

HOUSE BILL 771

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EMERGENCY BILL

7lr1275
CF SB 262

By: **Delegates W. Miller, Adams, Anderton, Arentz, Aumann, Barkley, Bromwell, Brooks, Carey, Clark, Fisher, Flanagan, Folden, Hill, S. Howard, Jacobs, Jameson, Kelly, Kipke, Kramer, Krebs, Mautz, McComas, McConkey, Metzgar, Morgan, Pena-Melnyk, Rose, Saab, Shoemaker, Turner, Valderrama, Vogt, and B. Wilson**

Introduced and read first time: February 3, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

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)
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health – General**

4 21–304.

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

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

9 **1. A SOURCE OF POTABLE WATER, POTABLE WATER**
10 **HOSES, AND CLEAN CONNECTIONS;**

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

12 **3. CLEAN, ADEQUATE, AND COVERED TRASH**
13 **RECEPTACLES;**

14 **4. IF NECESSARY, REFRIGERATED AND DRY FOOD**
15 **STORAGE AREAS;**

16 **5. A STORAGE AREA FOR SINGLE-SERVE FOOD ITEMS;**
17 **AND**

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

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

21 **(IV) “MOBILE FOOD SERVICE FACILITY” MEANS A FOOD SERVICE**
22 **FACILITY THAT:**

23 **1. IS A VEHICLE MECHANICALLY, ELECTRICALLY,**
24 **MANUALLY, OR OTHERWISE PROPELLED;**

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

26 **3. CHANGES ITS LOCATION AS PART OF ITS ROUTINE**
27 **SALES OPERATION.**

1 (V) "MOBILE RECIPROCITY LICENSE" MEANS A LICENSE
2 ISSUED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

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

6 (3) A COUNTY HEALTH DEPARTMENT SHALL ISSUE A MOBILE
7 RECIPROCITY LICENSE TO A MOBILE FOOD SERVICE FACILITY THAT:

8 (I) IS OPERATING IN THE COUNTY;

9 (II) IS OPERATING WITHIN 90 MILES OF ITS BASE OF
10 OPERATIONS; AND

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

12 (4) A COUNTY HEALTH DEPARTMENT MAY CHARGE A FEE FOR A
13 MOBILE RECIPROCITY LICENSE IN AN AMOUNT NOT EXCEEDING \$300.

14 (5) A MOBILE RECIPROCITY LICENSE IS VALID FOR A PERIOD OF 1
15 YEAR.

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

20 (7) A COUNTY HEALTH DEPARTMENT THAT ISSUED A MOBILE
21 RECIPROCITY LICENSE MAY INSPECT THE MOBILE FOOD SERVICE FACILITY WHILE
22 THE MOBILE FOOD SERVICE FACILITY IS OPERATING IN THE COUNTY.

23 (8) A MOBILE FOOD SERVICE FACILITY THAT IS ISSUED A MOBILE
24 RECIPROCITY LICENSE SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL
25 LAWS AND REGULATIONS.

26 (9) (I) A COUNTY HEALTH DEPARTMENT MAY TAKE ENFORCEMENT
27 ACTION, INCLUDING THE LEVY OF FINES, AGAINST A MOBILE FOOD SERVICE
28 FACILITY THAT VIOLATES THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER
29 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.