

# HOUSE BILL 1009

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By: **Delegates Krebs, Adams, Afzali, Arentz, Aumann, Beitzel, Carozza, Ciliberti, Clark, Corderman, Hornberger, C. Howard, S. Howard, Jacobs, Jalisi, Kittleman, Long, Malone, Mautz, McComas, McConkey, McMillan, W. Miller, Morgan, Parrott, Reilly, Rey, Rose, Saab, Shoemaker, M. Washington, and West**

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Food Service Facilities – Kitchens in Private Homes – Exemption From**  
3 **Licensure**

4 FOR the purpose of altering the definition of “food service facility” to exempt from licensure  
5 by the Maryland Department of Health a kitchen in a private home where food is  
6 prepared at no charge for sale or service at a religious or charitable organization’s  
7 temporary event if certain notice is provided to a consumer in a certain manner; and  
8 generally relating to the licensure of food service facilities.

9 BY repealing and reenacting, without amendments,  
10 Article – Health – General  
11 Section 21–301(a)  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 21–301(h)  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2017 Supplement)

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

21 **Article – Health – General**

22 21–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (h) (1) “Food service facility” means:

3 (i) A place where food or drink is prepared for sale or service on the  
4 premises or elsewhere; or

5 (ii) Any operation where food is served to or provided for the public,  
6 with or without charge.

7 (2) “Food service facility” does not include:

8 (i) A kitchen in a private home where food is prepared at no charge  
9 for guests in the home, for guests at a social gathering, or for service to unemployed,  
10 homeless, or other disadvantaged populations;

11 (ii) A food preparation or serving area where only nonpotentially  
12 hazardous food, as defined by the United States Food and Drug Administration, is prepared  
13 or served only by an excluded organization;

14 (iii) A location in a farmer’s market or at a public festival or event  
15 where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle, are sold;  
16 [or]

17 (iv) A cottage food business; **OR**

18 (v) **A KITCHEN IN A PRIVATE HOME WHERE FOOD IS PREPARED**  
19 **AT NO CHARGE FOR SALE OR SERVICE AT A RELIGIOUS OR CHARITABLE**  
20 **ORGANIZATION’S TEMPORARY EVENT, INCLUDING A BAKE SALE, POTLUCK, OR**  
21 **BARBECUE, IF THE CONSUMER IS INFORMED BY A CLEARLY VISIBLE SIGN POSTED**  
22 **AT THE SALE OR SERVICE LOCATION THAT THE FOOD:**

23 **1. WAS PREPARED IN A KITCHEN IN A PRIVATE HOME**  
24 **THAT IS NOT SUBJECT TO LICENSURE BY THE DEPARTMENT; AND**

25 **2. MAY CONTAIN FOOD ALLERGENS.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2018.