



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 28, 2025

The Honorable Pamela Beidle
Chair, Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill (SB) 701 – Public Health – Cottage Food Products – Nonpotentially Hazardous Foods and Refrigerated Baked Goods – Letter of Opposition

Dear Chair Beidle and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition for Senate Bill (SB) 701 – Public Health – Cottage Food Products – Nonpotentially Hazardous Foods and Refrigerated Baked Goods. SB 701, if enacted, will modify the definition of a cottage food product to include refrigerated baked goods (i.e., cheesecake, custard and meringue, fresh fruit tarts, and refrigerated nonmeat pies), in addition to non-potentially hazardous food.

As defined in Health-General Article §21-301(b-2), cottage foods are limited to non-potentially hazardous baked goods such as cookies, breads, etc. These low-risk foods do not require time and temperature control to remain safe. Foods requiring refrigeration are not included as cottage foods because they present a much greater risk of foodborne illness if handled unsafely. Cottage food businesses are not subject to licensure or routine inspections, and therefore food safety practices cannot be monitored and consumers cannot be assured of the quality and safety of their products.

The National Environmental Health Association (NEHA) presented data from the National Outbreak Reporting System that showed that there were 1,225 reported foodborne illness outbreaks, 22,893 illnesses, 2,737 hospitalizations, and 89 deaths attributed to food prepared in private homes and residences from 2008–2018.¹ Processes such as baking, refrigerating, frying and freezing do not kill all types of foodborne illness pathogens. For example, salmonellosis has been proven to survive the baking and refrigeration process in cheesecake.² Of the proposed

¹ *Policy Statement on Food Freedom Operations*. (2022). National Environmental Health Association. <https://www.neha.org/Images/resources/NEHA-Policy-Statement-Food-Freedom-Operations-Final-Jan-2022.pdf>

² Hao, Y. Y., Scouten, A. J., & Brackett, R. E. (1999). Cheesecake: a potential vehicle for salmonellosis? *Journal of Food Protection*, 62(1), 26–29. <https://doi.org/10.4315/0362-028x-62.1.26>

³ Poetter, C., Kunstmann, G., Peter, D., & Mattner, F. (2014). Containment of a cheesecake-associated outbreak of salmonellosis in 3 different hospitals, detected by continuous microbiologic surveillance. *American Journal of Infection Control*, 42(7), 816–817. <https://doi.org/10.1016/j.ajic.2014.03.013>

refrigerated food items: cheesecake, meringue, custard and fresh fruits, all have been implicated in foodborne outbreaks.^{3,4,5,6}

For these reasons, the Department respectfully urges an unfavorable report on Senate Bill 701. If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Herrera Scott'.

Laura Herrera Scott, M.D., M.P.H.
Secretary

⁴ Mazurek, J., Holbert, L., Parrish, M. K., & Salehi, E. (2005). Raw Eggs—Lessons Learned From an Outbreak of Salmonella Serotype Enteritidis Infections Associated With Meringue Pie. *Journal of Public Health Management and Practice*, 11(3), 201–207. <https://doi.org/10.1097/00124784-200505000-00004>

⁵ Barnes, G. H., & Edwards, A. T. (1992). An investigation into an outbreak of *Salmonella enteritidis* phagetype 4 infection and the consumption of custard slices and trifles. *Epidemiology and Infection*, 109(3), 397–403. <https://doi.org/10.1017/s095026880005038x>

⁶ Melo, J., & Quintas, C. (2023). Minimally processed fruits as vehicles for foodborne pathogens. *AIMS Microbiology*, 9(1), 1–19. <https://doi.org/10.3934/microbiol.2023001>