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By: **Senators Middleton, Colburn, Dyson, Haines, Jacobs, Mooney, and  
Munson**

Introduced and read first time: February 14, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **On Farm Food Service Facility - License - Length of Operation and**  
3 **Expiration**

4 FOR the purpose of defining an on farm food service facility as a certain facility that  
5 may operate a certain number of days each year; providing for the expiration of  
6 an on farm food service facility license; and generally relating to the licensing of  
7 an on farm food service facility.

8 BY repealing and reenacting, with amendments,  
9 Article - Health - General  
10 Section 21-309  
11 Annotated Code of Maryland  
12 (2000 Replacement Volume and 2004 Supplement)

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

15 **Article - Health - General**

16 21-309.

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

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

21 (3) "ON FARM FOOD SERVICE FACILITY" MEANS A FOOD SERVICE  
22 FACILITY THAT IS LOCATED ON A FARM AND OPERATES DURING A PERIOD OF TIME  
23 OF NOT MORE THAN 30 CALENDAR DAYS EACH YEAR.

24 [(3)] (4) "Temporary food service facility" means a food service facility  
25 which operates during a period of time of not more than 14 consecutive days at a fixed  
26 location in conjunction with a fair, carnival, public exhibition, construction project,  
27 recreational facility, or similar gathering.

1 (b) (1) Except as provided in § 10-226 of the State Government Article and  
2 in paragraph (2) of this subsection, and unless it is renewed for another term, a  
3 license AND AN ON FARM FOOD SERVICE FACILITY LICENSE expires 1 year from the  
4 date of issuance or renewal or as provided by local law, ordinance, or regulation in  
5 accordance with § 21-304(b) and (c) of this subtitle.

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

11 (c) Except in the case of a temporary food service facility, including a mobile  
12 food service facility which operates solely as a temporary food service facility, at least  
13 1 month before the license expires, the Department shall send to the licensee, by first  
14 class mail to the last known address of the licensee, a renewal notice that states:

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

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

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

20 (1) Has complied with this subtitle and the regulations adopted under  
21 this subtitle;

22 (2) Submits to the Department a completed renewal application on the  
23 form the Department requires;

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

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

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