

MDE HB 272 SUP - FIN.pdf

Uploaded by: Jeremy D Baker

Position: FAV



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

House Bill 272

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

Position: Support
Committee: Finance
Date: March 24, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 272.

Bill Summary

House Bill 272 establishes a new annual license for "On-Farm Food Service Facilities" and requires the Maryland Department of Health (MDH), in consultation with MDE, the Maryland Department of Agriculture (MDA), and appropriate stakeholders, to adopt regulations governing water access and wastewater management for these facilities. The bill also alters the types of toilets certain food establishments may use to satisfy the requirement to provide a convenient lavatory.

Position Rationale

The bill provides needed updates to how on-farm food service facilities are licensed to better reflect modern agri-tourism practices. MDH is responsible for protecting the public health when food is prepared and served. This can range from a single special event, like a wedding reception or awards dinner, to a full commercial restaurant. House Bill 272 addresses a gap between these extremes by creating a "seasonal" license for farms that is good for one year. This seasonal license more accurately captures how many agri-tourism food establishments operate. Previously, farms had to either apply for a temporary 30-day license or become fully licensed as a commercial restaurant.

MDH's food licensing requirements affect MDE's requirements for wastewater (*i.e.*, when can porta-potties be allowed versus full restrooms) and water under pressure (for handwashing and food preparation). MDE will work with both MDH and MDA to update our regulatory requirements in a manner that recognizes current agricultural practices while still protecting both public safety and the environment.

Accordingly, MDE asks for a **FAVORABLE** report for HB 272.

HB 0272 (3rd) - FIN - MDH- LOSAA.docx (1).pdf

Uploaded by: Meghan Lynch

Position: FAV



Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

March 24, 2026

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

RE: House Bill 272 – Food Establishments – Lavatory Requirement and On–Farm Food Service Facility License – Letter of Support As Amended

Dear Chair Beidle and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support as amended for House Bill (HB) 272 – Food Establishments – Lavatory Requirement and On–Farm Food Service Facility License. This bill seeks to accomplish three related objectives.

First, Section 1 amends Chapters 544 and 559 of the Acts of 2025 (SB 544/HB 559) to expand the type of portable toilets that may be used in conjunction with food service related to agritourism. Second, Section 2 modifies the duration of an on-farm retail food service license by replacing the current maximum of 90 days per year with an annual license. Third, the bill requires the Department, in consultation with Maryland Department of the Environment and the Maryland Department of Agriculture, to adopt regulations governing on-farm retail food service facilities. These regulations would address issues such as water and wastewater, outdoor cooking, on-farm structures, and other areas necessary to protect public health. The bill would become effective January 31, 2027, with the provisions related to portable toilets taking effect on July 1, 2026.

This bill addresses one of the most frequent challenges faced by agricultural operations that seek to offer retail food service on their farms. Under current law, these businesses may apply for 30-day temporary event licenses associated with events or festivals, or for a 30 consecutive-day on-farm retail food service facility license with the option to renew for up to two additional 30 consecutive-day periods. However, farm operations vary widely, and range from small, limited food service offerings during a single season, to operations that run on weekends across three or four seasons. HB 272 would better accommodate this range of business models by allowing greater flexibility through an annual licensing structure.

The bill also requires the Department to develop regulations for on-farm retail food service facilities in consultation with the Departments of the Environment and Agriculture, along with other key stakeholders. These regulations would provide clarity to licensing authorities and farm

operators regarding applicable requirements related to water and wastewater systems, outdoor cooking, on-farm structures, and other relevant public health considerations depending on the nature of the food service being provided. The Department plans to develop these regulations through a collaborative, open, and transparent process including public meetings with the three State agencies, interested farms, trade groups, local health departments, food service industry representatives, and other stakeholders.

HB 272 is the product of collaboration among the Department of Health, the Departments of Agriculture and Environment, the agricultural community, local health departments, and other stakeholders, many of whom participate in the Governor's Interagency Commission on Agriculture (GICA). The bill addresses significant challenges facing the agricultural community as it develops value-added food service operations and provides an additional sustainability strategy to help maintain vital farming operations across the State. The Department supports the amendments that were developed in collaboration with stakeholders.

If you would like to discuss this further, please do not hesitate to contact Meghan Lynch, Director of Governmental Affairs at meghan.lynch@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Meena Seshamani', with a stylized flourish at the end.

Meena Seshamani, M.D., Ph.D.
Secretary of Health

MDFB - Support - HB272 Food Establishments - Lavat

Uploaded by: Tyler Hough

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

March 24, 2026

To: Senate Finance Committee

From: Maryland Farm Bureau, Inc.

RE: **Support of HB272 Food Establishments - Lavatory Requirement and On-Farm Food Service Facility License**

On behalf of the over 7,000 member families of the Maryland Farm Bureau, I submit written testimony in support of House Bill 272. This legislation provides long-needed clarity and flexibility for on-farm food service operations, an increasingly important component of Maryland agriculture as farms diversify through agritourism, value-added enterprises, and direct-to-consumer sales. HB272 modernizes state law by allowing certain agritourism-related food establishments to meet lavatory requirements using a portable toilet placed at least 25 feet from a well, recognizing the seasonal and outdoor nature of these operations and reducing unnecessary infrastructure burdens on farms.

