

# SENATE BILL 262

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EMERGENCY BILL

7lr1396  
CF HB 771

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By: Senators Bates, Edwards, Klausmeier, Norman, Ready, ~~and Young Young,~~  
Astle, Benson, Feldman, Hershey, Jennings, Mathias, Middleton, Oaks,  
Reilly, and Rosapepe

Introduced and read first time: January 20, 2017

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2017

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## 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.

20 BY adding to  
21 Article – Health – General  
22 Section 21–304(f)

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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 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2016 Supplement)

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

5 **Article – Health – General**

6 21–304.

7 **(F) (1) (I) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
8 **MEANINGS INDICATED.**

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

11 **1. A SOURCE OF POTABLE WATER, POTABLE WATER**  
12 **HOSES, AND CLEAN CONNECTIONS;**

13 **2. A METHOD FOR THE DISPOSAL OF SEWAGE;**

14 **3. CLEAN, ADEQUATE, AND COVERED TRASH**  
15 **RECEPTACLES;**

16 **4. IF NECESSARY, REFRIGERATED AND DRY FOOD**  
17 **STORAGE AREAS;**

18 **5. A STORAGE AREA FOR SINGLE-SERVE FOOD ITEMS;**  
19 **AND**

20 **6. IF NECESSARY, A UTENSIL WASHING FACILITY.**

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

23 **(IV) “MOBILE FOOD SERVICE FACILITY” MEANS A FOOD SERVICE**  
24 **FACILITY THAT:**

25 **1. IS A VEHICLE MECHANICALLY, ELECTRICALLY,**  
26 **MANUALLY, OR OTHERWISE PROPELLED;**

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

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

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

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

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

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

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

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

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

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

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

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

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

28                                   **(9) (I) A COUNTY HEALTH DEPARTMENT MAY TAKE ENFORCEMENT**  
29 **ACTION, INCLUDING THE LEVY OF FINES, AGAINST A MOBILE FOOD SERVICE**  
30 **FACILITY THAT VIOLATES THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER**  
31 **THIS SUBTITLE OR ANY APPLICABLE LOCAL LAWS OR REGULATIONS.**

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.