

HOUSE BILL 1233

J1

6lr1756
CF SB 714

By: **Washington County Delegation**

Introduced and read first time: February 11, 2026

Assigned to: Health

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2026

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Mobile Food Service Facilities and Semipermanent Food**
3 **Service Facilities – Toilet and Lavatory Facilities**

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

8 BY repealing and reenacting, without amendments,
9 Article – Health – General
10 Section 21–301(a) and (j–2)
11 Annotated Code of Maryland
12 (2023 Replacement Volume and 2025 Supplement)

13 BY adding to
14 Article – Health – General
15 Section 21–301(i–1)
16 Annotated Code of Maryland
17 (2023 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 21–309(a) and 21–325
21 Annotated Code of Maryland
22 (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 21–301.

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

6 **(I-1) “MOBILE FOOD SERVICE FACILITY” MEANS A FOOD SERVICE FACILITY**
7 **WHICH IS A MECHANICALLY, ELECTRICALLY, MANUALLY, OR OTHERWISE**
8 **PROPELLED VEHICLE OPERATING ON LAND OR WATER.**

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

10 (i) Is built at a location other than where it operates;

11 (ii) Is transported as a complete unit that does not require a building
12 permit to install on the location at which it operates;

13 (iii) Has no indoor seating for patrons; and

14 (iv) When serving cooked food, serves only foods cooked for
15 immediate service.

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

19 (i) Change location for sales;

20 (ii) Obtain food and other supplies;

21 (iii) Fill potable water supply holding tanks;

22 (iv) Empty wastewater holding tanks; or

23 (v) Provide for the cleaning and sanitation of equipment and
24 utensils.

25 21–309.

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

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

4 (3)] "On-farm food service facility" means a food service facility that:

5 (i) Is located on a farm;

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

7 (iii) Operates during a period of time of not more than 30 consecutive
8 days with up to two renewals in a 1-year period.

9 [(4)] (3) "Temporary food service facility" means a food service facility
10 which operates during a period of time of not more than 30 consecutive days at a fixed
11 location in conjunction with a fair, carnival, public exhibition, construction project,
12 recreational facility, or similar gathering.

13 21-325.

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

15 (1) A convenient toilet that is:

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

19 (ii) Kept in a sanitary condition; and

20 (iii) Properly ventilated; and

21 (2) A convenient lavatory that is:

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

24 (ii) Kept in a sanitary condition; and

25 (iii) Properly ventilated.

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

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

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

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

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

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

8 **[(iii)] 3.** Properly ventilated.

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

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

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

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

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

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

20 (i) Otherwise meets the requirements of subsection (a)(2) or **[(b)(2)]**
21 **(B)(2)(II)** of this section; and

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

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