

Chapter 247

(Senate Bill 199)

AN ACT concerning

Seasonal Farmer's Market Producer Sampling License

FOR the purpose of authorizing a county to establish a seasonal farmer's market producer sampling license to allow a producer of a farm product to prepare and offer samples of the product at a farmer's market; requiring the license to be valid at all farmer's markets in the county for a certain time period, for a single fee; limiting a licensee to offer samples only of a product produced by the licensee; requiring the Department of Health and Mental Hygiene to adopt certain regulations; requiring a county issuing the license to adopt certain ordinances; and generally relating to product sampling at farmer's markets.

BY adding to

Article – Health – General
Section 21–309.1
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health – General

21–309.1.

(A) A COUNTY MAY ESTABLISH A SEASONAL FARMER'S MARKET PRODUCER SAMPLING LICENSE TO BE REQUIRED FOR A PRODUCER OF A FARM PRODUCT TO PREPARE AND OFFER SAMPLES OF THE FARM PRODUCT FOR HUMAN CONSUMPTION AT A FARMER'S MARKET.

(B) A COUNTY SEASONAL FARMER'S MARKET PRODUCER SAMPLING LICENSE ESTABLISHED UNDER THIS SECTION SHALL:

- (1) BE VALID AT ALL FARMER'S MARKETS IN THE COUNTY;
- (2) BE VALID FOR THE ENTIRE SEASON FOR WHICH IT IS ISSUED;

AND

- (3) HAVE A SINGLE FEE AS SET BY THE COUNTY.

(C) A SEASONAL FARMER'S MARKET PRODUCER SAMPLING LICENSEE SHALL USE THE LICENSE ONLY TO OFFER SAMPLES OF A FARM PRODUCT THAT HAS BEEN PRODUCED BY THE LICENSEE.

(D) ~~A COUNTY ISSUING A FARMER'S MARKET PRODUCER SAMPLING LICENSE SHALL ADOPT AN ORDINANCE~~ THE DEPARTMENT SHALL ADOPT REGULATIONS THAT:

- (1) ~~ESTABLISHES~~ ESTABLISH ELIGIBILITY FOR THE LICENSE;
- (2) ~~PROVIDES~~ PROVIDE FOR THE AUTHORIZED USES OF THE LICENSE;
- (3) ~~ESTABLISHES~~ ESTABLISH STANDARDS AND APPROVED METHODS UNDER WHICH SAMPLING SHALL BE CONDUCTED;
- (4) ~~SPECIFIES~~ SPECIFY THE DURATION OF THE SEASON DURING WHICH THE LICENSE IS VALID; AND
- (5) INCLUDE OTHER PROVISIONS THAT ARE NECESSARY TO PROTECT PUBLIC HEALTH AND CONTROL FOODBORNE ILLNESSES.

(E) A COUNTY ISSUING A FARMER'S MARKET PRODUCER SAMPLING LICENSE SHALL ADOPT AN ORDINANCE THAT:

- ~~(5)~~ (1) SETS THE FEE FOR THE LICENSE;
- ~~(6)~~ (2) PROVIDES FOR THE ENFORCEMENT OF PROVISIONS OF LAW UNDER WHICH THE LICENSE IS ISSUED; AND
- ~~(7)~~ (3) PROVIDES PENALTIES FOR VIOLATIONS OF PROVISIONS OF LAW UNDER WHICH THE LICENSE IS ISSUED; ~~AND~~
- ~~(8)~~ ~~INCLUDES OTHER PROVISIONS THAT THE COUNTY DETERMINES ARE NECESSARY TO PROTECT PUBLIC HEALTH AND CONTROL FOODBORNE ILLNESSES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.