
By: **Senators Middleton and Dyson**
Introduced and read first time: March 6, 2006
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - On-Farm Food Processing**
3 **Facility - License and Fee**

4 FOR the purpose of authorizing certain on-farm food processing facilities to obtain a
5 certain license for a certain fee each year; defining a certain term; and generally
6 relating to a license and fee for an on-farm food processing facility.

7 BY repealing and reenacting, with amendments,
8 Article - Health - General
9 Section 21-308
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2005 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 21-308.

16 (A) IN THIS SECTION, "ON-FARM FOOD PROCESSING FACILITY" MEANS A
17 HOME OR DOMESTIC KITCHEN LOCATED ON AN INDIVIDUAL'S FARM THAT
18 MANUFACTURES AND PROCESSES FOODS FOR COMMERCIAL SALE.

19 [(a)] (B) (1) For any license issued for which the authority to conduct a
20 program under this subtitle has been delegated to a county health department:

21 (i) A county governing body or the Mayor and City Council of
22 Baltimore City may provide for a license fee schedule based on the anticipated cost of
23 licensing, inspecting, and regulating food establishments and may provide for
24 exemptions from the license fee schedule; and

25 (ii) All license fees shall be paid to the local health department or
26 chief financial officer of the county governing body or Baltimore City.

1 (2) Except in Baltimore City, Montgomery County, and Prince George's
2 County, a license fee under this subsection may not exceed:

3 (i) \$300; or

4 (ii) \$70 for a seasonal food processing operation that:

5 1. Uses only food that is grown on the property of the
6 licensee; and

7 2. Is in operation for not more than a 3-month continuous
8 period in the calendar year.

9 (3) A seasonal food processing operation may obtain a food establishment
10 license for a fee of \$70 under paragraph (2)(ii) of this subsection only twice in a
11 calendar year.

12 (C) (1) AN ON-FARM FOOD PROCESSING FACILITY MAY OBTAIN A FOOD
13 PROCESSING PLANT LICENSE FOR A FEE OF \$30 EACH YEAR.

14 (2) AN ON-FARM FOOD PROCESSING FACILITY THAT OBTAINS A FOOD
15 PROCESSING PLANT LICENSE MAY MANUFACTURE OR PROCESS ONLY FOODS THAT
16 ARE NONPOTENTIALLY HAZARDOUS AS DEFINED IN REGULATIONS OF THE
17 DEPARTMENT.

18 [(b)] (D) For any other food establishment license, the Secretary shall
19 establish a license fee in accordance with § 2-104 of this article.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2006.