
By: Delegates Nathan-Pulliam, C. Mitchell, Parker, Boston, Marriott, Frush, and E. Burns

Introduced and read first time: January 27, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health - Inspections of Food Establishments**

3 FOR the purpose of requiring a minimum number of annual environmental inspections of
4 certain food establishments; requiring a representative of the Department of Health
5 and Mental Hygiene to inspect a food establishment on receipt of certain
6 complaints; requiring the reinspection of food establishments closed under certain
7 circumstances before reopening; and generally relating to the inspection of food
8 establishments.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 21-313
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1996 Supplement)

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

16 **Article - Health - General**

17 21-313.

18 (a) To enforce this subtitle, a representative of the Department, at any reasonable
19 time, may:

20 (1) Enter and inspect any food establishment; and

21 (2) Inspect and sample any item of food that is in a food establishment.

22 (b) A person may not:

23 (1) Refuse to grant access to a representative of the Department who
24 requests to enter and inspect a food establishment under this section; or

25 (2) Interfere with any inspection under this section.

26 (C) (1) A REPRESENTATIVE OF THE DEPARTMENT SHALL FOR EACH HIGH
27 PRIORITY FOOD SERVICE FACILITY, AS DEFINED BY REGULATION:

2

1 (I) CONDUCT AN INITIAL HAZARD ANALYSIS, WHICH SHALL
2 CONSTITUTE 1 OF THE INSPECTIONS REQUIRED UNDER SUBPARAGRAPH (II) OF THIS
3 PARAGRAPH;

4 (II) CONDUCT 3 INSPECTIONS EACH YEAR, OF WHICH:

- 5 1. 1 SHALL BE PERFORMED EACH TRIMESTER;
- 6 2. 2 SHALL MONITOR CRITICAL ITEMS, AS DEFINED BY
7 REGULATION; AND
- 8 3. 1 SHALL BE A COMPLETE ENVIRONMENTAL INSPECTION;

9 (III) IN THE CASE OF A SEASONAL FOOD SERVICE FACILITY
10 OPERATION WHICH IS NOT A SPECIAL FOOD SERVICE FACILITY, AS DEFINED BY
11 REGULATION, CONDUCT AT LEAST 1 COMPLETE ENVIRONMENTAL INSPECTION
12 DURING EACH 4-MONTH PERIOD DURING WHICH THE FOOD SERVICE FACILITY IS IN
13 OPERATION;

14 (IV) IN THE CASE OF A SPECIAL FOOD SERVICE FACILITY, CONDUCT
15 1 COMPLETE ENVIRONMENTAL INSPECTION DURING EACH LICENSURE PERIOD; AND

16 (V) UPDATE THE HAZARD ANALYSIS EVALUATION:

- 17 1. ONCE EVERY 5 YEARS;
- 18 2. WHEN THERE IS A CHANGE OF OWNERSHIP; OR
- 19 3. WHEN THERE IS A SUBSTANTIAL MENU CHANGE.

20 (2) A REPRESENTATIVE OF THE DEPARTMENT SHALL FOR EACH
21 MODERATE PRIORITY FOOD SERVICE FACILITY, AS DEFINED BY REGULATION:

22 (I) CONDUCT AN INITIAL HAZARD ANALYSIS, WHICH SHALL
23 CONSTITUTE 1 OF THE INSPECTIONS REQUIRED UNDER SUBPARAGRAPH (II) OF THIS
24 PARAGRAPH; AND

25 (II) CONDUCT 2 INSPECTIONS EACH YEAR, OF WHICH:

- 26 1. 1 SHALL BE PERFORMED EVERY 6 MONTHS;
- 27 2. 1 SHALL MONITOR CRITICAL ITEMS, AS DEFINED BY
28 REGULATION; AND
- 29 3. 1 SHALL BE A COMPLETE ENVIRONMENTAL INSPECTION.

30 (3) A REPRESENTATIVE OF THE DEPARTMENT SHALL FOR EACH LOW
31 PRIORITY FOOD SERVICE FACILITY, AS DEFINED BY REGULATION, CONDUCT A
32 COMPLETE ENVIRONMENTAL INSPECTION ONCE EVERY 2 YEARS.

33 (D) (1) WITHIN 10 DAYS OF THE RECEIPT OF A COMPLAINT AGAINST A
34 FOOD ESTABLISHMENT ALLEGING A VIOLATION OF THIS SUBTITLE OR ANY
35 REGULATION ADOPTED UNDER THIS SUBTITLE, A REPRESENTATIVE OF THE
36 DEPARTMENT SHALL INSPECT THE FOOD ESTABLISHMENT.

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1 (2) A REPRESENTATIVE OF THE DEPARTMENT SHALL REINSPECT ANY
2 FOOD ESTABLISHMENT CLOSED BECAUSE OF A VIOLATION OF THIS SUBTITLE OR
3 ANY REGULATION ADOPTED UNDER THIS SUBTITLE BEFORE THE FOOD
4 ESTABLISHMENT IS REOPENED.

5 (3) AN INSPECTION PERFORMED UNDER PARAGRAPH (1) OR (2) OF THIS
6 SUBSECTION DOES NOT REDUCE THE NUMBER OF INSPECTIONS REQUIRED UNDER
7 SUBSECTION (C) OF THIS SECTION.

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