

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 9

Resolution No. 110-2012

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

A RESOLUTION amending the Food Service Facilities Regulations; adding and amending certain definitions related to farmer's markets and to temporary and special food service facilities; clarifying the training requirements for certified managers; clarifying certain licensure provisions; and generally related to food service facilities regulations in Howard County.

Introduced and read first time July 2, 2012.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Read for a second time at a public hearing on July 16, 2012.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 26, 2012.

Certified By Stephen LeGendre
Stephen LeGendre, Administrator

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 **WHEREAS**, Section 12.107 of the Howard County Code provides that the County
2 Health Officer shall recommend regulations concerning food establishment facilities to the
3 Board of Health and, upon approval of the Board of Health, the regulations shall be forwarded to
4 the County Council for approval of the regulations by Resolution; and

5
6 **WHEREAS**, the Food Service Facilities Regulations were last amended in 2008 when
7 the County Council passed Council Resolution No. 66-2008; and

8
9 **WHEREAS**, since 2008 there have been changes in the Code of Maryland Regulations
10 and an update of the Food Service Facilities Regulations is needed; and

11
12 **WHEREAS**, the Health Department has proposed amendments to the Food Service
13 Facilities Regulations as shown in Exhibit A; and

14
15 **WHEREAS**, the proposed amendments clarify the required training of the certified
16 manager; add and amend certain definitions related to farmer's markets and to temporary and
17 special food service facilities; and amend certain licensure fee requirements; and

18
19 **WHEREAS**, the Board of Health has reviewed and approved the proposed changes.

20
21 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
22 Maryland this 26th day of July, 2012 that it approves amendments to Sections
23 .02, Definitions, and .09, Enforcement Provisions, in the Food Service Facilities Regulations as
24 shown in the attached as Exhibit A.

FOOD SERVICE FACILITIES REGULATIONS FOR HOWARD COUNTY

These regulations are proposed for adoption pursuant to Title 12 of the Howard County Code.

.01 Scope

Pursuant to the authority conferred upon the Howard County Board of Health by Section 12.107 of the Howard County Code, the following regulations governing food service facilities in Howard County are hereby established as minimum requirements of the Howard County Health Department. These regulations include certain provisions of COMAR 10.15.03, adopted by the State of Maryland, Department of Health and Mental Hygiene, Environmental Health Administration, effective January 1, 1976, and as amended from time to time by the State of Maryland, and other applicable provisions of COMAR, Title 10 Subtitle 15.

.02 Definitions

The following definitions shall apply in the interpretation and enforcement of these regulations.

- a. "Acceptable" means to agree to the use or presence of equipment or a practice, where standards are not developed as determined by the Approving Authority.
- b. "Adulterated Food" means any food which has been produced, prepared, packed, or held under insanitary conditions whereby it would reasonably be expected to have become contaminated or which violates the requirements of the Maryland Food, Drug and Cosmetic Act.
- c. "Approved" means conformance with appropriate standards and good public health practice as determined by the Approving Authority.
- d. "Approving Authority" means the Howard County Health Officer or his/her authorized representative.
- e. "Carry-Out Service" means that a food establishment serves food for off-premises consumption.
- f. "Certified Manager" means a manager of a food service facility who has had at least sixteen hours of classroom training OR EQUIVALENT TRAINING AS RECOGNIZED AND APPROVED BY THE APPROVING AUTHORITY in food handling techniques and who has passed a comprehensive final examination as prescribed by the State of Maryland for certified managers.
- g. "Detention Order" is a written notification by the Approving Authority to the person in charge of the food service facility to hold back or retain specific foods

pending Approving Authority determination of suitability of the food for human consumption.

- h. "Employee" means the license holder, persons having supervisory or management duties and any other person working in a food service facility.
- i. "Equipment" means all ovens, ranges, hoods, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, hot tables, and similar items other than utensils, used in the operation of a food service facility.
- J. **"FARM"** MEANS A PLACE WHERE AGRICULTURAL COMMODITIES ARE GROWN, RAISED, OR HARVESTED FOR COMMERCIAL PURPOSES.

"FARM" INCLUDES A PLACE WHERE FOR COMMERCIAL PURPOSES:

- (1) CROPS ARE GROWN AND HARVESTED;
- (2) FRUITS, NUTS, OR OTHER AGRICULTURAL COMMODITIES ARE HARVESTED FROM TREES; OR
- (3) ANIMALS ARE RAISED, FED AND MANAGED FOR MEAT OR OTHER AGRICULTURAL COMMODITIES.

