

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 841 (Delegate Frick, *et al.*)  
Health and Government Operations

Finance

---

Food Service Facilities - Open Windows and Doors

---

This bill authorizes a food service facility to operate with its outer windows or outer doors (except for doors that lead outside from the kitchen) open unless the local health department (LHD) finds – while the food service is operating with its doors and windows open – evidence, in food preparation or storage areas, of (1) vermin; or (2) flying insects that pose a significant threat to sanitation or public health. If an LHD finds that a food service facility is operating in violation of the bill, the facility must take immediate action to eliminate the vermin or flying insects and LHD may close the facility or order a temporary closure of the facility’s outer windows and doors until (1) the vermin or flying insects are eliminated; or (2) another action approved by LHD is taken. A facility that is found to be operating in violation of the bill on three or more separate occasions must keep its outer windows and doors closed at all times until (1) specified modifications approved by the LHD are made; or (2) another action approved by LHD is taken.

The bill takes effect July 1, 2012.

---

Fiscal Summary

**State Effect:** The bill does not directly affect State finances or operations.

**Local Effect:** LHDs currently conduct routine inspections of food service facilities and can likely use existing resources to determine, in the course of their regular inspections, whether there is evidence of vermin or flying insects at a facility.

**Small Business Effect:** Minimal.

---

## Analysis

**Current Law:** State law does not specifically prohibit or allow a food service facility to operate with its outer windows or doors open for ventilation or other purposes.

LHDs license and inspect food service facilities.

**Local Fiscal Effect:** The Maryland Association of Counties, the Maryland Association of County Health Officers, and Garrett and Howard counties all advise that LHDs can use existing resources to implement the bill. Baltimore City advises that it already allows food service facilities to operate with their outer windows or doors open and that, accordingly, the bill has no fiscal impact on the city. Anne Arundel and Montgomery counties, however, anticipate increased costs under the bill due to additional inspections and reinspections associated with potential insect and/or vermin infestation.

Legislative Services notes that many food service facilities already offer outdoor dining and that all food service facilities are routinely inspected by LHDs. Legislative Services advises that LHDs can likely use existing resources to determine, in the course of their regular inspections, whether there is evidence of vermin or flying insects at a facility.

---

## Additional Information

**Prior Introductions:** None.

**Cross File:** SB 634 (Senator Frosh, *et al.*) – Finance.

**Information Source(s):** Anne Arundel, Garrett, Howard, and Montgomery counties; Baltimore City; Department of Health and Mental Hygiene; Maryland Association of County Health Officers; Maryland Association of Counties; Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2012  
mc/mwc Revised - House Third Reader - March 27, 2012

---

Analysis by: Jennifer A. Ellick

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510