
By: **St. Mary's County Delegation**

Introduced and read first time: January 19, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Temporary Food Service Facility - License - Length of Operation**

3 FOR the purpose of altering the period of time during which a licensed temporary
4 food service may operate to a certain number of days each year; and generally
5 relating to the length of time a licensed temporary food service facility may
6 operate.

7 BY repealing and reenacting, with amendments,
8 Article - Health - General
9 Section 21-309
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2004 Supplement)

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

14 **Article - Health - General**

15 21-309.

16 (a) (1) In this section the following terms have the meanings indicated.

17 (2) "Mobile food service facility" means a food service facility which is a
18 mechanically, electrically, manually, or otherwise propelled vehicle operating on land
19 or water.

20 (3) "Temporary food service facility" means a food service facility which
21 operates during a period of time of not more than [14 consecutive days] 120 DAYS
22 EACH YEAR at a fixed location in conjunction with a fair, carnival, public exhibition,
23 construction project, recreational facility, or similar gathering.

24 (b) (1) Except as provided in § 10-226 of the State Government Article and
25 in paragraph (2) of this subsection, and unless it is renewed for another term, a
26 license expires 1 year from the date of issuance or renewal or as provided by local law,
27 ordinance, or regulation in accordance with § 21-304(b) and (c) of this subtitle.

1 (2) Except as provided in § 10-226 of the State Government Article, a
2 license to operate a temporary food service facility expires at the conclusion of the
3 underlying event or after 14 consecutive days of operation, whichever is earlier, or as
4 provided by local law, ordinance, or regulation in accordance with § 21-304(b) and (c)
5 of this subtitle.

6 (c) Except in the case of a temporary food service facility, including a mobile
7 food service facility which operates solely as a temporary food service facility, at least
8 1 month before the license expires, the Department shall send to the licensee, by first
9 class mail to the last known address of the licensee, a renewal notice that states:

10 (1) The date on which the current license expires; and

11 (2) The date by which the completed renewal application must be
12 received by the Department for the renewal to be issued and mailed before the license
13 expires.

14 (d) The Department may renew a license if the licensee:

15 (1) Has complied with this subtitle and the regulations adopted under
16 this subtitle;

17 (2) Submits to the Department a completed renewal application on the
18 form the Department requires;

19 (3) Pays the renewal fee assessed under § 2-104 of this article, unless
20 exempted from the fee under this subtitle or any regulation adopted under this
21 subtitle; and

22 (4) Agrees to permit access to the food establishment for purposes of any
23 inspection permitted or required under this subtitle.

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