

MEETING MINUTES

Workgroup on the Licensing of Food Service Facilities

Meeting #1 - July 12th, 2018

Carroll County Health Department

In attendance:

Eamon Flynn (staff)	Maryland Department of Health
+Lisa Staley (chair)	Maryland Department of Health
Cliff Mitchell	Maryland Department of Health
Matt Hudson	Maryland Department of Health
Delegate Krebs	General Assembly of Maryland
*Kathleen Kennedy	Department of Legislative Services
+Cynthia Schruell	Wesley Freedom United Methodist Church
Melvin Thompson	Maryland Restaurant Association
+Colby Ferguson	Maryland Farm Bureau
+Sharon Pawlowski	Anne Arundel County Health Department
+Kenneth Welch	Montgomery County Health Department
+Julie Mackert	Harford County Health Department
+Erik King	Sea King Seafood / Pig Picker's BBQ Restaurant / MRA

* - Called in

+ - Member

Item 1 (10:05am): Welcome and Introductions

- Workgroup report deadline is December 31, 2018.
- Intention is to meet about four times.

Item 2 (10:10am): History of HB 1009

- Delegate Krebs provided a brief history and background of HB 1009
 - As introduced, the bill would exempt food prepared in private homes from licensure as a food service facility.
 - Follows expansion of cottage food businesses.
 - Multiple sponsors of HB 1009 indicate the need for the clarification of regulations across the state.
 - Regulations should be consistent with regard to when food is safe for a private vs public event.
 - Many community organizations have held long-standing events that are technically illegal according to State regulations. Goal should be to allow important community events to continue under reasonable common-sense regulations.
 - Howard Haft suggested the Workgroup as a way to explore how the regulations should be modified.

- Food inspectors interpret and enforce food regulations to the letter, but some flexibility and simplification may be necessary.
- Regulations have different standards for food for soup kitchens versus sale. The same standards should be applied consistently. Colby Ferguson added the example of donation of venison to food pantries.
- HB 1009 was amended on the third reader and passed, establishing a workgroup to explore the issues identified by the legislation. Lisa Staley walked through the charges of the workgroup per HB 1009 (Ch. 90, 2018).
- Eamon Flynn reviewed the Open Meetings Act requirements that apply to the Workgroup.
- No actions identified or taken.

Item 3 (10:25am): Regulation Walk-Through

- Regulations follow State statute and are what inspectors predominantly use.
- Some jurisdictions have their own local code that can be more stringent than State regulations.
- The importance of addressing issues through State regulations to ensure consistency across jurisdictions was noted.
- Potentially hazardous vs non-potentially hazardous foods was identified as a key issue. Exemptions are all based on service of non-potentially hazardous foods. How do you exempt entities who serve or sell potentially hazardous products?
 - At the bazaar, pepper jelly has an acidity requirement, but how do churches test for acidity?
 - Depending on the recipe, it could be considered an acidified food. Ensuring a proper pH is essential for prohibiting the growth of botulism and other diseases. This is a federal requirement. Many people (about 100-150) do work with our office to have the product assessment completed by a product assessment authority through the on-farm processing licensing. Foods that fall under the cottage food law would be permissible.
 - If salsa is eaten within a couple hours of being made, there is little risk compared to if a product is stored at room temperature for several hours. Ready-to-eat products should be treated differently than shelf-stable products. 4H club sells hotdogs and hamburgers but need to submit paperwork for each and every event with no way to be licensed for multiple single-day events.
- One goal is to make it easier to do this, the other is to make sure it's safe. We know that the safest establishments are those where someone is certified or trained in food safety, and one of the big pushes is to get more training on food safety into professional restaurants. How/should we provide accessible training to people who are going to be handling food for other events and organizations? Training could be provided online.
 - When I was a caterer I was certified but I didn't have to be inspected at every event. It would be advantageous to have several people certified at our event.
 - Many excluded organizations have licensed kitchens. If there is a "resident agent" assigned to that facility they can oversee the preparation and service of

the food. There is an old statistic that 67% of food illness comes from a home kitchen.

- Signage could be provided to alert people that food was prepared at home.
- There is also confusion about what makes it a temporary event and a public event. Once an event is posted online, it's a public event and the regulatory standards are different. Recurring temporary events are a large paperwork burden and are inspected inconsistently.
 - Regulations are really focused on businesses or operations that are high-risk, not the 95% of businesses that have a good track record. If people have demonstrated that they can consistently operate a food service facility safely, we are interested in making the regulations less burdensome for those facilities.
 - We keep track of businesses that hold recurrent temporary events and have passed three assessments successfully.
 - Caterers can operate private events across jurisdictions, but if it's a public event they need to apply to a temporary event. Event coordinators often include caterers or restaurants under their temporary event. If they're already licensed in one jurisdiction, why do they need to have another license in another jurisdictions for a public event?
 - There is a state license for sellers of meat products at farmers markets that don't need to be separately licensed in each jurisdiction.
 - Restaurants need to do a lot of paperwork, including submitting menus and how the food will be transported, over two weeks in advance for donating or serving food at public events.
 - The State used to regulate wholesale and counties regulated retail, but those regulations never meshed.
 - Does a vineyard/brewery that hosts an event at its business that serves food have to be licensed as a temporary food event? If not, is that unfair to restaurants that they're competing with? Caterers for weddings at a vineyard need a warming kitchen, and then the vineyard needs to be licensed.
- The chair observed that the Workgroup wants to focus on the temporary food license regulation. The application is handled by local jurisdictions, but the Workgroup could address the temporary food event regulation.
 - Specific parts of the regulations that are pertinent were discussed:
 - "Special food service facility" definition
 - "Temporary food service facility" definition,
 - Should explore clarifying "similar gathering".
 - Definition excludes home events, family reunions, etc. The church potluck for members only does not fall under this definition either. Because people who go to a public event have no control over the event or preparation/service of food, the State has a public health interested in ensuring the safety of the food.
 - "Time only" definition and when that standard can be used instead of temperature. An on-site certified food manager could help with ensuring

standards are used and storage process is documented. How do we make this easier to use time-only instead of temperature for people who aren't certified? The mobile food truck workgroup had a subcommittee to work on uniform guidelines that we could consider.

- Regulation .25 Special Food Service Facilities section D
 - Requirement to have a potable hand washing area and standards for how many are required for an event. Requirement to have no bare hand contact with prepared food and use hand pump soap instead of bar soap.
- Actions taken:
 - Agree to take a look at potential changes to the definition of “temporary food event.”
 - Agree to explore development of guidelines for temporary food events for event coordinators, public, regulators. There are some examples from food service training providers (e.g. Serve Safe). Some local jurisdictions have courses just for excluded organizations.
 - Group to review Regulation .25(D) prior to next meeting.

Item 4 (11:20am): Report Writing

- This agenda item was not discussed due to time limitations.

Item 5 (11:55am): Next Steps and Adjournment

- Workgroup to discuss Regulation .25(D) at next meeting.
- Lisa Staley discuss excluded organization requirements.
- Lisa Staley will ask counties to provide examples of what guidelines or materials are provided related to temporary events.
- Meeting #2: 7/26 1-3pm at CCHD - Colby not available
- Meeting #3: 8/8 12-2pm in Columbia, MD (MRA to host)
- Meeting #4: 8/22 10-noon, place TBD, possibly in Columbia, MD (MRA to host)

Meeting concluded at 12:15pm.