



AMENDMENTS TO COUNCIL BILL 12-121
(1st Reader Copy)

By: Councilmember Curran
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in line 2, strike “**Inspection Grades**”, and substitute “**Compliance Inspection Ratings**”; and, in line 3, strike “grading and”; and, in line 4, after “facility”, insert “compliance”; and strike beginning with “providing for” in line 4 through the comma in line 5, and substitute “requiring compliance inspection ratings”; and, in line 6, strike “inspection grades”, and substitute “compliance inspection ratings”; and, in line 7, strike beginning with “the grade-card” through “results”, and substitute “these postings for newly licensed facilities”; and, in line 8, after the semicolon, insert “providing for a special effective date.”; and, in line 12, after “6-103”, insert “and 6-606”; and, in line 18, strike beginning with “Inspection” through “etc.”, and substitute “Compliance Inspection Ratings”; and, strike lines 21 through 27, in their entireties.

Amendment No. 2

On page 2, strike beginning with “MUST” in line 10 through “TITLE” in line 11 and substitute “MUST ESTABLISH A SYSTEM FOR POSTING THE RATINGS RESULTING FROM COMPLIANCE INSPECTIONS UNDERTAKEN IN ACCORDANCE WITH SUBTITLE 7 {“PUBLIC NOTICE OF COMPLIANCE INSPECTION RESULTS”} OF THIS TITLE”.

Amendment No. 3



On page 2, after line 14, insert:

“Subtitle 6. Suspensions and Revocations

§ 6-606. [Notice of suspensions] PUBLIC NOTICES.

(a) Posting of premises.

(1) A food SERVICE facility [or other establishment] that has had its license suspended [for longer than 24 hours] must post a public notice throughout the suspension period [stating the reason for the suspension].

(b) The notice must:

(I) be in the form and tenor that the Commissioner specifies; AND

(II) STATE THE REASON FOR THE SUSPENSION.

(b) Published listings.

(1) At least monthly, the Commissioner must publish a list of food SERVICE facilities [and other establishments] that, during the preceding calendar month, have had their licenses suspended or revoked or that have been closed for health code violations.

(2) The listing must specify:

(i) the name (including trade name) and address of the establishment;

(ii) the effective date and term of the revocation, suspension, or closing; and

(iii) the reasons for the revocation, suspension, or closing.

(3) The listing must be published by:

(i) posting on the Department's website; and

(ii) distribution to the neighborhood association(s) listed with the Department of Planning for the area(s) served by the establishment."

Amendment No. 4

On page 2, in line 15, strike beginning with "INSPECTION" through "ETC.", and substitute "COMPLIANCE INSPECTION RATINGS"; and strike line 16, in its entirety; and, in line 17, strike "PART" and substitute "SUBTITLE"; and, in line 19, strike "PART I" and substitute "SUBTITLE"; and, in line 20, after "FACILITIES", insert "THAT ARE"; and, in line 22, strike "SECTION" and substitute "SUBTITLE"; and strike beginning with "FOOD" in line 23 through "SCHOOLS" in line 24, and substitute "A FOOD SERVICE FACILITY OPERATED BY A PRIMARY OR SECONDARY SCHOOL"; and, in line 25, strike "HOSPITAL OPERATED CAFETERIAS" and substitute "A HOSPITAL-OPERATED CAFETERIA"; and, in line 26, strike "CORRECTIONAL FACILITIES" and substitute "A CORRECTIONAL FACILITY"; and strike lines 27 and 28, in their entirety; and, on page 3, strike lines 1 and 2, in their entirety, and substitute:

"(4) A NON-PROFIT ORGANIZATION THAT IS AN EXCLUDED ORGANIZATION, WHETHER OR NOT IT HAS MADE AN ELECTION UNDER COMAR 10.15.03.26A TO BECOME A LICENSED FOOD SERVICE FACILITY;

(5) A CATERER'S PREPARING FOOD TO BE SERVED TO A SPECIFIC AUDIENCE OR GROUP OF INVITED GUESTS (BUT NOT INCLUDING ANY RETAIL FOOD FACILITY SERVING MEALS DIRECTLY TO THE GENERAL PUBLIC); OR

(6) A FOOD SERVICE FACILITY THAT IS CLASSIFIED AS A LOW- PRIORITY FACILITY UNDER § 6-203(B) {"PRIORITY ASSESSMENT"} OF THIS TITLE."

Amendment No. 5

On page 3, in line 3, strike "**GRADING**" and substitute "**RATING**"; and, in the same line, after "**SYSTEM**", insert "**TO BE**"; and, in line 6, strike beginning with "**GRADING**" through "**FACILITIES**", and substitute "**RATING THE RESULTS OF COMPLIANCE INSPECTIONS**"; and, in line 8, strike "**LETTERS**" and substitute "**THE RATINGS "EXCELLENT COMPLIANCE", "GOOD COMPLIANCE", AND "FAIR COMPLIANCE"**"; and, in line 9, strike "**FEDERAL, STATE,**" and substitute "**STATE**"; and strike beginning with "**SO AS**" in line 10 through "**SAFETY**" in line 11; and, in line 12, strike beginning with "**THE LETTER**" through "**REPRESENTING**" and substitute "**"EXCELLENT COMPLIANCE" REPRESENTS**".

