
By: **Delegates Nathan-Pulliam, A. Jones, Burns, K. Kelly, Morhaim, and Kach**

Introduced and read first time: January 25, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Food Service Facility Manager - Certification**

3 FOR the purpose of requiring a food service facility to ensure that a certified food
4 service manager is on the premises to oversee food operations and sanitation
5 after a certain date; requiring the Department of Health and Mental Hygiene to
6 establish a certification program for food service managers employed in certain
7 food service facilities; requiring the Department to establish and maintain a
8 central registry of certified food service managers containing certain
9 information; requiring the Department to approve examinations that meet
10 certain criteria; requiring local jurisdictions to collect and retain a fee for issuing
11 a certification identification for food service managers; requiring local
12 jurisdictions to accept the certification obtained in any political subdivision of
13 the State; allowing the Department to offer certification by reciprocity in certain
14 situations; requiring individuals seeking certification to pass a certain
15 examination; requiring a certified food service manager to obtain continuing
16 education for recertification; requiring a certified food service manager to
17 provide certain training to other employees in the facility; establishing the
18 effective dates of a certification; defining a certain term; and generally relating
19 to the certification of food service managers.

20 BY renumbering

21 Article - Health - General
22 Section 21-301(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m), respectively
23 to be Section 21-301(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively
24 Annotated Code of Maryland
25 (2000 Replacement Volume)

26 BY adding to

27 Article - Health - General
28 Section 21-301(c) and 21-307.1
29 Annotated Code of Maryland
30 (2000 Replacement Volume)

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

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

8 **Article - Health - General**

9 21-301.

10 (C) "CERTIFIED FOOD SERVICE MANAGER" MEANS AN INDIVIDUAL WHO HAS
11 PASSED AN EXAMINATION APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH §
12 21-307.1 OF THIS SUBTITLE AND IS CERTIFIED BY THE LOCAL JURISDICTION TO
13 EXERCISE OPERATIONAL SUPERVISION IN A FOOD SERVICE FACILITY.

14 21-307.1.

15 (A) A FOOD SERVICE FACILITY SHALL ENSURE THAT EACH MODERATE OR
16 HIGH PRIORITY FOOD SERVICE FACILITY, AS DEFINED IN COMAR 10.15.03, RETAIN A
17 CERTIFIED FOOD SERVICE MANAGER IN ACCORDANCE WITH THIS SECTION.

18 (B) EXCEPT IN HOWARD, MONTGOMERY, AND PRINCE GEORGE'S COUNTIES
19 AND BALTIMORE CITY, EACH MODERATE OR HIGH PRIORITY FOOD SERVICE FACILITY
20 SHALL:

21 (1) AFTER JULY 1, 2002, RETAIN AT LEAST ONE CERTIFIED FOOD
22 SERVICE MANAGER; AND

23 (2) AFTER JULY 1, 2005, ENSURE THAT A CERTIFIED FOOD SERVICE
24 MANAGER IS ON THE PREMISES AND AVAILABLE FOR OPERATIONAL SUPERVISION AT
25 ALL TIMES THAT FOOD IS BEING PREPARED, PACKAGED, OR OFFERED TO THE
26 PUBLIC.

27 (C) THIS SECTION DOES NOT PRECLUDE A LOCAL JURISDICTION FROM
28 ENACTING ITS OWN FOOD SERVICE MANAGER CERTIFICATION PROGRAM AS LONG AS
29 THE PROGRAM IS CONSISTENT WITH STATE STANDARDS.

30 (D) A FOOD SERVICE MANAGER WHO WAS CERTIFIED BY A LOCAL
31 JURISDICTION IN MARYLAND PRIOR TO OCTOBER 1, 2001 IS A CERTIFIED FOOD
32 SERVICE MANAGER AS DEFINED IN THIS SUBTITLE FOR THE REMAINDER OF THE
33 CERTIFICATION TERM PROVIDED BY THE LOCAL JURISDICTION.

