

SENATE BILL 701

J1

5lr2512

By: **Senator Ready**

Introduced and read first time: January 26, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Cottage Food Products – Nonpotentially Hazardous Foods and**
3 **Refrigerated Baked Goods**

4 FOR the purpose of altering the definition of “cottage food product” for purposes of
5 provisions of law governing the sale of cottage food products to include nonpotentially
6 hazardous foods, rather than nonhazardous foods, as specified in regulations adopted
7 by the Maryland Department of Health, and refrigerated baked goods; and generally
8 relating to cottage food products.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 21–301(a)
12 Annotated Code of Maryland
13 (2023 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 21–301(b–2) and (j–2)
17 Annotated Code of Maryland
18 (2023 Replacement Volume and 2024 Supplement)

19 BY adding to
20 Article – Health – General
21 Section 21–301(j–2)
22 Annotated Code of Maryland
23 (2023 Replacement Volume and 2024 Supplement)

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

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-301.

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

3 (b-2) "Cottage food product" means a [nonhazardous] **NONPOTENTIALLY**
4 **HAZARDOUS** food, as specified in regulations adopted by the Department, **OR A**
5 **REFRIGERATED BAKED GOOD**, that is sold in the State in accordance with § 21-330.1 of
6 this subtitle and regulations adopted by the Department:

7 (1) Directly to a consumer from a residence, at a farmer's market, at a
8 public event, by personal delivery, or by mail delivery; or

9 (2) To a retail food store, including a grocery store, or a food cooperative.

10 **(J-2) (1) "REFRIGERATED BAKED GOOD" MEANS A BAKED FOOD PRODUCT**
11 **THAT REQUIRES REFRIGERATION TO MAINTAIN ITS SAFETY, QUALITY, OR**
12 **FRESHNESS.**

13 **(2) "REFRIGERATED BAKED GOOD" INCLUDES:**

14 **(I) A CHEESECAKE;**

15 **(II) A CUSTARD AND MERINGUE;**

16 **(III) A FRESH FRUIT TART; AND**

17 **(IV) A REFRIGERATED NONMEAT PIE.**

18 **[(j-2)] (J-3) (1) "Semipermanent food service facility" means a food service**
19 **facility that:**

20 (i) Is built at a location other than where it operates;

21 (ii) Is transported as a complete unit that does not require a building
22 permit to install on the location at which it operates;

23 (iii) Has no indoor seating for patrons; and

24 (iv) When serving cooked food, serves only foods cooked for
25 immediate service.

26 (2) "Semipermanent food service facility" does not include a food service
27 facility that is a mechanically, electrically, manually, or otherwise propelled vehicle
28 operating on land or water that moves as part of its routine operation to:

- 1 (i) Change location for sales;
- 2 (ii) Obtain food and other supplies;
- 3 (iii) Fill potable water supply holding tanks;
- 4 (iv) Empty wastewater holding tanks; or
- 5 (v) Provide for the cleaning and sanitation of equipment and
6 utensils.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2025.