

HOUSE BILL 771

J1

EMERGENCY BILL

7lr1275
CF SB 262

By: Delegates W. Miller, Adams, Anderton, Arentz, Aumann, Barkley, Bromwell, Brooks, Carey, Clark, Fisher, Flanagan, Folden, Hill, S. Howard, Jacobs, Jameson, Kelly, Kipke, Kramer, Krebs, Mautz, McComas, McConkey, Metzgar, Morgan, Pena-Melnyk, Rose, Saab, Shoemaker, Turner, Valderrama, Vogt, ~~and B. Wilson~~ B. Wilson, Pendergrass, Angel, Barron, Cullison, Hayes, McDonough, Miele, Morales, Platt, Rosenberg, Sample-Hughes, Szeliga, West, and K. Young

Introduced and read first time: February 3, 2017

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2017

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Mobile Food Service Facilities – Licensing and Inspection by**
3 **County Health Departments**

4 FOR the purpose of requiring a county health department to issue a mobile reciprocity
5 license to a certain mobile food service facility; authorizing a county health
6 department to charge a certain fee for a mobile reciprocity license; providing that a
7 mobile reciprocity license is valid for a certain period of time; prohibiting a county,
8 under certain circumstances, from requiring that a mobile food service facility be
9 inspected before a county health department issues a mobile reciprocity license;
10 authorizing a county health department that issued a mobile reciprocity license to
11 inspect the mobile food service facility while the mobile food service facility is
12 operating in the county; requiring a mobile food service facility that is issued a mobile
13 reciprocity license to comply with all applicable State and local laws and regulations;
14 authorizing a county health department to take certain enforcement action against
15 a certain mobile food service facility; requiring a county health department, under
16 certain circumstances, to notify the county of origin of certain action taken; providing
17 for the application of this Act; defining certain terms; making this Act an emergency
18 measure; and generally relating to the licensing and inspection of mobile food service
19 facilities by county health departments.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Health – General
3 Section 21–304(f)
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2016 Supplement)

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

8 **Article – Health – General**

9 21–304.

10 (F) (1) (I) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
11 MEANINGS INDICATED.

12 (II) “BASE OF OPERATIONS” MEANS A LOCATION USED BY THE
13 OWNER OR OPERATOR OF A MOBILE FOOD SERVICE FACILITY THAT PROVIDES:

14 1. A SOURCE OF POTABLE WATER, POTABLE WATER
15 HOSES, AND CLEAN CONNECTIONS;

16 2. A METHOD FOR THE DISPOSAL OF SEWAGE;

17 3. CLEAN, ADEQUATE, AND COVERED TRASH
18 RECEPTACLES;

19 4. IF NECESSARY, REFRIGERATED AND DRY FOOD
20 STORAGE AREAS;

21 5. A STORAGE AREA FOR SINGLE–SERVE FOOD ITEMS;
22 AND

23 6. IF NECESSARY, A UTENSIL WASHING FACILITY.

24 (III) “COUNTY OF ORIGIN” MEANS THE COUNTY IN WHICH THE
25 BASE OF OPERATIONS OF A MOBILE FOOD SERVICE FACILITY IS LOCATED.

26 (IV) “MOBILE FOOD SERVICE FACILITY” MEANS A FOOD SERVICE
27 FACILITY THAT:

28 1. IS A VEHICLE MECHANICALLY, ELECTRICALLY,
29 MANUALLY, OR OTHERWISE PROPELLED;

1 **2. OPERATES ON LAND OR WATER; AND**

2 **3. CHANGES ITS LOCATION AS PART OF ITS ROUTINE**
3 **SALES OPERATION.**

4 **(V) "MOBILE RECIPROCITY LICENSE" MEANS A LICENSE**
5 **ISSUED UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

6 **(2) THIS SUBSECTION DOES NOT APPLY TO A MOBILE FOOD SERVICE**
7 **FACILITY THAT OPERATES SOLELY UNDER A TEMPORARY FOOD SERVICE LICENSE IN**
8 **CONJUNCTION WITH FAIRS, CARNIVALS, OR SIMILAR EVENTS.**

9 **(3) A COUNTY HEALTH DEPARTMENT SHALL ISSUE A MOBILE**
10 **RECIPROCITY LICENSE TO A MOBILE FOOD SERVICE FACILITY THAT:**

11 **(I) IS OPERATING IN THE COUNTY;**

12 **(II) IS OPERATING WITHIN 90 MILES OF ITS BASE OF**
13 **OPERATIONS; AND**

14 **(III) HOLDS A VALID LICENSE FROM THE COUNTY OF ORIGIN.**

15 **(4) A COUNTY HEALTH DEPARTMENT MAY CHARGE A FEE FOR A**
16 **MOBILE RECIPROCITY LICENSE IN AN AMOUNT NOT EXCEEDING \$300.**

17 **(5) A MOBILE RECIPROCITY LICENSE IS VALID FOR A PERIOD OF 1**
18 **YEAR.**

19 **(6) IF A MOBILE FOOD SERVICE FACILITY HAS BEEN INSPECTED BY**
20 **THE COUNTY OF ORIGIN, A COUNTY MAY NOT REQUIRE THAT THE MOBILE FOOD**
21 **SERVICE FACILITY BE INSPECTED BEFORE A COUNTY HEALTH DEPARTMENT ISSUES**
22 **A MOBILE RECIPROCITY LICENSE.**

23 **(7) A COUNTY HEALTH DEPARTMENT THAT ISSUED A MOBILE**
24 **RECIPROCITY LICENSE MAY INSPECT THE MOBILE FOOD SERVICE FACILITY WHILE**
25 **THE MOBILE FOOD SERVICE FACILITY IS OPERATING IN THE COUNTY.**

26 **(8) A MOBILE FOOD SERVICE FACILITY THAT IS ISSUED A MOBILE**
27 **RECIPROCITY LICENSE SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL**
28 **LAWS AND REGULATIONS.**

29 **(9) (I) A COUNTY HEALTH DEPARTMENT MAY TAKE ENFORCEMENT**
30 **ACTION, INCLUDING THE LEVY OF FINES, AGAINST A MOBILE FOOD SERVICE**

1 FACILITY THAT VIOLATES THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER
2 THIS SUBTITLE OR ANY APPLICABLE LOCAL LAWS OR REGULATIONS.

3 (II) IF A COUNTY HEALTH DEPARTMENT TAKES ENFORCEMENT
4 ACTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY HEALTH
5 DEPARTMENT SHALL NOTIFY THE COUNTY OF ORIGIN OF THE ACTION TAKEN.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
7 measure, is necessary for the immediate preservation of the public health or safety, has
8 been passed by a yea and nay vote supported by three-fifths of all the members elected to
9 each of the two Houses of the General Assembly, and shall take effect from the date it is
10 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.