

Chapter 350

(Senate Bill 714)

AN ACT concerning

Washington County – Mobile Food Service Facilities and Semipermanent Food Service Facilities – Toilet and Lavatory Facilities

FOR the purpose of exempting mobile food service facilities and semipermanent food service facilities located in Washington County from the requirement that a food service facility have a lavatory and toilet; and generally relating to mobile food service facilities and semipermanent food service facilities in Washington County.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–301(a) and (j–2)
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

BY adding to
Article – Health – General
Section 21–301(i–1)
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–309(a) and 21–325
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

21–301.

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

(i–1) “MOBILE FOOD SERVICE FACILITY” MEANS A FOOD SERVICE FACILITY WHICH IS A MECHANICALLY, ELECTRICALLY, MANUALLY, OR OTHERWISE PROPELLED VEHICLE OPERATING ON LAND OR WATER.

(j–2) (1) “Semipermanent food service facility” means a food service facility that:

- (i) Is built at a location other than where it operates;
- (ii) Is transported as a complete unit that does not require a building permit to install on the location at which it operates;
- (iii) Has no indoor seating for patrons; and
- (iv) When serving cooked food, serves only foods cooked for immediate service.

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

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

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.

21-325.

(a) Subject to subsection (d) of this section, each food establishment shall have:

(1) A convenient toilet that is:

(i) Except as provided in subsection (c) of this section, separated from any room in which food is manufactured, prepared, packed, canned, frozen, sold, or distributed;

(ii) Kept in a sanitary condition; and

(iii) Properly ventilated; and

(2) A convenient lavatory that is:

(i) Supplied with soap, water, towels, or other approved hand drying devices;

(ii) Kept in a sanitary condition; and

(iii) Properly ventilated.

(b) **(1) THIS SUBSECTION DOES NOT APPLY TO A MOBILE FOOD SERVICE FACILITY OR A SEMIPERMANENT FOOD SERVICE FACILITY LOCATED IN WASHINGTON COUNTY.**

(2) Each food service facility which prepares food and provides seating for patrons established after January 1, 1979, shall have available for the public:

[(1)] (I) A convenient toilet that is kept in a sanitary condition; and

[(2)] (II) A convenient lavatory that is:

[(i)] 1. Supplied with soap, water, towels, or other approved hand drying devices;

[(ii)] 2. Kept in a sanitary condition; and

[(iii)] 3. Properly ventilated.

(c) A room that houses a toilet may be constructed within a larger room in which food is manufactured, prepared, packed, canned, frozen, sold, or distributed.

(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)] (B)(2)(II)** of this section; and

(ii) Is placed at least 25 feet from a well.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 28, 2026.