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By: **Delegate Bohanan**

Introduced and read first time: February 7, 2003

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Food Processing Plant License - Seafood Processors - Inactive Status**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
4 classify certain food processing licenses as inactive; requiring the Department to  
5 send a certain letter to applicants for inactive status; establishing the conditions  
6 and length of the inactive status; establishing the conditions for reactivation of  
7 a license; authorizing the Department to adopt certain regulations; defining  
8 certain terms; and generally relating to inactive food processing licenses.

9 BY repealing and reenacting, without amendments,  
10 Article - Health - General  
11 Section 21-301(a) and (g)  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Health - General  
16 Section 21-309(b) and 21-310(b)  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2002 Supplement)

19 BY adding to  
20 Article - Health - General  
21 Section 21-309.1  
22 Annotated Code of Maryland  
23 (2000 Replacement Volume and 2002 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 21-301.

3 (a) In this subtitle the following words have the meanings indicated.

4 (g) (1) "Food processing plant" means any place used for, or in connection  
5 with, the commercial manufacturing, preparing, processing, packaging, canning,  
6 freezing, storing, distributing, labeling, or holding of food or drink for human  
7 consumption.

8 (2) "Food processing plant" includes:

9 (i) A bakery plant;

10 (ii) A cannery;

11 (iii) A confectionery plant;

12 (iv) A crab meat picking plant;

13 (v) A food manufacturing plant;

14 (vi) A food warehouse or distribution center;

15 (vii) A frozen food processing plant;

16 (viii) An ice manufacturing plant;

17 (ix) A shellfish plant;

18 (x) A soft drink manufacturing plant; or

19 (xi) A bottled water plant.

20 (3) "Food processing plant" does not include a warehouse or distribution  
21 center that:

22 (i) Does not process food; and

23 (ii) Stores only sealed containers of whole bean, ground or instant  
24 coffee, leaf or instant teas, nondairy dehydrated whiteners, sugar, or sugar-free  
25 sweeteners.

26 21-309.

27 (b) (1) Except as provided in § 10-226 of the State Government [Article  
28 and] ARTICLE, in paragraph (2) of this subsection, AND IN § 21-309.1 OF THIS  
29 SUBTITLE, and unless it is renewed for another term, a license expires 1 year from the  
30 date of issuance or renewal or as provided by local law, ordinance, or regulation in  
31 accordance with § 21-304(b) and (c) of this subtitle.

1           (2)     Except as provided in § 10-226 of the State Government Article, a  
2 license to operate a temporary food service facility expires at the conclusion of the  
3 underlying event or after 14 consecutive days of operation, whichever is earlier, or as  
4 provided by local law, ordinance, or regulation in accordance with § 21-304(b) and (c)  
5 of this subtitle.

6 21-309.1.

7     (A)     IN THIS SECTION, "SEAFOOD" MEANS ANY FINFISH, CRUSTACEAN, OR  
8 MOLLUSK, LIVE OR DEAD, OR ANY PART, EGG, OFFSPRING, OR BODY OF ANY FINFISH,  
9 CRUSTACEAN, OR MOLLUSK, THAT IS INTENDED FOR HUMAN CONSUMPTION.

10    (B)     THIS SECTION ONLY APPLIES TO FOOD PROCESSING PLANTS THAT  
11 PROCESS SEAFOOD.

12    (C)     (1)     ON APPLICATION BY A LICENSEE OPERATING A FOOD PROCESSING  
13 PLANT, THE DEPARTMENT SHALL CLASSIFY THE LICENSEE'S LICENSE AS INACTIVE.

14           (2)     THE DEPARTMENT SHALL MAIL A LETTER TO THE LICENSEE  
15 CONFIRMING THE INACTIVE STATUS WITHIN 30 DAYS OF RECEIPT OF THE  
16 APPLICATION.

17    (D)     (1)     THE INACTIVE STATUS SHALL RUN FOR A PERIOD OF 1 YEAR FROM  
18 THE DATE THAT THE DEPARTMENT ISSUES THE LETTER REQUIRED BY SUBSECTION  
19 (C)(2) OF THIS SECTION.

20           (2)     WHILE THE LICENSE IS INACTIVE, THE LICENSEE MAY NOT OPERATE  
21 THE FOOD PROCESSING PLANT IDENTIFIED ON THE LICENSE.

22    (E)     (1)     AT LEAST 45 DAYS PRIOR TO THE EXPIRATION OF THE INACTIVE  
23 PERIOD, THE LICENSEE MAY:

24           (I)     APPLY TO THE DEPARTMENT TO HAVE THE LICENSE  
25 REACTIVATED; OR

26           (II)    SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, APPLY TO  
27 THE DEPARTMENT TO HAVE THE LICENSE REMAIN INACTIVE FOR AN ADDITIONAL  
28 YEAR.

29           (2)     A LICENSE MAY NOT BE ON INACTIVE STATUS FOR MORE THAN 3  
30 CONSECUTIVE YEARS.

31    (F)     AS A REQUIREMENT OF REACTIVATION, THE LICENSEE MUST ALLOW THE  
32 DEPARTMENT ACCESS TO THE FOOD PROCESSING PLANT FOR THE PURPOSE OF ANY  
33 INSPECTION ALLOWED OR REQUIRED UNDER THIS SUBTITLE, INCLUDING AN  
34 INSPECTION PRIOR TO THE REACTIVATION OF THE LICENSE.

35    (G)     AN APPLICATION FOR REACTIVATION OF A LICENSE DOES NOT  
36 CONSTITUTE AN APPLICATION FOR A NEW LICENSE.

1 (H) AFTER REACTIVATION, THE LICENSEE MUST OPERATE THE FOOD  
2 PROCESSING PLANT FOR AT LEAST 6 MONTHS BEFORE THE LICENSEE MAY APPLY  
3 AGAIN FOR INACTIVE STATUS.

4 (I) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY  
5 OUT THE PROVISIONS OF THIS SECTION.

6 21-310.

7 (b) While it is effective AND ACTIVE, a license authorizes the licensee to  
8 operate the food establishment identified on the license.

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