

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 780 (Delegate Cane, *et al.*)

Health and Government Operations

Finance

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**Food Establishments – Volunteer Fire Companies – Unlicensed Operation**

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This bill amends the definition of “excluded organization” to allow a volunteer fire company to serve food to the public for up to 30 consecutive days once a year, up from the current maximum of 14 consecutive days once a year, without requiring the company to be licensed to operate a food establishment. A volunteer fire company must notify the Department of Health and Mental Hygiene (DHMH) in writing that it intends to serve food to the public for up to 30 consecutive days. The written notice must specify the dates the food will be prepared, the food storing and serving methods, and the food safety and security methods or procedures.

The bill takes effect June 1, 2004.

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**Fiscal Summary**

**State Effect:** The bill would not substantively change State activities or operations.

**Local Effect:** Minimal for volunteer fire departments that would no longer have to be licensed to operate a food establishment and for local health departments that would no longer be required to license and inspect the volunteer fire departments for that reason.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** An “excluded organization” may operate a food establishment without a DHMH license. An “excluded organization” is defined as a volunteer fire company, 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, except that once a year an organization may serve food to the public for up to 14 consecutive days.

**Background:** There are 368 volunteer fire and ambulance companies in Maryland. Volunteer fire and ambulance companies that serve food to the public for more than 14 consecutive days must be licensed annually to operate a food establishment. Few volunteer fire departments are subject to this requirement, according to DHMH's Community Health Administration. Based on a limited sampling of local jurisdictions, the following number of volunteer fire departments were licensed to operate a food establishment and received annual food inspections in fiscal 2003: 24 in Cecil County, 20 in St. Mary's County, approximately six in Caroline County, and four in Talbot County.

This bill would result in fewer food inspections of volunteer fire departments because an inspection would no longer be required for a company that serves food to the public for 14 or more consecutive days a year but not more than 30 days annually.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 15, 2004  
mam/jr Revised - House Third Reader - March 29, 2004

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