

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 839

(Senator Middleton, *et al.*)

Education, Health, and Environmental Affairs

Health and Government Operations

Bed and Breakfast Establishments - Food Service - Regulation

This bill exempts bed and breakfast establishments (lodging or rooming houses with eight rooms or less for rent) from any regulation governing food service facilities adopted by the Department of Health and Mental Hygiene (DHMH) or a local government relating to the construction or installation of commercial grade kitchen equipment. Each establishment that intends to serve hot meals to renters must be licensed to operate a food establishment and is subject to State and local health regulations that govern food safety and contamination. The county health officer must inspect each establishment for regulatory compliance.

Fiscal Summary

State Effect: None. The bill would affect local government operations only.

Local Effect: None. Local health departments are still allowed to charge a \$150 annual food service establishment licensing fee for bed and breakfast establishments affected by this bill. No effect on expenditures.

Small Business Effect: Meaningful for bed and breakfast establishments that would not be required to have a commercial kitchen and would not pay a commercial kitchen licensing fee.

Analysis

Current Law: Bed and breakfast operators that serve hot meals are regulated by DHMH as food service facilities. Regulations require all new kitchen equipment to meet the

applicable standards set by the National Sanitation Foundation, the Commercial Refrigeration Manufacturers' Association, and the Bakery Industry Sanitation Standards Committee or other applicable standards acceptable to the approving authority.

Background: There are 330 bed and breakfast establishments with eight rooms for rent or less in Maryland, according to the Department of Business and Economic Development. They are located in the following counties:

Anne Arundel – 33	Howard – 6
Allegany – 3	Kent – 25
Baltimore City – 24	Montgomery – 11
Calvert – 16	Prince George's – 1
Caroline – 5	Queen Anne's – 13
Cecil – 18	Somerset – 17
Carroll – 7	St. Mary's – 9
Charles – 3	Talbot – 41
Dorchester – 17	Washington – 25
Frederick – 22	Wicomico – 4
Garrett – 11	Worcester – 11
Harford – 8	

Local Fiscal Effect: No fiscal effect because local health departments are still allowed to charge a \$150 annual food service establishment licensing fee to bed and breakfast establishments that have eight rooms or less for rent and serve hot meals. It is unknown how many of the 330 bed and breakfasts serve hot meals.

Additional Information

Prior Introductions: None.

Cross File: HB 1468 (Delegate Jameson, *et al.*) – Health and Government Operations.

Information Source(s): Wicomico County, Montgomery County, Talbot County, Department of Health and Mental Hygiene, Baltimore City, Department of Business and Economic Development, Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2004
ncs/jr Revised - Senate Third Reader - March 29, 2004
Revised - Enrolled Bill - May 4, 2004

Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510