
By: **Delegates Nathan-Pulliam, Morhaim, Goldwater, and D. Davis**

Introduced and read first time: February 12, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Food Service Facilities - Food Service Managers - Certification**

3 FOR the purpose of requiring certain food service facilities to have a food service
4 manager; specifying certain duties for certain food service managers; requiring
5 the Department of Health and Mental Hygiene to establish a program for the
6 certification of food service managers; requiring local health departments to
7 administer the program; requiring the local health departments to perform
8 certain duties under the program; establishing certain requirements for
9 certification; requiring the Department to develop and maintain a certain
10 registry; requiring the Department to set reasonable fees for the issuance,
11 renewal, and replacement of food service manager certificates; specifying the
12 procedures for renewing a certificate; requiring the Department to adopt certain
13 regulations; providing for the application of this Act; defining certain terms; and
14 generally relating to food service facilities and food service managers.

15 BY renumbering

16 Article - Health - General
17 Section 21-301(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m), respectively
18 to be Section 21-301(d), (e), (f), (g), (h), (i), (k), (l), (n), (o), and (p), respectively
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1998 Supplement)

21 BY adding to

22 Article - Health - General
23 Section 21-301(c), (j), and (m) and 21-307.1; and 21-2A-01 through 21-2A-06
24 and the new subtitle "Subtitle 2A. Certification of Food Service Managers"
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 1998 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That Section(s) 21-301(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m),
29 respectively, of Article - Health - General of the Annotated Code of Maryland be
30 renumbered to be Section(s) 21-301(d), (e), (f), (g), (h), (i), (k), (l), (n), (o), and (p),
31 respectively.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Health - General**

4 SUBTITLE 2A. CERTIFICATION OF FOOD SERVICE MANAGERS.

5 21-2A-01.

6 THE DEPARTMENT SHALL ESTABLISH A PROGRAM FOR THE CERTIFICATION OF
7 FOOD SERVICE MANAGERS.

8 21-2A-02.

9 (A) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM THROUGH THE
10 LOCAL HEALTH DEPARTMENTS IN THE STATE.

11 (B) A LOCAL HEALTH DEPARTMENT SHALL:

12 (1) ISSUE A CERTIFICATE TO AN INDIVIDUAL WHO MEETS THE
13 REQUIREMENTS OF § 21-2A-03 OF THIS SUBTITLE;

14 (2) COLLECT AND RETAIN THE FEES SET BY THE DEPARTMENT; AND

15 (3) OFFER CERTIFICATION BY RECIPROCITY TO AN INDIVIDUAL WHO IS
16 CERTIFIED IN ANOTHER STATE IF THE DEPARTMENT DETERMINES THAT THE
17 INDIVIDUAL BECAME CERTIFIED IN THAT STATE AFTER PASSING AN EXAMINATION
18 THAT IS THE SAME OR SUBSTANTIALLY SIMILAR TO THE EXAMINATION REQUIRED
19 UNDER § 21-2A-03 OF THIS SUBTITLE.

20 21-2A-03.

21 (A) AN APPLICANT FOR CERTIFICATION AS A FOOD SERVICE MANAGER SHALL:

22 (1) SUBMIT AN APPLICATION TO ANY LOCAL HEALTH DEPARTMENT IN
23 THE STATE;

24 (2) PASS THE EXAM REQUIRED IN SUBSECTION (B) OF THIS SECTION;
25 AND

26 (3) PAY TO THE LOCAL HEALTH DEPARTMENT THE FEE SET BY THE
27 DEPARTMENT.

28 (B) AN APPLICANT SEEKING CERTIFICATION UNDER THIS SUBTITLE SHALL
29 PASS AN EXAMINATION DEVELOPED BY THE DEPARTMENT THAT INCLUDES THE:

30 (1) IDENTIFICATION AND PREVENTION OF FOOD BORNE DISEASES
31 INCLUDING MEASURES RELATING TO THE SOURCE, RECEIPT, STORAGE,
32 PREPARATION, HANDLING, SERVICING, AND TRANSPORTATION OF FOOD;

33 (2) MAINTENANCE OF A SANITARY FOOD SERVICE FACILITY; AND

1 (3) SUPERVISION OF FOOD HANDLING PERSONNEL WITHIN A FOOD
2 SERVICE FACILITY AS THAT SUPERVISION RELATES TO PROPER PERSONAL HYGIENE
3 AND CORRECTION OF OPERATIONAL PROBLEMS WITHIN THE FACILITY.

