

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**  
**Revised**

House Bill 472 (Delegate Nathan-Pulliam, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

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

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This bill requires the Department of Health and Mental Hygiene (DHMH) to create a food service manager certification program and a Food Service Facility Manager Advisory Committee.

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**Fiscal Summary**

**State Effect:** The bill's requirements could be handled with existing DHMH budgeted resources. Special fund pass-through due to local administration of the program.

**Local Effect:** Special fund revenues and expenditures are expected to increase by equivalent amounts. If 4,125 food service facility managers became certified in FY 2005, revenues and expenditures would each increase by \$103,125.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** This bill requires DHMH to establish a food service manager certification program, maintain a central registry, set maximum fee guidelines, approve certification examinations, adopt regulations, and establish a food service facility manager advisory committee to advise and assist the department in carrying out the requirements of the bill.

Each food service facility, except for those in Howard, Montgomery, and Prince George's counties and Baltimore City, must have at least one certified food service manager available for consultation by any means of communication during business

hours after July 1, 2004. The food service manager is required to exercise operational supervision to promote food safety and sanitation and provide training to all food service workers concerning food safety and allergens. These requirements do not apply to bona fide fraternal or veterans' organizations.

Local jurisdictions are to administer the food service manager certification program for that jurisdiction, and in so doing, set, collect, and retain certification and renewal fees. A local jurisdiction may also enact its own food service manager certification program so long as the program is consistent with the State's standards, or enacting laws that are consistent with this bill's provisions and apply to bona fide fraternal or veterans' organizations. The certification and renewal fees may not exceed \$25 except in Baltimore City, Howard, Montgomery, and Prince George's counties. An individual seeking certification must submit an application, pay the certification fee, and pass the DHMH-approved examination. A certification is valid for three years, renewable, and valid in all local jurisdictions in Maryland. Reciprocity may be offered to an individual who is certified in another state.

**Current Law:** A statewide certification program for food service managers does not currently exist.

**Background:** There are an estimated 25,000 food service facilities in Maryland. This includes an estimated 16,750 facilities with certified food service managers based on local ordinance in Baltimore City, Prince George's County, Howard County, and Montgomery County. These four local jurisdictions currently have food service manager certification programs. There are 8,250 facilities in other local jurisdictions that are not required to have certified food service managers.

**Local Fiscal Effect:** Local health departments will administer the certification program. Local jurisdictions may enact their own food service manager certification programs as long as the programs are consistent with State standards. Approximately 8,250 food service facilities will be subject to this bill. Since more than one facility can be under the operational supervision of one person, fewer than 8,250 certifications will be needed, but the exact number cannot be reliably estimated at this time. The certification and renewal fees may not exceed \$25 except in Baltimore City, Howard, Montgomery, and Prince George's counties. If 4,125 food service facility managers become certified in fiscal 2005, half of the current food service facilities that will be subject to this bill, revenues and expenditures would increase by \$103,125 assuming a \$25 certification fee.

The cost to local health departments of implementing this program is expected to be revenue neutral as the food service manager certification and renewal fees are expected to cover administrative costs.

There are no fines or penalties outlined in this bill. Therefore, governments that levy fines under local law may realize a decrease in revenue should this bill be interpreted to prohibit fines or penalties for noncompliance.

**Small Business Effect:** There are an estimated 8,250 food service facilities. In addition, high-priority food service facilities include all assisted living homes. There is an estimated cost to the industry of \$200 per certification for training and fees. Since a firm may have more than one facility under the operational supervision of one person, fewer than 8,250 certifications will be needed; a precise number cannot be reliably estimated at this time. This bill will have a minimal impact on approximately 2,600 small assisted living home providers.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 257, was introduced in the 2001 session but received an unfavorable report in the House Environmental Matters Committee. Another similar bill, HB 84, was introduced in the 2000 session but no action was taken. A similar bill, HB 874, was introduced in the 1999 session and received an unfavorable report from the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Montgomery County, Prince George's County, Garrett County, Dorchester County, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2002  
lc/jr Revised - House Third Reader - March 18, 2002

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