
By: **Delegates Nathan-Pulliam, Burns, Fulton, Haynes, Jones, Kach, Kelly,
Menes, Morhaim, Murray, and Pendergrass**

Introduced and read first time: January 29, 2003

Assigned to: Health and Government Operations

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

25 BY renumbering

26 Article - Health - General

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

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

29 Annotated Code of Maryland

30 (2000 Replacement Volume and 2002 Supplement)

31 BY adding to

1 Article - Health - General
2 Section 21-301(c) and 21-304.1
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2002 Supplement)

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

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

12 **Article - Health - General**

13 21-301.

14 (C) "CERTIFIED FOOD SERVICE FACILITY MANAGER" MEANS AN INDIVIDUAL
15 WHO HAS PASSED AN EXAMINATION APPROVED BY THE DEPARTMENT IN
16 ACCORDANCE WITH § 21-304.1 OF THIS SUBTITLE AND IS CERTIFIED BY THE LOCAL
17 JURISDICTION TO EXERCISE OPERATIONAL SUPERVISION IN A FOOD SERVICE
18 FACILITY.

19 21-304.1.

20 (A) A FOOD SERVICE FACILITY SHALL ENSURE THAT EACH MODERATE OR
21 HIGH PRIORITY FOOD SERVICE FACILITY, AS DEFINED IN COMAR 10.15.03, RETAINS A
22 CERTIFIED FOOD SERVICE FACILITY MANAGER IN ACCORDANCE WITH THIS
23 SECTION.

24 (B) (1) EXCEPT IN BALTIMORE, HOWARD, MONTGOMERY, AND PRINCE
25 GEORGE'S COUNTIES AND BALTIMORE CITY, AFTER JULY 1, 2005, EACH MODERATE OR
26 HIGH PRIORITY FOOD SERVICE FACILITY SHALL HAVE AT LEAST ONE CERTIFIED
27 FOOD SERVICE FACILITY MANAGER AVAILABLE FOR CONSULTATION DURING
28 BUSINESS HOURS.

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

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

34 (D) A FOOD SERVICE FACILITY MANAGER WHO WAS CERTIFIED BY A LOCAL
35 JURISDICTION IN THE STATE BEFORE OCTOBER 1, 2003 IS A CERTIFIED FOOD
36 SERVICE FACILITY MANAGER AS DEFINED IN THIS SUBTITLE FOR THE REMAINDER
37 OF THE CERTIFICATION TERM PROVIDED BY THE LOCAL JURISDICTION.

1 (E) THE DEPARTMENT SHALL:

2 (1) ESTABLISH A CERTIFICATION REGISTRATION PROGRAM FOR FOOD
3 SERVICE FACILITY MANAGERS;

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

7 (I) THE NAME OF THE CERTIFIED INDIVIDUAL;

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

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

10 (3) APPROVE CERTIFICATION EXAMINATIONS THAT EFFECTIVELY
11 COVER:

12 (I) THE AGENTS, CAUSES, AND PREVENTION OF FOODBORNE
13 ILLNESS;

14 (II) THE PROPER FOOD HANDLING METHODS AS RELATED TO THE
15 SOURCE, RECEIPT, STORAGE, PREPARATION, HOLDING, SERVING, AND
16 TRANSPORTATION OF FOOD;

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

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

21 (V) FOOD ALLERGENS.

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

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

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

30 (3) ALL CERTIFICATION FEES AND RENEWAL CERTIFICATION FEES
31 SHALL BE COLLECTED AND RETAINED BY THE LOCAL JURISDICTION THAT ISSUES
32 THE CERTIFICATION.

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

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

3 (I) THE DEPARTMENT MAY OFFER CERTIFICATION BY RECIPROCITY TO AN
4 INDIVIDUAL WHO IS CERTIFIED IN ANOTHER STATE IF THE ADVISORY COMMITTEE
5 DETERMINES THAT THE INDIVIDUAL MEETS THE CERTIFICATION CRITERIA
6 OUTLINED IN THIS SECTION.

7 (J) WITHIN A FOOD SERVICE FACILITY WHERE A CERTIFIED FOOD SERVICE
8 FACILITY MANAGER IS RETAINED, THE CERTIFIED FOOD SERVICE FACILITY
9 MANAGER SHALL:

10 (1) EXERCISE OPERATIONAL SUPERVISION TO PROMOTE FOOD SAFETY
11 AND SANITATION; AND

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

14 (I) SAFE FOOD TEMPERATURES;

15 (II) ADEQUATE HANDWASHING;

16 (III) PREVENTION OF CROSS-CONTAMINATION;

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

19 (V) FOOD ALLERGENS.

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

22 (L) EACH INDIVIDUAL SEEKING A CERTIFICATION UNDER THIS SECTION
23 SHALL:

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

26 (2) PAY TO THE LOCAL JURISDICTION THE CERTIFICATION
27 REGISTRATION FEE ESTABLISHED BY THE LOCAL JURISDICTION; AND

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

30 (M) A CERTIFICATION ISSUED UNDER THIS SUBTITLE IS VALID FOR A TERM OF
31 3 YEARS.

32 (N) AN INDIVIDUAL MAY RENEW THE CERTIFICATION FOR AN ADDITIONAL
33 TERM BY:

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

3 (I) DOCUMENTATION OF SUCCESSFUL COMPLETION OF A
4 RECERTIFICATION COURSE APPROVED BY THE ADVISORY COMMITTEE ESTABLISHED
5 UNDER SUBSECTION (P) OF THIS SECTION; OR

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

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

10 (O) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
11 SECTION.

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

15 (2) THE ADVISORY COMMITTEE SHALL CONSIST OF:

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

18 (II) AT LEAST ONE REPRESENTATIVE FROM THE RESTAURANT
19 ASSOCIATION OF MARYLAND;

20 (III) AT LEAST EIGHT REPRESENTATIVES FROM THE FOOD
21 INDUSTRY;

22 (IV) AT LEAST ONE CONSUMER REPRESENTATIVE;

23 (V) AT LEAST ONE REPRESENTATIVE FROM THE CONSUMER
24 ADVOCACY COMMUNITY; AND

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2003.