

# County Council Of Howard County, Maryland

2008 Legislative Session

Legislative Day No. 7

## Resolution No. 66-2008

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION amending the Food Service Facilities Regulations; changing the definitions of food service facility and potentially hazardous food; requiring certified food service managers to be on-site during certain hours of operation at certain entities; providing certain exemptions to the food service manager requirements; providing for the administration and enforcement of food service manager requirements; providing for new minimum and maximum ambient temperatures and storage temperatures for ground meat and poultry; and generally related to food service facilities regulations in Howard County.

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Introduced and read first time \_\_\_\_\_, 2008.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on \_\_\_\_\_, 2008.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted\_\_\_, Adopted with amendments\_\_\_, Failed\_\_\_, Withdrawn\_\_\_, by the County Council on \_\_\_\_\_, 2008.

Certified By \_\_\_\_\_  
Sheila M. Tolliver, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, Section 12.107 of the Howard County Code provides that the County  
2 Health Officer shall recommend regulations concerning food establishment facilities to the  
3 Board of Health and, upon approval of the Board of Health, the regulations shall be forwarded to  
4 the County Council for approval of the regulations by Resolution; and

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6           **WHEREAS**, the Food Service Facilities Regulations were last amended in 1987 when  
7 the County Council passed Council Resolution No. 22-1987; and

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9           **WHEREAS**, since 1987 there have been changes in the Code of Maryland Regulations  
10 and general updates of the Food Service Facilities Regulations are needed; and

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12           **WHEREAS**, the Health Department has proposed amendments to the Food Service  
13 Facilities Regulations as shown Exhibit A; and

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15           **WHEREAS**, the Board of Health has reviewed and approved the proposed changes.

16  
17           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
18 Maryland this \_\_\_\_\_day of \_\_\_\_\_, 2008 that it approves amendments to the  
19 following sections of the Food Service Facilities Regulations as shown in the attached as Exhibit

20 A:

- 21 1. .02 M. – Definition of food service facility;  
22 2. .02 S. – Definition of potentially hazardous food  
23 3. .03 B(2) – Temperatures; and  
24 4. .04 – Personnel.

## FOOD SERVICE FACILITIES REGULATIONS FOR HOWARD COUNTY

These regulations are proposed for adoption pursuant to Title 12 of the Howard County Code.

### .01 Scope

Pursuant to the authority conferred upon the Howard County Board of Health by Section 12.107 of the Howard County Code, the following regulations governing food service facilities in Howard County are hereby established as minimum requirements of the Howard County Health Department. These regulations include certain provisions of COMAR 10.15.03, adopted by the State of Maryland, Department of Health and Mental Hygiene, Environmental Health Administration, effective January 1, 1976, and as amended from time to time by the State of Maryland, and other applicable provisions of COMAR, Title 10 Subtitle 15.

### .02 Definitions

The following definitions shall apply in the interpretation and enforcement of these regulations.

- a. “Acceptable” means to agree to the use or presence of equipment or a practice, where standards are not developed as determined by the Approving Authority.
- b. “Adulterated Food” means any food which has been produced, prepared, packed, or held under insanitary conditions whereby it would reasonably be expected to have become contaminated or which violates the requirements of the Maryland Food, Drug and Cosmetic Act.
- c. “Approved” means conformance with appropriate standards and good public health practice as determined by the Approving Authority.
- d. “Approving Authority” means the Howard County Health Officer or his/her authorized representative.
- e. “Carry-Out Service” means that a food establishment serves food for off-premises consumption.
- f. “Certified Manager” means a manager of a food service facility who has had at least sixteen hours of classroom training in food handling techniques and who has passed a comprehensive final examination as prescribed by the State of Maryland for certified managers.
- g. “Detention Order” is a written notification by the Approving Authority to the person in charge of the food service facility to hold back or retain specific foods

pending Approving Authority determination of suitability of the food for human consumption.