- K. **"FARMER'S MARKET"** MEANS A PLACE WHERE A PERSON OFFERS OR SELLS ONE OR MORE OF THE FOLLOWING FOOD PRODUCTS TO THE PUBLIC:

- (1) RAW AGRICULTURAL PRODUCTS SUCH AS FRUITS, VEGETABLES AND GRAINS SUPPLIED DIRECTLY FROM A FARM;
- (2) PRODUCTS PROCESSED IN A PRIVATE HOME KITCHEN ACCORDING TO COMAR 10.15.03.27;
- (3) PRODUCTS THAT ARE NOT POTENTIALLY HAZARDOUS AND DO NOT REQUIRE REFRIGERATION THAT ARE PROCESSED IN A FOOD PROCESSING PLANT LICENSED AND OPERATED ACCORDING TO COMAR 10.15.04.19; OR
- (4) EGGS SOLD IN COMPLIANCE WITH COMAR 10.15.03.05A(8).

"FARMER'S MARKET" DOES NOT INCLUDE A FOOD SERVICE FACILITY.

- L[[j]]. "Food" means all articles used by man for food, drink, confection, or condiment, whether simple, mixed or compound.

M[[k]]. “Food-Contact Surfaces” means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

N[[I]]. “Food-Processing Facility” means a licensed commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

O[[M]]. “Food Service Facility” means:

- (i) A place where food or drink is prepared for sale or service on the premises or elsewhere; or
- (ii) An operation where food is served to or provided for the public with or without charge.

“Food Service Facility” includes:

- (i) A restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, hotel, motel, inn, retail store selling non-potentially hazardous pre-packaged foods and drinks, and a retail bakery outlet;
- (ii) Food operations in an industry, institution, hospital, club, school, camp, religious organization, catering kitchen, commissary, food processing or similar place in which food or drink is prepared for sale or service on the premises or elsewhere;
- (iii) Any other operation where food is served to or provided for the public with or without charge; and
- (iv) An excluded organization, either with or without a license, which serves potentially hazardous foods.

“Food Service Facility” does not include a:

- (i) Kitchen in a private home where food is prepared at no charge for residents or guests in the home, for guests at a social gathering that is not a public event, or for service to unemployed, homeless, or another disadvantaged population;
- (ii) Food preparation or serving area where only non-potentially hazardous food is prepared or served by an excluded organization;
- (iii) “Bed & Breakfast” as defined in COMAR 10.15.03.02B(8) that serves only a continental breakfast;

- (iv) Farmer's market offering or selling to the public raw fruit, vegetables, and other food products as specified in COMAR 10.15.03.27 or eggs sold only on a farm that is in compliance with COMAR 10.15.03.05A(8); or
- (v) Business office such as a bank, real estate office, hair salon, medical/dental office, or other business office that only provides courtesy popcorn, prepackaged candy or gum, coffee, tea, bottled soda or water, pre-packaged single-serve powdered drinks, or pasteurized drinks that do not require immediate refrigeration.

P[[n]]. "Kitchenware" means all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.

Q[[o]]. "License" means a document authorizing the operation of a food service facility or a special food service facility within Howard County and indicating compliance with these regulations and authorizing operation of the equipment.

R[[p]]. "Manager" means that person having supervisory responsibilities within the food service establishment.

S[[q]]. "Misbranded" means any written, printed, or graphic matter, on or accompanying food or containers of food, which is false or misleading, or which violates the requirements of the Maryland Food, Drug, and Cosmetic Act.

T. **"NON-FARM TEMPORARY FOOD SERVICE FACILITY"** MEANS A FOOD SERVICE FACILITY OR PERSON THAT:

- (1) OPERATES AT A FIXED FARMER'S MARKET LOCATION FOR A DURATION SPANNING MORE THAN FOURTEEN CONSECUTIVE DAYS;
- (2) SERVES ONLY THOSE FOODS APPROVED BY THE APPROVING AUTHORITY, BASED ON A:
 - (A) REVIEW OF THE OPERATIONAL SET-UP, AND EQUIPMENT CONSISTENT WITH TEMPORARY FOOD SERVICE FACILITY REQUIREMENTS; AND
 - (B) DETERMINATION THAT THESE FOODS CAN BE PREPARED SAFELY AND IN A MANNER THAT CONFORMS TO APPLICABLE LAWS AND REGULATIONS; AND
- (3) OPERATES DURING THE PERIOD OF TIME FROM APRIL 1ST THROUGH NOVEMBER 30TH OF A GIVEN YEAR.

