



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 14-0432, **Version:** 0

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Curran

A BILL ENTITLED

AN ORDINANCE concerning

Food Service Facilities - Mirroring State Law

FOR the purpose of redefining “food service facility” to mirror State law; providing, in accordance with State law, for a certain licensing exception; clarifying the basis for certain license application fees; defining and redefining certain terms; clarifying, correcting, and conforming related provisions; and generally relating to the regulation of food service facilities.

BY repealing and reordaining, with amendments
Article - Health
Section(s) 6-101, 6-102, 6-201, 6-203, and 6-402
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article - Health

Title 6. Food Service Facilities

Subtitle 1. Definitions; General Provisions

§ 6101. Definitions.

(a) In general.

In this title, the following terms have the meanings indicated.

(B) EXCLUDED ORGANIZATION.

“EXCLUDED ORGANIZATION” HAS THE MEANING STATED IN COMAR 10.15.03.02B(28).

[(b)] (C) Food.

(1) In general.

“Food” means any natural or artificial substance or ingredient, whether raw, cooked, or processed, that is used or sold or intended for use or sale, in whole or in part, for human consumption.

(2) Inclusions.

“Food” includes:

- (i) ice;
- (ii) beverages; and
- (iii) chewing gum or any substance used as a component of chewing gum.

(3) Exclusions.

“Food” does not include any:

- (i) alcoholic beverage, as defined in State Code Article 2B, § 1102(a)(2); or
- (ii) drug, as defined in § 21101(g) of the State Health General Article.

[(c)] (D) Food service facility.

[(1) In general.]

“Food service facility” HAS THE MEANING STATED IN COMAR 10.15.03.02B (34) [means any place in which, with or without charge:

- (i) food is prepared for sale or service on the premises or elsewhere; or
- (ii) food is manufactured, processed, stored, packaged, handled, distributed, or sold].

[(2) Exclusions.

“Food service facility” does not include any private residence in which food is prepared for consumption, without charge, by residents and their guests.]

[(d)] (E) Food service manager.

“Food service manager” means an individual designated by a food service facility to exercise operational supervision of the facility.

[(e)] (F) License.

“License” means a license issued under this title to operate a food service facility.

[(f)] (G) Person.

“Person” includes, except as used in § 6802 {“Penalties”} of this title, a governmental entity or an instrumentality or unit of a governmental entity.

§ 6102. Commissioner’s duties.

The Commissioner of Health is responsible for:

- (1) inspecting, [and] regulating, AND LICENSING FOOD SERVICE FACILITIES [the preparation, manufacture, processing, storage, packaging, handling, distribution, and sale of milk, meat, fruits, vegetables, fish, and other food];
- (2) obtaining food samples and testing their qualities by chemical or microscopical examination AS THE COMMISSIONER CONSIDERS NECESSARY OR APPROPRIATE; and
- (3) generally enforcing this title and any applicable State regulations.

Subtitle 2. License Required

§ 6201. In general.

(a) Operation without license prohibited.

[No] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO person may operate a food service facility without a license to do so from the Commissioner of Health.

(B) EXCEPTION FOR CERTAIN EXCLUDED ORGANIZATIONS.

A FOOD SERVICE FACILITY MAY OPERATE WITHOUT A LICENSE ISSUED BY THE COMMISSIONER OF HEALTH IF IT:

(I) IS OPERATED BY AN EXCLUDED ORGANIZATION; AND

(II) HAS, IN ACCORDANCE WITH COMAR 10.15.03.26A, ELECTED TO OPERATE WITHOUT A LICENSE AND IN COMPLIANCE WITH THE MINIMUM FOOD SAFETY REQUIREMENTS OF COMAR 10.15.03.26B-E.

[(b)] (C) License not transferable.

A license may not be transferred from place to place or person to person.

§ 6203. Inspection and priority assessment of facility.

(a) Inspection.

On receipt of an application, the Commissioner must inspect the food service facility to determine compliance with all applicable laws, rules, and regulations.

(b) Priority assessment.

To determine the degree of risk that a food service facility poses for a foodborne disease occurrence, the Commissioner must assess each food service facility and classify it in one of the following priority assessment categories, as defined in COMAR [10.15.03.17] 10.15.03.33:

- (1) high priority facilities, which are at high risk for a foodborne disease occurrence;
- (2) moderate priority facilities, which are at moderate risk for a foodborne disease occurrence; and
- (3) low priority facilities, which are at low risk for a foodborne disease occurrence.

Subtitle 4. Fees

§ 6402. Processing fees.

(a) Application fee.

When applying for a license to operate a food service facility or applying for a permit to undertake material alterations, the applicant must pay an application fee to help defray the cost of processing the plans and specifications, CONDUCTING A RISK ASSESSMENT, REVIEWING HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP) PLANS, [and of] OR undertaking an initial inspection.

(b) Reinspection fee.

The applicant must pay an additional fee for each reinspection needed before the license or permit can be approved.

(c) Fee amounts.

The amount of these fees are as set from time to time by the Commissioner, with the approval of the City Council.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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