

Meeting #5 – Workgroup on the Licensing of Food Service Facilities

October 10, 2018

Maryland Restaurant Association

In attendance:

* Colby Ferguson
* Kenneth Welch
* Cynthia Shruell
* Eric King
* Julie Mackert
* Sharon Pawlowski
Delegate Susan Krebs
Lou Trescott
Melvin Thompson
Pat Vauls
Eamon Flynn
Cliff Mitchell
Jody Sheely
Wendy Cochran (via phone)

*- Workgroup member

Meeting Notes:

- An updated draft report was sent to the official members of the Workgroup prior to this meeting.
- Each specific change to the text of the draft report is not included in these minutes; general themes are covered.
- General discussion:
 - Draft report should represent work of committee, is not MDH's work.
 - Once the report is at a point where there is consensus the group can vote on adopting the report. The group should feel comfortable that this product reflects their work as a whole.
 - Lisa Staley is no longer chairing the group. She now works at the Carroll County Health Department.
 - Delegate Krebs thanked the group for the good work, asked the group to keep in mind that very few states regulate this at the state level, and some counties use more discretion than others. This is about allowing our communities to do things that make our communities great. At a recent event she heard how much restaurants have to go through to participate. Vendors do not know about safe food – should that be the goal? The Health Committee (of the House of Delegates) is moving toward less regulation. Use common sense and educate people, not create more bureaucracy.
 - Is an exempt organization with a licensed kitchen required to get a permit? Does an event that is at a licensed facility but where some foods are also prepared at home need a permit? In at least one jurisdiction, both of these entities would have to submit information to the Local Health Department.

- Will Environmental Health Directors get to weigh-in on the report? The report will be the product of the Workgroup and no others. A minority report may be attached to the final report if there is strong disagreement among Workgroup members.
- Why is the group not creating a single event license that all licensed caterers affiliated with the event could use? Conversation tabled to later in the meeting.
- Report Recommendation 1 – Language amended to include “application process.”
- Report Recommendation 2 – How are people educated about food safety? Correct “Workgroup” to be “Department.”
- Report Recommendation 3 – Public versus private will always be a grey area. Technology makes this distinction especially difficult. Concerns voiced that there are not extra hoops to jump through to be a public event.
- Report Recommendation 4 – What is the benefit of the 30-day option? For example, Renaissance Festival – they currently have to pay for temporary food licenses every 14 days. Maryland does not have a seasonal licensing scheme option. Seasonal licenses may be a problem – anything beyond 30 days is generally considered a permanent situation. The discrepancy between volunteer fire departments and other groups does not make sense. “On farm food service facility” category may be comparable, but on-farm entities generally operate longer than the terms of what was described, and “on the farm” language would be problematic for other types of entities. Changes to the recommendation were discussed. Does pulling a permit imply that there will be an inspection? Inspections are discretionary, but auditors expect to see a percentage of inspections occurring.
- The term “bona fide” nonprofits will be used throughout, though group agrees that the term is not clear. “Similar gatherings” language presents challenges because it is vague. Language added clarifying that excluded organizations may operate a temporary event without a permit for up to 14 days/year no more than once per year. Language will be added to definition of temporary food service facility to say that these are not limited to fairs, carnivals, exhibitions.
- Report Recommendation 5 – There were no comments.
- Report Recommendation 6 – A specific licensing scenario in Carroll County was discussed. Does the Food Manager training provide a 1-page rule sheet of some kind? This information may be covered in the HACCP plan, however, home cooks may have difficulty following every element of the HACCP plan. There is a certain amount of risk involved with preparing potentially hazardous foods in home kitchens. Group must judge whether these foods can be served and if the public still protected. Does the public expect that food at these events is inspected?
- Statutory changes – “Excluded organization” should be changed to “bona fide.”
- Environmental Health Directors would like to submit Minority Opinion on Recommendation 6. Only Workgroup members may contribute to the official report.
- Catering issues – Licensed caterers in Harford County do not have to pull temporary permits. Their HACCP plans and inspections cover the transportation piece. Suggestion that the group may need to look further at creating a statewide

catering license, or language that allows for it. Some counties allow all restaurants to cater; concern that this may present a public health issue because not all restaurants should be able to take food offsite. Group agrees that this topic involves other stakeholders and further discussion, so the discussion is tabled and no recommendation on this will be included in the report.

- MDH staff will send revised report to the group within a week. Additional editorial comments requested by COB next Monday October 15. A revised draft will be returned to the group by Wednesday October 17. Minority comments are due by Monday October 15. Requested that those parties with no changes to suggest let Eamon know they have no suggestions.
- Statutory changes for DLS were requested. After discussion it was determined that the Delegate would provide statutory changes directly to DLS.
- MRA was thanked for hosting the meetings at their facility.