

Chapter 189

(House Bill 272)

AN ACT concerning

Food Establishments – Lavatory Requirement and On–Farm Food Service Facility License

FOR the purpose of altering the type of toilet that certain food establishments may use to comply with the requirement to provide a convenient lavatory; requiring that the fee for an on–farm food service facility license be determined by the Maryland Department of Health based on certain factors and prohibiting the fee from exceeding a certain amount; establishing the term of an on–farm service facility license; requiring the Department, in consultation with certain other departments and certain stakeholders, to adopt regulations governing on–farm service facility licenses; and generally relating to food establishments.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 21–309(a), (b), and (c) and 21–325(d)
 Annotated Code of Maryland
 (2023 Replacement Volume and 2025 Supplement)

BY adding to
 Article – Health – General
 Section 21–309.3
 Annotated Code of Maryland
 (2023 Replacement Volume and 2025 Supplement)

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

Article – Health – General

21–325.

(d) (1) This subsection applies only to a food establishment that is:

(i) A business that conducts agritourism, as defined in § 4–212 of the Land Use Article;

(ii) A Class 4 limited winery licensed under § 2–206 of the Alcoholic Beverages and Cannabis Article; and

(iii) A Class 8 farm brewery licensed under § 2–210 of the Alcoholic Beverages and Cannabis Article.

(2) A food establishment may comply with the requirement to provide a convenient lavatory by providing a portable [chemical] toilet that:

- (i) Otherwise meets the requirements of subsection (a)(2) or (b)(2) of this section; and
- (ii) Is placed at least 25 feet from a well.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

21–309.

- (a) (1) In this section the following terms have the meanings indicated.

(2) “Mobile food service facility” means a food service facility which is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water.

[(3) “On–farm food service facility” means a food service facility that:

- (i) Is located on a farm;
- (ii) Serves food as designated by the Department; and
- (iii) Operates during a period of time of not more than 30 consecutive days with up to two renewals in a 1–year period.]

[(4) (3) “Temporary food service facility” means a food service facility which operates during a period of time of not more than 30 consecutive days at a fixed location in conjunction with a fair, carnival, public exhibition, construction project, recreational facility, or similar gathering.

(b) (1) Except as provided in § 10–226 of the State Government Article and in [paragraphs] PARAGRAPH (2) [and (3)] of this subsection, and unless it is renewed for another term, a license expires 1 year from the date of issuance or renewal or as provided by local law, ordinance, or regulation in accordance with § 21–304(b) and (c) of this subtitle.

(2) Except as provided in § 10–226 of the State Government Article, a license to operate a temporary food service facility expires at the conclusion of the underlying event or after 30 consecutive days of operation, whichever is earlier, or as provided by local law, ordinance, or regulation in accordance with § 21–304(b) and (c) of this subtitle.

[(3) (i) Except as provided in § 10–226 of the State Government Article, a license to operate an on–farm food service facility expires after 30 consecutive days unless it is renewed in accordance with subparagraph (ii) of this paragraph.

(ii) An on–farm food service facility may renew an on–farm food service facility license up to two times within a 1–year period.]

(c) Except in the case of a temporary food service facility, including a mobile food service facility which operates solely as a temporary food service facility, [or an on–farm food service facility,] at least 1 month before the license expires, the Department shall send to the licensee, by first–class mail to the last known address of the licensee, a renewal notice that states:

(1) The date on which the current license expires; and

(2) The date by which the completed renewal application must be received by the Department for the renewal to be issued and mailed before the license expires.

21–309.3.

(A) IN THIS SECTION, “ON–FARM FOOD SERVICE FACILITY” MEANS A FOOD SERVICE FACILITY THAT:

(1) IS LOCATED ON A FARM; AND

(2) SERVES FOOD AS DESIGNATED BY THE DEPARTMENT.

(B) THERE IS AN ON–FARM FOOD SERVICE FACILITY LICENSE.

