

HOUSE BILL 272

J1

(PRE-FILED)

6lr0202
CF 6lr0201

By: **Chair, Health Committee (By Request – Departmental – Health)**

Requested: September 17, 2025

Introduced and read first time: January 14, 2026

Assigned to: Health

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 14, 2026

CHAPTER _____

1 AN ACT concerning

2 **Food Establishments – Lavatory Requirement and On-Farm Food Service**
3 **Facility License**

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

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 21–309(a), (b), and (c) and 21–325(d)
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2025 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health – General**

4 21–325.

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

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

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

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

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

14 (i) Otherwise meets the requirements of subsection (a)(2) or (b)(2) of
15 this section; and

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

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

19 **Article – Health – General**

20 21–309.

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

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

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

26 (i) Is located on a farm;

27 (ii) Serves food as designated by the Department; and

28 (iii) Operates during a period of time of not more than 30 consecutive
29 days with up to two renewals in a 1–year period.]

1 **[(4)] (3)** “Temporary food service facility” means a food service facility
2 which operates during a period of time of not more than 30 consecutive days at a fixed
3 location in conjunction with a fair, carnival, public exhibition, construction project,
4 recreational facility, or similar gathering.

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

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

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

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

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

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

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

27 **21–309.3.**

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

30 **(1) IS LOCATED ON A FARM; AND**

31 **(2) SERVES FOOD AS DESIGNATED BY THE DEPARTMENT.**

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

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

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

4 (2) MAY NOT EXCEED \$100.

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

7 (2) EXCEPT AS PROVIDED IN § 10-226 OF THE STATE GOVERNMENT
8 ARTICLE AND UNLESS IT IS RENEWED FOR ANOTHER TERM, AN ON-FARM FOOD
9 SERVICE FACILITY LICENSE EXPIRES 1 YEAR FROM THE DATE OF ISSUANCE OR
10 RENEWAL OR AS PROVIDED BY LOCAL LAW, ORDINANCE, OR REGULATION IN
11 ACCORDANCE WITH § 21-304(B) AND (C) OF THIS SUBTITLE.

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

18 (1) ACCESS TO WATER FOR HANDWASHING AND FOOD PREPARATION;

19 (2) MANAGEMENT OF WASTEWATER;

20 (3) OUTDOOR COOKING AND FOOD PREPARATION;

21 (4) THE USE OF ON-FARM STRUCTURES FOR FOOD PREPARATION
22 AND PATRON SEATING;

23 (5) CONSISTENT WITH § 21-325(D) OF THIS SUBTITLE, TOILETING
24 FACILITIES; AND

25 (6) OTHER REQUIREMENTS AS NECESSARY FOR THE PROTECTION OF
26 PUBLIC HEALTH.

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

29 (1) THE NUMBER OF INDIVIDUALS EXPECTED TO PATRONIZE AN
30 ON-FARM FOOD SERVICE FACILITY;

1 **(2) THE EXPECTED FREQUENCY OF OPERATION;**

2 **(3) HOW TO ~~ASSESS~~ CONSIDER THE CURRENT OR PLANNED PHYSICAL**
3 **STRUCTURES ASSOCIATED WITH AN ON-FARM FOOD SERVICE FACILITY; AND**

4 **(4) HOW TO ASSESS WHETHER THE ANTICIPATED OPERATION OF AN**
5 **ON-FARM FOOD SERVICE FACILITY IS CONSISTENT WITH THE CONTINUED**
6 **OPERATION OF THE FARM ON WHICH IT IS LOCATED.**

7 **(G) THIS SECTION MAY NOT BE CONSTRUED TO:**

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

12 **(2) AUTHORIZE THE DEPARTMENT TO:**

13 **(I) CONDUCT OR REQUIRE AN ASSESSMENT OF THE VALUE OF**
14 **REAL PROPERTY;**

15 **(II) EVALUATE REAL PROPERTY FOR THE PURPOSE OF**
16 **VALUATION OR TAXATION; OR**

17 **(III) EXERCISE ANY AUTHORITY OTHERWISE RESERVED TO THE**
18 **STATE DEPARTMENT OF ASSESSMENTS AND TAXATION UNDER THE TAX -**
19 **PROPERTY ARTICLE.**

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

22 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
23 3 of this Act, this Act shall take effect July 1, 2026.