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

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Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 21, 2005

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 20, 2005

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of defining an ~~on-farm~~ on-farm food service facility as a certain
5 facility that ~~may operate~~ is located on a farm, serves certain foods, and operates
6 a certain number of ~~days each year~~ consecutive days, subject to certain renewal
7 authority; providing for the expiration and renewal of an ~~on-farm~~ on-farm food
8 service facility license; and generally relating to the licensing of an ~~on-farm~~
9 on-farm food service facility.

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 21-309
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2004 Supplement)

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

17 **Article - Health - General**

18 21-309.

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

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

4 (3) ~~"ON-FARM ON-FARM FOOD SERVICE FACILITY" MEANS A FOOD~~
5 ~~SERVICE FACILITY THAT IS THAT:~~

6 (I) IS LOCATED ON A FARM AND;

7 (II) SERVES FOOD AS DESIGNATED BY THE DEPARTMENT; AND

8 (III) OPERATES DURING A PERIOD OF TIME OF NOT MORE THAN 30
9 CALENDAR CONSECUTIVE DAYS EACH YEAR WITH UP TO TWO RENEWALS IN A
10 1-YEAR PERIOD.

11 [(3)] (4) "Temporary food service facility" means a food service facility
12 which operates during a period of time of not more than 14 consecutive days at a fixed
13 location in conjunction with a fair, carnival, public exhibition, construction project,
14 recreational facility, or similar gathering.

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

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

25 (3) (I) EXCEPT AS PROVIDED IN § 10-226 OF THE STATE GOVERNMENT
26 ARTICLE, A LICENSE TO OPERATE AN ON-FARM FOOD SERVICE FACILITY EXPIRES
27 AFTER 30 CONSECUTIVE DAYS UNLESS IT IS RENEWED IN ACCORDANCE WITH
28 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

29 (II) AN ON-FARM FOOD SERVICE FACILITY MAY RENEW AN
30 ON-FARM FOOD SERVICE FACILITY LICENSE UP TO TWO TIMES WITHIN A 1-YEAR
31 PERIOD.

32 (c) Except in the case of a temporary food service facility, including a mobile
33 food service facility which operates solely as a temporary food service facility, OR AN
34 ON-FARM FOOD SERVICE FACILITY, at least 1 month before the license expires, the
35 Department shall send to the licensee, by first class mail to the last known address of
36 the licensee, a renewal notice that states:

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

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

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

5 (1) Has complied with this subtitle and the regulations adopted under
6 this subtitle;

7 (2) Submits to the Department a completed renewal application on the
8 form the Department requires;

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 ~~October~~ July 1, 2005.