### HOUSE BILL 99

J1

(2lr1159)

**ENROLLED BILL** 

— Health and Government Operations/Finance —

Introduced by **Delegate Kipke** 

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_M.

Speaker.

CHAPTER \_\_\_\_\_

#### 1 AN ACT concerning

## 2 Health <u>Anne Arundel County</u> – Semipermanent Food Service Facilities – 3 <u>Regulations</u> <u>Requirements</u>

FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt 4  $\mathbf{5}$ certain regulations requiring the operator of a certain semipermanent food 6 service facility to keep a certain record of meet certain requirements regarding 7 wastewater disposal and to use, under certain circumstances, a certain hose to 8 access to a potable water supply; providing for the application of this Act; defining the term "semipermanent food service facility"; and generally relating 9 to <del>regulations</del> requirements regarding the operation of semipermanent food 10 service facilities in Anne Arundel County. 11

- 12 BY repealing and reenacting, without amendments,
- 13 Article Health General
- 14 Section 21–301(a) and (h)

#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments



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$\frac{1}{2}$	Annotated Code of Maryland (2009 Replacement Volume and 2011 Supplement)
${3 \atop {4} \atop {5} \atop {6} \atop {7}}$	BY adding to Article – Health – General Section 21–301(j–2) Annotated Code of Maryland (2009 Replacement Volume and 2011 Supplement)
8 9 10 11 12 13 14	<ul> <li>BY repealing and reenacting, with amendments,</li> <li>BY adding to</li> <li>Article – Health – General</li> <li>Section 21-304(a) 21-312.2</li> <li>Annotated Code of Maryland</li> <li>(2009 Replacement Volume and 2011 Supplement)</li> <li>SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF</li> </ul>
15	MARYLAND, That the Laws of Maryland read as follows:
16	Article – Health – General
17	21–301.
18	(a) In this subtitle the following words have the meanings indicated.
19	(h) (1) "Food service facility" means:
$20 \\ 21$	(i) A place where food or drink is prepared for sale or service on the premises or elsewhere; or
$\begin{array}{c} 22\\ 23 \end{array}$	(ii) Any operation where food is served to or provided for the public, with or without charge.
24	(2) "Food service facility" does not include:
$25 \\ 26 \\ 27$	(i) A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;
28 29 30	(ii) A food preparation or serving area where only nonpotentially hazardous food, as defined by the United States Food and Drug Administration, is prepared or served only by an excluded organization; or
31 32 33	(iii) A location in a farmer's market or at a public festival or event where raw agricultural products, as defined in § $21-304(d)(1)(iii)$ of this subtitle, are sold.

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(J-2) (1) "SEMIPERMANENT FOOD SERVICE FACILITY" MEANS A FOOD 1  $\mathbf{2}$ SERVICE FACILITY THAT: 3 **(I)** IS BUILT AT A LOCATION OTHER THAN WHERE IT 4 **OPERATES:**  $\mathbf{5}$ **(II)** IS TRANSPORTED AS A COMPLETE UNIT THAT DOES NOT REQUIRE A BUILDING PERMIT TO INSTALL ON THE LOCATION AT WHICH IT 6 7 **OPERATES:** 8 (III) HAS NO INDOOR SEATING FOR PATRONS; AND 9 (IV) WHEN SERVING COOKED FOOD, SERVES ONLY FOODS 10 COOKED FOR IMMEDIATE SERVICE. "SEMIPERMANENT FOOD SERVICE FACILITY" DOES NOT (2) 11 12 INCLUDE A FOOD SERVICE FACILITY THAT IS A MECHANICALLY, ELECTRICALLY, 13 MANUALLY, OR OTHERWISE PROPELLED VEHICLE OPERATING ON LAND OR 14 WATER THAT MOVES AS PART OF ITS ROUTINE OPERATION TO: CHANGE LOCATION FOR SALES; 15**(I)** 16 **(II) OBTAIN FOOD AND OTHER SUPPLIES;** 17 (III) FILL POTABLE WATER SUPPLY HOLDING TANKS; (IV) EMPTY WASTEWATER HOLDING TANKS; OR 18 **PROVIDE FOR THE CLEANING AND SANITATION OF** 19 **(**V**)** 20EQUIPMENT AND UTENSILS. 21 $\frac{21-304}{2}$ 22(1)The Department shall adopt rules and regulations necessary <del>(a)</del> carry out the provisions of this subtitle. 2324(2)For excluded organizations, the Department: 25<del>(i)</del> Shall adopt separate regulations that establish minimum 26standards that: 271. Ensure food integrity and safety; 28Preserve public health; and <del>2.</del>

