

**CalvertCounty\_FAV\_SB544\_HB559.pdf**

Uploaded by: Earl Hance

Position: FAV



**CALVERT COUNTY  
BOARD OF COUNTY COMMISSIONERS**

175 Main Street  
Prince Frederick, Maryland 20678  
410-535-1600 • 301-855-1243  
www.calvertcountymd.gov

*Board of Commissioners*  
Mark C. Cox Sr.  
Catherine M. Grasso  
Earl F. Hance  
Mike Hart  
Todd Ireland

February 10, 2025

The Honorable Senator Pamela Beidle, Chair  
Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, Maryland 21401

The Honorable Delegate C. T. Wilson, Chair  
Economic Matters Committee  
230 Taylor House Office Building  
Annapolis, Maryland 21401

Re: SB544/HB559 – Food Establishments - Portable Chemical Toilets

Chair Beidle, Chair Wilson, and Committee Members:


The Board of County Commissioners for Calvert County writes in strong **SUPPORT** of **SB544** and **HB559** and requests **FAVORABLE** Committee reports. This legislation proposes authorizing certain food establishments, including agritourism businesses, Class 4 limited wineries, and Class 8 farm breweries, to comply with the requirement of providing a convenient lavatory by offering a portable chemical toilet that meets specified sanitary and ventilation standards.


As a rural county with a rich agricultural heritage, we have witnessed the significant contributions that agritourism, local wineries, and farm breweries make to our State's economy and cultural heritage. These establishments not only promote local agriculture but also attract tourism, support small businesses, and foster community engagement. Senate Bill 544 and House Bill 559 offer a practical solution for these businesses operating in rural and agricultural settings where permanent restroom facilities may not be feasible. By allowing the use of portable chemical toilets that adhere to health and safety standards, these Bills ensure that these establishments can continue to operate effectively while maintaining necessary sanitary conditions for both employees and patrons.

Furthermore, this measure supports the growth and sustainability of Maryland's agritourism sector by reducing potential financial and logistical burdens associated with constructing permanent facilities. It strikes a balance between upholding public health standards and recognizing the unique operational challenges faced by these businesses. We commend the sponsors' initiative in presenting this legislation, and urge the Maryland General Assembly to pass Senate Bill 544 and House Bill 559.

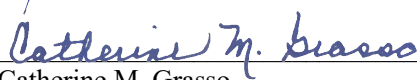
Your thoughtful consideration of this legislation is sincerely appreciated. Should you have any questions or require further information, please do not hesitate to contact County Administrator Julian M. Willis at 410-535-1600, extension 2202, or County Attorney John Norris at 410-535-1600, extension 2566. Thank you for your kind consideration of our position regarding this important local Bill. You for your kind consideration of our position regarding this important local Bill.

BOARD OF COUNTY COMMISSIONERS  
CALVERT COUNTY, MARYLAND

  
\_\_\_\_\_  
Earl F. Hance, President

  
\_\_\_\_\_  
Todd Ireland, Vice President

  
\_\_\_\_\_  
Mark C. Cox Sr.

  
\_\_\_\_\_  
Catherine M. Grasso

cc: Calvert County Senators and Delegation

\_\_\_\_\_  
Mike Hart

**SB0544.pdf**

Uploaded by: Erin moshier

Position: FAV

**SB0544. Agritourism – chemical / portable toilets**

Thank you for considering SB544. We hope to deregulate agritourism and boost the right kind of growth for Maryland. I'm a resident of Washington County and have been frustrated for a decade operating my agritourism business in a "gray area." By easing regulations on agritourism, we aim to enhance economic opportunities and support a vibrant local economy. This bill allows farmers to use their properties in new and dynamic ways as agricultural practices evolve. It encourages educational programs, value-added agriculture and cultural events, therefore providing unique recreational opportunities for residents and tourists alike.

Deregulating the septic requirement opens the gates for seasonal opportunity bringing life and revenue back to the farm. These properties are rural and don't have access to public water and sewer and the expense of a commercial septic hinders, or even completely squashes creativity and economic growth. Farms are the viewshed our neighbors appreciate and ensuring these properties have revenue to maintain and restore these properties is important for all of us.

Support bill 580 to promote growth, resilience, and community pride across Maryland.

Thank you,

A handwritten signature in black ink, appearing to read 'Erin Moshier', with a stylized, flowing script.

