

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 11/17/2015  
**Reference No.:** CB-089-2015  
**Draft No.:** 2  
**Proposer(s):** County Executive  
**Sponsor(s):** Toles, Franklin, Taveras  
**Item Title:** An Act amending certain definitions and enforcement procedures for food service facilities to comply with recent changes to the Code of Maryland Regulations 10.15.03 and generally relating to food service facilities and food service manager certifications.

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**Drafter:** Susan W. Thweatt, Program Chief, Health Department  
**Resource Personnel:** Susan W. Thweatt, Program Chief Health Department

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/29/2015	<b>Executive Action:</b>	11/25/2015 S
<b>Committee Referral:</b>	9/29/2015 - HEHS	<b>Effective Date:</b>	1/11/2016

**Committee Action:** 10/8/2015 - FAV(A)

**Date Introduced:** 10/20/2015  
**Public Hearing:** 11/17/2015 - 10:00 AM

**Council Action (1)** 11/17/2015 - ENACTED  
**Council Votes:** DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

12-104, 12-105, 12-105.01, 12-106, 12-107, 12-108, 12-111, 12-111.01, 12-112, 12-113, 12-114, 12-114.01, 12-114.02, 12-115, 12-115.01

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### COMMITTEE REPORTS:

#### HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

**Date 10/8/2015**

Committee Vote: Favorable as Amended 5-0 (Council Members Toles, Davis, Franklin, Glaros and Patterson)

Committee staff provided overview of CB-89-2015 and referral comments that were received. This legislation will amend certain definitions and enforcement procedures for food service facilities to comply with recent changes to the code of Maryland regulations (COMAR). It will also define and clarify chronic offenders, increase the penalty for operating without a permit, and add new language regarding food service manager certifications and temporary event procedures.

The Health Officer and her staff provided additional information and responses to Committee questions. The Health Officer stated that CB-89-2015 updates Subtitle 12 which had not been revised since 1994 and aligns with changes to COMAR governing food facilities. The proposed legislation also modifies the fine for operating a food service facility, without a valid permit, or while having a suspended permit, or after being ordered to close, from three hundred (\$300) to one thousand dollars (\$1,000) a day. Each day of violation is considered a separate offense.

The Committee considered the following amendments:

Page 4, Sec. 12-104., Line 22, (15) after the word “location.” Insert the following language, “for an event such as a carnival, circus, fair or similar temporary event.” This amendment updates the language to reflect the language in the recent “Food Truck Hubs” legislation.

Page 6, Sec. 12-108., Line 18, (2) Insert “whole or uncut” instead of the word “non-processed.” It was the consensus of the Committee that the revision would further explain the meaning of non-processed produce since “non-processed” is not defined in the regulations.

Page 13, Sec. 12-115.02., Line 28, (a) after the word “than” insert “five (5)” instead of “three (3)” business days prior to the event.

The Committee requested staff to consider revised language on Page 6, Sec. 12-107., Line 6, (b) relative to outside storage of food. The Office of Law and Health Department provided the following revision: “There shall be no exposed or unsecured outside storage of food and food equipment. Outdoor service venues such as patios, pool bars, bars, sidewalk operations, temporary events shall provide sufficient protection of all food, food equipment and food service items to prevent contamination at all times.”

The Office of Audits and Investigations determined that enactment of CB-89-2015 may have a positive fiscal impact on the County related to the increase in the fine for maintaining a valid food service facility permit. The impact of which would be based upon the number of violations issued annually. A reasonable estimate of annual violations is not able to be determined at this time.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This legislation will amend certain definitions and enforcement procedures for food service facilities to comply with recent changes to the Code of Maryland Regulations (COMAR) 10.15.03. It will also define and clarify chronic offenders, increase the penalty for operating without a permit, and add new language regarding food service manager certifications and temporary event procedures.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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