

SENATE BILL 262

J1

EMERGENCY BILL

7lr1396
CF HB 771

By: Senators Bates, Edwards, Klausmeier, Norman, Ready, ~~and Young Young,~~
Astle, Benson, Feldman, Hershey, Jennings, Mathias, Middleton, Oaks,
Reilly, and Rosapepe

Introduced and read first time: January 20, 2017

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2017

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Mobile Food Service Facilities – Licensing and Inspection by**
3 **County Health Departments**

4 FOR the purpose of requiring a county health department to issue a mobile reciprocity
5 license to a certain mobile food service facility; authorizing a county health
6 department to charge a certain fee for a mobile reciprocity license; providing that a
7 mobile reciprocity license is valid for a certain period of time; prohibiting a county,
8 under certain circumstances, from requiring that a mobile food service facility be
9 inspected before a county health department issues a mobile reciprocity license;
10 authorizing a county health department that issued a mobile reciprocity license to
11 inspect the mobile food service facility while the mobile food service facility is
12 operating in the county; requiring a mobile food service facility that is issued a mobile
13 reciprocity license to comply with all applicable State and local laws and regulations;
14 authorizing a county health department to take certain enforcement action against
15 a certain mobile food service facility; requiring a county health department, under
16 certain circumstances, to notify the county of origin of certain action taken; providing
17 for the application of this Act; defining certain terms; making this Act an emergency
18 measure; and generally relating to the licensing and inspection of mobile food service
19 facilities by county health departments.

20 BY adding to
21 Article – Health – General
22 Section 21–304(f)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2016 Supplement)

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

5 **Article – Health – General**

6 21–304.

7 **(F) (1) (I) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
8 **MEANINGS INDICATED.**

9 **(II) “BASE OF OPERATIONS” MEANS A LOCATION USED BY THE**
10 **OWNER OR OPERATOR OF A MOBILE FOOD SERVICE FACILITY THAT PROVIDES:**

11 **1. A SOURCE OF POTABLE WATER, POTABLE WATER**
12 **HOSES, AND CLEAN CONNECTIONS;**

13 **2. A METHOD FOR THE DISPOSAL OF SEWAGE;**

14 **3. CLEAN, ADEQUATE, AND COVERED TRASH**
15 **RECEPTACLES;**

16 **4. IF NECESSARY, REFRIGERATED AND DRY FOOD**
17 **STORAGE AREAS;**

18 **5. A STORAGE AREA FOR SINGLE-SERVE FOOD ITEMS;**
19 **AND**

20 **6. IF NECESSARY, A UTENSIL WASHING FACILITY.**

21 **(III) “COUNTY OF ORIGIN” MEANS THE COUNTY IN WHICH THE**
22 **BASE OF OPERATIONS OF A MOBILE FOOD SERVICE FACILITY IS LOCATED.**

23 **(IV) “MOBILE FOOD SERVICE FACILITY” MEANS A FOOD SERVICE**
24 **FACILITY THAT:**

25 **1. IS A VEHICLE MECHANICALLY, ELECTRICALLY,**
26 **MANUALLY, OR OTHERWISE PROPELLED;**

27 **2. OPERATES ON LAND OR WATER; AND**

1 **3. CHANGES ITS LOCATION AS PART OF ITS ROUTINE**
2 **SALES OPERATION.**

3 **(V) "MOBILE RECIPROcity LICENSE" MEANS A LICENSE**
4 **ISSUED UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

5 **(2) THIS SUBSECTION DOES NOT APPLY TO A MOBILE FOOD SERVICE**
6 **FACILITY THAT OPERATES SOLELY UNDER A TEMPORARY FOOD SERVICE LICENSE IN**
7 **CONJUNCTION WITH FAIRS, CARNIVALS, OR SIMILAR EVENTS.**

8 **(3) A COUNTY HEALTH DEPARTMENT SHALL ISSUE A MOBILE**
9 **RECIPROcity LICENSE TO A MOBILE FOOD SERVICE FACILITY THAT:**

10 **(I) IS OPERATING IN THE COUNTY;**

11 **(II) IS OPERATING WITHIN 90 MILES OF ITS BASE OF**
12 **OPERATIONS; AND**

13 **(III) HOLDS A VALID LICENSE FROM THE COUNTY OF ORIGIN.**

14 **(4) A COUNTY HEALTH DEPARTMENT MAY CHARGE A FEE FOR A**
15 **MOBILE RECIPROcity LICENSE IN AN AMOUNT NOT EXCEEDING \$300.**

16 **(5) A MOBILE RECIPROcity LICENSE IS VALID FOR A PERIOD OF 1**
17 **YEAR.**

18 **(6) IF A MOBILE FOOD SERVICE FACILITY HAS BEEN INSPECTED BY**
19 **THE COUNTY OF ORIGIN, A COUNTY MAY NOT REQUIRE THAT THE MOBILE FOOD**
20 **SERVICE FACILITY BE INSPECTED BEFORE A COUNTY HEALTH DEPARTMENT ISSUES**
21 **A MOBILE RECIPROcity LICENSE.**

22 **(7) A COUNTY HEALTH DEPARTMENT THAT ISSUED A MOBILE**
23 **RECIPROcity LICENSE MAY INSPECT THE MOBILE FOOD SERVICE FACILITY WHILE**
24 **THE MOBILE FOOD SERVICE FACILITY IS OPERATING IN THE COUNTY.**

25 **(8) A MOBILE FOOD SERVICE FACILITY THAT IS ISSUED A MOBILE**
26 **RECIPROcity LICENSE SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL**
27 **LAWS AND REGULATIONS.**

28 **(9) (I) A COUNTY HEALTH DEPARTMENT MAY TAKE ENFORCEMENT**
29 **ACTION, INCLUDING THE LEVY OF FINES, AGAINST A MOBILE FOOD SERVICE**
30 **FACILITY THAT VIOLATES THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER**
31 **THIS SUBTITLE OR ANY APPLICABLE LOCAL LAWS OR REGULATIONS.**

1 **(II) IF A COUNTY HEALTH DEPARTMENT TAKES ENFORCEMENT**
 2 **ACTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY HEALTH**
 3 **DEPARTMENT SHALL NOTIFY THE COUNTY OF ORIGIN OF THE ACTION TAKEN.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 5 measure, is necessary for the immediate preservation of the public health or safety, has
 6 been passed by a yea and nay vote supported by three-fifths of all the members elected to
 7 each of the two Houses of the General Assembly, and shall take effect from the date it is
 8 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.