- h. “Employee” means the license holder, persons having supervisory or management duties and any other person working in a food service facility.
- i. “Equipment” means all ovens, ranges, hoods, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, hot tables, and similar items other than utensils, used in the operation of a food service facility.
- j. “Food” means all articles used by man for food, drink, confection, or condiment, whether simple, mixed or compound.
- k. “Food-Contact Surfaces” means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.
- l. “Food-Processing Facility” means a licensed commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.
- m. [[“Food Service Facility” means restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, sandwich stands, soda fountains, retail markets, retail bakery outlets, and food operations in industries, institutions, hospitals, clubs, schools, camps, churches, catering kitchens, commissaries, food processing or similar places in which food or drink is prepared for sale or for service on the premises or elsewhere, or any other operation where food is served to or provided for the public with or without charge.]]

**“FOOD SERVICE FACILITY” MEANS:**

- (I) A PLACE WHERE FOOD OR DRINK IS PREPARED FOR SALE OR SERVICE ON THE PREMISES OR ELSEWHERE; OR
- (II) AN OPERATION WHERE FOOD IS SERVED TO OR PROVIDED FOR THE PUBLIC WITH OR WITHOUT CHARGE.

**“FOOD SERVICE FACILITY” INCLUDES:**

- (I) A RESTAURANT, COFFEE SHOP, CAFETERIA, SHORT ORDER CAFE, LUNCHEONETTE, TAVERN, SANDWICH STAND, SODA FOUNTAIN, HOTEL, MOTEL, INN, RETAIL STORE SELLING NON-POTENTIALLY HAZARDOUS PRE-PACKAGED FOODS AND DRINKS, AND A RETAIL BAKERY OUTLET;
- (II) FOOD OPERATIONS IN AN INDUSTRY, INSTITUTION, HOSPITAL, CLUB, SCHOOL, CAMP, RELIGIOUS ORGANIZATION, CATERING KITCHEN,

COMMISSARY, FOOD PROCESSING OR SIMILAR PLACE IN WHICH FOOD OR DRINK IS PREPARED FOR SALE OR SERVICE ON THE PREMISES OR ELSEWHERE;

- (III) ANY OTHER OPERATION WHERE FOOD IS SERVED TO OR PROVIDED FOR THE PUBLIC WITH OR WITHOUT CHARGE; AND
- (IV) AN EXCLUDED ORGANIZATION, EITHER WITH OR WITHOUT A LICENSE, THAT SERVES POTENTIALLY HAZARDOUS FOODS.

**“FOOD SERVICE FACILITY” DOES NOT INCLUDE A:**

- (I) KITCHEN IN A PRIVATE HOME WHERE FOOD IS PREPARED AT NO CHARGE FOR RESIDENTS OR GUESTS IN THE HOME, FOR GUESTS AT A SOCIAL GATHERING THAT IS NOT A PUBLIC EVENT, OR FOR SERVICE TO UNEMPLOYED, HOMELESS, OR ANOTHER DISADVANTAGED POPULATION;
  - (II) FOOD PREPARATION OR SERVING AREA WHERE ONLY NON-POTENTIALLY HAZARDOUS FOOD IS PREPARED OR SERVED BY AN EXCLUDED ORGANIZATION;
  - (III) “BED & BREAKFAST” AS DEFINED IN COMAR 10.15.03.02B(8) THAT SERVES ONLY A CONTINENTAL BREAKFAST;
  - (IV) FARMER’S MARKET OFFERING OR SELLING TO THE PUBLIC RAW FRUIT, VEGETABLES, AND OTHER FOOD PRODUCTS AS SPECIFIED IN COMAR 10.15.03.27 OR EGGS SOLD ONLY ON A FARM THAT IS IN COMPLIANCE WITH COMAR 10.15.03.05A(8); OR
  - (V) BUSINESS OFFICE SUCH AS A BANK, REAL ESTATE OFFICE, HAIR SALON, MEDICAL/DENTAL OFFICE, OR OTHER BUSINESS OFFICE THAT ONLY PROVIDES COURTESY POPCORN, PREPACKAGED CANDY OR GUM, COFFEE, TEA, BOTTLED SODA OR WATER, PRE-PACKAGED SINGLE-SERVE POWDERED DRINKS, OR PASTEURIZED DRINKS THAT DO NOT REQUIRE IMMEDIATE REFRIGERATION.
- n. “Kitchenware” means all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.
  - o. “License” means a document authorizing the operation of a food service facility or a special food service facility within Howard County and indicating compliance with these regulations and authorizing operation of the equipment.
  - p. “Manager” means that person having supervisory responsibilities within the food service establishment.

