

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Budget & Taxation Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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February 28, 2025

Senate Bill 544 – Food Establishments - Portable Chemical Toilets

Dear Chair Beidle and Members of the Committee,

I am writing to introduce Senate Bill 544. This bill would authorize food establishments that are businesses that conduct agritourism, Class 4 limited wineries, or Class 8 farm breweries to comply with the requirement to provide a convenient lavatory by providing a portable chemical toilet.

Under current law, a food establishment must provide a convenient lavatory that is supplied with approved hand drying devices, kept in a sanitary condition, and properly ventilated. Over the past several years, we have seen an increase in the number of agritourism businesses, particularly farm wineries and breweries, that offer the public the opportunity to come on to their farms to sample and purchase their products. Under these licenses, wineries and breweries are permitted to serve food on site as part of their operations. These agritourism businesses are, first and foremost, farms, and were not originally designed to accommodate the opportunities that are now available to them to sell food and drinks on site. Therefore, many of these businesses do not have the facilities required to comply with State laws for food establishments. Some of these businesses are on preserved farmland or are in rural zoning areas and therefore do not have the opportunity to build permanent restrooms.

Constructing these restroom facilities can be a substantial financial burden on these small businesses. These small business owners have approached me about the possibility of introducing legislation to give these agritourism businesses more flexibility in complying with the law. Some currently use portable chemical toilets; however, this is only with the permission of the local health department with a number of conditions, such as having to frequently move the portable toilets, which are adding to the cost of doing business. Senate Bill 544 provides an alternative and more cost-effective way for these businesses to comply with these requirements and would allow for clear and concise guidelines to exist across the State. This bill is narrowly targeted to apply only to these agritourism businesses, and I believe that this bill is consistent with other changes in State law that we have made over the past several years to encourage the growth and lasting success of these businesses in our State.

I respectfully request a favorable report on Senate Bill 544. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bailey', written over a horizontal line.

Senator Jack Bailey