U. **“ON-FARM FOOD SERVICE FACILITY”** MEANS A TEMPORARY FOOD SERVICE FACILITY THAT:

- (1) IS LOCATED ON A FARM;
- (2) SERVES ONLY THOSE FOODS APPROVED BY THE APPROVING AUTHORITY BASED ON A:
 - (A) REVIEW OF THE FACILITY, EQUIPMENT AND PROCESSING HAZARDS; AND
 - (B) DETERMINATION THAT THESE FOODS CAN BE PREPARED SAFELY AND IN A MANNER THAT CONFORMS TO APPLICABLE LAWS AND REGULATIONS; AND
- (3) OPERATES DURING A TIME OF NOT MORE THAN 30 CONSECUTIVE DAYS WITH UP TO TWO RENEWALS IN A 1-YEAR PERIOD.

v[[r]]. “Person” means an individual, firm, partnership, company, corporation, trustee, association, institution, cooperative enterprise, or publicly owned or privately owned entity.

w[[s]]. “Potentially Hazardous Food” means a natural or synthetic food that requires temperature control because the food is in a form capable of supporting:

- (i) The rapid and progressive growth of infectious or toxigenic microorganisms;
- (ii) The growth and toxin production of *Clostridium botulinum*; or
- (iii) In raw shell eggs, the growth of *Salmonella* Enteritidis.

“Potentially hazardous food” includes:

- (i) Food of animal origin that is raw or heat-treated;
- (ii) A food of plant origin that is heat-treated;
- (iii) Raw seed sprouts;
- (iv) Cut melons; and
- (v) Garlic and oil mixtures that support growth as specified in §B(55)(a)(i) and (ii) of this regulation.

“Potentially hazardous food” does not include a:

- (i) Hard-boiled shell egg that has been air-cooled with the shell intact;
- (ii) Food with an a_w value of 0.85 or less;
- (iii) Food with a pH level of 4.6 or below when measured at 75°F;
- (iv) Commercially sterile food in a hermetically sealed container; or
- (v) Food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of *Salmonella* Enteritidis in eggs or *Clostridium botulinum* cannot occur, such as a food that has an a_w or a pH that is above the levels specified in §B(55)(c)(ii) and (iii) of this regulation or that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms;

[[t. “Rating Score” of a food service facility means the total of the weighted point values for all violations subtracted from 100.]]

X[[u]]. “Safe Temperatures” as applied to potentially hazardous food means food temperatures of 45 degrees Fahrenheit or below, and 140 degree Fahrenheit or above.

Y[[v]]. “Sanitize” means effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the Approving Authority as being effective in destroying microorganisms, including pathogens.

Z. **“SEASONAL FARMER’S MARKET PRODUCER SAMPLING FOOD SERVICE FACILITY” MEANS A FACILITY THAT:**

- (1) SERVES ONLY FOODS THAT ARE PREPARED AND OFFERED AS SAMPLES BY A PRODUCER OF A FARM PRODUCT AT A FARMER’S MARKET SUCH AS:
 - (A) FARM PRODUCTS AS SPECIFIED IN COMAR 10.15.03.02B(30)(A); OR
 - (B) FARM PRODUCTS THAT HAVE BEEN INSPECTED, LICENSED, OR CERTIFIED FOR FOOD SAFETY BY THE MARYLAND DEPARTMENT OF AGRICULTURE;
- (2) SERVES FOOD ONLY PRODUCED BY THE LICENSEE;

- (3) SERVES ONLY THOSE FOODS APPROVED BY THE APPROVING AUTHORITY, BASED ON A:
 - (A) REVIEW OF THE FACILITY, EQUIPMENT AND PROCESSING HAZARDS; AND
 - (B) DETERMINATION THAT THESE FOODS CAN BE PREPARED SAFELY AND IN A MANNER THAT CONFORMS TO APPLICABLE LAWS AND REGULATIONS; AND
- (4) OPERATES DURING A PERIOD OF TIME OF NOT MORE THAN 1-YEAR PERIOD FROM THE DATE OF ISSUANCE OR RENEWAL OF THE LICENSE.