34 (E) THE DEPARTMENT SHALL:

35 (1) ESTABLISH A CERTIFICATION REGISTRATION PROGRAM FOR FOOD
36 SERVICE MANAGERS;

1 (2) DEVELOP AND MAINTAIN A CENTRAL REGISTRY OF CERTIFIED FOOD
2 SERVICE MANAGERS THAT CONTAINS AT LEAST THE FOLLOWING:

3 (I) NAME OF THE CERTIFIED INDIVIDUAL;

4 (II) ADDRESS OF THE CERTIFIED INDIVIDUAL; AND

5 (III) DATE OF CERTIFICATION AND RECERTIFICATION; AND

6 (3) APPROVE CERTIFICATION EXAMINATIONS THAT EFFECTIVELY
7 COVER:

8 (I) THE AGENTS, CAUSES, AND PREVENTION OF FOODBORNE
9 ILLNESS;

10 (II) PROPER FOOD HANDLING METHODS AS RELATED TO THE
11 SOURCE, RECEIPT, STORAGE, PREPARATION, HOLDING, SERVING, AND
12 TRANSPORTATION OF FOOD;

13 (III) THE MAINTENANCE OF A SANITARY FOOD SERVICE FACILITY;

14 (IV) THE SUPERVISION OF PERSONNEL WITHIN A FOOD SERVICE
15 FACILITY TO PROMOTE PROPER PERSONAL HYGIENE AND HANDWASHING BY FOOD
16 HANDLERS AND THE EXCLUSION OF SICK WORKERS FROM FOOD HANDLING; AND

17 (V) FOOD ALLERGENS.

18 (F) EACH LOCAL JURISDICTION SHALL ADMINISTER THE FOOD SERVICE
19 MANAGER CERTIFICATION PROGRAM FOR THAT JURISDICTION.

20 (G) (1) A LOCAL JURISDICTION SHALL ESTABLISH A CERTIFICATION FEE
21 AND A RENEWAL CERTIFICATION FEE SUFFICIENT TO COVER THE ADMINISTRATIVE
22 COSTS ASSOCIATED WITH THE PROVISIONS OF THIS SECTION.

23 (2) EXCEPT IN BALTIMORE CITY, HOWARD, MONTGOMERY AND PRINCE
24 GEORGE'S COUNTIES, THE CERTIFICATION FEE AND RENEWAL CERTIFICATION FEE
25 MAY NOT EXCEED \$25.

26 (3) ALL CERTIFICATION FEES AND RENEWAL CERTIFICATION FEES
27 SHALL BE COLLECTED AND RETAINED BY THE LOCAL JURISDICTION THAT ISSUES
28 THE CERTIFICATION.

29 (4) THE CERTIFICATION FEE AND RENEWAL CERTIFICATION FEE ARE
30 SEPARATE FROM ANY FEE SET FORTH IN § 21-308 OF THIS SUBTITLE.

31 (H) A CERTIFICATION ISSUED BY A LOCAL JURISDICTION SHALL BE VALID IN
32 ALL LOCAL JURISDICTIONS IN MARYLAND.

33 (I) THE DEPARTMENT MAY OFFER CERTIFICATION BY RECIPROCITY TO AN
34 INDIVIDUAL WHO IS CERTIFIED IN ANOTHER STATE IF THE ADVISORY COMMITTEE

1 DETERMINES THAT THE INDIVIDUAL MEETS THE CERTIFICATION CRITERIA
2 OUTLINED IN THIS SECTION.

3 (J) WITHIN A FOOD SERVICE FACILITY WHERE A CERTIFIED FOOD SERVICE
4 FACILITY MANAGER IS RETAINED, THE CERTIFIED FOOD SERVICE FACILITY
5 MANAGER SHALL:

6 (1) EXERCISE OPERATIONAL SUPERVISION TO PROMOTE FOOD SAFETY
7 AND SANITATION;

8 (2) PROVIDE TRAINING TO ALL FOOD SERVICE WORKERS RETAINED BY
9 THE FACILITY CONCERNING THE FOLLOWING;

10 (I) SAFE FOOD TEMPERATURES;

11 (II) ADEQUATE HANDWASHING;

12 (III) PREVENTION OF CROSS-CONTAMINATION;

13 (IV) IMPLEMENTATION OF THE FACILITY'S HAZARD ANALYSIS
14 CRITICAL CONTROL POINT PLAN; AND

15 (V) FOOD ALLERGENS.