4 21-2A-04.

5 (A) THE DEPARTMENT SHALL SET REASONABLE FEES FOR THE ISSUANCE,
6 RENEWAL, AND REPLACEMENT OF FOOD SERVICE MANAGER CERTIFICATES.

7 (B) A CERTIFICATE ISSUED UNDER THIS SUBTITLE IS VALID:

8 (1) FOR 3 YEARS; AND

9 (2) THROUGHOUT THE STATE.

10 (C) A CERTIFICATE EXPIRES AT THE END OF ITS TERM UNLESS THE
11 CERTIFICATION IS RENEWED FOR AN ADDITIONAL TERM.

12 (D) TO RENEW A CERTIFICATE, AN INDIVIDUAL SHALL:

13 (1) IF THE INDIVIDUAL HAS BEEN CONTINUALLY EMPLOYED AS A FOOD
14 SERVICE MANAGER DURING THE PRECEDING CERTIFICATION TERM:

15 (I) PROVIDE THE LOCAL HEALTH DEPARTMENT THAT ISSUED THE
16 INITIAL CERTIFICATE TO THE INDIVIDUAL WITH DOCUMENTATION OF
17 EMPLOYMENT;

18 (II) SUBMIT A RENEWAL APPLICATION TO THE LOCAL HEALTH
19 DEPARTMENT ON A FORM APPROVED BY THE DEPARTMENT; AND

20 (III) PAY THE RENEWAL FEE ESTABLISHED BY THE DEPARTMENT
21 TO THE LOCAL HEALTH DEPARTMENT; OR

22 (2) IF THE INDIVIDUAL HAS NOT BEEN CONTINUALLY EMPLOYED AS A
23 FOOD SERVICE MANAGER DURING THE PRECEDING CERTIFICATION TERM:

24 (I) PASS THE EXAMINATION DESCRIBED IN § 21-2A-03 OF THIS
25 SUBTITLE;

26 (II) SUBMIT A RENEWAL APPLICATION TO THE LOCAL HEALTH
27 DEPARTMENT THAT ISSUED THE INITIAL CERTIFICATE TO THE INDIVIDUAL ON A
28 FORM APPROVED BY THE DEPARTMENT; AND

29 (III) PAY THE RENEWAL FEE ESTABLISHED BY THE DEPARTMENT
30 TO THE LOCAL HEALTH DEPARTMENT.

31 21-2A-05.

32 (A) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A CENTRAL REGISTRY
33 OF CERTIFIED FOOD SERVICE MANAGERS.

1 (B) THE REGISTRY SHALL CONTAIN:

2 (1) THE NAME OF THE CERTIFIED INDIVIDUAL;

3 (2) THE ADDRESS OF THE CERTIFIED INDIVIDUAL;

4 (3) THE EFFECTIVE DATE OF CERTIFICATION; AND

5 (4) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS
6 NECESSARY.

7 21-2A-06.

8 (A) AS OF ITS EFFECTIVE DATE, THIS SUBTITLE SUPERSEDES ANY LAW,
9 ORDINANCE, OR REGULATION ENACTED BY ANY POLITICAL SUBDIVISION
10 CONCERNING THE CERTIFICATION OF FOOD SERVICE MANAGERS.

11 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY
12 OUT THIS SUBTITLE.

13 21-301.

14 (C) "CERTIFIED FOOD SERVICE MANAGER" MEANS AN INDIVIDUAL WHO:

15 (1) HAS PASSED THE EXAMINATION REQUIRED IN § 21-2A-03 OF THIS
16 TITLE; AND

17 (2) RECEIVED A CERTIFICATE FROM A LOCAL HEALTH DEPARTMENT TO
18 EXERCISE OPERATIONAL SUPERVISION IN A FOOD SERVICE FACILITY.

19 (J) "IMMEDIATELY AVAILABLE" MEANS:

20 (1) ON THE PREMISES OF A FACILITY; OR

21 (2) OFF THE PREMISES OF A FACILITY ONLY:

22 (I) IF CONDUCTING BUSINESS NECESSARY TO THE OPERATION OF
23 THAT FACILITY; AND

24 (II) FOR NO LONGER THAN 45 MINUTES.

