

HOUSE BILL 895

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M2

2004 Regular Session  
4r2813  
CF 4r1502

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By: **Delegates Boutin, Bartlett, Edwards, Elliott, Fulton, Glassman,  
Jennings, Kelly, McComas, McKee, Myers, Oaks, O'Donnell, Owings,  
Stull, and Weir**

Introduced and read first time: February 11, 2004  
Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Food Establishments - Processing of Venison - Inspections**

3 FOR the purpose of exempting certain food establishments and processors of venison  
4 from certain requirements that certain venison be officially inspected under  
5 certain circumstances; and generally relating to inspection requirements for  
6 venison.

7 BY repealing and reenacting, with amendments,  
8 Article - Health - General  
9 Section 21-313 and 21-322  
10 Annotated Code of Maryland  
11 (2000 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article - Natural Resources  
14 Section 10-308(b)  
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 21-313.

21 (a) To enforce this subtitle, a representative of the Department, at any  
22 reasonable time, may:

23 (1) Enter and inspect any food establishment; and

24 (2) Inspect and sample any item of food that is in a food establishment.

1 (b) A person may not:

2 (1) Refuse to grant access to a representative of the Department who  
3 requests to enter and inspect a food establishment under this section; or

4 (2) Interfere with any inspection under this section.

5 (C) THIS SECTION DOES NOT APPLY TO A FOOD ESTABLISHMENT AT WHICH  
6 LAWFULLY OBTAINED VENISON IS PROCESSED FOR DONATION TO THE NEEDY.

7 21-322.

8 (a) The Department of Health and Mental Hygiene and the State Department  
9 of Agriculture may:

10 (1) Inspect for wholesomeness any food donated to a nonprofit  
11 corporation, organization, or association; and

12 (2) Establish procedures for handling food donated to any nonprofit  
13 corporation, organization, or association.

14 (b) (1) In this subsection, "person" shall include a nonprofit corporation,  
15 organization, or association.

16 (2) A person shall have the immunity from liability described under §  
17 5-634 of the Courts and Judicial Proceedings Article for any act or omission that  
18 affects the nature, age, condition, or packaging of the donated food.

19 (C) THIS SECTION DOES NOT APPLY TO LAWFULLY OBTAINED VENISON THAT  
20 WILL BE DONATED TO THE NEEDY.

21 **Article - Natural Resources**

22 10-308.

23 (b) The Department shall use \$1.00 from the sale of each resident regular and  
24 full season nonresident hunting license to provide funding for the processing of deer  
25 for donation to the needy.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2004.