

SENATE BILL 821

J1

3lr1085

By: **Senator Young**

Introduced and read first time: February 1, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Food Processing Plants – License Fees – Farms and Civic and Nonprofit**
3 **Organizations**

4 FOR the purpose of limiting to a certain amount the fee that may be charged for a food
5 processing plant license under certain provisions of law to certain farms and
6 civic and nonprofit organizations, under certain circumstances; and generally
7 relating to license fees for food processing plants.

8 BY repealing and reenacting, without amendments,
9 Article – Health – General
10 Section 21–301(g)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 21–308
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2012 Supplement)

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

20 **Article – Health – General**

21 21–301.

22 (g) (1) “Food processing plant” means any place used for, or in connection
23 with, the commercial manufacturing, preparing, processing, packaging, canning,
24 freezing, storing, distributing, labeling, or holding of food or drink for human
25 consumption.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Food processing plant” includes:

2 (i) A bakery plant;

3 (ii) A cannery;

4 (iii) A confectionery plant;

5 (iv) A crab meat picking plant;

6 (v) A food manufacturing plant;

7 (vi) A food warehouse or distribution center;

8 (vii) A frozen food processing plant;

9 (viii) An ice manufacturing plant;

10 (ix) A shellfish plant;

11 (x) A soft drink manufacturing plant; or

12 (xi) A bottled water plant.

13 (3) “Food processing plant” does not include:

14 (i) A warehouse or distribution center that:

15 1. Does not process food; and

16 2. Stores only sealed containers of whole bean, ground or
17 instant coffee, leaf or instant teas, nondairy dehydrated whiteners, sugar, or
18 sugar-free sweeteners; or

19 (ii) A cottage food business.

20 21–308.

21 (a) In this section, “on-farm home processing facility” means a home or
22 domestic kitchen located on an individual’s farm that manufactures and processes
23 foods for commercial sale.

24 (b) (1) For any license issued for which the authority to conduct a
25 program under this subtitle has been delegated to a county health department:

1 (i) A county governing body or the Mayor and City Council of
2 Baltimore City may and the Anne Arundel County Council shall provide for a license
3 fee schedule based on the anticipated cost of licensing, inspecting, and regulating food
4 establishments and may provide for exemptions from the license fee schedule; and

5 (ii) All license fees shall be paid to the local health department
6 or chief financial officer of the county governing body or Baltimore City.

7 (2) Except in Anne Arundel County, Baltimore City, Montgomery
8 County, and Prince George's County, a license fee under this subsection may not
9 exceed \$70 for a seasonal food processing operation that:

10 (i) Uses only food that is grown on the property of the licensee;
11 and

12 (ii) Is in operation for not more than a 3-month continuous
13 period in the calendar year.

14 (3) A seasonal food processing operation may obtain a food
15 establishment license for a fee of \$70 under paragraph (2) of this subsection only twice
16 in a calendar year.

17 (c) (1) An on-farm home processing facility may obtain an on-farm home
18 processing plant license for a fee established in regulations.

19 (2) An on-farm home processing facility that obtains an on-farm home
20 processing plant license may manufacture or process only foods provided for in
21 regulations of the Department.

22 (3) A license or permit is not required to deliver prepackaged foods to
23 fill an order of a customer.

24 (d) For any other food establishment license, the Secretary shall establish a
25 license fee in accordance with § 2-104 of this article.

26 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A**
27 **LICENSE FEE UNDER THIS SECTION MAY NOT EXCEED \$150 ANNUALLY FOR A**
28 **FOOD PROCESSING PLANT THAT:**

29 **(1) (I) IS A FARM THAT PROCESSES ANIMALS RAISED ON THE**
30 **FARM FOR HUMAN CONSUMPTION; OR**

31 **(II) IS A BONA FIDE CIVIC OR NONPROFIT ORGANIZATION**
32 **THAT PROCESSES ANIMALS FOR HUMAN CONSUMPTION; AND**

1 **(2) ENGAGES IN THE PROCESSING OF ANIMALS FOR HUMAN**
2 **CONSUMPTION NO MORE THAN THREE TIMES A YEAR.**

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