

HB1197/326180/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1197

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “food establishment” and substitute “restaurant”; in line 6, after “on” insert “a certain sign or”; strike beginning with “requiring” in line 7 down through “circumstances;” in line 12; in line 15, after “resources;” insert “providing for the application of certain provisions of this Act; providing that a person who violates certain provisions of this Act is not subject to certain criminal or civil penalties; defining a certain term;”; and in line 18, after “21-330.2” insert “and 21-1214”.

AMENDMENT NO. 2

On page 1, after line 24, insert:

“(A) (1) IN THIS SECTION, “RESTAURANT” MEANS A FOOD ESTABLISHMENT THAT:

(I) ACCOMMODATES THE PUBLIC;

(II) IS EQUIPPED WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; AND

(III) PROVIDES SEATING OR HAS ACCESS TO SHARED SEATING FOR USE OF ITS CUSTOMERS.

(2) “RESTAURANT” DOES NOT INCLUDE:

(I) A CONVENIENCE STORE;

(Over)

(II) A GROCERY STORE; OR

(III) A SERVICE STATION.

(B) SUBSECTION (D) OF THIS SECTION DOES NOT APPLY TO A FOOD ESTABLISHMENT THAT IS A VENDOR AT:

(1) A CARNIVAL, AS DEFINED IN § 3-101 OF THE BUSINESS REGULATION ARTICLE; OR

(2) A FAIR, AS DEFINED IN § 3-101 OF THE BUSINESS REGULATION ARTICLE.”.

On page 2, in lines 1, 9, and 32, strike “(a)”, “(B)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; in line 9, strike “FOOD ESTABLISHMENT” and substitute “RESTAURANT”; in line 15, after “ON” insert “A SIGN THAT IS CONSPICUOUSLY DISPLAYED IN THE RESTAURANT;”

(II) INCLUDED ON”;

in the same line, strike “FOOD ESTABLISHMENT’S” and substitute “RESTAURANT’S”; in line 17, strike “(II)” and substitute “(III)”; and strike in their entirety lines 19 through 31, inclusive.

AMENDMENT NO. 3

On page 3, after line 5, insert:

“21-1214.

(a) (1) Except as provided in paragraph (2) of this subsection, any person who violates any provision of Subtitle 3 of this title or any rule or regulation adopted under Subtitle 3 of this title is guilty of a misdemeanor and on conviction is subject to:

(i) For a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days, or both; and

(ii) For a second offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year, or both.

(2) A person who violates § 21-330.1 OR § 21-330.2(D) of this title is not subject to paragraph (1) of this subsection.

(b) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN addition to any criminal penalties imposed under this section, a person who violates any provision of Subtitle 3 of this title or any rule or regulation adopted under Subtitle 3 of this title or any term, condition, or limitation of any license or registration issued under Subtitle 3 of this title:

[(1)] (I) Is liable for a civil penalty not exceeding \$5,000, to be collected in a civil action in the District Court for any county; and

[(2)] (II) May be enjoined from continuing the violation.

(2) A PERSON WHO VIOLATES § 21-330.2(D) OF THIS TITLE IS NOT SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION.

(c) Each day on which a violation occurs is a separate violation under this section.”.