Allegany County
HEALTH DEPARTMENT
"Healthy People, Healthy Communities"

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To Whom It May Concern:

The Allegany County Health Department (ACHD) Food Program is in the process of determining the food service facility status of bona fide nonprofit organizations operating within the county. In order to do this, we request your cooperation in completing the attached survey by DATE (See Attachment 1). The survey will enable this office is to determine which bona fide nonprofit organizations meet the definition of a food service facility that must be licensed by the ACHD Food Program, and which non-profit organizations meet the definition of an excluded organization food service facility. If the nonprofit organization is an "excluded organization," the Code of Maryland Food Service Facilities Regulation, COMAR 10.15.03, allows the organization to have the option to be licensed or unlicensed as specified below. Your nonprofit organization is being contacted because you have worked with our office previously and/or your organization is listed on the Internal Revenue Service's website search engine as an exempt organization in Allegany County.

Please note that helpful definitions are also attached (See Attachment 2). Additionally, for your reference, the official COMAR 10.15.03 regulation can be found on the Maryland Division of State Documents website: http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=10.15.03.* A copy of the entire regulation can be found on our website at: www.alleganyhealthdept.com

COMAR 10.15.03.02(9) defines a bona fide nonprofit organization as an organization having official documentation from the United States Internal Revenue Service that the organization has current tax-exempt nonprofit status. Per COMAR 10.15.03.02(28)(a) and (b), an "excluded organization" is a bona fide nonprofit fraternal, civic, war veterans', religious, or charitable organization or corporation that does not serve food to the public more often than four days per week, except that once a year an organization may serve food to the public for up to 14 consecutive days; or a volunteer fire company that does not serve food to the public more often than 4 days per week, except that once a year a volunteer fire company may serve food to the public for up to 30 consecutive days.

The regulations provide two options for excluded organizations. COMAR 10.15.03.26A states that the excluded organization shall make:

(1) A non-rescindable decision to operate with a license and in full compliance with this chapter (i.e. the entire COMAR 10.15.03 food service facility regulation) or;
(2) A decision to operate without a license and in compliance with COMAR 10.15.03.26B - 26E of this regulation, which establish the minimum requirements to ensure food safety at a food service facility operated by an excluded organization without a license.

Note, if the excluded organization decides to operate without a license under (2) above, the Allegany County Health Department still has the right to inspect the facility at the intervals specified in COMAR 10.15.03.30C and D.

Nonprofit organizations that serve food five or more days per week to the public by definition are not "excluded organizations," and must obtain an annual license and/or temporary food service facility license(s) as applicable. These organizations must be in full compliance with the COMAR 10.15.03 food service facility regulation.

Temporary food service facilities operated by licensed non-profit excluded organizations

If the nonprofit excluded organization becomes licensed by choice through the submittal of the documentation listed in (1) above, a temporary food service facility permit is required in order for the organization to participate in the temporary food service facility event(s). In order for the facility to operate, a temporary food service facility permit must be obtained from the ACHD Food Office in advance of the temporary event.

Temporary food service facilities operated by excluded, unlicensed organizations

The organization must meet the excluded organization definition in addition to meeting the minimum food safety requirements found in COMAR 10.15.03.26C. While a permit is not required, per COMAR 10.15.03.26E when an unlicensed excluded organization plans a single event to prepare or serve potentially hazardous food to **200** or more individuals from the public:

(1) Written notification of the event is submitted to the Allegany County Health Department Food Program not less than 30 days before the scheduled event; and
(2) The written notification required contains:
  (a) The date, place, and time of the event;
  (b) The estimated number of individuals to be served at the event;
  (c) A menu or list of foods to be served;
  (d) The source of all potentially hazardous foods to be served;
  (e) A list of foods to be prepared more than 12 hours in advance of service;
  (f) If food is to be prepared off-premises, the:
    (i) Name of the facility to be used; and
    (ii) Procedures for transporting food to the premises;
  (g) The name, address, and telephone number of a responsible contact individual; and
  (h) Any other information requested by the approving authority in order to review the food preparation and service.

We appreciate your response and look forward to working with your organization in the future. Please feel free to contact our Food Program supervisor at 301-759-5046 if you have any questions regarding the letter and/or survey.

