



Affiliate of The Maryland Association of Counties, Inc.

February 23, 2026

TO: Members of the Finance Committee
FROM: Maryland Conference of Local Environmental Health Directors
Maryland Association of County Health Officers
RE: **SB 838 Public Health - Cottage Food Businesses and home Bakeries**

The Maryland Conference of Local Environmental Health Directors (Conference) formally **Opposes SB 838** in their capacities as the State's twenty-four Environmental Health Directors who carry out delegated authorities from both the Maryland Department of the Environment (MDE) and Maryland Department of Health (MDH). The Maryland Association of County Health Officers (MACHO) joins the Conference and **Opposes SB 838** in their capacities as the State's twenty-four Local Health Officers who have the authority for the delegation of work by both MDE and MDH and oversee the scope of work of the Environmental Health Directors and their staff.

The Conference and MACHO asserts that this proposed legislation not only establishes a new category of food permitted for production in a residential home kitchen under the definition of a "Home Bakery," but also introduces the potential for hazardous and undercooked foods to be prepared, sold, and distributed from a residential home environment.

Currently, the Health General §21-301 permits the production of non-potentially hazardous foods in a private home kitchen. The safe preparation of non-potentially hazardous foods in a residential setting inherently minimizes the potential for foodborne illness. Potentially hazardous foods, however, necessitate temperature control for safety and are capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxin production of *Clostridium botulinum*, or, in raw shell eggs, the growth of *Salmonella Enteritidis*. Residential home kitchens are not equipped to consistently maintain the requisite standards for food safety. Allowing the preparation of these foods in such a setting would significantly increase the risk of foodborne illness within the state.

Accordingly, the Conference and MACHO requests the Committee give SB 838 an **UNFAVORABLE** report.

For more information:
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