

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1996 Legislative Session

Bill No. _____ CB-82-1996

Chapter No. _____ 53

Proposed and Presented by _____ Chairman Del Giudice (by request - County Executive)

Introduced by _____ Council Members Del Giudice and Bailey

Co-Sponsors

Date of Introduction _____ September 17, 1996

BILL

AN ACT concerning

Food Service Facilities

For the purpose of providing an optional inspection prior to the sale of a food service facility and amending the certified food service manager requirements to be consistent with those of other metropolitan area jurisdictions.

BY repealing and reenacting with amendments:

SUBTITLE 12. HEALTH.

Sections 12-104, 12-110 and 12-114,

The Prince George's County Code

(1995 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 12-104, 12-110 and 12-114 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 12. HEALTH.

DIVISION 2. FOOD SERVICE FACILITIES.

Subdivision 2. County Additions, Insertions, and Changes to the State Regulations.

Sec. 12-104. Definitions.

(a) In addition to the definition of terms contained in the State regulations adopted by reference in this Division, the following definitions and terminology shall apply and are applicable to such provisions adopted by reference:

(1) **Approving authority** shall mean the Prince George's County Health Officer.

(2) **Bulk lot frozen food** shall mean frozen food intended to be thawed and repackaged for retail sale.

(2.1) **Certified food service manager** shall mean a person in a supervisory capacity who has obtained training in food sanitation or has otherwise demonstrated knowledge of good food handling practices, and has obtained the certification document issued by the Department.

(3) **Department** shall mean the Prince George's County Health Department.

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Sec. 12-110. Posting permit; term; renewal; fees.

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(d) At the time of submitting plans to the Health Department for a new or remodeled food service facility, a fee of Two Hundred Dollars (\$200.00) for new facilities or a fee of One Hundred Fifty Dollars (\$150.00) for remodeled facilities shall be paid. A fee of Twenty-five Dollars (\$25.00) shall be paid for each resubmittal of plans after the first resubmittal. An additional fee of Twenty-five Dollars (\$25.00) shall be paid for each reinspection after the first reinspection required prior to approval to operate. A fee of Twenty-five Dollars (\$25.00) shall be paid for prospective inspections, consultations, and equipment evaluations. Prior to the sale of any permitted facility, the permit holder, or a potential buyer or party in interest in conjunction with the permit holder, may request that the Health Department conduct a change of ownership inspection to determine the facility's status regarding all applicable Health Department requirements. The change of ownership inspection fee shall be Two Hundred Fifty Dollars (\$250.00).

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Sec. 12-114. Food Service Manager Certification.

(a) After October 1, 1993, no food service facility shall operate unless a minimum of one employee has a valid food service manager certificate or is enrolled in an approved course that will train the employee to be a certified food service manager.

(b) After March 1, 1994, except as provided for in Subsection (c), no food service

facility shall operate unless it is under the immediate control of a certified food service manager during all hours of operation.

(c) After November 1, 1994, no food service facility operated more than an average of five (5) days per week by a volunteer fire company or bona fide nonprofit fraternal, civic, veterans', religious, or charitable organization shall operate unless it has a certified food service manager on staff or a staff person or member is enrolled in an approved course that will train that person to be a certified food service manager. After March 1, 1995, no food service facility operated more than an average of five (5) days per week by a volunteer fire company or bona fide nonprofit fraternal, civic, veterans', religious, or charitable organization shall operate unless it is under the immediate control of a certified food service manager.

(d) After November 1, 1994, no Class B food service facility shall operate unless a certified food service manager is on staff or in the membership of the organization or a Level B food service manager is on site during all hours of operation.

(e) The approving authority may postpone or waive the requirement of Subsections (b), (c), and (d), above, if, in unusual circumstances, its application to a particular licensee would result in undue hardship.

(f) The approving authority shall reduce the number of hours of training required for a Level B food service manager.

(g) The food service manager certificates shall be issued by the Department.

(h) A food service facility permit shall not be issued by the Health Officer until the facility complies with Subsections (a), (b), (c), and (d), above.

