
By: **Delegates Cane, Bozman, Conway, Eckardt, Elmore, Haddaway, Moe,
and Rudolph**

Introduced and read first time: February 6, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Food Establishments - Volunteer Fire Companies - Unlicensed Operation**

3 FOR the purpose of altering the number of days each year that a volunteer fire
4 company may operate a food establishment without a license; and generally
5 relating to the unlicensed operation of a food establishment by a volunteer fire
6 company.

7 BY repealing and reenacting, without amendments,
8 Article - Health - General
9 Section 21-301(a), (f), (h), and (i) and 21-305(a) and (b)
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Health - General
14 Section 21-301(e)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2003 Supplement)

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

19 **Article - Health - General**

20 21-301.

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

22 (e) "Excluded organization" means:

23 (1) [a volunteer fire company or] A bona fide nonprofit fraternal, civic,
24 war veterans', religious, or charitable organization or corporation that does not serve
25 food to the public more often than 4 days per week except that once a year an
26 organization may serve food to the public for up to 14 consecutive days; AND

1 (2) A VOLUNTEER FIRE COMPANY THAT DOES NOT SERVE FOOD TO THE
2 PUBLIC MORE OFTEN THAN 4 DAYS PER WEEK EXCEPT THAT A VOLUNTEER FIRE
3 COMPANY MAY SERVE FOOD TO THE PUBLIC FOR UP TO 35 CONSECUTIVE OR
4 NONCONSECUTIVE DAYS EACH YEAR.

5 (f) "Food establishment" means:

6 (1) A food service facility; or

7 (2) A food processing plant.

8 (h) (1) "Food service facility" means:

9 (i) A place where food or drink is prepared for sale or service on the
10 premises or elsewhere; or

11 (ii) Any operation where food is served to or provided for the public,
12 with or without charge.

13 (2) "Food service facility" does not include:

14 (i) A kitchen in a private home where food is prepared at no charge
15 for guests in the home, for guests at a social gathering, or for service to unemployed,
16 homeless or other disadvantaged populations; or

17 (ii) A food preparation or serving area where only nonpotentially
18 hazardous food, as defined by the United States Food and Drug Administration, is
19 prepared or served only by an excluded organization.

20 (i) "License" means a license issued by the Department under this subtitle to
21 operate a food establishment.

22 21-305.

23 (a) Except as otherwise provided in this subtitle, a person may not operate a
24 food establishment unless the person is licensed by the Department.

25 (b) (1) A separate license is required for each food establishment that a
26 person owns or operates.

27 (2) Except in Baltimore City, the provisions of this subsection may
28 require a license for each location where vending machines are operated, but may not
29 require a separate license for each individual vending machine.

30 (3) Except in Baltimore City, vending machine locations used exclusively
31 for prepackaged and commercially sealed foods that are not potentially hazardous, as
32 defined by regulation, are not required to be licensed.

33 (4) In Baltimore City, a license may be required for each individual
34 vending machine.

1 (5) An excluded organization may operate a food establishment without
2 a license unless the excluded organization has been issued a license under §
3 21-304(a)(2)(ii) of this title.

4 (6) Nothing in this subtitle shall preempt the right of a county to require
5 a permit under the authority provided by a local law, ordinance, or regulation if this
6 subtitle does not require the food establishment to obtain a State license.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 June 1, 2004.