Erin Moshier  
Green Hill Farm  
5329 Mondell Rd.  
Sharpsburg, Maryland 21782  
[Erinmoshier@gmail.com](mailto:Erinmoshier@gmail.com)  
240.329.6732

**SenatorBailey\_FAV\_SB544.pdf**

Uploaded by: Jack Bailey

Position: FAV

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

Budget & Taxation Committee



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

*Annapolis Office*  
James Senate Office Building  
11 Bladen Street, Room 401  
Annapolis, Maryland 21401  
410-841-3673 • 301-858-3673  
800-492-7122 Ext. 3673  
Jack.Bailey@senate.state.md.us

*District Office*  
Dorsey Professional Park  
23680 Three Notch Road, Unit 101  
Hollywood, Maryland 20636  
240-309-4238

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

# **MDFB - Support - SB544 Food Establishments - Porta**

Uploaded by: Tyler Hough

Position: FAV



## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035

410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

February 26, 2025

**To:** Senate Finance Committee

**From:** Maryland Farm Bureau, Inc.

**RE: Support of SB544 - Food Establishments - Portable Chemical Toilets**

On behalf of the nearly 8,000 member families of the Maryland Farm Bureau, I submit written testimony in favor of SB544 Food Establishments - Portable Chemical Toilets. This legislation would authorize certain food establishments, including agritourism businesses, limited wineries, and farm breweries, to meet lavatory requirements by providing portable chemical toilets.

Agritourism businesses, such as farms that host visitors, vineyards, and breweries, play a crucial role in Maryland's economy. They promote local agriculture, create jobs, and contribute to the state's rural development. However, many of these businesses operate in rural locations where the installation of permanent restroom facilities is costly and impractical due to land use constraints and environmental considerations. Senate Bill 544 provides a practical and cost-effective solution that allows these businesses to remain compliant with health regulations while continuing to serve their customers.

By allowing the use of portable chemical toilets, this bill ensures that agritourism businesses can provide necessary sanitation facilities without facing undue financial burdens. Portable restrooms, when properly maintained, meet health and safety standards and provide a sanitary option for visitors. Moreover, this measure helps maintain the integrity of agricultural lands by reducing the need for extensive infrastructure changes that could impact farming operations.

Supporting Senate Bill 544 aligns with Maryland's commitment to fostering its agricultural economy and promoting sustainable tourism. The bill will enable small farm-based businesses to expand their offerings, enhance customer experiences, and contribute more significantly to local economies. Furthermore, it acknowledges the unique needs of agritourism enterprises and provides them with a viable path to compliance without unnecessary regulatory hurdles.

Sincerely,

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

Tyler Hough  
Director of Government Relations

Please reach out to Tyler Hough, [though@marylandfb.org](mailto:though@marylandfb.org), with any questions



**SB0544-FIN\_MACo\_OPP.pdf**

Uploaded by: Karrington Anderson

Position: UNF



## **Senate Bill 544**

### *Food Establishments - Portable Chemical Toilets*

MACo Position: **OPPOSE**

To: Finance Committee

Date: February 28, 2025

From: Karrington Anderson

The Maryland Association of Counties (MACo) **OPPOSES** SB 544. This bill would allow agritourism food establishments, Class 4 limited wineries, and Class 8 farm breweries to comply with restroom requirements by providing a portable chemical toilet. While counties understand the intent behind this bill, it raises significant public health and safety concerns.

Portable chemical toilets are intended as a temporary solution for special events, not as a permanent or long-term replacement for proper restrooms. These facilities typically lack full handwashing stations, which are essential for food and beverage handlers to maintain safe sanitation practices. Proper handwashing with soap and running water is a fundamental requirement for food safety, and chemical toilets generally do not meet this standard. Without these essential hygiene measures, the risk of foodborne illness and public health concerns increases.

Furthermore, SB 544 does not include any limitations on the duration for which chemical toilets may be used in place of an approved restroom. There is also no requirement for a preliminary evaluation of a property's capacity to install a sewage disposal system in the future, which raises additional concerns about long-term compliance and environmental effects. Without these safeguards, this bill could allow businesses to operate indefinitely without ever establishing the necessary infrastructure to support proper restroom facilities.

**If the committee chooses to move forward with this bill, MACo urges consideration of a local control provision.** Local governments are best positioned to assess the unique needs and constraints of their communities and should have the ability to determine if and when such exemptions are appropriate.

For these reasons, MACo respectfully urges an **UNFAVORABLE** report on SB 544.

**MDE SB544 INF.pdf**

Uploaded by: Jeremy D. Baker

Position: INFO



**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***Senate Bill 544  
Food Establishments – Portable Chemical Toilets***

**Position:** Informational  
**Committee:** Finance  
**Date:** February 28, 2025  
**From:** Alex Butler, Deputy Director of Government Relations

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The Maryland Department of the Environment (MDE) offers the following **INFORMATIONAL** testimony on SB 544.

