



## House Bill 272

### *Food Establishments - Lavatory Requirement and On-Farm Food Service Facility License*

MACo Position: **LETTER OF  
INFORMATION**

To: Finance Committee

Date: March 24, 2026

From: Karrington Anderson

The Maryland Association of Counties (MACo) offers the following **LETTER OF INFORMATION** on HB 272 as amended. This bill provides additional flexibility for food establishments by modifying lavatory requirements, caps the on-farm food service facility licensing fee at \$100, and directs the Maryland Department of Health, in consultation with the Maryland Department of the Environment and the Maryland Department of Agriculture, to adopt regulations governing on-farm food service facility licenses.

Counties support the bill's removal of the statutory requirement that a lavatory be chemical in nature. Allowing greater flexibility in the type of portable toilet used to meet the convenient lavatory requirement reduces unnecessary burdens on on-farm food establishments while maintaining public health protections.

MACo appreciates the Maryland Department of Health working with counties to address concerns originally in the bill. The amendments represent meaningful progress, particularly in providing greater clarity around the Department's regulatory authority and acknowledging the role of local governments in implementation.

The bill, as amended, also clarifies that nothing in the legislation preempts local zoning, land use, or other local regulatory authority, and that the issuance of a license remains subject to compliance with all applicable local laws. Additionally, the amendments appropriately address prior concerns regarding the provision on "how to assess the current or planned physical structures" at farm locations. As amended, the bill no longer raises concerns about potential conflicts with the Tax Property Article or the longstanding statutory framework governing agricultural use assessments. The revisions appropriately narrow the scope of this provision and ensure that it does not override existing recent legislative decisions in this area by the General Assembly.

Counties are grateful for these changes, which resolve earlier concerns, ensure the bill remains focused on its intended public health and safety objectives, and can be implemented effectively without unintended consequences on local governments.