- q. “Misbranded” means any written, printed, or graphic matter, on or accompanying food or containers of food, which is false or misleading, or which violates the requirements of the Maryland Food, Drug, and Cosmetic Act.
- r. “Person” means an individual, firm, partnership, company, corporation, trustee, association, institution, cooperative enterprise, or publicly owned or privately owned entity.
- s. [[“Potentially Hazardous Food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. This term does not include clean, whole, uncracked, odor-free shell eggs.]]

“POTENTIALLY HAZARDOUS FOOD” MEANS A NATURAL OR SYNTHETIC FOOD THAT REQUIRES TEMPERATURE CONTROL BECAUSE THE FOOD IS IN A FORM CAPABLE OF SUPPORTING:

- (I) THE RAPID AND PROGRESSIVE GROWTH OF INFECTIOUS OR TOXIGENIC MICROORGANISMS;
- (II) THE GROWTH AND TOXIN PRODUCTION OF *CLOSTRIDIUM BOTULINUM*; OR
- (III) IN RAW SHELL EGGS, THE GROWTH OF *SALMONELLA* ENTERITIDIS.

“POTENTIALLY HAZARDOUS FOOD” INCLUDES:

- (I) A FOOD OF ANIMAL ORIGIN THAT IS RAW OR HEAT-TREATED;
- (II) A FOOD OF PLANT ORIGIN THAT IS HEAT-TREATED;
- (III) RAW SEED SPROUTS;
- (IV) CUT MELONS; AND
- (V) GARLIC AND OIL MIXTURES THAT SUPPORT GROWTH AS SPECIFIED IN §B(55)(A)(I) AND (II) OF THIS REGULATION.

“POTENTIALLY HAZARDOUS FOOD” DOES NOT INCLUDE A:

- (I) HARD-BOILED SHELL EGG THAT HAS BEEN AIR-COOLED WITH THE SHELL INTACT;
- (II) FOOD WITH AN  $A_w$  VALUE OF 0.85 OR LESS;
- (III) FOOD WITH A PH LEVEL OF 4.6 OR BELOW WHEN MEASURED AT 75°F;
- (IV) COMMERCIALY STERILE FOOD IN A HERMETICALLY SEALED CONTAINER;  
OR
- (V) FOOD FOR WHICH LABORATORY EVIDENCE DEMONSTRATES THAT THE RAPID AND PROGRESSIVE GROWTH OF INFECTIOUS AND TOXIGENIC MICROORGANISMS OR THE GROWTH OF *SALMONELLA* ENTERITIDIS IN EGGS OR *CLOSTRIDIUM BOTULINUM* CANNOT OCCUR, SUCH AS A FOOD THAT HAS AN  $A_w$  OR A PH THAT IS ABOVE THE LEVELS SPECIFIED IN §B(55)(C)(II)AND(III) OF THIS REGULATION OR THAT MAY CONTAIN A PRESERVATIVE, OTHER BARRIER TO THE GROWTH OF MICROORGANISMS, OR

A COMBINATION OF BARRIERS THAT INHIBIT THE GROWTH OF MICROORGANISMS;

- t. “Rating Score” of a food service facility means the total of the weighted point values for all violations subtracted from 100.
- u. “Safe Temperatures” as applied to potentially hazardous food means food temperatures of 45 degrees Fahrenheit or below, and 140 degree Fahrenheit or above.
- v. “Sanitize” means effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the Approving Authority as being effective in destroying microorganisms, including pathogens.
- w. “Single-Service Articles” means cups, containers, lids or closures; plates knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials and which are intended by the manufacturers and generally recognized by the public as a “use once and discard” product.
- x. “Special Food Service Facility” means a facility operating for a temporary period in connection with a fair, carnival, public exhibition, construction project, recreational facility, or other similar gatherings, or a facility which can be moved from place to place. This also includes facilities which are operated by non-profit making organizations.
- y. “Special Food Service Facilities” belong to one of four classes:
  - (1) “Class I” are those facilities operating from a fixed location or mobile units which handle and sell only sealed prewrapped or prepackaged food or drink in the original sealed container or wrapping, and do not prepare, wrap or package any food or drink on the premises or within mobile units.
  - (2) “Class II” are those facilities operating from a fixed location which handle or sell any food or drink other than in sealed containers or wrappings, or which prepare, package, or wrap any food or drink on the premises.
  - (3) “Class III” are those facilities operating from a mobile unit which handle or sell any food or drink other than in sealed containers or wrappings or which prepare, package, or wrap any food or drink within the mobile unit.
  - (4) “Class IV” are those facilities operating from mobile units which handle or sell sealed prewrapped or prepackaged food or drink in the original

sealed container or wrapping and do not prepare, wrap, or package any food or drink within the mobile unit except for preparing and dispensing coffee or tea.

