



## 2023 SESSION POSITION PAPER

**BILL:** SB 794 – Behavioral Health Programs – Residential Programs – Food Service Facility Requirements

**COMMITTEE:** Senate Finance Committee

**POSITION:** Letter of Concern

**BILL ANALYSIS:** SB 794 exempts behavioral health residential programs with fewer than 17 residents from requirements to comply with food service facility regulations.

**POSITION RATIONALE:** The Maryland Association of County Health Officers (MACHO) and the Conference of Environmental Health Directors (the Conference) are concerned with the potential negative impact of SB 794 on food safety in sober living facilities. Many Health Officers and Environmental Health Directors have received complaints about food safety conditions in group homes, with several associated with foodborne illness outbreaks. Removing all requirements for basic hygiene standards would expose newly sober individuals to potential foodborne illness. It should be noted that people in sober homes are more likely than the average Maryland resident to have infections including HIV and hepatitis that leave them at higher risk of serious health consequences resulting from food poisoning.

Health Officers and the Conference encourage the Committee to keep current regulations of COMAR 10.15.03 in place **or amend SB 794 to require behavioral health residential facilities with <17 residents to abide by the less burdensome COMAR 10.07.14.28A subsections (1) (c) & (d).** This other section of regulations requires basic food safety protocols but are easier to administer than the current standards of COMAR 10.15.03. Small, assisted living facilities are covered under COMAR 10.07.14.28A subsections (1).(c)&(d)'s hygiene standards.

MACHO and the Conference are also concerned that SB 794, as currently drafted, could set a dangerous precedent for group homes housing more vulnerable populations to lobby for similar exemptions. While foodborne illness is unpleasant for everyone – for seniors, or medically fragile individuals - it can be deadly.

For these reasons, MACHO and the Conference submits this letter of concern for SB 794. For more information, please contact Ruth Maiorana, MACHO Executive Director at [rmaiora1@jhu.edu](mailto:rmaiora1@jhu.edu) or 410-937-1433.