Amendment No. 6

On page 3, in line 14, strike "**GRADE CARDS**" and substitute "**ISSUANCE OF RATINGS**"; and, in line 16, strike beginning with "**EXCEPT**" through "**THE**" and substitute "**THE**"; and, in line 17, strike "**OPERATING FOOD SERVICE**"; and, in line 18, before "**CARD**", strike "**GRADE**"; and, in the same line, strike "**INSPECTION GRADE**" and substitute "**COMPLIANCE RATING**"; and strike lines 19 through 31, in their entireties; and, on page 4, strike lines 1 through 3, in their entireties, and substitute:

"(B) MANNER OF STATING RATING.

THE COMPLIANCE RATING MUST BE STATED IN THE FOLLOWING MANNER, AS APPLICABLE:

- (1) "EXCELLENT COMPLIANCE: INSPECTION REVEALED MINIMAL OR NO DEFICIENCIES."**
- (2) "GOOD COMPLIANCE: INSPECTION REVEALED SOME DEFICIENCIES. APPROPRIATE CORRECTIVE ACTION WAS TAKEN OR WILL BE TAKEN ON AN APPROVED SCHEDULE."**
- (3) "FAIR COMPLIANCE: INSPECTION REVEALED NUMEROUS DEFICIENCIES. IMMEDIATE CORRECTIVE ACTION WAS TAKEN AS DIRECTED. OTHER CORRECTIVE ACTION WILL BE TAKEN ON AN APPROVED SCHEDULE, AND ADDITIONAL INSPECTIONS MAY BE REQUIRED."."**

Amendment No. 7

On page 4, in line 4, strike “OF GRADES” and substitute “RATING ON PREMISES”; and, in line 5, strike “ON PREMISES” and substitute “POSTING REQUIRED”; and, in line 6, strike “LETTER GRADE” and substitute “RATING”; and, in line 7, after “POST”, strike “IT” and substitute “THE CARD”; and, after line 8, insert:

“(2) FOR FACILITIES THAT HAVE NO INDIVIDUAL ENTRANCE – FOR EXAMPLE, A FOOD STAND OR STALL IN A PUBLIC MARKET OR FOOD COURT OR A STREET VENDOR – THE FACILITY MUST POST THE RATING CARD, AS DIRECTED BY THE DEPARTMENT:

(I) IN A CONSPICUOUS LOCATION VISIBLE TO THE PUBLIC; AND

(II) SO THAT THE PUBLIC CAN CLEARLY DISCERN TO WHICH FACILITY THE RATING BELONGS.

(B) MAINTENANCE AND REPLACEMENTS.”;

and, in line 9, strike “(2) and substitute “(1)”; and, in the same line, strike “LETTER GRADE” and substitute “RATING”; and, after line 10, insert:

“(2) THE DEPARTMENT SHALL CHARGE A \$10 FEE FOR REPLACING A LOST OR DAMAGED RATING CARD UNLESS:

(I) THE CARD WAS LOST OR DAMAGED DUE TO FIRE, FLOOD, EXPOSURE TO THE ELEMENTS, OR OTHER CAUSE BEYOND THE FACILITY’S CONTROL;

(II) THE FACILITY NOTIFIES THE DEPARTMENT IMMEDIATELY UPON DISCOVERING THE LOSS OR DAMAGE; AND

(III) THE FACILITY RETURNS TO THE DEPARTMENT WHATEVER REMAINS OF THE CARD.”.

Amendment No. 8

On page 4, strike line 11, in its entirety, and substitute “§ 6-705. PUBLIC POSTING BY COMMISSIONER.”; and, in line 12, after “MUST”, insert “POST AND”; and, in the same line, strike “AND POST”; and strike beginning with “A” at the end of line 12 through “CONTAINS” in line 13, and substitute “THE FOLLOWING INFORMATION, IN A SEARCHABLE FORMAT”; and, in line 14, before “FACILITY” insert “FOOD SERVICE”, and after “FACILITY” insert “SUBJECT TO THIS SUBTITLE”; and, in line 15, before “INSPECTION”, insert “COMPLIANCE”; and, in line 16, strike “LETTER GRADE ISSUED ON”, and substitute “RATING RESULTING FROM”.

Amendment No. 9

On page 4, in line 17, strike “§ 6-705.” and substitute “§ 6-706.”; and, in the same line, after “POSTING”, insert “**FOR INITIAL INSPECTION**”; and strike lines 18 through 30, in their entirety; and, on page 5, strike lines 1 through 7, in their entirety, and substitute:

“FOR A NEWLY ESTABLISHED FOOD SERVICE FACILITY OR FOR A FACILITY THAT HAS UNDERGONE A CHANGE IN OWNERSHIP, THE LICENSEE MAY ELECT TO DEFER POSTING OF A RATING THAT RESULTS FROM THE INITIAL COMPLIANCE INSPECTION PERFORMED AFTER ISSUANCE OF THE FIRST LICENSE TO THE NEW OR NEWLY-OWNED FACILITY.”

Amendment No. 10

On page 5, in line 8, strike “§ 6-706.” and substitute “§ 6-707.”; and, in line 9, strike “PART I” and substitute “SUBTITLE”; and, in line 11, after “TITLE OR”, insert “OF”.

Amendment No. 11

On page 5, strike lines 12 through 30, in their entirety; and, on page 6, strike lines 1 through 7, in their entirety.

Amendment No. 12

On page 6, strike beginning with “the 30th” in line 11 through “enacted” in line 12, and substitute “September 1, 2015”.

