

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2008 Legislative Session

Legislative Day No. 7

Bill No. 48-2008

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the definition of food service facility; and generally relating to food handling provisions of the Howard County Code.

Introduced and read first time _____, 2008. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2008.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2008 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2008 at ___ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2008

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that
2 subsection (a) of Section 12.107 “Food Handling” of Title 12 “Health Code” of the
3 Howard County Code is amended to read as follows:

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Howard County Code.
Title 12. Health Code.

8 **Section 12.107. Food handling.**

9 (a) *Definitions:* Words and phrases used in this subsection shall have their usual meaning
10 except as defined below:

- 11 (1) *Food establishment:* A food service facility or a food processing plant.
- 12 (2) *Food processing plant:* A place used for, or in connection with, the
13 manufacturing, preparing, processing, packaging, canning, freezing,
14 storing, distribution, labeling or holding of food or drink for human
15 consumption.
- 16 (3) *Food service facility:* [[A place where food or drink is prepared for sale or
17 service on or off the premises or any operation where food is served to or
18 provided for the public.]]
 - 19 (I) A PLACE WHERE FOOD OR DRINK IS PREPARED FOR SALE OR SERVICE
20 ON THE PREMISES OR ELSEWHERE; OR
 - 21 (II) AN OPERATION WHERE FOOD IS SERVED TO OR PROVIDED FOR THE
22 PUBLIC WITH OR WITHOUT CHARGE.

23 *FOOD SERVICE FACILITY* INCLUDES:

- 24 (I) A RESTAURANT, COFFEE SHOP, CAFETERIA, SHORT ORDER CAFE,
25 LUNCHEONETTE, TAVERN, SANDWICH STAND, SODA FOUNTAIN,
26 HOTEL, MOTEL, INN, RETAIL STORE SELLING NON-POTENTIALLY
27 HAZARDOUS PRE-PACKAGED FOODS AND DRINKS, AND A RETAIL
28 BAKERY OUTLET;
- 29 (II) FOOD OPERATIONS IN AN INDUSTRY, INSTITUTION, HOSPITAL, CLUB,
30 SCHOOL, CAMP, RELIGIOUS ORGANIZATION, CATERING KITCHEN,
31 COMMISSARY, FOOD PROCESSING OR SIMILAR PLACE IN WHICH FOOD

1 OR DRINK IS PREPARED FOR SALE OR SERVICE ON THE PREMISES OR
2 ELSEWHERE;

3 (III) ANY OTHER OPERATION WHERE FOOD IS SERVED TO OR PROVIDED
4 FOR THE PUBLIC WITH OR WITHOUT CHARGE; AND

5 (IV) AN EXCLUDED ORGANIZATION, AS DEFINED IN THE CODE OF
6 MARYLAND REGULATIONS, SECTION 10.15.03.02.B, EITHER WITH
7 OR WITHOUT A LICENSE, THAT SERVES POTENTIALLY HAZARDOUS
8 FOODS.

9 *FOOD SERVICE FACILITY* DOES NOT INCLUDE A:

10 (I) KITCHEN IN A PRIVATE HOME WHERE FOOD IS PREPARED AT NO
11 CHARGE FOR RESIDENTS OR GUESTS IN THE HOME, FOR GUESTS AT A
12 SOCIAL GATHERING THAT IS NOT A PUBLIC EVENT, OR FOR SERVICE
13 TO UNEMPLOYED, HOMELESS, OR ANOTHER DISADVANTAGED
14 POPULATION;

15 (II) FOOD PREPARATION OR SERVING AREA WHERE ONLY NON-
16 POTENTIALLY HAZARDOUS FOOD IS PREPARED OR SERVED BY AN
17 EXCLUDED ORGANIZATION;

18 (III) "BED & BREAKFAST" AS DEFINED IN THE CODE OF MARYLAND
19 REGULATIONS, SECTION 10.15.03.02B(8) THAT SERVES ONLY A
20 CONTINENTAL BREAKFAST;

21 (IV) FARMER'S MARKET OFFERING OR SELLING TO THE PUBLIC RAW
22 FRUIT, VEGETABLES, AND OTHER FOOD PRODUCTS AS SPECIFIED IN
23 THE CODE OF MARYLAND REGULATIONS, SECTION 10.15.03.27 OR
24 EGGS SOLD ONLY ON A FARM THAT IS IN COMPLIANCE WITH THE
25 CODE OF MARYLAND REGULATIONS, SECTION 10.15.03.05A(8); OR

26 (V) BUSINESS OFFICE SUCH AS A BANK, REAL ESTATE OFFICE, HAIR
27 SALON, MEDICAL/DENTAL OFFICE, OR OTHER BUSINESS OFFICE THAT
28 ONLY PROVIDES COURTESY POPCORN, PREPACKAGED CANDY OR
29 GUM, COFFEE, TEA, BOTTLED SODA OR WATER, PRE-PACKAGED
30 SINGLE-SERVE POWDERED DRINKS, OR PASTEURIZED DRINKS THAT
31 DO NOT REQUIRE IMMEDIATE REFRIGERATION.

1 (4) *License:* A food service facility license issued by the health officer
2 authorizing the operating of a food establishment.

3 (5) POTENTIALLY HAZARDOUS FOOD: HAS THE MEANING STATED
4 IN THE CODE OF MARYLAND REGULATIONS, SECTION
5 10.15.03.02.B.

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7 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,
8 *Maryland, that this Act shall become effective 61 days after its enactment.*