16 (K) THE TRAINING REQUIRED IN SUBSECTION (J) OF THIS SECTION MAY BE
17 CONDUCTED BY PERSONAL DEMONSTRATION, FILM, VIDEO, OR PRINT MEDIA.

18 (L) EACH INDIVIDUAL SEEKING A CERTIFICATION UNDER THIS SECTION
19 SHALL:

20 (1) SUBMIT AN APPLICATION TO THE LOCAL JURISDICTION ON A FORM
21 APPROVED BY THE DEPARTMENT;

22 (2) PAY TO THE LOCAL JURISDICTION THE CERTIFICATION
23 REGISTRATION FEE ESTABLISHED BY THE LOCAL JURISDICTION; AND

24 (3) PASS THE DEPARTMENT-APPROVED EXAMINATION DESCRIBED IN
25 SUBSECTION (E)(3) OF THIS SECTION.

26 (M) A CERTIFICATION ISSUED UNDER THIS SUBTITLE IS VALID FOR A TERM OF
27 3 YEARS.

28 (N) AN INDIVIDUAL MAY RENEW THE CERTIFICATION FOR AN ADDITIONAL
29 TERM BY:

30 (1) SUBMITTING A RENEWAL APPLICATION TO THE LOCAL
31 JURISDICTION ON A FORM APPROVED BY THE DEPARTMENT CONTAINING:

32 (I) DOCUMENTATION OF SUCCESSFULLY COMPLETING A
33 RECERTIFICATION COURSE APPROVED BY THE ADVISORY COMMITTEE; OR

1 (II) EVIDENCE OF SUCCESSFULLY PASSING A CHALLENGE
2 EXAMINATION ACCEPTABLE TO THE ADVISORY COMMITTEE; AND

3 (2) PAYING TO THE LOCAL JURISDICTION THE RENEWAL
4 CERTIFICATION FEE DESCRIBED IN SUBSECTION (G) OF THIS SECTION.

5 (O) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
6 SECTION.

7 (P) (1) THE DEPARTMENT SHALL ESTABLISH A FOOD SERVICE FACILITY
8 MANAGER ADVISORY COMMITTEE TO ADVISE AND ASSIST THE DEPARTMENT IN
9 CARRYING OUT THE RESPONSIBILITIES OF THIS SECTION.

10 (2) THE ADVISORY COMMITTEE SHALL CONSIST OF:

11 (I) THE SECRETARY OR THE SECRETARY'S DESIGNEE, WHO SHALL
12 SERVE AS CHAIRMAN OF THE ADVISORY COMMITTEE;

13 (II) AT LEAST ONE REPRESENTATIVE FROM THE RESTAURANT
14 ASSOCIATION OF MARYLAND;

15 (III) AT LEAST EIGHT REPRESENTATIVES FROM THE FOOD
16 INDUSTRY;

17 (IV) AT LEAST ONE CONSUMER REPRESENTATIVE;

18 (V) AT LEAST ONE REPRESENTATIVE FROM A CONSUMER
19 ADVOCACY COMMUNITY; AND

20 (VI) AT LEAST FIVE REPRESENTATIVES FROM LOCAL
21 JURISDICTIONS, ONE OF WHICH SHALL REPRESENT A JURISDICTION THAT ALREADY
22 HAS AN EXISTING FOOD SERVICE FACILITY MANAGER CERTIFICATION PROGRAM.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2001.