

Department of Legislative Services

Maryland General Assembly

2003 Session

FISCAL AND POLICY NOTE

Senate Bill 256

(Senators Jacobs and Hooper)

Education, Health, and Environmental Affairs

**Department of Health and Mental Hygiene - Food Establishments - Food Bank
Regulation**

This bill requires the Department of Health and Mental Hygiene (DHMH) to adopt separate, less stringent regulations for food establishments that are nonprofit corporations, organizations, or associations that dispense donated food than the regulations adopted for other food establishments. DHMH must consider the financial situation of and community services provided by the nonprofit corporations, organizations, or associations in the requirements of the new regulations.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential meaningful benefit for eight nonprofit banks.

Analysis

Current Law: A food establishment is a food service facility or a food processing plant. A food service facility is defined as a place where food or drink is prepared for sale or service on the premises or elsewhere; or any operation where food is served to or provided for the public, with or without charge. A food processing plant means any place used for, or in connection with, the commercial manufacturing, preparing, processing, packaging, canning, freezing, storing, distributing, labeling, or holding of food or drink for human consumption.

Certain organizations are excluded from DHMH food establishment requirements. An excluded organization is a volunteer fire company or a bona fide nonprofit fraternal, civic, war veterans', religious, or charitable organization or corporation that does not serve food to the public more often than four days per week. However, once a year an excluded organization may serve food to the public for up to 14 consecutive days. For those, DHMH must adopt separate regulations that establish minimum standards that ensure food integrity and safety, preserve public health, and control food borne illnesses. DHMH may adopt separate regulations that establish a licensing system, with appropriate standards, that excluded organizations may voluntarily choose to submit to as a nonrescindable alternative to the above minimum standards.

Background: DHMH advises that eight food banks would be affected by this bill: seven licensed by the State and one licensed by Baltimore City.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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