

HOUSE BILL 84

Unofficial Copy  
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HB 874/99 - ENV

2000 Regular Session  
0lr0796

(PRE-FILED)

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By: **Delegate Nathan-Pulliam**  
Requested: November 2, 1999  
Introduced and read first time: January 12, 2000  
Assigned to: Environmental Matters

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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 a certain term;  
14 and 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), (j), (k), (l), (m) and (n), respectively  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume and 1999 Supplement)

21 BY adding to

22 Article - Health - General  
23 Section 21-2A-01 through 21-2A-06, inclusive, to be under the new subtitle  
24 "Subtitle 2A. Certification of Food Service Managers"; 21-301(c) and  
25 21-307.1  
26 Annotated Code of Maryland  
27 (1996 Replacement Volume and 1999 Supplement)

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

1 renumbered to be Section(s) 21-301(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n),  
2 respectively.

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

5 **Article - Health - General**

6 SUBTITLE 2A. CERTIFICATION OF FOOD SERVICE MANAGERS.

7 21-2A-01.

8 THE DEPARTMENT SHALL ESTABLISH A PROGRAM FOR THE CERTIFICATION OF  
9 FOOD SERVICE MANAGERS.

10 21-2A-02.

11 (A) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM THROUGH THE  
12 LOCAL HEALTH DEPARTMENTS IN THE STATE.

13 (B) A LOCAL HEALTH DEPARTMENT SHALL:

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

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

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

22 21-2A-03.

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

24 (1) SUBMIT AN APPLICATION TO ANY LOCAL HEALTH DEPARTMENT IN  
25 THE STATE;

26 (2) PASS THE EXAM REQUIRED IN SUBSECTION (B) OF THIS SECTION;  
27 AND

28 (3) PAY TO THE LOCAL HEALTH DEPARTMENT THE FEE SET BY THE  
29 DEPARTMENT.

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

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

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

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

8 21-2A-04.

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

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

12 (1) FOR 3 YEARS; AND

13 (2) THROUGHOUT THE STATE.

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

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

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

19 (I) PROVIDE THE LOCAL HEALTH DEPARTMENT THAT ISSUED THE  
20 INITIAL CERTIFICATE TO THE INDIVIDUAL WITH DOCUMENTATION OF  
21 EMPLOYMENT;

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

24 (III) PAY THE RENEWAL FEE ESTABLISHED BY THE DEPARTMENT  
25 TO THE LOCAL HEALTH DEPARTMENT; OR

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

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

30 (II) SUBMIT A RENEWAL APPLICATION TO THE LOCAL HEALTH  
31 DEPARTMENT THAT ISSUED THE INITIAL CERTIFICATE TO THE INDIVIDUAL ON A  
32 FORM APPROVED BY THE DEPARTMENT; AND

33 (III) PAY THE RENEWAL FEE ESTABLISHED BY THE DEPARTMENT  
34 TO THE LOCAL HEALTH DEPARTMENT.

1 21-2A-05.

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

4 (B) THE REGISTRY SHALL CONTAIN:

5 (1) THE NAME OF THE CERTIFIED INDIVIDUAL;

6 (2) THE ADDRESS OF THE CERTIFIED INDIVIDUAL;

7 (3) THE EFFECTIVE DATE OF CERTIFICATION; AND

8 (4) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS  
9 NECESSARY.

10 21-2A-06.

11 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS  
12 SUBSECTION, THIS SUBTITLE SUPERSEDES ANY LAW, ORDINANCE, OR REGULATION  
13 ENACTED BY ANY POLITICAL SUBDIVISION CONCERNING THE CERTIFICATION OF  
14 FOOD SERVICE MANAGERS.

15 (2) A POLITICAL SUBDIVISION THAT ESTABLISHES A PROGRAM FOR THE  
16 CERTIFICATION OF FOOD SERVICE MANAGERS THAT IS MORE RESTRICTIVE THAN  
17 THIS SUBTITLE IS EXEMPT FROM THIS SUBTITLE.

18 (3) A FOOD SERVICE FACILITY THAT EMPLOYS A DIETICIAN OR A  
19 NUTRITIONIST ON SITE IS EXEMPT FROM THIS SUBTITLE.

20 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY  
21 OUT THIS SUBTITLE.

22 21-301.

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

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

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

28 21-307.1.

29 (A) THIS SECTION APPLIES TO:

30 (1) A HIGH PRIORITY FOOD SERVICE FACILITY AS PROVIDED IN THE  
31 CODE OF MARYLAND REGULATIONS 10.15.03.16 THROUGH 10.15.03.19; OR

1 (2) A MODERATE PRIORITY FOOD SERVICE FACILITY AS PROVIDED IN  
2 THE CODE OF MARYLAND REGULATIONS 10.15.03.16 THROUGH 10.15.03.19.

3 (B) ON OR AFTER JANUARY 1, 2002, A FACILITY SHALL HAVE AT LEAST ONE  
4 CERTIFIED FOOD SERVICE MANAGER ON THE PREMISES FOR A MINIMUM OF 16  
5 HOURS PER WEEK.

6 (C) WITHIN THE FOOD SERVICE FACILITY WHERE A CERTIFIED FOOD SERVICE  
7 MANAGER IS EMPLOYED, THE CERTIFIED FOOD SERVICE MANAGER SHALL:

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

10 (I) FOOD HANDLING;

11 (II) HAND WASHING;

12 (III) FOOD REFRIGERATION AND STORAGE; AND

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

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

16 (I) THE DATE OF THE TRAINING SESSION;

17 (II) THE SPECIFIC TOPICS COVERED AT THE TRAINING SESSION;  
18 AND

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

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

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
23 effect October 1, 2000.