
By: **Senators Haines, Brinkley, and Kittleman**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County - Food Sales - Religious Organizations**

3 FOR the purpose of authorizing certain religious organizations in Carroll County to
4 sell certain homemade fruit jellies, jams, and preserves, certain fruit butters,
5 and certain fruit pies if the food offered for sale or sold meets certain safety
6 standards adopted by the Department of Health and Mental Hygiene; and
7 generally relating to food sales by religious organizations in Carroll County.

8 BY repealing and reenacting, without amendments,
9 Article - Health - General
10 Section 21-301(a) and (e) and 21-304
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2004 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 21-305
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 21-301.

22 (a) In this subtitle the following words have the meanings indicated.

23 (e) "Excluded organization" means:

24 (1) A bona fide nonprofit fraternal, civic, war veterans', religious, or
25 charitable organization or corporation that does not serve food to the public more
26 often than 4 days per week except that once a year an organization may serve food to
27 the public for up to 14 consecutive days; and

1 (2) A volunteer fire company that does not serve food to the public more
2 often than 4 days per week except that once a year a volunteer fire company may
3 serve food to the public for up to 30 consecutive days.

4 21-304.

5 (a) (1) The Department shall adopt rules and regulations necessary to carry
6 out the provisions of this subtitle.

7 (2) For excluded organizations, the Department:

8 (i) Shall adopt separate regulations that establish minimum
9 standards that:

10 1. Ensure food integrity and safety;

11 2. Preserve public health; and

12 3. Control foodborne illnesses; and

13 (ii) May adopt separate regulations that establish a licensing
14 system, with appropriate standards, that excluded organizations may voluntarily
15 choose to submit to as a nonrescindable alternative to regulation under subparagraph
16 (i) of this paragraph.

17 (b) A political subdivision may not adopt a law, ordinance, rule, or regulation
18 that establishes a standard that is less stringent than rules and regulations adopted
19 under this subtitle.

20 (c) Except as otherwise provided in this section, this subtitle does not limit the
21 power of a home rule or charter county or Baltimore City to adopt and enforce laws,
22 ordinances, and regulations that are consistent with the purposes of this subtitle,
23 including the power to adopt local licensing and enforcement procedures.

24 21-305.

25 (a) Except as otherwise provided in this subtitle, a person may not operate a
26 food establishment unless the person is licensed by the Department.

27 (b) (1) A separate license is required for each food establishment that a
28 person owns or operates.

29 (2) Except in Baltimore City, the provisions of this subsection may
30 require a license for each location where vending machines are operated, but may not
31 require a separate license for each individual vending machine.

32 (3) Except in Baltimore City, vending machine locations used exclusively
33 for prepackaged and commercially sealed foods that are not potentially hazardous, as
34 defined by regulation, are not required to be licensed.

1 (4) In Baltimore City, a license may be required for each individual
2 vending machine.

3 (5) An excluded organization may operate a food establishment without
4 a license unless the excluded organization has been issued a license under §
5 21-304(a)(2)(ii) of this title.

6 (6) Nothing in this subtitle shall preempt the right of a county to require
7 a permit under the authority provided by a local law, ordinance, or regulation if this
8 subtitle does not require the food establishment to obtain a State license.

9 (c) A license is not transferable:

10 (1) Except as provided by regulation for transfer of the license on the
11 death of the licensee from person to person; or

12 (2) From location to location.

13 (d) (1) For the purposes of this section a license issued by a county health
14 department under the authority provided by local law, ordinance, or regulation in
15 accordance with § 21-304(b) and (c) of this subtitle shall constitute the license
16 required under this subtitle, unless the Department, after a hearing, determines that
17 the licensee is not in compliance with this subtitle and regulations adopted under this
18 subtitle.

19 (2) After a determination of noncompliance under paragraph (1) of this
20 subsection, the Department shall act to ensure that the food establishment and its
21 operator comply with this subtitle and the rules and regulations adopted under this
22 subtitle.

23 (3) Nothing in this subtitle shall allow the issuance of 2 separate licenses
24 issued solely for the regulation of a food establishment under this subtitle.

25 (e) In Charles County, an issuance, renewal, or transfer of an off-sale
26 alcoholic beverages license shall not require Department approval.

27 (F) IN CARROLL COUNTY, A BONA FIDE RELIGIOUS ORGANIZATION THAT
28 MEETS THE REQUIREMENTS OF AN EXCLUDED ORGANIZATION UNDER § 21-301 OF
29 THIS SUBTITLE MAY OFFER FOR SALE OR SELL THE FOLLOWING TYPES OF
30 HOMEMADE FOOD IF THE FOOD MEETS THE APPROPRIATE HEALTH AND SAFETY
31 STANDARDS ADOPTED BY THE DEPARTMENT:

32 (1) FRUIT JELLIES, JAMS, AND PRESERVES MADE FROM APPLES,
33 APRICOTS, BLACKBERRIES, BLUEBERRIES, BOYSENBERRIES, CHERRIES,
34 CRANBERRIES, GRAPES, NECTARINES, ORANGES, PEACHES, PLUMS, QUINCE,
35 RASPBERRIES, RED CURRANTS, STRAWBERRIES, OR TANGERINES;

36 (2) FRUIT BUTTER MADE FROM APPLES, APRICOTS, GRAPES, PEACHES,
37 PLUMS, PRUNES, OR QUINCE; AND

1 (3) FRUIT PIES MADE FROM APPLES, APRICOTS, BLACKBERRIES,
2 BLUEBERRIES, BOYSENBERRIES, CHERRIES, CRANBERRIES, GRAPES, NECTARINES,
3 ORANGES, PEACHES, PLUMS, QUINCE, RASPBERRIES, RED CURRANTS,
4 STRAWBERRIES, OR TANGERINES.

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