

**July 21, 2023**

**Draft Regulations for Charitable Community Food Facilities (i.e. Excluded Organizations)  
COMAR 10.15.13**

Authority: Health-General Article §§18-102, 21-101, 21-102, 21-234, 21-301, and 21-304

**.01 Scope**

- A. This chapter only applies to a charitable community food facility, as defined in Regulation .02 of this chapter, which:
  - (1) Is a volunteer fire company or a bona fide non-profit fraternal, civic, war veterans', religious, or charitable organization
  - (2) Is not licensed as a food service facility, bed and breakfast, semi-permanent food service, or retail food manufacturer;
  - (3) 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 30 consecutive days.
- B. This chapter only applies to an event which is:
  - (1) On the premises of the charitable community food facility; and
  - (2) Open to the public.
- C. This chapter does not apply to:
  - (1) Private events not open to the general public, including a private party, an event restricted to organization members, or another event that restricts the general public from attending;
  - (2) Food preparation by charitable community food facilities during emergency/crisis situations;
  - (3) Food prepared for the unemployed, homeless, or another disadvantaged population by a charitable community food facility; or
  - (4) Facilities licensed or regulated under COMAR 10.15.03, including food service facilities, mobile food vendors, bed and breakfasts, cottage food businesses, and temporary food service facilities.
- D. This chapter does not apply to a religious organization in Carroll County that meets the definition of a charitable community food facility and operates in compliance with COMAR **10.15.03.26(G)**.

**.02 Definitions**

- A. In this chapter the following terms have the meanings indicated.
- B. Terms Defined.
  - (1) "Certified food protection manager" means an individual who has shown proficiency of required information through passing a test that is part of an accredited program, including the food manager courses listed at <https://anabpd.ansi.org/accreditation/credentialing/certificate-issuers/AIIDirectoryListing?prgID=212,238&statusID=4>.
  - (2) "Charitable community food facility"

- (a) "Charitable community food facility" has the same meaning as "excluded organization" as stated in Article Health-General §21-301, Annotated Code of Maryland.
- (b) "Charitable community food facility" includes a volunteer fire company or 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 30 consecutive days.
- (c) "Charitable community food facility" does not include facilities licensed or regulated under COMAR 10.15.03, including food service facilities, mobile food vendors, bed and breakfasts, cottage food businesses, and temporary food service facilities.

### **.03 Preparing Foods**

- A. The charitable community food facility shall ensure that food served to the public is wholesome, not adulterated or contaminated, and safe for human consumption.
- B. An individual preparing food to be served at a charitable community food facility:
  - (1) May not have a reportable disease listed in COMAR 10.06.01.06(E);
  - (2) May not use bare hands for handling ready-to-eat foods; and
  - (3) Shall wash their hands and exposed arm areas thoroughly with soap and warm water:
    - (a) Before handling foods or food-contact surfaces;
    - (b) Before and between glove use;
    - (c) Before starting work;
    - (d) As often as required to remove soil and contamination; and
    - (e) After using toilet facilities.
- C. Requirements for selected food ingredients
  - (1) All milk and dairy products shall be pasteurized.
  - (2) Wild game, wild-caught fish, or shellstock shall be obtained through a commercial supplier.
  - (3) Water shall be from a potable water source.
  - (4) Eggs shall be clean, whole Grade A or higher grade eggs with shell intact and without cracks, or pasteurized eggs or egg products.
  - (5) Ingredients may not be used past the expiration date marked on the food.
- D. Cooked foods shall be cooked to at least the temperatures indicated in Table 1, below.

**Table 1. Safe Food Cooking Temperatures**

Food	Type	Internal Temperature (°F)
<b>Ground meat and meat mixtures</b>	Beef, pork, veal, lamb	160
	Turkey, chicken	165
<b>Fresh beef, veal, lamb</b>	Steaks, roasts, chops <b>Rest time: 3 minutes</b>	145
<b>Poultry</b>	All Poultry (breasts, whole bird, legs, thighs, wings, ground poultry, giblets, and stuffing)	165
<b>Pork and ham</b>	Fresh pork, including fresh ham <b>Rest time: 3 minutes</b>	145
	Precooked ham (to reheat) <b>Note:</b> Reheat cooked hams packaged in USDA-inspected plants to 140°F	165
<b>Eggs and egg dishes</b>	Eggs	Cook until whites are firm
	Egg dishes (such as frittata, quiche)	160
<b>Casseroles</b>	Casseroles	165
<b>Seafood</b>	Fish with fins	145 or cook until flesh is opaque and separates easily with a fork
	Shrimp, lobster, crab, and scallops	Cook until flesh is pearly or white, and opaque (145°)
	Clams, oysters, mussels	Cook until shells open during cooking (145°)

- E. A charitable community food facility may serve food prepared at a home kitchen provided:
- (1) The prepared foods meet the requirements of §A-D of this regulation;
  - (2) The prepared foods are handled safely during transportation, storage, and serving according to regulation .04 of this chapter;
  - (3) The food is labeled as prepared in a home kitchen according to regulation .04 of this chapter; and
  - (4) If the food requires refrigeration or temperature controls, a certified food protection manager:
    - (a) Is present to accept the food and during food service according to regulation .04 of this chapter; and
    - (b) Provides training and guidance on safe food preparation and handling to volunteers preparing food for the event.