- z. “Tableware” means all multiuse eating and drinking utensils, including flatware (knives, forks and spoons).
- aa. “Utensil” means any tableware and kitchenware used in the storage, preparation, conveying or serving of food.
- bb. “Vendable Food” means food prepared for use in vending machines.

.03 Food

A. Food Supplies

(1) General

Food shall be wholesome and free from spoilage, filth, or other contamination, and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of hermetically sealed food that was not prepared in a food processing facility is prohibited.

(2) Milk and Milk Products

- a. All milk and milk products, including fluid milk, other fluid dairy products, and manufactured milk products, shall be produced, processed, stored, transported, and distributed in accordance with the provisions of COMAR 10.15.06, Regulations Governing the Production, Processing, Transportation, Storage, Distribution of Milk (with Controlling Statutes)
- b. Reconstituted dried milk may be used for instant desserts and whipped products as well as for cooking and baking.
- c. It shall be unlawful to sell or serve milk except as provided in .03A (2) (a).

(3) Frozen Desserts

All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbets, ices and mix shall be manufactured and sold in accordance with the provisions of COMAR 10.15.05, Regulations Governing the Manufacture and Sale of Frozen Dairy Foods and Ices Manufactured for Sale in the Counties of Maryland.

(4) Shellfish and Crab Meat

All shellfish and crab meat shall be processed, handled, and packed in accordance with the provisions of COMAR 10.15.07, Regulations Governing the Processing, Handling, and Packing of Shellfish which are Sold for Human [[Consumption]] CONSUMPTION, and 10.15.02, Regulations Governing Crab Meat.

(5) Meat and Meat Products

Meat and meat products shall have been inspected for wholesomeness under an official regulatory program. The Approving Authority may accept other sources which are in his/her opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

(6) Poultry and Poultry Meat Products

Poultry and poultry meat products shall have been inspected for wholesomeness under an official regulatory program. The Approving Authority may accept other sources which are in his/her opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

(7) Eggs and Egg Products

Only clean, whole eggs with shell intact and without cracks or checks, or pasteurized liquid or pasteurized dry eggs or egg products shall be used.

(8) Bakery Products

Bakery products shall have been prepared in the food service facility or in a food processing facility. The Approving Authority may accept other sources which are in his/her opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

B. Food Protection

(1) General

- a. While being stored, prepared, displayed, served sold, or transported, food shall be protected at all times from contamination.
- b. Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities, shall be

provided as [[need]] NEEDED to assure the maintenance of all food at required temperatures during storage, preparation, transportation, display and service. All hot and cold food storage facilities used for the storage of perishable food shall be provided with an indicating thermometer graduated at 2 degree Fahrenheit intervals. Thermometers shall be located in the coldest area of equipment where hot foods are stored and in the warmest area of equipment where cold foods are stored. All thermometers shall be of a type and [[and]] so situated that they can be easily read.

(2) Temperatures

- a. All potentially hazardous foods shall be kept at safe temperatures, except during necessary periods of preparation.
- b. When placed on display for service, cold foods shall be prechilled to a temperature of 45 degrees Fahrenheit at any time during display. When the temperature exceeds 55 degrees Fahrenheit, the food will be discarded as garbage.
- c. Whenever meat, poultry, or fish are broken down into smaller contents, or ground, they shall be kept at or below 55 degrees Fahrenheit during the operation.
- d. Frozen food shall be kept at or below 0 degrees Fahrenheit in storage, display, and transportation. A food service facility may not accept frozen food upon delivery when the product temperature exceeds 0 degrees Fahrenheit. Potentially hazardous frozen food shall be thawed:
  - i. in refrigerated units so the temperature of the food does not exceed 45 degrees Fahrenheit; or
  - ii. under potable running water of a temperature of 70 degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles; or
  - iii. in a microwave oven when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire uninterrupted cooking process takes place in the microwave oven; or
  - iv. as part of the conventional cooking process; or
  - v. by any other method satisfactory to the Approving Authority.

