
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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 26, 2002

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring a food service facility to ensure that certain moderate or
4 high priority food service facilities retain a certified food service facility
5 ~~manager is on the premises to oversee food operations and sanitation in~~
6 accordance with certain provisions of this Act; requiring certain food service
7 facilities to have at least one certified food service facility manger available for
8 consultation during business hours after a certain date subject to certain
9 exceptions; providing that certain provisions of this Act do not apply to bona fide
10 fraternal or veterans organizations subject to a certain exception; providing that
11 certain provisions of this Act do not preclude a local jurisdiction from taking
12 certain actions; requiring the Department of Health and Mental Hygiene to
13 establish a certification program for food service facility managers employed in
14 certain food service facilities; requiring the Department to establish and
15 maintain a central registry of certified food service facility managers containing
16 certain information; requiring the Department to approve examinations that
17 meet certain criteria; requiring local jurisdictions to collect and retain a fee for
18 issuing a certification for food service facility managers; requiring local
19 jurisdictions to accept the certification obtained in any political subdivision of
20 the State; allowing the Department to offer certification by reciprocity in certain
21 situations; requiring individuals seeking certification to pass a certain
22 examination; requiring a certified food service facility manager to obtain
23 continuing education for recertification; requiring a certified food service facility
24 manager to provide certain training to other employees in the food service
25 facility; establishing the effective dates of a certification; defining a certain
26 term; and generally relating to the certification of food service facility managers.

1 BY renumbering
 2 Article - Health - General
 3 Section 21-301(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m), respectively
 4 to be Section 21-301(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively
 5 Annotated Code of Maryland
 6 (2000 Replacement Volume and 2001 Supplement)

7 BY adding to
 8 Article - Health - General
 9 Section 21-301(c) and 21-307.1
 10 Annotated Code of Maryland
 11 (2000 Replacement Volume and 2001 Supplement)

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

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

19 **Article - Health - General**

20 21-301.

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

26 21-307.1.

27 (A) A FOOD SERVICE FACILITY SHALL ENSURE THAT EACH MODERATE OR
 28 HIGH PRIORITY FOOD SERVICE FACILITY, AS DEFINED IN COMAR 10.15.03, RETAINS A
 29 CERTIFIED FOOD SERVICE FACILITY MANAGER IN ACCORDANCE WITH THIS
 30 SECTION.

31 (B) (1) SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION. THIS SECTION
 32 DOES NOT APPLY TO A BONA FIDE FRATERNAL OR VETERANS ORGANIZATION.

33 (2) EXCEPT IN HOWARD, MONTGOMERY, AND PRINCE GEORGE'S
 34 COUNTIES AND BALTIMORE CITY, AFTER JULY 1, ~~2002~~2004, EACH MODERATE OR
 35 HIGH PRIORITY FOOD SERVICE FACILITY SHALL HAVE AT LEAST ONE CERTIFIED
 36 FOOD SERVICE FACILITY MANAGER AVAILABLE FOR CONSULTATION DURING
 37 BUSINESS HOURS.

1 ~~(2)~~ (3) THE FOOD SERVICE FACILITY MANAGER MAY BE AVAILABLE
2 FOR CONSULTATION BY ANY MEANS OF COMMUNICATION.

3 (C) THIS SECTION DOES NOT PRECLUDE A LOCAL JURISDICTION FROM:

4 (1) ENACTING ITS OWN FOOD SERVICE FACILITY MANAGER
5 CERTIFICATION PROGRAM AS LONG AS THE PROGRAM IS CONSISTENT WITH STATE
6 STANDARDS; OR

7 (2) ENACTING LAWS THAT ARE CONSISTENT WITH THIS SECTION AND
8 APPLY TO A BONA FIDE FRATERNAL OR VETERANS ORGANIZATION.

