

Chapter 90

(House Bill 1009)

AN ACT concerning

**Workgroup on the Licensing of Food Service Facilities — Kitchens in Private Homes — Exemption From Licensure**

FOR the purpose of ~~altering the definition of “food service facility” to exempt from licensure by the Maryland Department of Health a kitchen in a private home where food is prepared at no charge for sale or service at a religious or charitable organization’s temporary event if certain notice is provided to a consumer in a certain manner; and generally relating to the licensure of food service facilities~~ establishing the Workgroup on the Licensing of Food Service Facilities; requiring the Deputy Secretary for Public Health Services to appoint the members of the Workgroup; requiring the Workgroup to study, evaluate, and make recommendations concerning certain matters; requiring the Workgroup to submit a certain report to the Senate Finance Committee and the House Health and Government Operations Committee on or before a certain date; providing for the termination of this Act; and generally relating to the Workgroup on the Licensing of Food Service Facilities.

~~BY repealing and reenacting, without amendments,  
Article — Health — General  
Section 21-301(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2017 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article — Health — General  
Section 21-301(h)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2017 Supplement)~~

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

- (a) There is a Workgroup on the Licensing of Food Service Facilities.
- (b) The Deputy Secretary for Public Health Services shall appoint the members of the Workgroup, which shall include stakeholders.
- (c) The Workgroup shall study, evaluate, and make recommendations concerning whether:

(1) certain entities, including charitable organizations, churches, and other nonprofits, should be exempt from the requirement to obtain a food service license under Title 21, Subtitle 3 of the Health – General Article;

(2) special circumstances, including circumstances in which food is prepared in a kitchen in a private home for certain purposes, may warrant an exemption from the requirement to obtain a food service license under Title 21, Subtitle 3 of the Health – General Article; and

(3) food service facility laws may be simplified or clarified.

(d) On or before December 31, 2018, the Workgroup shall submit a report of its findings and recommendations in accordance with § 2–1246 of the State Government Article to the Senate Finance Committee and the House Health and Government Operations Committee of the General Assembly.

### ~~Article Health General~~

~~21–301.~~

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

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

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

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

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

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

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

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

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

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

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

~~2. MAY CONTAIN FOOD ALLERGENS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2018. It shall remain effective for a period of 1 year and, at the end of June 30, 2019, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 10, 2018.