

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2011 Legislative Session

Bill No. CB-50-2011

Chapter No. 35

Proposed and Presented by Council Member Patterson

Introduced by Council Members Patterson, Franklin, Toles and Harrison

Co-Sponsors _____

Date of Introduction October 11, 2011

BILL

1 AN ACT concerning

2 Food Service Facilities

3 For the purpose of eliminating the exemption for facilities located on State-owned property from
4 inspection from the Prince George's County Health Department.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 12. HEALTH.

7 Section 12-104

8 The Prince George's County Code

9 (2007 Edition, 2010 Supplement).

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12 repealed and reenacted with the following amendments:

13 **SUBTITLE 12. HEALTH.**

14 **DIVISION #2 FOOD SERVICE FACILITIES.**

15 **Subdivision 2. County Additions, insertions, and changes to the State regulations**

16 **Sec. 12-104. Definitions.**

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

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

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

1 (2.1) **Certified food service manager** shall mean a person in a supervisory capacity
2 who has obtained training in food sanitation or has otherwise demonstrated knowledge of good
3 food handling practices, and has obtained the certification document issued by the Department.

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

5 (4) **Depot** shall mean a food service facility permitted by the Department or other
6 regulatory agency sanctioned by the approving authority which provides one or more of the
7 following services to mobile special food service facilities on a routine basis: food, utensil wash
8 facilities, potable water, or waste disposal facilities.

9 (5) **Food and drink** shall mean all food and drink used for human consumption as
10 defined in Title 21, Section 101(i), Health-General Article, Annotated Code of Maryland.

11 (6) **Food cluster** shall mean an enclosed assemblage of adjacent or adjoining food
12 service facilities located within an integrated shopping center as defined in Section 27-107.01 of
13 this Code, operating within a specifically designated area sharing customer dining areas.

14 (7) **Food service facility** shall mean any place in Prince George's County, except
15 those establishments [located on Federal or State-owned property,] that are on non-leased
16 federally owned property which are operated and inspected by the Federal Government in which
17 food or drink products are manufactured, prepared, packed, handled, stored, sold, served,
18 automatically vended, or distributed on a temporary or permanent basis for consumption by the
19 general public and shall include special food service facilities and facilities which sell live and/or
20 unprocessed seafood, but shall not be construed to mean individual, private residences where,
21 without charge, food or drink products are prepared and consumed. Class B food service
22 facilities are those which are open five (5) or less days per week, serve potentially hazardous
23 food, and are operated by volunteer fire companies or bona fide nonprofit fraternal, civic,
24 veterans, religious, or charitable organizations.

25 (8) **Frozen food** shall mean food or drink, except ice cream or related dairy products,
26 preserved by being subject to temperatures not in excess of -10° F and subsequently transported
27 or stored at temperatures not in excess of 0° F.

28 (9) **Hazard analysis critical control point assessment** shall mean the prioritization
29 of a food service facility into one of the following categories:

30 (A) High priority -- facilities which are at high risk for a foodborne illness and
31 include facilities described by one or more of the following:

1 (i) Served food to which a foodborne disease outbreak was traced within
 2 the five (5) years immediately before the priority assessment;

3 (ii) Serve groups of persons who are particularly susceptible to disease, for
 4 example, very young, aged, hospitalized, or otherwise compromised;

5 (iii) Serve foods which have a history of being frequent vehicles of
 6 foodborne disease;

7 (iv) Prepare potentially hazardous foods a day or more in advance of
 8 serving;

9 (v) Utilize any combination of two or more preparation processes such as
 10 cooking, hot-holding, cooling, or reheating over more than a four (4) hour period; or,

11 (B) Moderate priority -- facilities which are at moderate risk for a foodborne
 12 illness and include facilities that:

13 (i) Serve foods which are occasionally implicated in foodborne disease
 14 outbreaks; or

15 (ii) Prepare food which is served within four (4) hours of preparation; or,

16 (C) Low priority -- facilities which are at low risk for a foodborne disease
 17 occurrence and include facilities that:

18 (i) Serve foods which have rarely been reported as vehicles of disease;

19 (ii) Serve commercially packaged food directly to the consumer or
 20 customer; or

21 (iii) Handle or serve foods that are not potentially hazardous.

22 (10) **Health Officer** shall mean the Prince George's County Health Officer or the
 23 Health Officer's designee.

24 (11) **Level B food service manager** shall mean one who receives the abbreviated food
 25 service manager certification training offered by the Health Department.

26 (12) **Mobile unit** shall mean a special food service facility which is a mechanically,
 27 electrically, manually, or otherwise propelled vehicle that is relocated following each day's
 28 operation to an approved depot or other location acceptable to the approving authority.

29 (13) **Operating from a fixed location for a temporary period** shall mean operating a
 30 food service facility for not more than five (5) days at a fixed location. The five (5) day period
 31 of time is subject to variance at the discretion of the Health Officer. However, operating a food

1 service facility or a special food service facility intermittently at one (1) location and operating
2 mobile units as a food service facility or special food service facility relocating at different sites
3 shall not be construed as operating for a temporary period.

4 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
5 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
6 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
7 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
8 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
9 Act, since the same would have been enacted without the incorporation in this Act of any such
10 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

11 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
12 calendar days after it becomes law.

Adopted this 8th day of November, 2011.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.