

SENATE BILL 131

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By: **Senator Glassman**

Introduced and read first time: January 16, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Food Establishments – Process for Choosing Regulation or**
3 **Licensure of Excluded Organizations**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
5 regulations that establish a certain process for entities that are defined as
6 “excluded organizations” under the food establishments law to choose whether
7 they submit to certain regulation or licensure; altering the law so as to require,
8 rather than authorize, the Department to adopt regulations that establish a
9 certain voluntary licensing system; and generally relating to the regulation or
10 licensure of entities that are defined as “excluded organizations” under the food
11 establishments law.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 21–301(e) and 21–305(a) and (b)(5)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 21–304(a)(2)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2008 Supplement)

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

24 **Article – Health – General**

25 21–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) "Excluded organization" means:

2 (1) A bona fide nonprofit fraternal, civic, war veterans', religious, or
3 charitable organization or corporation that does not serve food to the public more often
4 than 4 days per week except that once a year an organization may serve food to the
5 public for up to 14 consecutive days; and

6 (2) A volunteer fire company that does not serve food to the public
7 more often than 4 days per week except that once a year a volunteer fire company may
8 serve food to the public for up to 30 consecutive days.

9 21-304.

10 (a) (2) For excluded organizations, the Department **SHALL ADOPT**
11 **SEPARATE REGULATIONS THAT ESTABLISH:**

12 (i) [Shall adopt separate regulations that establish minimum]
13 **MINIMUM** standards that:

- 14 1. Ensure food integrity and safety;
- 15 2. Preserve public health; and
- 16 3. Control foodborne illnesses; [and]

17 (ii) [May adopt separate regulations that establish a] **A**
18 licensing system, with appropriate standards, that excluded organizations may
19 voluntarily choose to submit to as [a nonrescindable] **AN** alternative to regulation
20 under subparagraph (i) of this paragraph; **AND**

21 **(III) A PROCESS ALLOWING AN EXCLUDED ORGANIZATION TO**
22 **CHANGE WHETHER IT SUBMITS TO REGULATION UNDER SUBPARAGRAPH (I) OF**
23 **THIS PARAGRAPH OR LICENSURE UNDER SUBPARAGRAPH (II) OF THIS**
24 **PARAGRAPH.**

25 21-305.

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

28 (b) (5) An excluded organization may operate a food establishment
29 without a license unless the excluded organization has been issued a license under §
30 21-304(a)(2)(ii) of this subtitle.

31 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
32 October 1, 2009.