

# HOUSE BILL 1256

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CF SB 11

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By: **Delegates Hough, Afzali, Dwyer, and Ready**

Introduced and read first time: February 7, 2014

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Food Processing Plants – License Fees – Civic and Nonprofit Organizations**

3 FOR the purpose of limiting to a certain amount the fee that may be charged for a food  
4 processing plant license under certain provisions of law to certain civic and  
5 nonprofit organizations under certain circumstances; and generally relating to  
6 license fees for food processing plants.

7 BY repealing and reenacting, without amendments,  
8 Article – Health – General  
9 Section 21–301(g)  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume and 2013 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 21–308  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2013 Supplement)

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

19 **Article – Health – General**

20 21–301.

21 (g) (1) “Food processing plant” means any place used for, or in connection  
22 with, the commercial manufacturing, preparing, processing, packaging, canning,  
23 freezing, storing, distributing, labeling, or holding of food or drink for human  
24 consumption.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1           (2)   “Food processing plant” includes:
- 2                   (i)    A bakery plant;
- 3                   (ii)   A cannery;
- 4                   (iii)  A confectionery plant;
- 5                   (iv)   A crab meat picking plant;
- 6                   (v)    A food manufacturing plant;
- 7                   (vi)   A food warehouse or distribution center;
- 8                   (vii)  A frozen food processing plant;
- 9                   (viii) An ice manufacturing plant;
- 10                  (ix)    A shellfish plant;
- 11                  (x)    A soft drink manufacturing plant; or
- 12                  (xi)    A bottled water plant.

13           (3)   “Food processing plant” does not include:

- 14                   (i)    A warehouse or distribution center that:
- 15                               1.    Does not process food; and
- 16                               2.    Stores only sealed containers of whole bean, ground or
- 17 instant coffee, leaf or instant teas, nondairy dehydrated whiteners, sugar, or
- 18 sugar-free sweeteners; or
- 19                   (ii)    A cottage food business.

20   21–308.

21           (a)    In this section, “on-farm home processing facility” means a home or

22 domestic kitchen located on an individual’s farm that manufactures and processes

23 foods for commercial sale.

24           (b)    (1)   For any license issued for which the authority to conduct a

25 program under this subtitle has been delegated to a county health department:

26                   (i)    A county governing body or the Mayor and City Council of

27 Baltimore City may and the Anne Arundel County Council shall provide for a license

1 fee schedule based on the anticipated cost of licensing, inspecting, and regulating food  
2 establishments and may provide for exemptions from the license fee schedule; and

3 (ii) All license fees shall be paid to the local health department  
4 or chief financial officer of the county governing body or Baltimore City.

5 (2) Except in Anne Arundel County, Baltimore City, Montgomery  
6 County, and Prince George's County, a license fee under this subsection may not  
7 exceed \$70 for a seasonal food processing operation that:

8 (i) Uses only food that is grown on the property of the licensee;  
9 and

10 (ii) Is in operation for not more than a 3-month continuous  
11 period in the calendar year.

12 (3) A seasonal food processing operation may obtain a food  
13 establishment license for a fee of \$70 under paragraph (2) of this subsection only twice  
14 in a calendar year.

15 (c) (1) An on-farm home processing facility may obtain an on-farm home  
16 processing plant license for a fee established in regulations.

17 (2) An on-farm home processing facility that obtains an on-farm home  
18 processing plant license may manufacture or process only foods provided for in  
19 regulations of the Department.

20 (3) A license or permit is not required to deliver prepackaged foods to  
21 fill an order of a customer.

22 (d) For any other food establishment license, the Secretary shall establish a  
23 license fee in accordance with § 2-104 of this article.

24 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A**  
25 **LICENSE FEE UNDER THIS SECTION MAY NOT EXCEED \$150 ANNUALLY FOR A**  
26 **FOOD PROCESSING PLANT THAT:**

27 **(1) IS A BONA FIDE CIVIC OR NONPROFIT ORGANIZATION THAT**  
28 **PROCESSES MEAT FOR HUMAN CONSUMPTION; AND**

29 **(2) ENGAGES IN THE PROCESSING OF MEAT FOR HUMAN**  
30 **CONSUMPTION NO MORE THAN THREE TIMES A YEAR FOR 5 DAYS OR LESS EACH**  
31 **TIME.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2014.