

HOUSE BILL 164

J1

3lr0015

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Health and Mental Hygiene)**

Introduced and read first time: January 18, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Regulatory Authority – Permit**
3 **and Licensing Renewals and Building Plan Reviews**

4 FOR the purpose of lengthening the renewal period for tissue bank permits and
5 residential service agency licenses; altering the entity to which certain food
6 establishments must submit for review certain plans and specifications before
7 the construction, remodeling, or alteration of the food establishments; making
8 conforming changes; and generally relating to the regulatory authority of the
9 Department of Health and Mental Hygiene and permit and licensure renewals
10 and building plan reviews.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 17–310(a) and (c), 19–4A–03(b), and 21–321
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Health – General
18 Section 17–310(b) and 19–4A–03(a) and (c)
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2012 Supplement)

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

23 **Article – Health – General**

24 17–310.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) A permit expires on the first anniversary of its effective date, unless the
2 permit is renewed for a [1-year] **2-YEAR** term as provided in this section.

3 (b) At least 1 month before the permit expires, the Department shall send to
4 the permit holder, by first-class mail to the last known address of the holder, a
5 renewal notice that states:

6 (1) The date on which the current permit expires;

7 (2) The date by which the renewal application must be received by the
8 Secretary for the renewal to be issued and mailed before the permit expires; and

9 (3) The amount of the renewal fee.

10 (c) Before the permit expires, the permit holder periodically may renew it for
11 an additional [1-year] **2-YEAR** term, if the permit holder:

12 (1) Otherwise is entitled to the permit;

13 (2) Pays to the Department the renewal fee set by the Secretary; and

14 (3) Submits to the Secretary:

15 (i) A renewal application on the form that the Secretary
16 requires; and

17 (ii) Satisfactory evidence of compliance with any standards and
18 qualifications set under this subtitle for permit renewal.

19 19-4A-03.

20 (a) The Department shall adopt regulations that set standards for the care,
21 treatment, health, safety, welfare, and comfort of individuals who receive home health
22 care services through a residential service agency.

23 (b) The regulations shall provide for the licensing of residential service
24 agencies and the [annual] renewal of licenses **FOR A 3-YEAR TERM.**

25 (c) The regulations shall require the Secretary to charge fees in a manner
26 which will produce funds sufficient to at least cover the actual direct or indirect costs
27 of the inspection and licensure of residential service agencies under this subtitle.

28 21-321.

29 (a) Except as provided in subsection (d) of this section, before a food
30 establishment is constructed, remodeled, or materially altered, or before an existing
31 building or structure is converted or remodeled for use as a food establishment,

1 properly prepared plans and specifications for the construction, remodeling, or
2 alteration of a food establishment shall be submitted to:

3 (1) The Department, if the food establishment is:

4 (i) [Except as provided in paragraph (2) of this subsection, a] A
5 food processing plant; or

6 (ii) A chain or franchise [operation] **FOOD SERVICE FACILITY**
7 planning to construct 2 or more facilities in the State from a single uniform set of
8 plans; or

9 (2) [For all other food establishments, including a soft drink
10 manufacturing plant] **EXCEPT AS PROVIDED IN ITEM (1)(II) OF THIS SUBSECTION,**
11 **FOR FOOD SERVICE FACILITIES,** to the appropriate county health department.

12 (b) The plans or specifications required under subsection (a) of this section
13 shall include:

14 (1) Layout and arrangement of work areas;

15 (2) Construction materials;

16 (3) The location, size, manufacturer, and model number of equipment
17 and facilities; and

18 (4) Any other information that may be required for the proper review
19 of the plans and specifications.

20 (c) Unless the required plans and specifications are approved by the
21 Department, a person may not:

22 (1) Construct, remodel, or alter a food establishment; or

23 (2) Convert or remodel an existing building or structure for use as a
24 food establishment.

25 (d) The provisions of this section do not apply to the construction,
26 remodeling, or alteration of any areas in a food establishment used solely for office
27 space, or recreational areas.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2013.