Sincerely yours,

Brian Dicken
Director of Environmental Health

Enclosures: March 2016 Allegany County Nonprofit Food Service Facility Survey

Helpful COMAR 10.15.03 Definitions

March 2016 Allegany County Non-Profit Food Service Facility Survey

(Please complete this survey and return it to the Allegany County Health Department)

Please select which of the following options best describes your organization:

- ☐ We are a bona fide nonprofit organization that never offers food to the public

- ☐ We are a bona fide nonprofit organization that meets the definition of an excluded organization that chooses to operate without a license and in compliance with COMAR 10.15.03.26B -.26E, which establishes the minimum requirements to ensure food safety at a food service facility operated by an excluded organization without a license. We understand that the ACHD Food Program must determine if the facility is capable of meeting the minimum COMAR 10.15.03.26B-E food safety requirements.

- ☐ We are a bona fide nonprofit organization that meets the definition of an excluded organization that has decided to make a non-rescindable decision to operate with a license and in full compliance with COMAR 10.15.03. We understand that the ACHD Food Program must determine if the facility is capable of meeting the licensing requirements of COMAR 10.15.03.

- ☐ We are a bona fide nonprofit organization that serves food to the public five or more days per week, and we need to work with the ACHD Food Program to obtain temporary and/or an annual food service facility license(s). The organization understands that the ACHD Food Program must determine if the facility is capable of meeting the licensing requirements of COMAR 10.15.03.

Nonprofit Organization Name:_____

Nonprofit organization address:_____

Name of Person in Charge (PIC):_____

Signature of PIC:_____

Title of Person in Charge:_____

Contact Number for organization: _____

Contact Number for Person in Charge:_____

Specify the type of food served, week days, and hours of food service operation: _____

_____

Specify what annual temporary food service events the organization participates in:_____

Additional Comments:_____

Excluded organization definition per COMAR 10.15.03.02(28) - a bona fide nonprofit fraternal, civic, war veterans,' religious or charitable organization or corporation that does not serve food to the public more often than four days per week, except that once a year an organization may serve food to the public for up to 14 consecutive days. If the bona fide non-profit organization is a volunteer fire company that does not serve food to the public more often than 4 days per week, the fire company may serve food to the public once a year for up to 30 consecutive days.

Please return this survey along with official documentation from the United States Internal Revenue Service that the organization has current tax-exempt nonprofit status.

Attachment 1

Helpful COMAR 10.15.03 Definitions:

Food service facility COMAR 10.15.03.02(34)(a) and (b): food service facility means a place where food or drink is prepared for sale or service on the premises or elsewhere; or an operation where food is served to or provided for the public with or without charge. This includes (i)a restaurant, coffee shop, cafeteria, short order café, luncheonette, tavern, sandwich stand, soda fountain, retail market, or retail bakery outlet (ii) a food operation in an industry, institution, health care facility, club, school, camp, church, catering kitchen, commissary, or a similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and (iii) An excluded organization either with or without a license that serves potentially hazardous food.

