

# HOUSE BILL 1605

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CF SB 601

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By: **Delegate Wilson**

Introduced and read first time: February 17, 2020

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Micro Markets – Regulation as Food Service Facility –**  
3 **Repeal**

4 FOR the purpose of altering the definition of “food service facility” to exclude the regulation  
5 of certain micro markets as food service facilities by the Maryland Department of  
6 Health; making conforming changes; and generally relating to the regulation of  
7 micro markets.

8 BY repealing and reenacting, with amendments,  
9 Article – Business Regulation  
10 Section 17–1701  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article – Health – General  
15 Section 21–301(a) and (f), 21–303, and 21–304(a)  
16 Annotated Code of Maryland  
17 (2019 Replacement Volume)

18 BY repealing and reenacting, with amendments,  
19 Article – Health – General  
20 Section 21–301(h)  
21 Annotated Code of Maryland  
22 (2019 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
24 That the Laws of Maryland read as follows:

25 **Article – Business Regulation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 17–1701.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) [“Food service facility” has the meaning stated in § 21–301 of the  
4 Health – General Article.

5 (c) [“Micro market” means an unstaffed, self–checkout retail [food service] facility  
6 **WHERE FOOD IS SOLD** that:

7 (1) includes one or more micro market displays;

8 (2) has an automated payment kiosk or other device designed to accept  
9 electronic payments that is operated by the consumer;

10 (3) is located indoors and within a separate business; and

11 (4) is generally accessible only to individuals within the building in which  
12 the food service facility is located.

13 [(d)] (C) “Micro market display” means the place where the food being sold by a  
14 micro market is displayed, including:

15 (1) an open rack;

16 (2) a refrigerator or a refrigerated cooler;

17 (3) a freezer;

18 (4) a vending machine;

19 (5) a beverage dispenser; or

20 (6) a single–serve coffee brewer.

21 [(e)] (D) “Micro market license” means a license issued by the clerk to operate a  
22 micro market.

23 **Article – Health – General**

24 21–301.

25 (a) In this subtitle the following words have the meanings indicated.

26 (f) “Food establishment” means:

27 (1) A food service facility; or

1 (2) A food processing plant.

2 (h) (1) “Food service facility” means:

3 (i) A place where food or drink is prepared for sale or service on the  
4 premises or elsewhere; or

5 (ii) Any operation where food is served to or provided for the public,  
6 with or without charge.

7 (2) [“Food service facility” includes a micro market licensed under Title 17,  
8 Subtitle 17 of the Business Regulation Article.

9 (3)] “Food service facility” does not include:

10 (i) A kitchen in a private home where food is prepared at no charge  
11 for guests in the home, for guests at a social gathering, or for service to unemployed,  
12 homeless, or other disadvantaged populations;

13 (ii) A food preparation or serving area where food is prepared or  
14 served only by an excluded organization;

15 (iii) A location in a farmer’s market or at a public festival or event  
16 where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle, are sold;  
17 [or]

18 (iv) A cottage food business; **OR**

19 **(V) A MICRO MARKET LICENSED UNDER TITLE 17, SUBTITLE 17**  
20 **OF THE BUSINESS REGULATION ARTICLE.**

21 21–303.

22 The purpose of this subtitle is to provide that all food establishments in this State  
23 are constructed, operated, and maintained in a manner that assures that all food  
24 manufactured, processed, stored, or prepared for human consumption is done so under  
25 conditions necessary to protect the public health, safety, and welfare.

26 21–304.

27 (a) (1) The Department shall adopt rules and regulations necessary to carry  
28 out the provisions of this subtitle.

29 (2) For excluded organizations, the Department:

1 (i) Shall adopt separate regulations that establish minimum  
2 standards that:

3 1. Ensure food integrity and safety;

4 2. Preserve public health; and

5 3. Control foodborne illnesses;

6 (ii) May adopt separate regulations that establish a licensing  
7 system, with appropriate standards, that excluded organizations may voluntarily choose to  
8 submit to as a rescindable alternative to regulation under item (i) of this paragraph; and

9 (iii) May adopt regulations governing excluded organizations serving  
10 potentially hazardous food prepared in a private kitchen.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2020.