- e. All ingredients used in the preparation of potentially hazardous vendable food, including the bread used in the preparation of potentially hazardous sandwiches, shall be at a temperature of 45 degrees Fahrenheit or below at the time the ingredients are combined. In the process of preparation, all ingredients going into a potentially hazardous vendable food shall be kept at or below 50 degrees Fahrenheit. Immediately after preparation all potentially hazardous vendable food must be refrigerated to a temperature of 45 degrees Fahrenheit or below and so stored in the refrigerator as to permit free circulation of cold air and in such a manner as to prevent contamination.
- f. Potentially hazardous vendable foods which require temperature control and which are prepared for off premises consumption shall be plainly labeled to indicate the need for temperature control. The proper temperature shall be maintained during storage, display, and transit.
- G. TIME-TEMPERATURE CONTROL DURING GRINDING AND TRIMMING. TRIMMINGS TO BE USED FOR GROUND MEAT AND POULTRY SHALL BE HELD AT AN AMBIENT TEMPERATURE BETWEEN 41 DEGREES FAHRENHEIT AND 55 DEGREES FAHRENHEIT OR LESS, FOR UP TO 2 HOURS DURING THE TRIMMING PROCESS PROVIDED THE MEAN TEMPERATURE DOES NOT EXCEED 50 DEGREES FAHRENHEIT. GROUND MEAT AND POULTRY SHALL BE HELD AT 41 DEGREES FAHRENHEIT OR LESS IMMEDIATELY AFTER GRINDING AND AT ALL TIMES DURING STORAGE OR DISPLAY.

[[.04 Personnel

A. Manager Certification

- (1) It shall be required that at least one food service manager from a food service facility where personnel prepare and handle potentially hazardous food attend a food service management course and obtain an appropriate certificate of completion of a course approved by the Howard County Health Department.
- (2) Other equivalent food service management training programs may be accepted in lieu of the above with written permission of the Approving Authority.
- (3) Manager certification must be renewed every three (3) years by taking and passing a comprehensive examination given under the auspices of the Howard County Health Department.
- (4) The requirements of this section shall be met by July 1, 1988.
- (5) The requirements of this section do not apply to all special food service facilities and all other food facilities which handle and sell only sealed prewrapped or prepackaged food or drink in the original sealed container or wrapping and which do not prepare, wrap or package any food or drink on the premises.
- (6) If the certified food service manager of a food service facility resigns or is terminated, the facility will be required to replace the certified manager with six (6) months of the date of the resignation or termination.]]

**.04 PERSONNEL**

**A. MANAGER CERTIFICATION**

- (1) IN THIS SECTION:
  - (A) “CLASS I” MEANS A TEMPORARY FOOD SERVICE FACILITY OPERATING FROM A FIXED LOCATION OR A MOBILE UNIT, WHICH HANDLES OR SELLS ONLY SEALED, PREWRAPPED, OR PREPACKAGED FOOD OR DRINK IN THE ORIGINAL SEALED CONTAINER OR WRAPPING, AND DOES NOT PREPARE, WRAP, OR PACKAGE ANY FOOD OR DRINK ON THE PREMISES OR WITHIN THE MOBILE UNIT;
  - (B) “CLASS II” MEANS A TEMPORARY FOOD SERVICE FACILITY OPERATING FROM A FIXED LOCATION FOR A TEMPORARY PERIOD,

WHICH HANDLES OR SELLS ANY FOOD OR DRINK OTHER THAN IN A SEALED PACKAGE, OR WHICH PREPARES, PACKAGES, OR WRAPS ANY FOOD OR DRINK ON THE PREMISES;

(C) “CLASS III” MEANS A TEMPORARY FOOD FACILITY OPERATING FROM A MOBILE UNIT, WHICH HANDLES OR SELLS ANY FOOD OR DRINK OTHER THAN IN A PACKAGE, OR WHICH PREPARES, PACKAGES, OR WRAPS ANY FOOD OR DRINK WITHIN THE MOBILE UNIT; AND

(D) “CLASS IV” MEANS A TEMPORARY FOOD FACILITY OPERATING FROM A MOBILE UNIT, WHICH HANDLES OR SELLS SEALED, PREWRAPPED, OR PREPACKAGED FOOD OR DRINK IN THE ORIGINAL SEALED PACKAGE, AND DOES NOT PREPARE, WRAP, OR PACKAGE ANY FOOD OR DRINK WITHIN THE MOBILE UNIT EXCEPT FOR THE PREPARING AND DISPENSING OF COFFEE OR TEA.

