

HB0009/396581/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 9
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Hixson” and substitute “Delegates Hixson, Valderrama, Howard, and Simmons”; in line 2, after “Awareness” insert “, Food Safety, and Food Service Facility Letter Grading – Posting Requirement and Task Force”; strike beginning with the second “and” in line 4 down through “allergies” in line 6; strike beginning with “and” in line 9 down through “awareness” in line 21 and substitute “; establishing a Task Force to Study Food Allergy Awareness, Food Safety, and Food Service Facility Letter Grading; providing for the membership and chair of the Task Force; authorizing the Task Force to form subcommittees from among its members; requiring the Department of Health and Mental Hygiene to provide staff for the Task Force; providing that a member of the Task Force may not receive certain compensation but is entitled to certain reimbursement; providing for the duties of the Task Force; requiring the Task Force to report certain findings and recommendations, on or before a certain date, to the Governor and certain committees of the General Assembly; providing for the effective dates of this Act; providing for the termination of certain provisions of this Act; and generally relating to food allergy awareness, food safety, and food service facility letter grading”.

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 9, strike “**(1)**”; strike beginning with the colon in line 9 down through “**DISPLAY**” in line 10 and substitute “DISPLAY”; strike beginning with the semicolon in line 13 down through “**ALLERGIES**” in line 16; in line 17, strike “**(2)**” and substitute “(B)”; strike beginning with the second “**THE**” in line 18 down through “**NETWORK**” in line 19 and substitute “FOOD ALLERGY RESEARCH AND”

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EDUCATION”; strike beginning with the colon in line 20 down through “**THE**” in line 21 and substitute “**THE**”; in line 22, strike “**PARAGRAPH (1)(I) OF THIS**”; and in the same line, after “**SUBSECTION**” insert “**(A) OF THIS SECTION.**”.

AMENDMENT NO. 3

On pages 2 through 4, strike beginning with the semicolon in line 22 on page 2 down through the period in line 2 on page 4 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Food Allergy Awareness, Food Safety, and Food Service Facility Letter Grading.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) one representative of the Department of Health and Mental Hygiene, appointed by the Secretary of Health and Mental Hygiene;

(4) the President of the Baltimore City Council, or the President’s designee;

(5) the Prince George’s County Health Officer, or the Health Officer’s designee; and

(6) the following members, appointed by the Governor:

- (i) one representative of Food Allergy Research and Education;
 - (ii) one consumer with a food allergy;
 - (iii) one parent of a child with a food allergy;
 - (iv) one representative of the Restaurant Association of Maryland;
 - (v) one representative of the National Restaurant Association;
 - (vi) one representative of the Maryland Retailers Association;
 - (vii) one representative of the Maryland Hotel and Lodging Association;
 - (viii) one representative of the Inter-Jurisdictional Food Service Manager Program Committee;
 - (ix) one representative of the Maryland Association of County Health Officers who is not from a jurisdiction with a certified food service manager program; and
 - (x) one representative of the Maryland Conference of Local Environmental Health Directors.
- (c) The President of the Senate and Speaker of the House jointly shall designate the chair of the Task Force.
- (d) The Task Force may form subcommittees from among its members.

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(e) The Department of Health and Mental Hygiene shall provide staff for the Task Force.

(f) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Task Force shall:

(1) study and make recommendations regarding:

(i) food allergy awareness and food allergy training for food service facilities in the State;

(ii) food safety training for food service facilities in the State;
and

(iii) the use of systems for grading and classifying health inspection results for food service facilities in the State;

(2) review food safety efforts at the State and local level, including:

(i) the frequency of food service facility inspections, the most common violations, and the reasons for closures;

(ii) the number of food-borne illness cases that have been linked to food service facilities; and

(iii) the impact of local food service manager certification programs;

(3) study:

(i) the most common food allergies and issues related to food preparation and cross-contamination in food service facilities;

(ii) existing and planned food allergy training material, programs, and certifications;

(iii) food allergy awareness and training mandates for food service facilities in other states;

(iv) legal issues related to food allergens, including potential civil liability, compliance with the Americans with Disabilities Act, and negligence issues;

(v) the use of grading and classifying health inspection results for food service facilities by other jurisdictions;

(vi) the frequency of food-borne illness cases linked to food service facilities in jurisdictions that grade and classify health inspection results compared to similar jurisdictions that do not use grading and classification systems;

(vii) the costs of implementing and administering grading and classifying systems, how the costs of these systems are paid for, and any cost-benefit analyses of these systems that have been completed;

(viii) the alternatives to grading and classifying health inspection results, including the State's existing pass-fail inspection system, online posting of health inspection results, a system that informs consumers regarding the frequency of

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health inspections at food service facilities, and any other options the Task Force considers appropriate; and

(ix) any other issues the Task Force considers appropriate; and

(4) study and evaluate:

(i) mandated food service manager certification and mandated food handler training options; and

(ii) online food safety training programs for certification and recertification.

(h) On or before January 1, 2014, the Task Force shall report its findings and recommendations related to food allergy awareness and training, food safety training, and the use of grading and classifying health inspections results for food service facilities to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee.”.

On page 4, in line 3, after “That” insert “Section 1 of”; and after line 4, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2013. Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2014, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.