(C) THE FEE FOR AN ON–FARM FOOD SERVICE FACILITY LICENSE:

(1) SHALL BE DETERMINED BY THE DEPARTMENT BASED ON THE ANTICIPATED COST OF LICENSING, INSPECTING, AND REGULATING LICENSEES; AND

(2) MAY NOT EXCEED \$100.

(D) (1) AN ON–FARM FOOD SERVICE FACILITY LICENSE SHALL BE VALID FOR A PERIOD OF 1 YEAR.

(2) EXCEPT AS PROVIDED IN § 10–226 OF THE STATE GOVERNMENT ARTICLE AND UNLESS IT IS RENEWED FOR ANOTHER TERM, AN ON–FARM FOOD SERVICE FACILITY LICENSE EXPIRES 1 YEAR FROM THE DATE OF ISSUANCE OR

RENEWAL OR AS PROVIDED BY LOCAL LAW, ORDINANCE, OR REGULATION IN ACCORDANCE WITH § 21-304(B) AND (C) OF THIS SUBTITLE.

(E) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT ~~AND~~, THE DEPARTMENT OF AGRICULTURE, AND KEY STAKEHOLDERS, INCLUDING THE APPROPRIATE DELEGATED APPROVAL AUTHORITY AND AT LEAST ONE REPRESENTATIVE OF COUNTY GOVERNMENTS DESIGNATED BY THE MARYLAND ASSOCIATION OF COUNTIES, SHALL ADOPT REGULATIONS FOR AN ON-FARM FOOD SERVICE FACILITY REGARDING:

- (1) ACCESS TO WATER FOR HANDWASHING AND FOOD PREPARATION;
- (2) MANAGEMENT OF WASTEWATER;
- (3) OUTDOOR COOKING AND FOOD PREPARATION;
- (4) THE USE OF ON-FARM STRUCTURES FOR FOOD PREPARATION AND PATRON SEATING;
- (5) CONSISTENT WITH § 21-325(D) OF THIS SUBTITLE, TOILETING FACILITIES; AND
- (6) OTHER REQUIREMENTS AS NECESSARY FOR THE PROTECTION OF PUBLIC HEALTH.

(F) IN ADOPTING REGULATIONS UNDER SUBSECTION (E) OF THIS SECTION, THE DEPARTMENT MAY CONSIDER:

- (1) THE NUMBER OF INDIVIDUALS EXPECTED TO PATRONIZE AN ON-FARM FOOD SERVICE FACILITY;
- (2) THE EXPECTED FREQUENCY OF OPERATION;
- (3) ~~HOW TO ASSESS~~ CONSIDER THE CURRENT OR PLANNED PHYSICAL STRUCTURES ASSOCIATED WITH AN ON-FARM FOOD SERVICE FACILITY; AND
- (4) HOW TO ASSESS WHETHER THE ANTICIPATED OPERATION OF AN ON-FARM FOOD SERVICE FACILITY IS CONSISTENT WITH THE CONTINUED OPERATION OF THE FARM ON WHICH IT IS LOCATED.

(G) THIS SECTION MAY NOT BE CONSTRUED TO:

(1) LIMIT THE APPLICATION OF ANY CURRENT OR FUTURE APPLICABLE BUILDING CODES, ZONING CODES, LAND USE DESIGNATIONS, OR PUBLIC HEALTH AND SAFETY REGULATIONS ENACTED BY A COUNTY OR OTHER LOCAL GOVERNMENT TO AN ON-FARM FOOD SERVICE FACILITY; OR

(2) AUTHORIZE THE DEPARTMENT TO:

(i) CONDUCT OR REQUIRE AN ASSESSMENT OF THE VALUE OF REAL PROPERTY;

(ii) EVALUATE REAL PROPERTY FOR THE PURPOSE OF VALUATION OR TAXATION; OR

(iii) EXERCISE ANY AUTHORITY OTHERWISE RESERVED TO THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION UNDER THE TAX - PROPERTY ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 31, 2027.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2026.

Approved by the Governor, April 28, 2026.