(2) EXCEPT AS LISTED IN A (4) OF THIS SECTION, NO FOOD SERVICE FACILITY WHERE PERSONNEL PREPARE AND HANDLE POTENTIALLY HAZARDOUS FOOD SHALL OPERATE UNLESS A MINIMUM OF ONE FOOD SERVICE MANAGER HAS TAKEN AND PASSED, OR IS ENROLLED IN, A COURSE APPROVED BY THE APPROVING AUTHORITY THAT TRAINS THE INDIVIDUAL TO BE A CERTIFIED MANAGER.

(3) EXCEPT AS PROVIDED IN B (1) (A) OF THIS SECTION, NO FOOD SERVICE FACILITY SHALL OPERATE UNLESS IT IS UNDER THE IMMEDIATE CONTROL OF A CERTIFIED MANAGER DURING ALL HOURS OF OPERATION. THE REQUIREMENTS OF THIS SUBSECTION SHALL APPLY BEGINNING ON AUGUST 1, 2008 .

(4) AFTER SEPTEMBER 1, 2008, NO FOOD SERVICE FACILITY OPERATED FOUR OR MORE DAYS ON AVERAGE PER WEEK BY THE DEPARTMENT OF FIRE AND RESCUE SERVICES, A VOLUNTEER FIRE COMPANY OR BONA FIDE NON-PROFIT FRATERNAL, CIVIC, VETERANS’, RELIGIOUS, OR CHARITABLE ORGANIZATION SHALL OPERATE UNLESS IT HAS A CERTIFIED MANAGER ON STAFF OR A STAFF PERSON OR MEMBER IS ENROLLED IN A COURSE APPROVED BY THE APPROVING AUTHORITY THAT WILL TRAIN THAT PERSON TO BE A CERTIFIED MANAGER. AFTER NOVEMBER 1, 2008, NO FOOD SERVICE FACILITY OPERATED FOUR OR MORE DAYS ON AVERAGE PER WEEK BY THE DEPARTMENT OF FIRE AND RESCUE SERVICES, A VOLUNTEER FIRE COMPANY OR BONA FIDE NON-PROFIT FRATERNAL, CIVIC, VETERANS’, RELIGIOUS, OR CHARITABLE ORGANIZATION SHALL OPERATE UNLESS IT IS UNDER THE IMMEDIATE CONTROL OF A CERTIFIED MANAGER.

(5) TO OPERATE AS A CERTIFIED MANAGER IN A LICENSED FOOD SERVICE FACILITY WITHIN HOWARD COUNTY, AN INDIVIDUAL MUST SUBMIT A COMPLETED APPLICATION, PAY THE CORRESPONDING FEE AND PROVIDE AN

APPROPRIATE CERTIFICATE OF COMPLETION RECOGNIZED BY THE APPROVING AUTHORITY IN ORDER TO BE ISSUED A CERTIFIED MANAGER'S CARD.

- (6) A VALID FOOD SERVICE MANAGER CERTIFICATE OR CARD FROM A LOCAL JURISDICTION WITH A RECIPROCAL AGREEMENT ON CERTIFICATION MAY BE USED TO RECEIVE AN APPROVED CERTIFICATION FROM HOWARD COUNTY BY FOLLOWING THE STEPS OUTLINED IN SUBSECTION (5) ABOVE.
- (7) MANAGER CERTIFICATION IS VALID FOR THREE YEARS FROM THE DATE OF COMPLETION OR PASSAGE OF THE EXAMINATION AND MUST BE RENEWED BY COMPLETING A MINIMUM EIGHT HOURS OF APPROVED TRAINING IN A CLASSROOM SETTING OR THROUGH DISTANCE EDUCATION COURSEWORK AS DETERMINED BY THE HOWARD COUNTY HEALTH DEPARTMENT, PASSING A WRITTEN EXAMINATION APPROVED BY THE APPROVING AUTHORITY, SUBMITTING A COMPLETED APPLICATION, AND PAYING THE CORRESPONDING FEE.
- (8) A FOOD SERVICE MANAGER CERTIFICATE SHALL BE ISSUED IN THE NAME OF THE INDIVIDUAL ONLY.