AA[[w]]. "Single-Service Articles" means cups, containers, lids or closures; plates knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials and which are intended by the manufacturers and generally recognized by the public as a "use once and discard" product.

BB[[x]]. [["Special Food Service Facility" means a facility operating for a temporary period in connection with a fair, carnival, public exhibition, construction project, recreational facility, or other similar gatherings, or a facility which can be moved from place to place. This also includes facilities which are operated by non-profit making organizations.]]

"SPECIAL FOOD SERVICE FACILITY" MEANS:

- (1) A FOOD SERVICE FACILITY OR PERSON OPERATING FOR A TEMPORARY PERIOD IN CONNECTION WITH A FAIR, CARNIVAL, PUBLIC EXHIBITION, CONSTRUCTION PROJECT, RECREATIONAL FACILITY, OR OTHER SIMILAR GATHERINGS;
- (2) A FOOD SERVICE FACILITY FOR WHICH THE APPROVING AUTHORITY PROVIDES EXCEPTIONS TO CERTAIN REGULATIONS BECAUSE OF THE NATURE OF ONE OR MORE OF THE FOLLOWING:
 - (A) DESIGN AND OPERATION OF THE FACILITY;
 - (B) FOOD PREPARATION OR SERVICE METHODS; OR
 - (C) LIMITED LENGTH OF TIME THAT THE FACILITY OPERATES IN ASSOCIATION WITH SPECIAL EVENTS.

"SPECIAL FOOD SERVICE FACILITY" INCLUDES:

- (1) A BED AND BREAKFAST THAT SERVES HOT MEALS;
- (2) A MOBILE UNIT;
- (3) A TEMPORARY FOOD SERVICE FACILITY;
- (4) A NON-FARM TEMPORARY FOOD SERVICE FACILITY;
- (5) A SEMI-PERMANENT FOOD SERVICE FACILITY;
- (6) FACILITIES OPERATED BY NON-PROFIT ORGANIZATIONS;
- (7) AN ON-FARM FOOD SERVICE FACILITY; OR
- (8) A SEASONAL FARMER'S MARKET PRODUCER SAMPLING FOOD SERVICE FACILITY.

[[y.]] [[“Special Food Service Facilities” belong to one of four classes:

- (1) “Class I” are those facilities operating from a fixed location or mobile units which handle and sell only sealed prewrapped or prepackaged food or drink in the original sealed container or wrapping, and do not prepare, wrap or package any food or drink on the premises or within mobile units.
- (2) “Class II” are those facilities operating from a fixed location which handle or sell any food or drink other than in sealed containers or wrappings, or which prepare, package, or wrap any food or drink on the premises.
- (3) “Class III” are those facilities operating from a mobile unit which handle or sell any food or drink other than in sealed containers or wrappings or which prepare, package, or wrap any food or drink within the mobile unit.
- (4) “Class IV” are those facilities operating from mobile units which handle or sell sealed prewrapped or prepackaged food or drink in the original sealed container or wrapping and do not prepare, wrap, or package any food or drink within the mobile unit except for preparing and dispensing coffee or tea.]]

CC[[z]]. “Tableware” means all multiuse eating and drinking utensils, including flatware (knives, forks and spoons).

DD. **“TEMPORARY FOOD SERVICE FACILITY”** MEANS A FOOD SERVICE FACILITY THAT OPERATES:

(1) IN ONE OF THE FOLLOWING WAYS:

- (A) EXCEPT FOR A VOLUNTEER FIRE COMPANY, AT A FIXED LOCATION FOR NOT MORE THAN 14 CONSECUTIVE DAYS;
- (B) FOR UP TO 30 CONSECUTIVE DAYS IF THE TEMPORARY FACILITY IS A VOLUNTEER FIRE COMPANY OR AN ON-FARM FOOD SERVICE FACILITY, OR
- (C) AT A FIXED FARMER'S MARKET LOCATION AS A NON-FARM TEMPORARY FOOD SERVICE FACILITY, AND

(2) IN CONJUNCTION WITH A:

- (A) FAIR;
- (B) CARNIVAL;
- (C) PUBLIC EXHIBITION;
- (D) CONSTRUCTION PROJECT;
- (E) FUNDRAISING EVENT;
- (F) RECREATIONAL FACILITY; OR
- (G) SIMILAR GATHERING.

EE[[aa]]. "Utensil" means any tableware and kitchenware used in the storage, preparation, conveying or serving of food.

