,000 camper days — \$900; [and]
 - (b) *Effective January 1, 2017, day camp:*
 - (i) *1 to 500 camper days — \$190;*
 - (ii) *501 to 2,000 camper days — \$500;*
 - (iii) *2,001 to 5,000 camper days — \$665; and*
 - (iv) *Greater than 5,000 camper days — \$855; and*
- [(b)] (c) (text unchanged)
- (2) For a youth camp that is in good standing as defined in COMAR 10.16.06.02:
 - (a) [Day] *On or before December 31, 2016, day camp:*
 - (i)—(iii) (text unchanged)
 - (iv) Greater than 5,000 camper days — \$225; [and]
 - (b) *Effective January 1, 2017, [Day] day camp:*
 - (i) *1 to 500 camper days — \$45;*
 - (ii) *501 to 2,000 camper days — \$125;*
 - (iii) *2,001 to 5,000 camper days — \$165; and*
 - (iv) *Greater than 5,000 camper days — \$215; and*
- [(b)] (c) (text unchanged)

C. (text unchanged)

D. Except for a local subdivision with delegated authority, plan review fee for food processing plants:

- (1) Bakery plant — [400] \$300;
- (2) Bottled water plant — [400] \$300;
- (3) Cannery — [400] \$300;
- (4)—(5) (text unchanged)
- (6) Confectionary plant — [400] \$300;
- (7) Crab meat plant — [400] \$300;
- (8) Food manufacturing plant — [400] \$300;
- (9) (text unchanged)
- (10) Food warehouse or distribution center — [400] \$300;
- (11) Frozen food manufacturing plant — [400] \$300;
- (12) Ice manufacturing plant — [400] \$300;
- (13)—(15) (text unchanged)
- (16) Shellfish:
 - (a) Shucking, packing, or repacking plant — [400] \$300;
 - (b)—(c) (text unchanged)

E. Plan review fee for a food service facility that is a retail chain or a franchise operation planning to construct two or more facilities in the State from a single uniform set of plans — [400] \$300;

F. (text unchanged)

G. Except for a local subdivision with delegated authority, application review fee for:

- (1) Construction of a public pool or spa — [400] \$300;
- (2)—(3) (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:

Fees are being reduced on a number of certificate and plan review programs within the Department of Health and Mental Hygiene (the Department). Fees are being reduced in order to benefit applicants by reducing their costs to apply.

(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?

2014.

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

Fee revenue is deposited into the General Fund.

(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.

N/A

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

None.