**B. EXEMPTIONS**

- (1) THIS SECTION SHALL NOT APPLY TO THE FOLLOWING:
  - (A) LOW PRIORITY FOOD SERVICE FACILITIES, FOOD FACILITIES REGULATED UNDER COMAR 10.15.04, AND CLASS I, II (IF NOT PREPARING POTENTIALLY HAZARDOUS FOODS) AND IV SPECIAL FOOD SERVICE FACILITIES;
  - (B) FOOD PREPARATION BY THE DEPARTMENT OF FIRE AND RESCUE SERVICES, VOLUNTEER FIRE COMPANIES OR BONA FIDE NON-PROFIT FRATERNAL, CIVIC, VETERANS', RELIGIOUS, OR CHARITABLE ORGANIZATIONS OR CORPORATIONS DURING EMERGENCY/CRISIS SITUATIONS (NATURAL DISASTER OR TERRORISM EVENT DIRECTLY OR MATERIALLY IMPACTING THE COUNTY);
  - (C) THE DEPARTMENT OF FIRE AND RESCUE SERVICES, A VOLUNTEER FIRE COMPANIES OR BONA FIDE NON-PROFIT FRATERNAL, CIVIC, VETERANS', RELIGIOUS, OR CHARITABLE ORGANIZATIONS OR CORPORATIONS WHICH LEASE BANQUET FACILITIES, IF THE FOOD IS NOT PREPARED BY THEM; OR
  - (D) "POT LUCK" STYLE DINNERS SPONSORED BY A THE DEPARTMENT OF FIRE AND RESCUE SERVICES, A VOLUNTEER FIRE COMPANY OR BONA

FIDE NON-PROFIT FRATERNAL, CIVIC, VETERANS', RELIGIOUS, OR CHARITABLE ORGANIZATIONS.

- (2) NOTWITHSTANDING PARAGRAPHS (B) THROUGH (D), THE APPROVING AUTHORITY MAY REQUIRE ADDITIONAL STAFFING AT A FACILITY, WHICH MAY INCLUDE AN ADDITIONAL CERTIFIED MANAGER, IF THE APPROVING AUTHORITY CONFIRMS OR REASONABLY BELIEVES THAT THE FACILITY HAS BEEN THE SOURCE OF TWO OR MORE FOODBORNE ILLNESSES OR OF A FOODBORNE DISEASE OUTBREAK (AS DEFINED IN COMAR 10.06.01.02) during the preceding twelve months.

**C. ADMINISTRATION AND ENFORCEMENT**

- (1) A CERTIFIED MANAGER CARD MAY BE SUSPENDED OR REVOKED BY THE APPROVING AUTHORITY FOR:
  - (A) REPEATED VIOLATIONS OF FOOD SAFETY REQUIREMENTS;
  - (B) FAILURE TO MAKE CORRECTIONS OF DOCUMENTED VIOLATIONS WITHIN PRESCRIBED TIMEFRAMES AFTER 2 CONSECUTIVE REINSPECTIONS;
  - (C) FAILURE TO ADHERE TO CRITICAL ITEMS REQUIREMENTS AS DEFINED IN COMAR 10.15.03.02B;
  - (D) OBTAINING MANAGER CERTIFICATION UNDER FALSE PRETENSES; OR
  - (E) PREVENTING REGULATORY PERSONNEL FROM PERFORMING THEIR DUTIES.
- (2) WHEN A CERTIFIED MANAGER CARD HAS BEEN SUSPENDED OR REVOKED, THE CERTIFIED MANAGER SHALL SURRENDER HIS/HER CARD TO THE APPROVING AUTHORITY.
- (3) PRIOR TO RESTORING THE CERTIFIED MANAGER CARD, RETRAINING MAY BE REQUIRED WHERE THERE HAS BEEN PRIOR DOCUMENTATION SHOWING AN INABILITY TO MAINTAIN SAFE AND SANITARY FOOD HANDLING PRACTICES, SERIOUS REPEAT VIOLATIONS, OR INSTANCES OF FOODBORNE ILLNESS OR OF A FOODBORNE DISEASE OUTBREAK.
- (4) IF THE CERTIFIED MANAGER OF A FOOD SERVICE FACILITY IS ABSENT OR UNAVAILABLE FOR ANY REASON, OR HAS HIS/HER MANAGER CERTIFICATION REVOKED, THE FOOD SERVICE FACILITY SHALL BE REQUIRED TO OBTAIN THE SERVICES OF A CERTIFIED MANAGER OR SHOW PROOF OF ENROLLMENT IN AN APPROVED COURSE WITHIN TWO WEEKS OF WRITTEN NOTIFICATION TO THE FACILITY. APPLICATION FOR CERTIFIED MANAGER CARD SHALL BE MADE TO

