
By: **Delegates Stull, G. Clagett, Cluster, DeBoy, Edwards, Elliott, Elmore,
Glassman, Hogan, Kach, Kelly, Krebs, McKee, Miller, Mitchell, Myers,
Shank, Walkup, Weir, and Weldon**

Introduced and read first time: February 13, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health - Food Processing - Fund-Raising Organizations**

3 FOR the purpose of exempting certain fund-raising organizations from certain
4 requirements relating to the inspection of food establishments and certain food;
5 establishing certain requirements for fund-raising organizations that process
6 food; requiring certain animals slaughtered for processing be slaughtered at
7 certain official establishments; requiring certain unfrozen meat kept for
8 processing to be kept below a certain temperature; requiring a person who cooks
9 certain processed meat to cook the meat above a certain temperature; and
10 generally relating to food processing by fund-raising organizations.

11 BY repealing and reenacting, without amendments,
12 Article - Agriculture
13 Section 4-101(s)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Criminal Law
18 Section 13-1101(d)
19 Annotated Code of Maryland
20 (2002 Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Health - General
23 Section 21-313 and 21-322
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2003 Supplement)

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

1

Article - Agriculture

2 4-101.

3 (s) "Official establishment" means any establishment engaged in slaughtering
4 of livestock, or processing livestock carcasses, parts of them, meat, or meat food
5 products capable of use as human food solely for intrastate commerce and inspected
6 under this subtitle.

7

Article - Criminal Law

8 13-1101.

9 (d) "Fundraising organization" means an incorporated or unincorporated bona
10 fide:

- 11 (1) religious organization;
- 12 (2) fraternal organization;
- 13 (3) civic organization;
- 14 (4) war veterans' organization;
- 15 (5) charitable organization;
- 16 (6) volunteer fire company;
- 17 (7) rescue squad; or
- 18 (8) ambulance company.

19

Article - Health - General

20 21-313.

21 (a) [To] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, TO
22 enforce this subtitle, a representative of the Department, at any reasonable time,
23 may:

- 24 (1) Enter and inspect any food establishment; and
- 25 (2) Inspect and sample any item of food that is in a food establishment.

26 (b) A person may not:

- 27 (1) Refuse to grant access to a representative of the Department who
28 requests to enter and inspect a food establishment under this section; or
- 29 (2) Interfere with any inspection under this section.

1 (C) (1) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A
2 FUND-RAISING ORGANIZATION, AS DEFINED IN § 13-1101(D) OF THE CRIMINAL LAW
3 ARTICLE.

4 (2) (I) A FUND-RAISING ORGANIZATION MAY PROCESS FOOD ONLY IN
5 ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION.

6 (II) A FUND-RAISING ORGANIZATION MAY NOT:

7 1. PROCESS FOOD MORE THAN TWO TIMES BETWEEN
8 NOVEMBER 1 OF ANY YEAR AND MARCH 31 OF THE FOLLOWING YEAR; OR

9 2. PROCESS FOOD BETWEEN APRIL 1 AND OCTOBER 30 OF
10 EACH YEAR.

11 (3) AN ANIMAL SLAUGHTERED FOR PROCESSING UNDER THIS
12 SUBSECTION MUST BE SLAUGHTERED AT AN OFFICIAL ESTABLISHMENT, AS
13 DEFINED IN § 4-101(S) OF THE AGRICULTURE ARTICLE.

14 (4) (I) A PERSON MAY NOT KEEP FOR PROCESSING ANY UNFROZEN
15 MEAT AT A TEMPERATURE THAT EXCEEDS 30 DEGREES FAHRENHEIT.

16 (II) A PERSON SHALL COOK MEAT PROCESSED UNDER THIS
17 SUBSECTION AT A TEMPERATURE THAT EXCEEDS 155 DEGREES FAHRENHEIT.

18 21-322.

19 (a) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
20 Department of Health and Mental Hygiene and the State Department of Agriculture
21 may:

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

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

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

28 (2) A person shall have the immunity from liability described under §
29 5-634 of the Courts and Judicial Proceedings Article for any act or omission that
30 affects the nature, age, condition, or packaging of the donated food.

31 (C) (1) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO FOOD
32 PROCESSED BY A FUND-RAISING ORGANIZATION, AS DEFINED IN § 13-1101(D) OF THE
33 CRIMINAL LAW ARTICLE.

34 (2) (I) A FUND-RAISING ORGANIZATION MAY PROCESS FOOD ONLY IN
35 ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION.

1 (II) A FUND-RAISING ORGANIZATION MAY NOT:

2 1. PROCESS FOOD MORE THAN TWO TIMES BETWEEN
3 NOVEMBER 1 OF ANY YEAR AND MARCH 31 OF THE FOLLOWING YEAR; OR

4 2. PROCESS FOOD BETWEEN APRIL 1 AND OCTOBER 30 OF
5 EACH YEAR.

6 (3) AN ANIMAL SLAUGHTERED FOR PROCESSING UNDER THIS
7 SUBSECTION MUST BE SLAUGHTERED AT AN OFFICIAL ESTABLISHMENT, AS
8 DEFINED IN § 4-101(S) OF THE AGRICULTURE ARTICLE.

9 (4) (I) A PERSON MAY NOT KEEP FOR PROCESSING ANY UNFROZEN
10 MEAT AT A TEMPERATURE THAT EXCEEDS 30 DEGREES FAHRENHEIT.

11 (II) A PERSON SHALL COOK MEAT PROCESSED UNDER THIS
12 SUBSECTION AT A TEMPERATURE THAT EXCEEDS 155 DEGREES FAHRENHEIT.

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