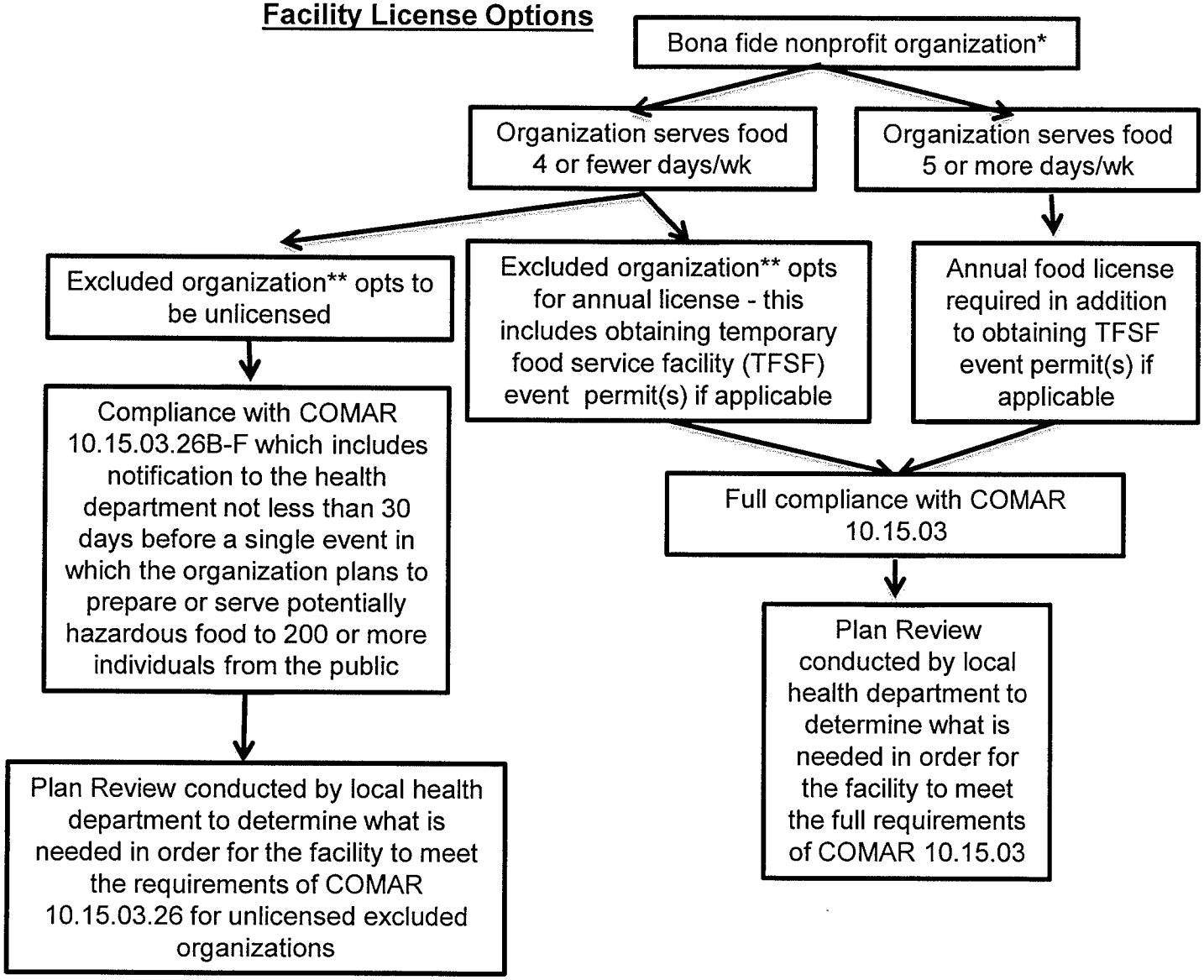
Food service facility does not include COMAR 10.15.03(34)(c): (i) facility that offers only prepackaged foods that are not potentially hazardous (ii) kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering that is not a public event, or for service to unemployed, homeless, or another disadvantaged population (iii) food preparation or serving area where only non-potentially hazardous food is prepared or served only by an excluded organization (iv) hotel, lodging, or rooming house that serves only a continental breakfast (v) farmer's market or a public event where food products as specified in §B(30)(a) of this regulation are sold (vi) bake sale where only non-potentially hazardous bakery goods, including breads and pastries, are sold in conjunction with a fundraising event; or (vii) Cottage food business.

Potentially hazardous Food COMAR 10.15.03(55): 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 (v) cut raw tomatoes (vi) garlic and oil mixtures that support growth of infectious or toxigenic organisms and the growth and toxin production of Clostridium botulinum and (vii) cut leafy greens.

Non-potentially hazardous food (COMAR 10.15.03(55)(c): (i) hard-boiled shell egg that has been air-cooled with the shell intact (ii) food with a water activity value of 0.85 or less (iii) food with a pH level of 4.6 or below when measured at 75°F (iv) commercially 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 food that has a water activity or pH that is above the levels specified in (ii) or (iii) of the "potentially hazardous food" definition above or that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.

Temporary food service facility COMAR 10.15.03.02(80): a food service facility that operates at a fixed location no more than 14 consecutive days or for up to 30 consecutive days if the temporary food service facility is a volunteer fire company and in conjunction with a fair, carnival, public exhibition, construction project, recreational facility, fundraising event, or similar public gathering.

Bona Fide Nonprofit Organization Food Service Facility License Options



*Bona fide nonprofit means an organization having official documentation from the United States Internal Revenue Service that the organization has current tax-exempt nonprofit status.

** Excluded organization means a bona fide nonprofit fraternal, civic, war veterans', religious, or charitable organization or corporation that does not serve food to the public more often than 4 days per week, except that once a year an organization may serve food to the public for up to 14 consecutive days; or a volunteer fire company that does not serve food to the public more often than 4 days per week, except that once a year a volunteer fire company may serve food to the public for up to 30 consecutive days.