THE APPROVING AUTHORITY AS SOON AS AVAILABLE BUT NOT TO EXCEED 30 DAYS FROM THE EXAM DATE. IF THE ENROLLMENT AND APPLICATION OPTION IS CHOSEN, THE TIME TO REPLACE A CERTIFIED MANAGER SHALL NOT EXCEED 45 DAYS FROM THE DATE OF WRITTEN NOTIFICATION.

- (5) IF THE CERTIFIED MANAGER OF A FOOD SERVICE FACILITY HAS HIS/HER CERTIFIED MANAGER CARD SUSPENDED, THE FOOD SERVICE FACILITY SHALL BE REQUIRED TO OBTAIN THE SERVICES OF A CERTIFIED MANAGER OR SHOW PROOF OF ENROLLMENT IN AN APPROVED COURSE WITHIN TWO WEEKS OF DETERMINATION THAT THE SUSPENSION IS NOT LIFTED BY THE APPROVING AUTHORITY, OR UPON DENIAL FOLLOWING APPEAL TO THE BOARD OF HEALTH. IF THE ENROLLMENT AND APPLICATION OPTION IS CHOSEN, THE TIME TO REPLACE A CERTIFIED MANAGER SHALL NOT EXCEED 45 DAYS FROM THE DATE OF WRITTEN NOTIFICATION.
- (6) IN ADDITION TO THE AUTHORITY SET FORTH IN THIS SECTION, THE APPROVING AUTHORITY MAY TAKE ACTION IN ACCORDANCE WITH SECTION 12.107 OF THE HOWARD COUNTY CODE TO ABATE A VIOLATION OF THIS SECTION.

[[B.]] D. Health and Disease Controls

- (1) Disease Control

While affected with a disease in a communicable form, or while a carrier of a disease, or while afflicted with boils, infected wounds, or an acute respiratory infection, a person may not work in a food service facility in an area and capacity in which there is a likelihood of transmission of disease to patrons or to fellow employees, either through direct contact or through contamination of food or food-contact surfaces with pathogenic organisms.

- (2) Reporting

The manager or person in charge of the establishment shall notify the Approving Authority when any employee of a food service facility is known to have or is suspected of having a disease in a communicable form.

[[C.]] E. Cleanliness

- (1) Handwashing

- a. All employees handling exposed foods or food-contact surfaces shall wash their hands and exposed arm areas thoroughly with soap and warm water before starting work, and shall wash hands during

work hours as often as required to remove soil and contamination, particularly after using toilet facilities. The hands of all employees shall be kept clean while engaged in handling exposed food and food-contact surfaces.

- b. Employees handling exposed food and food-contact surfaces shall keep their fingernails clean and neatly trimmed.

(2) Clothing

- a. The outer garments of persons engaged in handling food or food-contact surfaces shall be reasonably clean.
- b. Hair nets, caps, or other effective hair restraints shall be used by employees engaged in the preparation of food, service of food, and utensil washing in order to keep hair from food and food-contact surfaces.

(3) Tobacco

Employees may not use tobacco in any form while engaged in food preparation or service, or while in equipment and utensil washing or food preparation areas. Designated locations in such areas may be approved by the Approving Authority for smoking, where no contamination hazards will result. Employees shall wash hands before returning to work.

(4) Other Practices

Employees shall maintain personal cleanliness and shall conform to good hygienic practices during all working periods.