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By: **St. Mary's County Delegation**  
 Introduced and read first time: January 19, 2005  
 Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **On-Farm Food Establishments - Food Service - Regulation**

3 FOR the purpose of exempting certain on-farm food establishments from certain  
 4 Department of Health and Mental Hygiene and local government regulations  
 5 relating to a certain type of kitchen equipment; requiring certain on-farm food  
 6 establishments to be licensed as food establishments; providing that certain  
 7 on-farm food establishments are subject to certain food and safety  
 8 contamination regulations; requiring the health officer in each county where a  
 9 certain on-farm food establishment is licensed to inspect the on-farm food  
 10 establishment for compliance with certain food safety and contamination  
 11 regulations; and generally relating to the regulation of food service at on-farm  
 12 food establishments.

13 BY adding to  
 14 Article - Health - General  
 15 Section 21-323.2  
 16 Annotated Code of Maryland  
 17 (2000 Replacement Volume and 2004 Supplement)

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

20 **Article - Health - General**

21 21-323.2.

22 (A) AN ON-FARM FOOD ESTABLISHMENT IS EXEMPT FROM ANY REGULATION  
 23 GOVERNING FOOD SERVICE FACILITIES THAT IS ADOPTED BY THE DEPARTMENT OR  
 24 A LOCAL GOVERNMENT RELATING TO THE CONSTRUCTION OR INSTALLATION OF  
 25 COMMERCIAL GRADE KITCHEN EQUIPMENT IN THE ON-FARM FOOD  
 26 ESTABLISHMENT.

27 (B) EACH ON-FARM FOOD ESTABLISHMENT THAT INTENDS TO SERVE HOT  
 28 FOOD TO CUSTOMERS SHALL BE:

1           (1)     LICENSED IN ACCORDANCE WITH § 21-305 OF THIS SUBTITLE; AND

2           (2)     SUBJECT TO STATE AND LOCAL HEALTH REGULATIONS THAT  
3 GOVERN FOOD SAFETY AND CONTAMINATION.

4     (C)     IN EACH COUNTY, THE HEALTH OFFICER SHALL INSPECT EACH ON-FARM  
5 FOOD ESTABLISHMENT THAT INTENDS TO SERVE HOT FOOD TO CUSTOMERS FOR  
6 COMPLIANCE WITH FOOD SAFETY AND CONTAMINATION REGULATIONS IN  
7 ACCORDANCE WITH § 21-313 OF THIS SUBTITLE.

8     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2005.