15       (A) THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE         16       FACILITY THAT:         17       (1) OPERATES IN ANNE ARUNDEL COUNTY;         18       (2) WAS LICENSED UNDER § 21–305 OF THIS SUBTITLE ON OR         19       BEFORE DECEMBER 1, 2010; AND         20       (3) WAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERATOR         21       AFTER DECEMBER 1, 2010.         22       (B) AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         23       SHALL:         24       (1) PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS         25       FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A         26       (1) PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS         27       (2) REMOVE WASTEWATER BY:         28       (1) HIRING A LICENSED LIQUID WASTE HAULER TO         29       DISPOSE OF THE WASTEWATER; OR         30       (II) DISPOSING OF THE WASTEWATER AT A WASTEWATER		4 HOUSE BILL 99
3       oystem, with appropriate standards, that excluded organizations may voluntarily choose to submit to as a nonrescindable elternative to regulation under item (i) of this paragraph.         6       (3)       FOR SEMIPERMANENT FOOD SERVICE FACILITIES, THE DEPARTMENT SHALL, ADOPT SEPARATE REGULATIONS THAT REQUIRE THE OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY TO:         9       (t)       KEEP A RECORD OF THE TIME, PLACE, AND METHOD OF WASTEWATER DISPOSAL; AND         11       (H)       USE A HOSE THAT IS APPROVED FOR FOOD SERVICE USE IF THE OPERATOR OF THE SEMIPERMANENT FOOD SERVICE FACILITY USES A HOSE TO ACCESS A POTABLE WATER SUPPLY.         12       21-312.2.         14       (A)       THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE FACILITY USES A HOSE TO ACCESS A POTABLE WATER SUPPLY.         14       21-312.2.         15       (A)       THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE FACILITY USES A HOSE TO ACCESS A POTABLE WATER SUPPLY.         14       21-312.2.         15       (A)       THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE FACILITY USES A HOSE THAT.         16       (A)       THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE FACILITY USES A HOSE THAT.         17       (I)       OPERATES IN ANNE ARUNDEL COUNTY:         18       (2)       WAS LICENSED UNDER § 21-305 OF THIS SUBTITLE ON OR BEFORE DECEMBER 1, 2010; AND         20       (3)       WAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERAT	1	<del>3.</del> Control foodborne illnesses; and
4       choose to submit to as a nonrescindable alternative to regulation under item (i) of this         5       paragraph.         6       (3) For SEMIPERMANENT FOOD SERVICE FACILITIES, THE         7       DEPARTMENT SHALL, ADOPT SEPARATE RECULATIONS THAT REQUIRE THE         8       OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY TO:         9       (1) KEEP A RECORD OF THE TIME, PLACE, AND METHOD OF         9       (1) USE A HOSE THAT IS APPROVED FOR FOOD SERVICE USE         10       (H) USE A HOSE THAT IS APPROVED FOR FOOD SERVICE USE         11       (H) USE A HOSE THAT IS APPROVED FOR FOOD SERVICE USE         12       IF THE OPERATOR OF THE SEMIPERMANENT FOOD SERVICE FACILITY USES A         13       HOSE TO ACCESS A POTABLE WATER SUPPLY.         14       21-312.2.         15       (A) THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE         16       FACILITY THAT;         17       (1) OPERATES IN ANNE ARUNDEL COUNTY;         18       (2) WAS LICENSED UNDER § 21-305 OF THIS SUBTITLE ON OR         19       BEFORE DECEMBER 1, 2010; AND         20       (3) WAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERATOR         21       (B) AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         21       (B) AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         SHAL:       (1) PUMP		
5       paragraph.         6       (3) For semipermanent food service facilities, the         7       DEPARTMENT SHALL ADOPT SEPARATE REGULATIONS THAT REQUIRE THE         8       operator of a semipermanent food service facility to:         9       (f) Keep a necord of the time, place, and method of         10       WASTEWATER DISPOSAL; AND         11       (fi) Use a hose that is approved for food service use         12       IF the operator of the semipermanent food service facility uses a         13       Hose to access a potable water supply.         14       21-312.2.         15       (A) This section applies to a semipermanent food service         16       FACILITY THAT:         17       (I) Operates in Anne Arundel County;         18       (2) Was licensed under § 21-305 of this subtitle on or         19       Before December 1, 2010; and         20       (3) Was not sold or transferred to another operator         21       (1) Pump out the onboard wastewater holding tank as         21       (1) Pump out the onboard wastewater holding tank as         22       (2) Remove wastewater By:         23       (1) Hiring a licensed liquid waste hauler to         24       (1) Hiring a licensed liquid waste hauler to         25       (1) Hiring a licensed	3	
