
By: **Delegates Nathan-Pulliam, Kelly, Bobo, Frush, A. Jones, Kach, Morhaim, and Turner**

Introduced and read first time: January 30, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health - Food Service Facility Managers - Certification**

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

21 BY renumbering

22 Article - Health - General

23 Section 21-301(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m), respectively

24 to be Section 21-301(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively

25 Annotated Code of Maryland

26 (2000 Replacement Volume and 2001 Supplement)

27 BY adding to

28 Article - Health - General

29 Section 21-301(c) and 21-307.1

30 Annotated Code of Maryland

31 (2000 Replacement Volume and 2001 Supplement)

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

15 21-307.1.

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

20 (B) (1) EXCEPT IN HOWARD, MONTGOMERY, AND PRINCE GEORGE'S
21 COUNTIES AND BALTIMORE CITY, AFTER JULY 1, 2002, EACH MODERATE OR HIGH
22 PRIORITY FOOD SERVICE FACILITY SHALL HAVE AT LEAST ONE CERTIFIED FOOD
23 SERVICE FACILITY MANAGER AVAILABLE FOR CONSULTATION DURING BUSINESS
24 HOURS.

25 (2) THE FOOD SERVICE FACILITY MANAGER MAY BE AVAILABLE FOR
26 CONSULTATION BY ANY MEANS OF COMMUNICATION.

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

30 (D) A FOOD SERVICE FACILITY MANAGER WHO WAS CERTIFIED BY A LOCAL
31 JURISDICTION IN THE STATE BEFORE OCTOBER 1, 2002 IS A CERTIFIED FOOD
32 SERVICE FACILITY MANAGER AS DEFINED IN THIS SUBTITLE FOR THE REMAINDER
33 OF THE CERTIFICATION TERM PROVIDED BY THE LOCAL JURISDICTION.

34 (E) THE DEPARTMENT SHALL:

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

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

4 (I) THE NAME OF THE CERTIFIED INDIVIDUAL;

5 (II) THE ADDRESS OF THE CERTIFIED INDIVIDUAL; AND

6 (III) THE DATE OF CERTIFICATION AND RECERTIFICATION; AND

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

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

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

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

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

18 (V) FOOD ALLERGENS.

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

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

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

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

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

32 (H) A CERTIFICATION ISSUED BY A LOCAL JURISDICTION SHALL BE VALID IN
33 ALL LOCAL JURISDICTIONS IN THE STATE.

34 (I) THE DEPARTMENT MAY OFFER CERTIFICATION BY RECIPROCITY TO AN
35 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; AND

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 SUCCESSFUL COMPLETION OF A
33 RECERTIFICATION COURSE APPROVED BY THE ADVISORY COMMITTEE ESTABLISHED
34 UNDER SUBSECTION (P) OF THIS SECTION; OR

1 (II) EVIDENCE THAT THE INDIVIDUAL SUCCESSFULLY PASSED A
2 CHALLENGE 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 THE CONSUMER
19 ADVOCACY COMMUNITY; AND

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2002.