**Bill Summary**

Senate Bill 544 would allow food establishments to use portable chemical toilets if the food establishment: (1) conducts agritourism; (2) has a Class 4 limited winery license; or (3) has a Class 8 farm brewery license. The chemical toilet must be supplied with water, soap, approved hand drying devices, properly ventilated, and kept in a sanitary condition. The bill will likely have a significant impact on MDE's regulatory oversight authority for septic systems and could raise public health concerns.

**Position Rationale**

Although SB 544 is found in the Health General Article, the bill overlaps with MDE's regulatory authority related to septic systems and sanitary facilities. Food establishments typically must install a septic system, which requires a permit and must follow COMAR 26.04.02. The septic system requirement is designed to protect public health. Chemical toilets, as defined per COMAR 26.04.02.01, do not have a pressurized water supply for hand washing. The lack of pressurized water poses a sanitary and public health risk.

The bill's provisions would also apply very broadly. A "food establishment" is defined as a food service facility or a food processing plant. So the bill would apply to both restaurants and food preparation facilities. "Agritourism" is also broadly as "an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in a farm operation." Agritourism includes activities such as: farm museums, guest farms, camping, incidental outdoor stays, classes related to agriculture products or skills, and picnic and party facilities. Depending on the specific circumstances, chemical toilets may not be appropriate for these types of activities and could, in turn, impact sanitation issues and raise public health concerns.

MDE hopes this **INFORMATIONAL** testimony regarding SB 544 is helpful. Please do not hesitate to reach out if you have any questions.

**Contact:** Alex Butler, Deputy Director of Government Relations  
Email: [alex.butler@maryland.gov](mailto:alex.butler@maryland.gov)

**MDE SB544 INF.pdf**

Uploaded by: Jeremy D. Baker

Position: INFO



**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***Senate Bill 544  
Food Establishments – Portable Chemical Toilets***

**Position:** Informational  
**Committee:** Finance  
**Date:** February 28, 2025  
**From:** Alex Butler, Deputy Director of Government Relations

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MDE hopes this **INFORMATIONAL** testimony regarding SB 544 is helpful. Please do not hesitate to reach out if you have any questions.

**Contact:** Alex Butler, Deputy Director of Government Relations  
Email: [alex.butler@maryland.gov](mailto:alex.butler@maryland.gov)

# SENATE BILL 544

J1, A1, M4

5lr2027  
CF HB 559

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By: **Senator Bailey**

Introduced and read first time: January 23,  
2025 Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Food Establishments – Portable Chemical Toilets**

3 FOR the purpose of authorizing certain food establishments to comply with the  
4 requirement to provide a convenient lavatory by providing a portable  
chemical toilet  
5 that otherwise meets certain requirements; and generally relating to  
food  
6 establishments.

7 BY repealing and reenacting, with amendments,  
8 Article – Health – General  
9 Section 21–325  
10 Annotated Code of Maryland  
11 (2023 Replacement Volume and 2024 Supplement)

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

14 **Article – Health – General**

15 21–325.

16 (a) **[Each] SUBJECT TO SUBSECTION (D) OF THIS SECTION, EACH** food  
17 establishment shall have:

18 (1) A convenient toilet that is:

19 (i) Except as provided in subsection (c) of this section,

20 separated  
20 from any room in which food is manufactured, prepared, packed, canned, frozen,  
21 sold, or  
21 distributed;

22 (ii) Kept in a sanitary condition; and

**SENATE BILL 544**

1 (iii) Properly ventilated; and

2 (2) A convenient lavatory that is:

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

5 (ii) Kept in a sanitary condition; and

6 (iii) Properly ventilated.

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

9 (1) A convenient toilet that is kept in a sanitary condition; and

10 (2) A convenient lavatory that is:

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

13 (ii) Kept in a sanitary condition; and

14 (iii) Properly ventilated.

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

17 **(d) (1) THIS SUBSECTION APPLIES ONLY TO A FOOD ESTABLISHMENT**  
18 **THAT IS:**

19 **(i) A BUSINESS THAT CONDUCTS AGRITOURISM, AS DEFINED IN**



20 § 4-212 OF THE LAND USE ARTICLE; **AND OPERATES ONE OR MORE OF THE**  
**FOLLOWING ACTIVITIES FOR NOT MORE THAN 90 DAYS PER CALENDAR**  
**YEAR:**

- i) **FARM TOURS**
- ii) **HAYRIDES**
- iii) **CORN MAZES**
- iv) **SEASONAL PETTING FARMS**
- v) **GUEST FARMS**
- vi) **PUMPKIN PATCHES**
- vii) **"PICK YOUR OWN" OR "CUT YOUR OWN"**  
**PRODUCE**

21 (ii) A CLASS 4 LIMITED WINERY LICENSED UNDER § 2-206 OF  
22 THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE; AND

23 (iii) A CLASS 8 FARM BREWERY LICENSED UNDER § 2-210 OF  
24 THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE.

