Article - Health - General

[Previous][Next]

§21–304.

(a) (1) The Department shall adopt rules and regulations necessary to carry out the provisions of this subtitle.

(2) For excluded organizations, the Department:

(i) Shall adopt separate regulations that establish minimum standards that:

1. Ensure food integrity and safety;

2. Preserve public health; and

3. Control foodborne illnesses;

(ii) May adopt separate regulations that establish a licensing system, with appropriate standards, that excluded organizations may voluntarily choose to submit to as a rescindable alternative to regulation under item (i) of this paragraph; and

(iii) May adopt regulations governing excluded organizations serving potentially hazardous food prepared in a private kitchen.

(b) Except as provided in subsection (e) of this section, a political subdivision may not adopt a law, ordinance, rule, or regulation that establishes a standard that is less stringent than rules and regulations adopted under this subtitle.

(c) Except as otherwise provided in this section, this subtitle does not limit the power of a home rule or charter county or Baltimore City to adopt and enforce laws, ordinances, and regulations that are consistent with the purposes of this subtitle, including the power to adopt local licensing and enforcement procedures.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Farmer's market" means a public market in the State where producers of raw agricultural products sell the products directly to the public.

(iii) "Raw agricultural product" includes:

1. Whole, unprocessed grains, flowers, herbs, nuts, fruits, and vegetables supplied directly from the farm on which they were produced; and

2. Any agricultural products the Department identifies in regulation.

(2) A local jurisdiction may not require a license for the sale of raw agricultural products at a farmer's market or at a public festival or event.

(e) (1) The governing body of Frederick County may adopt an ordinance to allow a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area.

(2) An ordinance adopted under paragraph (1) of this subsection shall:

(i) Prohibit a dog from being allowed to travel through an indoor space of a restaurant to enter or exit an outdoor dining area; and

(ii) Contain a provision to ensure that the ordinance does not affect the right of an individual to use a service animal, as defined in § 7–701 of the Human Services Article.

(f) (1) (i) In this section the following words have the meanings indicated.

(ii) "Base of operations" means a location used by the owner or operator of a mobile food service facility that provides:

1. A source of potable water, potable water hoses, and clean connections;

2. A method for the disposal of sewage;

3. Clean, adequate, and covered trash receptacles;

4. If necessary, refrigerated and dry food storage areas;

5. A storage area for single–serve food items; and

6. If necessary, a utensil washing facility.

(iii) "County of origin" means the county in which the base of operations of a mobile food service facility is located.

(iv) "Mobile food service facility" means a food service facility that:

1. Is a vehicle mechanically, electrically, manually, or otherwise propelled;

2. Operates on land or water; and

3. Changes its location as part of its routine sales operation.

(v) "Mobile reciprocity license" means a license issued under paragraph (3) of this subsection.

(2) This subsection does not apply to a mobile food service facility that operates solely under a temporary food service license in conjunction with fairs, carnivals, or similar events.

(3) A county health department shall issue a mobile reciprocity license to a mobile food service facility that:

(i) Is operating in the county;

(ii) Is operating within 90 miles of its base of operations; and

(iii) Holds a valid license from the county of origin.

(4) A county health department may charge a fee for a mobile reciprocity license in an amount not exceeding $300.

(5) A mobile reciprocity license is valid for a period of 1 year.

(6) If a mobile food service facility has been inspected by the county of origin, a county may not require that the mobile food service facility be inspected before a county health department issues a mobile reciprocity license.

(7) A county health department that issued a mobile reciprocity license may inspect the mobile food service facility while the mobile food service facility is operating in the county.

(8) A mobile food service facility that is issued a mobile reciprocity license shall comply with all applicable State and local laws and regulations.

(9) (i) A county health department may take enforcement action, including the levy of fines, against a mobile food service facility that violates this subtitle or any regulation adopted under this subtitle or any applicable local laws or regulations.

(ii) If a county health department takes enforcement action under subparagraph (i) of this paragraph, the county health department shall notify the county of origin of the action taken.

[Previous][Next]