
By: **Senators Middleton and Dyson**
 Introduced and read first time: March 6, 2006
 Assigned to: Rules
 Re-referred to: Education, Health, and Environmental Affairs, March 8, 2006

Committee Report: Favorable with amendments
 Senate action: Adopted
 Read second time: March 25, 2006

CHAPTER _____

1 AN ACT concerning

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

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

8 BY repealing and reenacting, with amendments,
 9 Article - Health - General
 10 Section 21-308
 11 Annotated Code of Maryland
 12 (2005 Replacement Volume and 2005 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 21-308.

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

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

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

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

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

9 (i) \$300; or

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

11 1. Uses only food that is grown on the property of the
 12 licensee; and

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

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

18 (C) (1) ~~AN ON-FARM FOOD HOME PROCESSING FACILITY MAY OBTAIN A~~
 19 ~~FOOD AN ON-FARM HOME PROCESSING PLANT LICENSE FOR A FEE OF \$30 EACH~~
 20 ~~YEAR ESTABLISHED IN REGULATIONS.~~

21 (2) ~~AN ON-FARM FOOD HOME PROCESSING FACILITY THAT OBTAINS A~~
 22 ~~FOOD AN ON-FARM HOME PROCESSING PLANT LICENSE MAY MANUFACTURE OR~~
 23 ~~PROCESS ONLY FOODS THAT ARE NONPOTENTIALLY HAZARDOUS AS DEFINED~~
 24 ~~PROVIDED FOR IN REGULATIONS OF THE DEPARTMENT.~~

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
 28 General Assembly that the fee set in regulation by the Department of Health and
 29 Mental Hygiene for an on-farm home processing plant license shall be set at \$30 to
 30 commence with the 2006 growing season.

31 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
 32 effect ~~October~~ June 1, 2006.