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

13 (E) THE DEPARTMENT SHALL:

14 (1) ESTABLISH A CERTIFICATION REGISTRATION PROGRAM FOR FOOD
15 SERVICE FACILITY MANAGERS;

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

19 (I) THE NAME OF THE CERTIFIED INDIVIDUAL;

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

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

22 (3) APPROVE CERTIFICATION EXAMINATIONS THAT EFFECTIVELY
23 COVER:

24 (I) THE AGENTS, CAUSES, AND PREVENTION OF FOODBORNE
25 ILLNESS;

26 (II) THE PROPER FOOD HANDLING METHODS AS RELATED TO THE
27 SOURCE, RECEIPT, STORAGE, PREPARATION, HOLDING, SERVING, AND
28 TRANSPORTATION OF FOOD;

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

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

33 (V) FOOD ALLERGENS.

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

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

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

9 (3) ALL CERTIFICATION FEES AND RENEWAL CERTIFICATION FEES
10 SHALL BE COLLECTED AND RETAINED BY THE LOCAL JURISDICTION THAT ISSUES
11 THE CERTIFICATION.

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

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

16 (I) THE DEPARTMENT MAY OFFER CERTIFICATION BY RECIPROCITY TO AN
17 INDIVIDUAL WHO IS CERTIFIED IN ANOTHER STATE IF THE ADVISORY COMMITTEE
18 DETERMINES THAT THE INDIVIDUAL MEETS THE CERTIFICATION CRITERIA
19 OUTLINED IN THIS SECTION.

20 (J) WITHIN A FOOD SERVICE FACILITY WHERE A CERTIFIED FOOD SERVICE
21 FACILITY MANAGER IS RETAINED, THE CERTIFIED FOOD SERVICE FACILITY
22 MANAGER SHALL:

23 (1) EXERCISE OPERATIONAL SUPERVISION TO PROMOTE FOOD SAFETY
24 AND SANITATION; AND

25 (2) PROVIDE TRAINING TO ALL FOOD SERVICE WORKERS RETAINED BY
26 THE FACILITY CONCERNING THE FOLLOWING:

27 (I) SAFE FOOD TEMPERATURES;

28 (II) ADEQUATE HANDWASHING;

29 (III) PREVENTION OF CROSS-CONTAMINATION;

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

32 (V) FOOD ALLERGENS.

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

1 (L) EACH INDIVIDUAL SEEKING A CERTIFICATION UNDER THIS SECTION
2 SHALL:

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

5 (2) PAY TO THE LOCAL JURISDICTION THE CERTIFICATION
6 REGISTRATION FEE ESTABLISHED BY THE LOCAL JURISDICTION; AND

7 (3) PASS THE DEPARTMENT APPROVED EXAMINATION DESCRIBED IN
8 SUBSECTION (E)(3) OF THIS SECTION.

9 (M) A CERTIFICATION ISSUED UNDER THIS SUBTITLE IS VALID FOR A TERM OF
10 3 YEARS.

11 (N) AN INDIVIDUAL MAY RENEW THE CERTIFICATION FOR AN ADDITIONAL
12 TERM BY:

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

15 (I) DOCUMENTATION OF SUCCESSFUL COMPLETION OF A
16 RECERTIFICATION COURSE APPROVED BY THE ADVISORY COMMITTEE ESTABLISHED
17 UNDER SUBSECTION (P) OF THIS SECTION; OR

18 (II) EVIDENCE THAT THE INDIVIDUAL SUCCESSFULLY PASSED A
19 CHALLENGE EXAMINATION ACCEPTABLE TO THE ADVISORY COMMITTEE; AND

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

22 (O) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
23 SECTION.

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

27 (2) THE ADVISORY COMMITTEE SHALL CONSIST OF:

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

30 (II) AT LEAST ONE REPRESENTATIVE FROM THE RESTAURANT
31 ASSOCIATION OF MARYLAND;

32 (III) AT LEAST EIGHT REPRESENTATIVES FROM THE FOOD
33 INDUSTRY;

34 (IV) AT LEAST ONE CONSUMER REPRESENTATIVE;

1 (V) AT LEAST ONE REPRESENTATIVE FROM THE CONSUMER
2 ADVOCACY COMMUNITY; AND

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

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