(i) This Section shall not apply to the following:

(1) Low priority food service facilities, food facilities regulated under COMAR 10.15.04, or to Class I, II, and IV special food service facilities;

(2) "Pot luck" style dinners sponsored by a volunteer fire company or bona fide nonprofit fraternal, civic, veterans', religious, or charitable organization;

(3) Food prepared for the homeless by a volunteer fire company or bona fide nonprofit fraternal, civic, veterans', religious, or charitable organization;

(4) Volunteer fire companies or bona fide nonprofit fraternal, civic, veterans', religious, or charitable organizations or corporations which sponsor two (2) or less events per year where food is prepared and served;

(5) Volunteer fire companies or bona fide nonprofit fraternal, civic, veterans', religious, or charitable organizations or corporations which lease banquet facilities if the food is not prepared by them; and

(6) Food preparation by volunteer fire companies or bona fide nonprofit fraternal, civic, veterans', religious, or charitable organizations or corporations during emergency/crisis situations.

(j) Notwithstanding paragraphs 2 through 5, the approving authority may require appropriate staffing by a food service manager if, during the preceding twelve months, there have been incidents of foodborne illnesses at the facility.

(k) Application for a food service manager certificate must be made to the Department by submitting the following:

(1) A completed application along with a Twenty-five Dollar (\$25.00) fee, and a recent photograph clearly showing the applicant's facial features when trimmed to a size of 2 inches by 2 inches; and

(2) Original written evidence of successful completion, within three (3) years of the date of the application, of a food serviced manager certification course approved by the Maryland State Department of Health and Mental Hygiene (DHMH); or

(3) An original transcript or official grade notification form from a college or other institution or organization offering a DHMH approved course; or

(4) Other documentation acceptable to the Department showing successful completion of a DHMH approved course; or

(5) A valid food service manager certificate from a local jurisdiction with a reciprocal agreement on certification with the Department.

(6) A person required to obtain a food service manager certification for a food

service facility operated by the Board of Education of Prince George's County, by a volunteer fire company or rescue squad, or a bona fide nonprofit fraternal, civic, veterans', religious, or charitable organization or corporation shall be exempt from the fee provision of this Section.

(7) A person shall be eligible to obtain a food service manager certificate upon successfully passing a challenge examination acceptable to the approving authority.

(l) A food service manager certificate shall be issued in the name of an individual only, and shall be valid for a period of three (3) years from completion of the certification training[.], or passage of the examination.

(m) Renewal certificates will be issued upon receipt of the following:

(1) A complete application along with the Twenty-five Dollar (\$25.00) fee; and
(2) An original certificate of successful completion issued by an institution or organization or other acceptable documentation providing an approved recertification course;
or

(3) Proof of having provided a minimum of three (3) training courses, approved by the Department, to staff of the facility(ies) where employed during the previous certification period;[or]

(4) Proof of having conducted a monthly self-inspection program approved by the Department during the previous certification period[.];or

(5) evidence of having successfully passed a challenge examination acceptable to the approving authority.

(n) Any certification may be suspended or revoked by the Department when the certified food service manager or a person under the certified food service manager's supervision repeatedly fails to comply with these regulations. Prior to such suspension or revocation the holder of said certificate shall be given the opportunity for a hearing before the approving authority. A certificate may be suspended or revoked for repeated violations of food safety requirements; for failure to make corrections of documented violations; for operating without a permit or while a permit has been suspended; for failure to adhere to critical items

requirements, as defined in COMAR 10.15.03.02B; for obtaining such certification under false pretenses, or for preventing regulatory personnel from performing their duty. The certified food service manager shall surrender his/her certificate to the Department when certification has been suspended or revoked. Prior to restoring a certificate, retraining may be required for the food service manager and/or all food workers employed in food facilities where there is documented inability to maintain safe and sanitary food handling practices as demonstrated by instances of foodborne illness, serious repeat violations, or other factors increasing the risk to consumers.

(o) The fee for the replacement of a food service manager certificate is Fifteen Dollars (\$15.00).

[(o)](p) A food service facility, upon written notice by the Department, will be subject to a fine of Five Hundred Dollars (\$500.00) on each occasion that said facility fails to provide proof that it is under the immediate control of a certified food service manager during all hours when food is being prepared, handled, or served, except as provided in Subsections (e) and (i), above, or that a supervisory employee(s) is/are currently enrolled in an approved course. Proof of enrollment in an approved course must be submitted to the Department within two (2) weeks of written notification to the facility. Upon revocation of a food service manager certification, a food service facility shall be required to obtain the services of a certified food service manager or shall have enrolled alternate supervisory personnel in an approved training program within two (2) weeks of notification to the facility, or shall be subject to the penalties specified in this Section. Application for certification must be made within one week of satisfactory completion of the course.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 8th day of October, 1996.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Stephen J. Del Giudice
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.