FF[[bb]]. "Vendable Food" means food prepared for use in vending machines.

.09 Enforcement Provisions

A. License

- (1) A person who does not have a license issued by the Approving Authority may not operate a food service facility or a special food service facility. A license shall be posted in a conspicuous place in every food service facility, or special food facility, and shall not be transferable from person to person or from place to place.
- (2) Any person desiring to operate a food service facility or special food service facility shall make an application to the Approving Authority. This application shall be in a form as required by the Approving Authority, and must be accompanied by plans, specifications, and a descriptive narrative of the proposed operation.
- (3) Licenses shall be issued annually by the Approving Authority to every food facility within Howard County, including but not limited to restaurants, bars, schools, retail markets, and catering kitchens. A license fee, as determined by the Board of Health, shall be charged for each license. Eight weeks before the expiration of the facility's current license, a renewal application will be mailed to the licensee's last known address. It will be the licensee's responsibility to return the completed renewal application along with the appropriate fee to the Approving Authority at least four weeks prior to the expiration of the current license. The Approving Authority will forward a new license.
- (4) When a license is suspended, food service operations shall cease immediately.

B. Inspections

- (1) General
 - a. At least once every 6 months, the Approving Authority shall inspect each food service facility under his/her jurisdiction, and shall make as many additional inspections and reinspections as are necessary for the enforcement of these regulations.
 - b. Inspections of special food service facilities shall be made as required and at a frequency determined by the Approving Authority.
- (2) Agents of the Approving Authority, after proper identification, shall be permitted to enter any food service facility at any reasonable time, for the purpose of making inspections to determine compliance with these regulations. They shall be permitted to examine the records of the

facility to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.

(3) Reports of Inspections

Whenever an inspection of a food service facility is made, the findings shall be recorded on the inspection report form set out in .09B (5), below. One copy of the inspection report form shall be furnished to the person in charge of the facility. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it. The inspection report form shall summarize the requirements of this part and shall set forth a weighted point value for each requirement. The rating score of the facility shall be the total of the weighted point values for all violations, subtracted from 100.

(4) Correction of Violations and Suspension of Permits

- a. The inspection report form shall specify a specific and reasonable period of time for the correction of violations; correction of the violations shall be accomplished within the period specified, according to the following provisions.
 - i. When the rating score of the facility is 85 or more, all violations of one or two-point weighted items shall be corrected as soon as possible, but in any event by the time of the next routine inspection.
 - ii. When the rating score of the facility is at least 70 but not more than 84, all violations of one or two point weighted items shall be corrected as soon as possible but in any event, within a period not to exceed 15 days.
 - iii. Within 10 days after an inspection in which four or five-point weighted violations were noted, the license holder shall submit a written report indicating that the four or five-point weighted violations have been corrected. A follow-up inspection shall be conducted to confirm correction.
 - iv. When the rating score of the facility is less than 70, the licensee has the option to correct the violations immediately to bring the corrected score above 70. If the licensee chooses not to correct violations immediately or cannot raise the score above 70, the facility shall immediately cease food operations.
 - v. In the case of special food service facilities, all violations shall be corrected within 24 hours. If violations are not corrected, the facility shall immediately cease food service operations.

- vi. Regardless of the rating score of the food service or special food service facility, whenever the Approving Authority or an authorized representative shall determine upon inspection that an immediate and substantial danger to the public health exists at the facility, the facility shall immediately cease food service operations.
 - vii. Any facility scoring below 70 on consecutive inspections may be called before the Approving Authority for a hearing to determine whether said facility's license to operate shall be suspended or revoked.
- b. The report of inspection shall state:
- i. That failure to comply with any time limits for corrections shall result in the facility ceasing food service operations immediately; and
 - ii. That an opportunity for appeal from the inspection findings shall be provided if a written request for an appeal and a hearing is filed within ten days with the Executive Secretary of the Board of Health pursuant to the Howard County Code, Section 12.107.
- c. Whenever a food service facility is required under the provisions of this section to cease operations, it may not resume operations until a reinspection shows that conditions responsible for the requirement to cease operations no longer exist. The Approving Authority may take appropriate steps to insure that the food operation ceases upon suspension of the permit by:
- i. Taking and keeping physical possession of the license until it becomes reinstated; or.
 - ii. Posting signs on the door of the facility stating that the license has been suspended by the Howard County Health Department, removal of which would invoke the provisions of the Howard County Code, Section 12.107.
 - iii. Procuring an injunction against the facility through the Circuit Court of Howard County; or filing for an ex parte, temporary or permanent injunction against the food service or special food service facility through the District Court for Howard County.
 - iv. Any other measure within the law that will adequately assure that the establishment will not operate its food facility. Any person whose license has been suspended may make application in writing at any time to the Approving Authority for a reinspection.