25 (M) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
26 "POTENTIALLY HAZARDOUS FOOD" MEANS A NATURAL OR SYNTHETIC FOOD OR
27 FOOD INGREDIENT THAT IS:

28 (I) CAPABLE OF SUPPORTING THE RAPID AND PROGRESSIVE
29 GROWTH OF INFECTIOUS OR TOXIGENIC MICROORGANISMS, THE GROWTH OF
30 CLOSTRIDIUM BOTULINUM, OR THE PRODUCTION OF PATHOGENIC MICROBIAL
31 TOXINS, SUCH AS ESCHERICHIA COLI, SALMONELLA, AND HEPATITIS A; AND

- 1 (II) 1. OF ANIMAL ORIGIN AND IS RAW OR HAS BEEN
2 HEAT-TREATED; OR
- 3 2. OF PLANT ORIGIN AND HAS BEEN HEAT-TREATED OR IS
4 RAW SEED SPROUTS.

5 (2) "POTENTIALLY HAZARDOUS FOOD" DOES NOT INCLUDE:

- 6 (I) HARD-BOILED SHELL EGGS WITH SHELL INTACT THAT HAVE
7 BEEN AIR-COOLED;
- 8 (II) FOODS WITH A WATER ACTIVITY (AW) VALUE OF 0.85 OR LESS;
- 9 (III) FOODS WITH A HYDROGEN ION CONCENTRATION (PH) LEVEL
10 OF 4.6 OR BELOW;
- 11 (IV) FOODS IN UNOPENED HERMETICALLY SEALED CONTAINERS
12 THAT HAVE BEEN COMMERCIALY PROCESSED TO ACHIEVE AND MAINTAIN
13 COMMERCIAL STERILITY UNDER CONDITIONS OF NONREFRIGERATED STORAGE OR
14 DISTRIBUTION; OR
- 15 (V) FOODS FOR WHICH LABORATORY EVIDENCE DEMONSTRATES
16 THAT RAPID AND PROGRESSIVE GROWTH OF INFECTIOUS AND TOXIGENIC
17 MICROORGANISMS, THE GROWTH OF CLOSTRIDIUM BOTULINUM, OR THE
18 PRODUCTION OF PATHOGENIC MICROBIAL TOXINS CANNOT OCCUR.

19 21-307.1.

20 (A) THIS SECTION APPLIES TO:

- 21 (1) A HIGH PRIORITY FOOD SERVICE FACILITY AS PROVIDED IN §§
22 10.15.03.16 - 10.15.03.19 OF THE CODE OF MARYLAND REGULATIONS; OR
- 23 (2) A MODERATE PRIORITY FOOD SERVICE FACILITY AS PROVIDED IN §§
24 10.15.03.16 - 10.15.03.19 OF THE CODE OF MARYLAND REGULATIONS.

25 (B) ON OR AFTER JANUARY 1, 2001, A FACILITY SHALL HAVE AT LEAST ONE
26 CERTIFIED FOOD SERVICE MANAGER.

27 (C) ON OR AFTER JANUARY 1, 2002, A FACILITY SHALL REQUIRE A CERTIFIED
28 FOOD SERVICE MANAGER TO BE IMMEDIATELY AVAILABLE WHEN POTENTIALLY
29 HAZARDOUS FOOD IS BEING:

- 30 (1) PREPARED;
- 31 (2) PACKAGED; OR
- 32 (3) OFFERED FOR SALE TO THE PUBLIC PRIOR TO PACKAGING.

33 (D) WITHIN THE FOOD SERVICE FACILITY WHERE A CERTIFIED FOOD SERVICE
34 MANAGER IS EMPLOYED, THE CERTIFIED FOOD SERVICE MANAGER SHALL:

1 (1) PROVIDE TRAINING TO OTHER EMPLOYEES OF THE FACILITY
2 CONCERNING:

3 (I) FOOD HANDLING;

4 (II) HAND WASHING;

5 (III) FOOD REFRIGERATION AND STORAGE; AND

6 (IV) TEMPERATURE CONTROL AS IT RELATES TO BAKING, HOT
7 HOLDING, COLD HOLDING, AND REHEATING; AND

8 (2) DOCUMENT THE FOLLOWING ASPECTS OF THE TRAINING:

9 (I) THE DATE OF THE TRAINING SESSION;

10 (II) THE SPECIFIC TOPICS COVERED AT THE TRAINING SESSION;
11 AND

12 (III) THE NAME OF THE EMPLOYEE RECEIVING TRAINING.

13 (E) THE TRAINING REQUIRED IN SUBSECTION (D) OF THIS SECTION MAY BE
14 CONDUCTED BY PERSONAL DEMONSTRATION, FILM, VIDEO, OR PRINT MEDIA.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1999.