A key strength of HB272 is its commitment to low, predictable costs. By capping the on-farm food service facility license fee at no more than \$100 and establishing a single, one-year statewide license, the bill lowers barriers to participation and prevents the patchwork of ad hoc local permitting approaches that too often create confusion and added expense for producers. Maintaining affordability and uniformity is essential to ensuring that small and beginning farms can participate in agritourism and food-based activities—an objective fully consistent with Maryland Farm Bureau policy, which supports agritourism, value-added production, and fee structures that do not place unnecessary financial burdens on farmers.

HB272 also appropriately directs the Maryland Department of Health, in consultation with the Departments of Agriculture and the Environment, to develop regulations tailored to the realities of on-farm food service. The bill explicitly requires consideration of water access, wastewater management, outdoor cooking, and the use of existing farm structures for food preparation and patron seating—areas where flexibility is essential to align food-service standards with agricultural settings. This multi-agency approach mirrors Maryland Farm Bureau's longstanding support for regulatory frameworks that are science-based, economically reasonable, and reflective of the practical operations of working farms.



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035

410-922-3426 | www.mdfarmbureau.com

Finally, HB272's creation of a clear, uniform licensing pathway strengthens Maryland agriculture by reducing uncertainty and helping farmers safely and legally expand their offerings to meet consumer demand. By acknowledging the unique nature of on-farm food service while upholding appropriate public-health protections, the bill strikes the right balance and supports the continued growth of rural economies.

For these reasons, the Maryland Farm Bureau respectfully requests a favorable report on House Bill 272.

A handwritten signature in black ink, appearing to read "Tyler Hough". The signature is written in a cursive style with a long horizontal line above it.

Tyler Hough

Director of Government Relations

Please contact Tyler Hough, tyough@marylandfb.org, with any questions

HB272 MDA FWA.pdf

Uploaded by: Harrison Palmer

Position: FWA



Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor
Aruna Miller, Lt. Governor
Kevin Atticks, Secretary
Steven A. Connelly, Deputy Secretary

Agriculture | Maryland's Leading
Industry

The Wayne A. Cawley, Jr. Building
50 Harry S Truman Parkway
Annapolis, Maryland 21401
mda.maryland.gov
410.841.5885 Baltimore/Washington
410.841.5846 Fax

Maryland Department of Agriculture Legislative Comment Date: March 24th, 2026

BILL NUMBER: HB 272
BILL TITLE: Food Establishments - Lavatory Requirement and On-Farm Food Service Facility License
MDA POSITION: SUPPORT WITH AMENDMENTS

The Maryland Department of Agriculture (MDA) respectfully submits this letter in support of *House Bill 272 – Lavatory Requirement and On-Farm Food Service Facility License*, a Maryland Department of Health (MDH) departmental bill that establishes an on-farm food service facility license and alters the type of toilet that certain food establishments may use to comply with specific requirements.

The foundational concept of “Agritourism” is centered around inviting the public onto a farm to engage, appreciate, and support Maryland’s agriculture. Agritourism is a value-added activity that is evolving in Maryland, benefiting and educating community members and the next generation of agricultural producers. Members of the public visiting farms to purchase goods and services is not a new concept, however, the expansion of recreational activities and increased flow of visitors is drastically challenging how these value-added agricultural enterprises are viewed through a regulatory lens.

In October 2025, the Maryland Department of Agriculture published a Statewide Guidance and Analysis Document for Value Added Agriculture and Agritourism. This publication, developed in collaboration with sister agencies, identified that the State regulatory code lacks definitions for agricultural events and activities, and value-added farm enterprises often get presented with costly upgrades that contradict the viability of the business concept. Lacking definitions and guidelines for seasonal operations at the State level introduce cost prohibitive regulations associated with permanent restroom and food service facilities, which presents scalability as an existing challenge for Agritourism opportunities in Maryland. One of the identified opportunities in the Statewide Guidance and Analysis Document for Value Added Agriculture and Agritourism for improving the regulatory framework for value-added agricultural enterprises was the consideration of alternative licensing for Agritourism activities.

Contact: Harrison Palmer, Chief of Staff
harrisonb.palmer@maryland.gov | (410) 980-9887

HB 272 provides a farm-specific licensing opportunity more conducive to the unique nature and seasonality of agricultural enterprises expanding into agritourism activities. This license could provide Maryland's farm operations with an approachable entry into agritourism and industry expansion. This bill addresses the unique needs and infrastructure of Maryland's agritourism enterprises, while accounting for and ensuring public health and safety is addressed. For these reasons, MDA strongly supports HB 272 and respectfully requests a favorable report with the amendments adopted in the House.

MDA appreciates the consideration of the above information in the Committee's deliberations.

HB 272 - Food Est - Lav Req and On-Farm Food Serv

Uploaded by: Ruth Maiorana

Position: FWA



Affiliates of
The Maryland Association of Counties, Inc.

