

# Chapter 648

(House Bill 99)

AN ACT concerning

## ~~Health~~ Anne Arundel County – Semipermanent Food Service Facilities – Regulations Requirements

FOR the purpose of ~~requiring the Department of Health and Mental Hygiene to adopt certain regulations~~ requiring the operator of a certain semipermanent food service facility to ~~keep a certain record of~~ meet certain requirements regarding wastewater disposal and to use, under certain circumstances, a certain hose to access to a potable water supply; providing for the application of this Act; defining the term “semipermanent food service facility”; and generally relating to ~~regulations~~ requirements regarding the operation of semipermanent food service facilities in Anne Arundel County.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 21–301(a) and (h)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY adding to  
Article – Health – General  
Section 21–301(j–2)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, with amendments,~~  
BY adding to  
Article – Health – General  
Section ~~21–304(a)~~ 21–312.2  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

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

### **Article – Health – General**

21–301.

(a) In this subtitle the following words have the meanings indicated.

(h) (1) “Food service facility” means:

(i) A place where food or drink is prepared for sale or service on the premises or elsewhere; or

(ii) Any operation where food is served to or provided for the public, with or without charge.

(2) “Food service facility” does not include:

(i) A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;

(ii) A food preparation or serving area where only nonpotentially hazardous food, as defined by the United States Food and Drug Administration, is prepared or served only by an excluded organization; or

(iii) A location in a farmer’s market or at a public festival or event where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle, are sold.

**(J–2) (1) “SEMIPERMANENT FOOD SERVICE FACILITY” MEANS A FOOD SERVICE FACILITY THAT:**

**(I) IS BUILT AT A LOCATION OTHER THAN WHERE IT OPERATES;**

**(II) IS TRANSPORTED AS A COMPLETE UNIT THAT DOES NOT REQUIRE A BUILDING PERMIT TO INSTALL ON THE LOCATION AT WHICH IT OPERATES;**

**(III) HAS NO INDOOR SEATING FOR PATRONS; AND**

**(IV) WHEN SERVING COOKED FOOD, SERVES ONLY FOODS COOKED FOR IMMEDIATE SERVICE.**

**(2) “SEMIPERMANENT FOOD SERVICE FACILITY” DOES NOT INCLUDE A FOOD SERVICE FACILITY THAT IS A MECHANICALLY, ELECTRICALLY, MANUALLY, OR OTHERWISE PROPELLED VEHICLE OPERATING ON LAND OR WATER THAT MOVES AS PART OF ITS ROUTINE OPERATION TO:**

**(I) CHANGE LOCATION FOR SALES;**

(II) OBTAIN FOOD AND OTHER SUPPLIES;

(III) FILL POTABLE WATER SUPPLY HOLDING TANKS;

(IV) EMPTY WASTEWATER HOLDING TANKS; OR

(V) PROVIDE FOR THE CLEANING AND SANITATION OF EQUIPMENT AND UTENSILS.

~~21-304.~~

~~(a) (1) The Department shall adopt rules and regulations necessary to carry out the provisions of this subtitle.~~

~~(2) For excluded organizations, the Department:~~

~~(i) Shall adopt separate regulations that establish minimum standards that:~~

~~1. Ensure food integrity and safety;~~

~~2. Preserve public health; and~~

~~3. Control foodborne illnesses; and~~

~~(ii) May adopt separate regulations that establish a licensing system, with appropriate standards, that excluded organizations may voluntarily choose to submit to as a nonrescindable alternative to regulation under item (i) of this paragraph.~~

~~(3) FOR SEMIPERMANENT FOOD SERVICE FACILITIES, THE DEPARTMENT SHALL ADOPT SEPARATE REGULATIONS THAT REQUIRE THE OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY TO:~~

~~(i) KEEP A RECORD OF THE TIME, PLACE, AND METHOD OF WASTEWATER DISPOSAL; AND~~

~~(ii) USE A HOSE THAT IS APPROVED FOR FOOD SERVICE USE IF THE OPERATOR OF THE SEMIPERMANENT FOOD SERVICE FACILITY USES A HOSE TO ACCESS A POTABLE WATER SUPPLY.~~

21-312.2.

(A) THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE FACILITY THAT:

- (1) OPERATES IN ANNE ARUNDEL COUNTY;**
  - (2) WAS LICENSED UNDER § 21-305 OF THIS SUBTITLE ON OR BEFORE DECEMBER 1, 2010; AND**
  - (3) WAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERATOR AFTER DECEMBER 1, 2010.**
- (B) AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY SHALL:**
- (1) PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A PUBLIC HEALTH NUISANCE;**
  - (2) REMOVE WASTEWATER BY:**
    - (i) HIRING A LICENSED LIQUID WASTE HAULER TO DISPOSE OF THE WASTEWATER; OR**
    - (ii) DISPOSING OF THE WASTEWATER AT A WASTEWATER DISPOSAL FACILITY APPROVED BY ANNE ARUNDEL COUNTY;**
  - (3) ~~SHALL USE~~ USE A FOOD GRADE HOSE AND AN ADEQUATE BACKFLOW PREVENTION DEVICE TO MAINTAIN A POTABLE WATER SUPPLY; AND**
  - (4) DEMONSTRATE COMPLIANCE WITH ITEMS (1) AND (2) OF THIS SUBSECTION BY QUARTERLY SUBMITTING A RECORD OF RECEIPTS TO THE ISSUER OF THE LICENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 22, 2012.