

Resolution No.: 18-659  
Introduced: August 2, 2016  
Adopted: November 1, 2016

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

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Lead Sponsor: Councilmember Riemer  
Co-Sponsors: Councilmembers Leventhal, Katz and Rice

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**SUBJECT:** Resolution to adopt Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training as a Board of Health Regulation.

**Background**

1. County Code §2-65, as amended, provides that the County Council is, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.
2. Maryland Code Health-General Article §3-202 authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.
3. On September 20, 2016, the Council held a public hearing on this regulation. As required by law, each municipality in the County and the public were properly notified of this hearing.
4. On November 1, 2016, the County Council enacted Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training. Bill 33-16 requires certain eating and drinking establishments to have on the premises at all times when food is being prepared or served, an employee who has completed a food allergen awareness training course and passed a test.
5. The County Council, sitting as the Board of Health, finds after reviewing the evidence in the record that requiring eating and drinking establishments to have on the premises at all times when food is being prepared or served, an employee who has completed a food allergen awareness training course and passed a test as required by this Regulation is necessary to protect the health of County residents.

**Action**

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, approves the following resolution:

1. Section 15-15B of Chapter 15 of the Montgomery County Code, entitled "Eating and Drinking Establishments", as added by Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training, are adopted as a Board of Health regulation. A copy of Bill 33-16 is attached to this resolution.
2. This resolution takes effect on July 1, 2017.

This is a correct copy of Council action.

  
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Linda M. Lauer, Clerk of the Council

Bill No. 33-16  
Concerning: Eating and Drinking  
Establishments - Food Allergen  
Awareness Training  
Revised: 7/26/2016 Draft No. 3  
Introduced: August 2, 2016  
Enacted: November 1, 2016  
Executive: November 9, 2016  
Effective: July 1, 2017  
Sunset Date: None  
Ch. 32, Laws of Mont. Co. 2016

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Riemer  
Co-Sponsors: Councilmembers Leventhal, Katz, and Rice

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**AN ACT to:**

- (a) require certain employees of eating and drinking establishments to complete a food allergen awareness training course and pass a test;
- (b) require the Department of Health and Human Services to provide a list of approved online and in person food allergen awareness training courses; and
- (c) generally amend County law regarding eating and drinking establishments.

By adding

Montgomery County Code  
Chapter 15, Eating and Drinking Establishments  
Section 15-15B

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

