

HOUSE BILL 164

J1

3lr0015

By: **Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: January 18, 2013

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2013

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Regulatory Authority – Permit**
3 **and Licensing Renewals and Building Plan Reviews**

4 FOR the purpose of lengthening the renewal period for tissue bank permits and
5 residential service agency licenses; altering the entity to which certain food
6 establishments must submit for review certain plans and specifications before
7 the construction, remodeling, or alteration of the food establishments; providing
8 for a delayed effective date for certain provisions of this Act; making conforming
9 changes; and generally relating to the regulatory authority of the Department of
10 Health and Mental Hygiene and permit and licensure renewals and building
11 plan reviews.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 17–310(a) and (c), 19–4A–03(b), and 21–321
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2012 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Health – General
19 Section 17–310(b) and 19–4A–03(a) and (c)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2012 Supplement)

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

3 **Article – Health – General**

4 17–310.

5 (a) A permit expires on the first anniversary of its effective date, unless the
6 permit is renewed for a [1–year] **2–YEAR** term as provided in this section.

7 (b) At least 1 month before the permit expires, the Department shall send to
8 the permit holder, by first–class mail to the last known address of the holder, a
9 renewal notice that states:

10 (1) The date on which the current permit expires;

11 (2) The date by which the renewal application must be received by the
12 Secretary for the renewal to be issued and mailed before the permit expires; and

13 (3) The amount of the renewal fee.

14 (c) Before the permit expires, the permit holder periodically may renew it for
15 an additional [1–year] **2–YEAR** term, if the permit holder:

16 (1) Otherwise is entitled to the permit;

17 (2) Pays to the Department the renewal fee set by the Secretary; and

18 (3) Submits to the Secretary:

19 (i) A renewal application on the form that the Secretary
20 requires; and

21 (ii) Satisfactory evidence of compliance with any standards and
22 qualifications set under this subtitle for permit renewal.

23 ~~19–4A–03.~~

24 ~~(a) The Department shall adopt regulations that set standards for the care,~~
25 ~~treatment, health, safety, welfare, and comfort of individuals who receive home health~~
26 ~~care services through a residential service agency.~~

27 ~~(b) The regulations shall provide for the licensing of residential service~~
28 ~~agencies and the [annual] renewal of licenses **FOR A 3–YEAR TERM.**~~

~~(e) The regulations shall require the Secretary to charge fees in a manner which will produce funds sufficient to at least cover the actual direct or indirect costs of the inspection and licensure of residential service agencies under this subtitle.~~

21-321.

(a) Except as provided in subsection (d) of this section, before a food establishment is constructed, remodeled, or materially altered, or before an existing building or structure is converted or remodeled for use as a food establishment, properly prepared plans and specifications for the construction, remodeling, or alteration of a food establishment shall be submitted to:

(1) The Department, if the food establishment is:

(i) [Except as provided in paragraph (2) of this subsection, a] A food processing plant; or

(ii) A chain or franchise [operation] **FOOD SERVICE FACILITY** planning to construct 2 or more facilities in the State from a single uniform set of plans; or

(2) [For all other food establishments, including a soft drink manufacturing plant] **EXCEPT AS PROVIDED IN ITEM (1)(II) OF THIS SUBSECTION, FOR FOOD SERVICE FACILITIES**, to the appropriate county health department.

(b) The plans or specifications required under subsection (a) of this section shall include:

(1) Layout and arrangement of work areas;

(2) Construction materials;

(3) The location, size, manufacturer, and model number of equipment and facilities; and

(4) Any other information that may be required for the proper review of the plans and specifications.

(c) Unless the required plans and specifications are approved by the Department, a person may not:

(1) Construct, remodel, or alter a food establishment; or

(2) Convert or remodel an existing building or structure for use as a food establishment.

1 (d) The provisions of this section do not apply to the construction,
 2 remodeling, or alteration of any areas in a food establishment used solely for office
 3 space, or recreational areas.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 5 read as follows:

6 **Article – Health – General**

7 19-4A-03.

8 (a) The Department shall adopt regulations that set standards for the care,
 9 treatment, health, safety, welfare, and comfort of individuals who receive home health
 10 care services through a residential service agency.

11 (b) The regulations shall provide for the licensing of residential service
 12 agencies and the [annual] renewal of licenses FOR A 3-YEAR TERM.

13 (c) The regulations shall require the Secretary to charge fees in a manner
 14 which will produce funds sufficient to at least cover the actual direct or indirect costs
 15 of the inspection and licensure of residential service agencies under this subtitle.

16 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
 17 take effect July 1, 2014.

18 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in
 19 Section 3 of this Act, this Act shall take effect October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.