
By: Delegates Stup, Stull, Brinkley, Snodgrass, and Hecht

Introduced and read first time: January 15, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Regulation of Food Establishments - Excluded Organizations**

3 FOR the purpose of altering the definition of "excluded organization" to expand the
4 period of time in which certain organizations may serve food to the public under
5 certain separate regulations of the Department of Health and Mental Hygiene; and
6 generally relating to the regulation of food establishments.

7 BY repealing and reenacting, with amendments,
8 Article - Health - General
9 Section 21-301(e)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1996 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Health - General
14 Section 21-303 and 21-304
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1996 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health - General**

20 21-301.

21 (e) "Excluded organization" means a volunteer fire company or bona fide
22 nonprofit fraternal, civic, war veterans', religious, or charitable organization or
23 corporation which [does not serve food to the public more often than 4 days per week]
24 SERVES FOOD TO THE PUBLIC NO MORE THAN 14 CONSECUTIVE DAYS FOUR TIMES A
25 YEAR.

26 21-303.

27 The purpose of this subtitle is to provide that all food establishments in this State
28 are constructed, operated, and maintained in a manner that assures that all food
29 manufactured, processed, stored, or prepared for human consumption is done so under
30 conditions necessary to protect the public health, safety, and welfare.

2

1 21-304.

2 (a) (1) The Department shall adopt rules and regulations necessary to carry out
3 the provisions of this subtitle.

4 (2) For excluded organizations, the Department:

5 (i) Shall adopt separate regulations that establish minimum standards
6 that:

7 1. Ensure food integrity and safety;

8 2. Preserve public health; and

9 3. Control foodborne illnesses; and

10 (ii) May adopt separate regulations that establish a licensing system,
11 with appropriate standards, that excluded organizations may voluntarily choose to submit
12 to as a nonrescindable alternative to regulation under subparagraph (i) of this paragraph.

13 (b) A political subdivision may not adopt a law, ordinance, rule, or regulation that
14 establishes a standard that is less stringent than rules and regulations adopted under this
15 subtitle.

16 (c) Except as otherwise provided in this section, this subtitle does not limit the
17 power of a home rule or charter county or Baltimore City to adopt and enforce laws,
18 ordinances, and regulations that are consistent with the purposes of this subtitle,
19 including the power to adopt local licensing and enforcement procedures.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1997.