6       (2) For semipermanent food service facilities, the         7       DEPARTMENT SHALL ADOPT SEPARATE REGULATIONS THAT REQUIRE THE         8       OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY TO:         9       (i) KEEP A RECORD OF THE TIME, PLACE, AND METHOD OF         10       wastewater disposal; and         11       (ii) USE A HOSE THAT IS APPROVED FOR FOOD SERVICE USE         12       if the operator of the semipermanent food service facility uses a         13       HOSE TO ACCESS A POTABLE WATER SUPPLY.         14       21-312.2.         15       (a) THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE         16       FACILITY THAT:         17       (1) OPERATES IN ANNE ARUNDEL COUNTY;         18       (2) WAS LICENSED UNDER § 21-305 OF THIS SUBTITLE ON OR         19       BEFORE DECEMBER 1, 2010; AND         20       (3) WAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERATOR         21       ATHER DECEMBER 1, 2010.         22       (B) AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         31       SHALL         22       (B) AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         31       SHALL         22       (B) AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         31       SHALL         23 <th>4</th> <th></th>	4	
7       DEPARTMENT SHALL ADOPT SEPARATE REGULATIONS THAT REQUIRE THE         8       OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY TO:         9       (1)       KEEP A RECORD OF THE TIME, PLACE, AND METHOD OF         10       (1)       USE A RECORD OF THE TIME, PLACE, AND METHOD OF         11       (1)       USE A RECORD OF THE SEMIPERMANENT FOOD SERVICE FACILITY USES A         11       (1)       USE A RECORD OF THE SEMIPERMANENT FOOD SERVICE FACILITY USES A         14       21-312.2.       (1)         15       (A)       THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE         16       FACILITY THAT:       (1)         17       (1)       OPERATES IN ANNE ARUNDEL COUNTY:         18       (2)       WAS LICENSED UNDER § 21-305 OF THIS SUBTITLE ON OR         19       BEFORE DECEMBER 1, 2010; AND       (3)         20       (3)       WAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERATOR         21       (B)       AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         21       (B)       AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         22       (B)       AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         23       SHALL:       (1)       PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS         24       (1)       PUMP OUT	5	<del>paragraph.</del>
8       OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY TO:         9       (I)       KEEP A RECORD OF THE TIME, PLACE, AND METHOD OF         10       WASTEWATER DISPOSAL; AND         11       (II)       USE A HOSE THIAT IS APPROVED FOR FOOD SERVICE USE         11       (II)       USE A HOSE THIAT IS APPROVED FOR FOOD SERVICE USE         12       IF THE OPERATOR OF THE SEMIPERMANENT FOOD SERVICE FACILITY USES A         13       HOSE TO ACCESS A POTABLE WATER SUPPLY.         14       21-312.2.         15       (A)         16       (A)         17       (I)         18       SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE         19       FACILITY THAT:         17       (I)         18       (2)         19       BEFORE DECEMBER 1, 2010; AND         20       (3)         21       (3)         22       (B)         23       MAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERATOR         24       (I)         25       FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO ANOTHER ACILITY         26       (B)       AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         27       (2)       REMOVE WASTEWATER BY:         28		