(2) **PORTABLE CHEMICAL TOILETS USED UNDER THIS**  
**PROVISION MUST:**

- I. **BE LIMITED TO USE ONLY DURING THE APPROVED**  
**90-DAY PERIOD AND REMOVED WITHIN 10 DAYS**  
**AFTER THE EVENT OR SEASON CONCLUDES.**
- II. **BE PLACED AT LEAST 200 FEET FROM ANY WATER**  
**SOURCE, WELL, OR FOOD PREPARATION AREA.**
- III. **BE ACCOMPANIED BY HANDWASHING STATIONS WITH**  
**RUNNING WATER, SOAP, AND SINGLE-USE TOWELS.**
- IV. **BE MAINTAINED AND SERVICED BY A LICENSED**  
**WASTE DISPOSAL PROVIDER TO ENSURE PROPER**  
**SANITATION.**
- V. **NOT BE USED AS A SUBSTITUTE FOR PERMANENT**  
**RESTROOM FACILITIES WHERE FOOD SERVICE IS**  
**PROVIDED UNDER COMAR 10.15.03.**

25 ~~(2)~~ (3) A FOOD **SERVICE FACILITY ESTABLISHMENT** MAY COMPLY  
WITH THE REQUIREMENT  
26 TO PROVIDE A CONVENIENT LAVATORY BY PROVIDING A PORTABLE CHEMICAL  
27 TOILET THAT OTHERWISE MEETS THE REQUIREMENTS OF SUBSECTION (A)(2) OR

**28 (B)(2) OF THIS SECTION.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
2   1, 2025.

**SB 544- MDH -FIN - LOI.docx (2).pdf**

Uploaded by: Meghan Lynch

Position: INFO



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) 544 – Food Establishments – Portable Chemical Toilets – Letter of Information**

Dear Chair Beidle and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of information for Senate Bill (SB) 544 – Food Establishments – Portable Chemical Toilets. SB 544 would allow food establishments that conduct agritourism as defined in §4-212 of the Land Use Article or are licensed as a Class 4 Limited Winery or a Class 8 Farm Brewery (licensed under §2-206 and §2-210 respectively) of the Alcoholic Beverages and Cannabis Article to use a portable chemical toilet instead of a plumbed lavatory. The Department is open to working with the committee and bill sponsors to address some of the concerns we have outlined here.

The Department has been working with other state agencies on the Governor’s Intergovernmental Commission for Agriculture (GICA) workgroup, which is currently discussing value-added agriculture and agritourism. In particular, GICA is working to address inconsistencies across the state in how the definition of agritourism is applied to businesses in different settings.

As drafted, this bill does not address the need for water under pressure for safe food service operations, which, like permanently plumbed lavatories, would also require a method of managing the water. Depending on the size and extent of the food service operation, a given establishment may require running water and bathroom facilities, both for employees and patrons, in order to operate within the bounds of acceptable food safety risk. Currently, SB 544 does not include any limitations on a facility’s size, operation, or other characteristics to provide guidance on when chemical toilets would or would not be sufficient.

The Department has concerns with the continued and permanent use of chemical toilets over properly plumbed and maintained lavatories requiring routine maintenance and inspections. While chemical toilets may be appropriate for an establishment that operates periodically, the Department is concerned that there is no stated limit or qualifier in the bill regarding what qualifies as a “food service facility.” Portable chemical toilets may not be appropriate for a

full-time operation, even in the agritourism business context, due to their inherent public health risks. Chemical toilets are designed for temporary events or as backup facilities, and require routine scheduled emptying. The health hazards can be compounded if the scheduled emptying does not occur for any reason. Additionally, if a chemical toilet is the only lavatory available and becomes inoperable for any length of time due to an issue that is not immediately correctable, the health risks could require suspension of the food service facility's license.

The Department is invested in the value that agritourism and wineries have in preserving Maryland's farming communities and promoting economic growth. However, the Department believes the bill as currently drafted does not adequately account for the expected evolution of these businesses as they mature. Chemical toilets may be appropriate at certain stages of agritourism businesses but do not necessarily remain so as the businesses grow and change. SB 544 rules out the possibility of allowing the current ongoing and collaborative discussions of GICA to provide the appropriate and defined pathways to allow for industry development while balancing public health and safety, which the Department believes would be better and more adequately addressed through regulations. We stand ready to work with the committee and sponsor to address these concerns, in the hope of promoting both agritourism and food safety interests.

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](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott".

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