DATE: March 20, 2026
TO: Members of the Senate Finance Committee
FROM: Maryland Conference of Local Environmental Health Directors (Conference)
Maryland Association of County Health Officers (MACHO)
RE: **HB 272 Food Establishments – Lavatory Requirement and On-Farm Food Service Facility License**

The Maryland Conference of Local Environmental Health Directors (Conference) and the Maryland Association of County Health Officers (MACHO) provide this **Letter of Support with Amendments for HB 272** in their capacities as the state's twenty-four Health Officers who oversee the state's twenty-four local public health departments and their Environmental Health Directors who carry out delegated authorities from both the Maryland Department of the Environment and the Maryland Department of Health (MDH).

We support the bill's intent to create a pathway for food service at agritourism operations to transition from temporary food events to facility-based service. Given this intent and after discussions with MDH, we suggest several amendments to the bill language to ensure alignment with the existing regulatory frameworks at the local level and avoid conflict with other legal and statutory requirements for businesses in their respective jurisdictions. We note that existing regulatory frameworks already establish minimum safety standards for facilities serving food, and any new regulations should ensure consistency with those minimum requirements in the interest of public health and safety.

After discussion with MDH, the Conference and MACHO recommend the following amendments:
Licensing Fee Language

For Page 3, lines 29-31, and Page 4, line 1, amend the text as follows:

(C) THE FEE FOR AN ON-FARM FOOD SERVICE FACILITY LICENSE:

~~(1) SHALL BE DETERMINED BY THE LOCAL APPROVING AUTHORITY, THE DEPARTMENT BASED ON THE ANTICIPATED COST OF LICENSING, INSPECTING, AND REGULATING LICENSEES; AND~~

~~(2) MAY NOT EXCEED \$100.~~

Rationale: This suggested amendment will ensure that the fee is consistent with local fee schedules for all yearly licenses or permits and ensure adequate revenue to support LHD work. It will also avoid the appearance of disparate treatment between on-farm food service facilities and similar brick-and-mortar facilities.

Timeline for Regulations

For Page 4, lines 9-11, amend the text as follows:

(E) **NO LATER THAN JANUARY 31, 2027**, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF AGRICULTURE, SHALL ADOPT REGULATIONS FOR AN ON-FARM FOOD SERVICE FACILITY REGARDING:

Rationale: LHDs are currently awaiting the completion and implementation of multiple sets of regulations from previously passed bills, many of which are years past their respective bills becoming law. These delays can often lead to stakeholder frustration and resentment that is then directed at LHDs and their staff. The proposed timeline for the adoption of proposed regulations related to HB 272 will ensure that the regulations are completed by the time the law goes into effect.

Compliance with Local, State and Federal Requirements

For Page 5, after line 3, add the following text:

(G) ON-FARM FOOD SERVICE FACILITY OPERATORS SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL LAWS, REGULATIONS AND ORDINANCES.

Rationale: Licensing of any new food service facility requires multiple types of local reviews. While many of these are known to LHDs, they fall outside of our delegated purview. We propose this additional statutory text to ensure that facility operators understand their responsibility to comply with all relevant laws and fulfill the requirements of these other critical local reviews.

Clarification Regarding Foods Served

For Page 3, line 27, amend the language as follows:

(A) IN THIS SECTION, “ON-FARM FOOD SERVICE FACILITY” MEANS A FOOD SERVICE FACILITY THAT:
(1) IS LOCATED ON A FARM; AND
(2) SERVES FOOD AS ~~DESIGNATED BY THE DEPARTMENT~~ **THAT ORIGINATED FROM THE FACILITY REQUESTING THE ON-FARM FOOD SERVICE FACILITY LICENSE.**

Rationale: The proposed amendment provides a path forward for an on-farm food service facility and ties the new food service facility category to agricultural activities occurring on the farm. This amendment will assist with ensuring that the on-farm food service facility category has an interim solution to obtain approval while differentiating it from other food service facilities not tied to a farm with different requirements.

HB 272
SEN FIN
MACHO-EH Directors LOS/WA
Pg 3

Clarification Regarding Definition of a Farm

For Page 3, line 26, add the following text:

(1) IS LOCATED ON A FARM **AS DEFINED IN THE CODE OF MARYLAND REGULATIONS 10.15.03**; AND

Rationale: The proposed amendment will clarify the bill's purpose to provide a licensure pathway to agritourism businesses by reference to the definition of a farm included in COMAR.

The Conference and MACHO look forward to working with all stakeholders regarding agritourism, including the development of regulations for on-farm food service facilities to ensure clarity and consistency in the regulatory framework and the prioritization of public health concerns. *This communication reflects the position of the Conference and MACHO.*

For more information, please contact:

Conference: Michael J. Davis, President, Maryland Conference of Local Environmental Health Directors, Phone: 410-313-2651, mjdavis@howardcountymd.gov

MACHO: Ruth Maiorana, Executive Director, Maryland Association of County Health Officers, Phone: 410-937-1433, rmaioral@jhu.edu

HB0272-FIN_MACo_LOI.pdf

Uploaded by: Karrington Anderson

Position: INFO



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.