

HOUSE BILL 272

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(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

A BILL ENTITLED

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 to adopt regulations governing on-farm service facility licenses; and generally
11 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)

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

24 **Article – Health – General**

25 21–325.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (ii) A Class 4 limited winery licensed under § 2-206 of the Alcoholic
5 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:

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

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

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

Article – Health – General

16 21-309.

17 (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.

(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 renewals in a 1-year period.]

26 **[(4)] (3)** “Temporary food service facility” means a food service facility
27 which operates during a period of time of not more than 30 consecutive days at a fixed
28 location in conjunction with a fair, carnival, public exhibition, construction project,
29 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.

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

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

23 21-309.3.

24 (A) IN THIS SECTION, "ON-FARM FOOD SERVICE FACILITY" MEANS A FOOD
25 SERVICE FACILITY THAT:

26 (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.

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

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

(2) MAY NOT EXCEED \$100.

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

9 (E) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF THE
10 ENVIRONMENT AND THE DEPARTMENT OF AGRICULTURE, SHALL ADOPT
11 REGULATIONS FOR AN ON-FARM FOOD SERVICE FACILITY REGARDING:

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

13 (2) MANAGEMENT OF WASTEWATER;

(3) OUTDOOR COOKING AND FOOD PREPARATION;

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

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

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

23 (1) THE NUMBER OF INDIVIDUALS EXPECTED TO PATRONIZE AN
24 ON-FARM FOOD SERVICE FACILITY:

(2) THE EXPECTED FREQUENCY OF OPERATION:

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

6 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
7 3 of this Act, this Act shall take effect July 1, 2026.