- d. Any person who violates any of the provisions of these regulations or refuses, neglects, or fails to comply with the provisions and requirements hereof after notice as herein provided may also be issued a citation pursuant to the Howard County Code. A civil penalty of fifty dollars will be imposed for the first offense; \$100.00 for the second offense; and \$500.00 for the third offense. Citations may also be issued under the following procedure.
 - i. When the rating score of a facility is less than 70 and the licensee cannot bring the corrected score to 70 or above a citation in the amount of \$50.00 will be issued.
 - ii. When the rating score of a facility includes violations in critical areas, i.e., 4 and 5 point items, totaling 20 or above, a citation will be issued in the amount of \$50.00.
 - iii. If the inspection reveals repetitive violations of 4 and 5 point weighted items during successive inspection, a citation in the amount of \$50.00 may be issued.
 - iv. If a licensee fails to correct the violations within the prescribed time schedule a citation in the amount of \$50.00 will be issued.
 - v. Each day that a violation exists shall constitute a separate violation and be subject to additional civil penalty as provided above.

(5) Inspection Report Form

Ed. Note: See Form DHIH 205 'Food Service Facility Report' following these regulations.

C. Examination and Condemnation of Food

Food may be examined or sampled by the Approving Authority as often as necessary for enforcement of this part. The Approving Authority, upon written notice to the owner or person in charge specifying the reasons, may place a detention order on any food which he believes is in violation of any of these regulations. The Approving Authority or his agent shall tag, label, or otherwise identify any food subject to the detention order. Food identified in a detention order may not be used, served, or moved from the facility. The Approving Authority shall permit storage of the food under conditions specified in the detention order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The detention order shall state that a request for hearing may be filed within 10 days and that if a hearing is not requested, the food shall be destroyed. A hearing shall

be held if requested; and on the basis of evidence produced at that hearing, the detention order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy the food or to bring it into compliance with the provisions of this part.

D. Food Service Facilities Outside Jurisdiction of the Approving Authority

Food from food service facilities outside the jurisdiction of the State Department of Health and Mental Hygiene of Maryland may be sold within the State if the food service facilities conform to the provisions of these regulations or to substantially equivalent provisions. To determine the extent of compliance with the provisions, the Approving Authority may accept reports from responsible authorities in other jurisdictions where the food service facilities are located.

E. Procedure When Infection is Suspected

When the Approving Authority has reasonable cause to suspect possibility of disease transmission from any food service facility employee, the Approving Authority shall secure a morbidity history of the suspected employee or make other investigation as may be indicated, and take appropriate action. The Approving Authority may require any or all of the following measures:

- i. The immediate exclusion of the employee from all food service facilities;
- ii. The immediate closing of the food service facility concerned until, in the opinion of the Approving Authority, no further danger of disease outbreak exists;
- iii. Restriction of the employee's services to some area of the facility where there would be no danger of transmitting disease;
- iv. Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

F. [[Licensure Fee

1. All permanent and all mobile food service facilities will be charged \$10 .00 per year.
2. All temporary food service facilities will be charged \$10.00 per event.
2. These fees may be waived for facilities operated by public and private non-profit organizations]]

“ LICENSURE FEE”

- (1) APPLIES TO FOOD SERVICE FACILITIES AND SPECIAL FOOD SERVICE FACILITIES AS DEFINED IN CHAPTER .02 OF THESE REGULATIONS;
- (2) IS NOT TRANSFERABLE FROM PERSON TO PERSON, LOCATION TO LOCATION OR FROM ONE FOOD ESTABLISHMENT TO ANOTHER; AND
- (3) MAY BE WAIVED BY THE APPROVING AUTHORITY FOR FOOD SERVICE FACILITIES OR SPECIAL FOOD SERVICE FACILITIES OPERATED BY BONA FIDE PUBLIC AND PRIVATE NON-PROFIT ORGANIZATIONS THAT SUPPLY APPROPRIATE DOCUMENTATION AT THE TIME OF APPLICATION.