9       (f)       KEEP A RECORD OF THE TIME, PLACE, AND METHOD OF         10       WASTEWATER DISPOSAL; AND         11       (II)       USE A HOSE THAT IS APPROVED FOR FOOD SERVICE USE         12       IF THE OPERATOR OF THE SEMIPERMANENT FOOD SERVICE FACILITY USES A         13       HOSE TO ACCESS A POTABLE WATER SUPPLY.         14       21-312.2.         15       (A)         16       FACILITY THAT:         17       (I)       OPERATES IN ANNE ARUNDEL COUNTY;         18       (2)       WAS LICENSED UNDER § 21-305 OF THIS SUBTITLE ON OR         19       BEFORE DECEMBER I, 2010; AND         20       (3)       WAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERATOR         21       AFTER DECEMBER I, 2010.         22       (B)       AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         23       SHALL:         24       (I)       PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS         25       FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A         26       (1)       PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS         27       (2)       REMOVE WASTEWATER BY:         28       (1)       HIRING A LICENSED LIQUID WASTE HAULER TO         29       DISPOSE OF THE WASTEWATER; OR      <	7	DEPARTMENT SHALL ADOPT SEPARATE REGULATIONS THAT REQUIRE THE
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21       AFTER DECEMBER 1, 2010.         22       (B)       AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         23       SHALL:         24       (1)       PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS         25       FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A         26       PUBLIC HEALTH NUISANCE;         27       (2)       REMOVE WASTEWATER BY:         28       (I)       HIRING A LICENSED LIQUID WASTE HAULER TO         29       DISPOSE OF THE WASTEWATER; OR         30       (II)       DISPOSING OF THE WASTEWATER AT A WASTEWATER	19	
21       AFTER DECEMBER 1, 2010.         22       (B)       AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY         23       SHALL:         24       (1)       PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS         25       FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A         26       PUBLIC HEALTH NUISANCE;         27       (2)       REMOVE WASTEWATER BY:         28       (I)       HIRING A LICENSED LIQUID WASTE HAULER TO         29       DISPOSE OF THE WASTEWATER; OR         30       (II)       DISPOSING OF THE WASTEWATER AT A WASTEWATER	20	(3) WAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERATOR
<ul> <li>23 SHALL:</li> <li>24 (1) PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS</li> <li>25 FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A</li> <li>26 PUBLIC HEALTH NUISANCE;</li> <li>27 (2) REMOVE WASTEWATER BY:</li> <li>28 (1) HIRING A LICENSED LIQUID WASTE HAULER TO</li> <li>29 DISPOSE OF THE WASTEWATER; OR</li> <li>30 (II) DISPOSING OF THE WASTEWATER AT A WASTEWATER</li> </ul>		
<ul> <li>23 SHALL:</li> <li>24 (1) PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS</li> <li>25 FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A</li> <li>26 PUBLIC HEALTH NUISANCE;</li> <li>27 (2) REMOVE WASTEWATER BY:</li> <li>28 (1) HIRING A LICENSED LIQUID WASTE HAULER TO</li> <li>29 DISPOSE OF THE WASTEWATER; OR</li> <li>30 (II) DISPOSING OF THE WASTEWATER AT A WASTEWATER</li> </ul>	22	(B) AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY
<ul> <li>FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A</li> <li>PUBLIC HEALTH NUISANCE;</li> <li>(2) REMOVE WASTEWATER BY:</li> <li>(1) HIRING A LICENSED LIQUID WASTE HAULER TO</li> <li>DISPOSE OF THE WASTEWATER; OR</li> <li>(1) DISPOSING OF THE WASTEWATER AT A WASTEWATER</li> </ul>		
<ul> <li>26 <u>PUBLIC HEALTH NUISANCE;</u></li> <li>27 (2) <u>REMOVE WASTEWATER BY:</u></li> <li>28 (I) <u>HIRING A LICENSED LIQUID WASTE HAULER TO</u></li> <li>29 <u>DISPOSE OF THE WASTEWATER; OR</u></li> <li>30 (II) <u>DISPOSING OF THE WASTEWATER AT A WASTEWATER</u></li> </ul>	24	(1) <u>Pump out the onboard wastewater holding tank as</u>
27       (2)       REMOVE WASTEWATER BY:         28       (1)       HIRING A LICENSED LIQUID WASTE HAULER TO         29       DISPOSE OF THE WASTEWATER; OR         30       (II)       DISPOSING OF THE WASTEWATER AT A WASTEWATER	25	FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A
28       (I)       HIRING A LICENSED LIQUID WASTE HAULER TO         29       DISPOSE OF THE WASTEWATER; OR         30       (II)       DISPOSING OF THE WASTEWATER AT A WASTEWATER	26	PUBLIC HEALTH NUISANCE;
29       DISPOSE OF THE WASTEWATER; OR         30       (II)         DISPOSING OF THE WASTEWATER AT A WASTEWATER	27	(2) <u>Remove wastewater by:</u>
29       DISPOSE OF THE WASTEWATER; OR         30       (II)         DISPOSING OF THE WASTEWATER AT A WASTEWATER	28	(I) HIRING A LICENSED LIQUID WASTE HAULER TO
	30	(II) DISPOSING OF THE WASTEWATER AT A WASTEWATER
	31	DISPOSAL FACILITY APPROVED BY ANNE ARUNDEL COUNTY;

#### HOUSE BILL 99

## 1(3)SHALL USEUSEA FOOD GRADE HOSE AND AN ADEQUATE2BACKFLOW PREVENTION DEVICE TO MAINTAIN A POTABLE WATER SUPPLY; AND

# 3(4)DEMONSTRATE COMPLIANCE WITH ITEMS (1) AND (2) OF THIS4SUBSECTION BY QUARTERLY SUBMITTING A RECORD OF RECEIPTS TO THE5ISSUER OF THE LICENSE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 7 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.