

HB1542/836889/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1542
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “Delegate Haddaway” and substitute “Delegates Haddaway, Donoghue, Eckardt, Elmore, Mathias, Cane, Rudolph, Conway, Kach, Krebs, Kullen, McDonough, Pena-Melnyk, Riley, and Tarrant”; in line 2, strike “Regulation and Permitting of Egg Sellers at Farmers’ Markets” and substitute “Licensing of Food Establishments – Exception for Egg Producers”; strike beginning with “making” in line 3 down through “terms;” in line 8 and substitute “exempting certain persons who produce shell eggs and sell the shell eggs directly to the public from a certain food establishment licensing requirement; making this Act an emergency measure;”; in line 9, strike “regulation and permitting” and substitute “exemption”; in the same line, strike “selling eggs at farmers’ markets” and substitute “from food establishment licensing requirements”; in line 12, strike “21-211(a)” and substitute “21-305(a) and (b)”; and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

On page 1, after line 22, insert:

“21-305.

(a) Except as otherwise provided in this subtitle, a person may not operate a food establishment unless the person is licensed by the Department.

(b) (1) A separate license is required for each food establishment that a person owns or operates.

(Over)

(2) Except in Baltimore City, the provisions of this subsection may require a license for each location where vending machines are operated, but may not require a separate license for each individual vending machine.

(3) Except in Baltimore City, vending machine locations used exclusively for prepackaged and commercially sealed foods that are not potentially hazardous, as defined by regulation, are not required to be licensed.

(4) In Baltimore City, a license may be required for each individual vending machine.

(5) An excluded organization may operate a food establishment without a license unless the excluded organization has been issued a license under § 21-304(a)(2)(ii) of this subtitle.

(6) A LICENSE IS NOT REQUIRED FOR A PERSON WHO:

(I) PRODUCES SHELL EGGS;

(II) SELLS THE SHELL EGGS DIRECTLY TO THE PUBLIC;

AND

(III) IS REGISTERED WITH OR INSPECTED BY THE SECRETARY OF AGRICULTURE UNDER § 4-310 OR § 4-311.1 OF THE AGRICULTURE ARTICLE.

[(6)] (7) Nothing in this subtitle shall preempt the right of a county to require a permit under the authority provided by a local law, ordinance, or regulation if this subtitle does not require the food establishment to obtain a State license.”.

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 16 on page 2, inclusive.

On page 2, in lines 17 and 18, strike “shall take effect October 1, 2009” and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.