

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 11/8/2011  
**Reference No.:** CB-050-2011  
**Draft No.:** 2  
**Proposer(s):** Patterson  
**Sponsor(s):** Patterson, Franklin, Toles, Harrison  
**Item Title:** An Act for the purpose of eliminating the exemption for facilities located on State-owned property from inspection from the Prince George's County Health Department.

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**Drafter:** Carmen N. Jackson-Brown, Legislative Officer  
**Resource Personnel:** Ellis Watson, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/27/2011	<b>Executive Action:</b>	11/28/2011 S
<b>Committee Referral:</b>	9/27/2011 - HEHS	<b>Effective Date:</b>	1/13/2012

**Committee Action:** 10/6/2011 - FAV(A)

**Date Introduced:** 10/11/2011  
**Public Hearing:** 11/8/2011 - 1:30 PM

**Council Action (1)** 11/8/2011 - ENACTED  
**Council Votes:** WC:A, DLD:A, MRF:A, AH:A, LJ:-, ML:A, EO:A, OP:A, IT:A, KT:A  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

12-104

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### COMMITTEE REPORTS:

#### HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

**Date 10/6/2011**

Committee Vote: Favorable with amendments, 3-0-1 (In favor: Council Members Harrison, Olson and Turner  
Abstain: Lehman)

The Health, Education and Human Services Committee met on October 6, 2011 to consider CB-50-2011. CB-50-2011 amends the Code to eliminate the exemption for facilities located on State-owned property from inspection from the Prince Georges' County Health Department. This legislation will allow the Prince George's County Health Department to inspect food service facilities on property owned or leased by the State of Maryland, and on property leased by the Federal Government.

CB-50-2011 was amended to remove language pertaining to "Federal exemption"; on page 1 line 3 remove "Federal or" and on page 2, line 15, remove "located on Federal or State owned property" and on page 2, lines 15 and 16 add "that are on non-leased federally owned property which are operated and inspected by the Federal Government."

The sponsor explained the purpose of the legislation indicating that it would benefit a business establishment in District 8. It is the intention of this legislation to rectify the situation after numerous meetings with State and County

officials.

The owner of Proud Mary Restaurant in Fort Washington indicates that the Prince George’s County Health Department was the only health department in the State of Maryland that did not conduct inspections at food service facilities on property owned/leased by the State. The property that Proud Mary Restaurant resides on is owned by the federal government and leased to the State of Maryland for management and maintenance. The State of Maryland does not execute food service facility inspections.

In comparison to neighboring jurisdictions, Montgomery and Anne Arundel Counties both have Federal exemptions.

Senator Anthony Muse forwarded a letter in support of CB-50-2011. The Office of Law finds it to be in proper legislative form and the Office of Audits and Investigations determine that enactment of CB-50-2011 will not have a negative or adverse fiscal impact on the County.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

Per COMAR 10.15.03, the State of Maryland, under the purview of the Department of Health and Mental Hygiene, delegated the responsibility to the Health Officer for Prince George’s County to inspect State facilities located within the County. Deleting the language “except those establishments located on Federal or State-owned property” from the definition of “food service facility” will allow the Prince George’s County health inspectors to conduct inspections on property located within Prince George’s County that is located on Federal or State-owned property.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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