

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 239

(Delegate Rudolph, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs and  
Finance

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**Department of Health and Mental Hygiene - Agricultural Ombudsman**

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This bill requires the Secretary of Health and Mental Hygiene to designate an agricultural ombudsman to serve as the primary Department of Health and Mental Hygiene (DHMH) contact for individuals involved in agriculture. The ombudsman also must provide information regarding DHMH regulations of on-farm food processing, on-farm food preparation, and other on-farm activities.

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**Fiscal Summary**

**State Effect:** None. An existing DHMH employee will serve as the agricultural ombudsman.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Except as otherwise allowed under statute, a person may not operate a food establishment unless that person is licensed by DHMH. A food establishment annual license is \$300. DHMH also licenses on-farm food service facilities that operate for not more than 30 consecutive days with up to two renewals during a one-year period. An on-farm food service facility license is \$300.

DHMH regulations allow the department to issue a food processing plant license to an individual who owns a farm to process food in a home or domestic kitchen. Before licensure, an individual must complete a course given or approved by DHMH that provides at least eight hours of training in sanitation, cross-contamination controls, and food security. Regulations also specify how food must be protected from contamination and safely maintained. DHMH regulates milk processors and haulers. DHMH also issues health permits for outdoor music festivals.

**Background:** The bill is modeled after a Utah statute establishing a property rights ombudsman within the Department of Natural Resources.

In response to the increasing pressures threatening the economic viability of agriculture in the State, in February 2005, Governor Robert L. Ehrlich, Jr. asked the Maryland Department of Agriculture (MDA) and the Maryland Agricultural Commission (MAC) to spearhead the development of comprehensive policy recommendations for sustaining agriculture in Maryland. The first step in this process was a mail survey conducted by MDA in May 2005. The survey results served as a starting point, helping MAC get a sense of the major agricultural concerns. Because MAC felt that it was important to get stakeholders involved, the second step was a series of listening sessions to seek input on various subjects of importance to farmers. Seven listening sessions were held throughout the State in August. A preliminary review of the issues raised during the listening session process reveals that Maryland farmers are most concerned with profitability, agricultural land preservation, and advancing agriculture through better promotion, advertising, and education. One of the profitability issues raised during the listening sessions was the need for regulations affecting farms to be cost effective and to have clear, attainable, and reasonable goals.

The information developed from the listening session process will be used by MAC as it drafts the framework for a strategic plan to be discussed at an Agricultural Forum on February 13, 2006. Participants in the forum will then develop policy recommendations. A final report is expected in May 2006.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Maryland Department of Agriculture, Department of Legislative Services

**Fiscal Note History:** First Reader - February 2, 2006  
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