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

Introduced and read first time: January 15, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1997

CHAPTER ____

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~~ allow
6 certain organizations to serve food to the public for up to 14 consecutive days once
7 a year; and generally relating to the regulation of food establishments.

8 BY repealing and reenacting, with amendments,

9 Article - Health - General

10 Section 21-301(e)

11 Annotated Code of Maryland

12 (1996 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article - Health - General

15 Section 21-303 and 21-304

16 Annotated Code of Maryland

17 (1996 Replacement Volume and 1996 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Health - General**

21 21-301.

22 (e) "Excluded organization" means a volunteer fire company or bona fide
23 nonprofit fraternal, civic, war veterans', religious, or charitable organization or

2
1 corporation ~~which that~~ does not serve food to the public more often than 4 days per
2 week} ~~SERVES FOOD TO THE PUBLIC NO MORE THAN 14 CONSECUTIVE DAYS FOUR~~
3 ~~TIMES A YEAR EXCEPT THAT ONCE A YEAR AN ORGANIZATION MAY SERVE FOOD~~
4 ~~TO THE PUBLIC FOR UP TO 14 CONSECUTIVE DAYS.~~

5 21-303.

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

10 21-304.

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

13 (2) For excluded organizations, the Department:

14 (i) Shall adopt separate regulations that establish minimum standards
15 that:

16 1. Ensure food integrity and safety;

17 2. Preserve public health; and

18 3. Control foodborne illnesses; and

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

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

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

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