**.04 Transporting, Storing, and Serving Foods**

- A. Foods requiring refrigeration or temperatures controls shall be:
- (1) Kept at 41°F or less or 135°F or greater during transportation and storage;

- (2) Served for a maximum of four hours;
  - (3) Served at only one event; and
  - (4) Recorded by a certified food protection manager, including:
    - (a) Type of food;
    - (b) Where the food was prepared;
    - (c) Name of the person who prepared the food;
    - (d) Contact information for the person who prepared the food; and
    - (e) Temperature upon receipt.
- B. All foods shall be clearly labeled in the predominant language(s) of the potential consumers with the following information:
- (1) Description of the food;
  - (2) If the food was prepared in a home kitchen, a disclaimer that reads, "This food was prepared in a home or charitable community food facility not subject to inspections by the Maryland Department of Health. Food allergens may be present."; and
  - (3) If the food contains any food allergens, including:
    - (a) Milk
    - (b) Eggs
    - (c) Fish
    - (d) Shellfish
    - (e) Tree nuts
    - (f) Peanuts
    - (g) Wheat
    - (h) Soybeans
    - (i) Sesame

**Table 2. Example Label**

Name of Dish:			
Prepared by:			Date:
Was this made in a home kitchen?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
*Contains:	<input type="checkbox"/> Milk <input type="checkbox"/> Eggs <input type="checkbox"/> Fish	<input type="checkbox"/> Shellfish <input type="checkbox"/> Tree nuts <input type="checkbox"/> Peanuts	<input type="checkbox"/> Wheat <input type="checkbox"/> Soybeans <input type="checkbox"/> Sesame
*Mark all that apply:	<input type="checkbox"/> Vegetarian <input type="checkbox"/> Vegan <input type="checkbox"/> Gluten-free <input type="checkbox"/> Lactose-free <input type="checkbox"/> Kosher		
<i>*This food was prepared in a home or charitable community food facility not subject to inspections by the Maryland Department of Health. Food allergens may be present.</i>			

- C. Charitable community food facilities shall keep a record of all foods served for at least 90 days.
- D. Foods shall be served on the premises of the charitable community food facility.

- E. When serving more than 200 individuals at a public event, the charitable community food facility shall notify the local health department at least 30 days before the scheduled event with the following information:
- (1) The date and time of the event;
  - (2) The estimated number of individuals to be served at the event;
  - (3) A proposed menu or list of foods to be served;
  - (4) The source of all potentially hazardous foods to be served;
  - (5) A list of foods to be prepared more than 12 hours in advance of service;
  - (6) If food is to be prepared off-premises, the:
    - (a) Source of food; and
    - (b) Procedures for transporting food to the premises;
  - (7) Name of the certified food protection manager as required in regulation .03 of this chapter;
  - (8) Name, address, and telephone number of a responsible contact individual; and
  - (9) Any other information requested by the approving authority in order to review the food preparation and service.

#### **.05 Facilities**

- A. A charitable community food facility shall ensure that:
- B. Any areas of a charitable community food facility where foods are prepared, stored, or served are kept clean, well lit, adequately ventilated, and in good condition.
- C. Equipment and utensils are kept in good repair in a clean, dry location to protect them from contamination.
- D. Used cooking grease and oils are stored, recycled, and disposed of in accordance with applicable State and local laws, regulations, and ordinances.
- E. Food contact surfaces of equipment and utensils are effectively cleaned and sanitized by
  - (1) Cleaning with a suitable commercial detergent;
  - (2) Rinsing with potable water; and
  - (3) Sanitizing, using immersion in a chemical sanitizer that is proven to kill pathogens effectively in accordance with the manufacturer's label use instructions;
- F. Cleaning and sanitization occur:
  - (1) After each use or as often as needed to prevent food contamination; and
  - (2) Between an interruption in food preparation greater than 4 hours.
- G. A two or three-compartment sink is available with hot and cold running water.
- H. A hand washing sink is available in each food preparation area and toilet facility and kept clean and in good repair, and supplied with hot and cold running potable water, soap, paper towels, and receptacles.
- I. Cleaning materials and poisonous or toxic materials are not stored with food or food contact equipment or in food preparation areas.
- J. Toilet facilities are accessible, sufficient in number to serve the facility, and kept clean and in good repair.

## **.06 Complaints or Outbreak Investigations**

- A. Upon receipt of a complaint or outbreak of illness, the Maryland Department of Health or the local health department shall investigate the complaint or outbreak according to COMAR 10.06.01.
- B. Upon receipt of a complaint or outbreak of illness the health officer or Secretary may:
  - (1) Investigate the conditions under which the product was produced and any complaint alleging that a charitable community food facility has violated this regulation;
  - (2) Enter and inspect private property to determine the presence, cause, and source of an infectious disease;
  - (3) Send a representative of the Department, at a reasonable time, to enter and inspect the premises of a charitable community food facility or location of food preparation to determine compliance with this regulation; and
  - (4) Collect samples of a food product or its ingredients to determine if the food product is adulterated or unsafe for consumption.
- C. The person in charge of a charitable community food facility may not:
  - (1) Refuse to grant access to a representative who requests to enter and inspect the premises of the charitable community food facility in response to a complaint; or
  - (2) Interfere with any inspection or collection of samples in response to a complaint or outbreak of illness.
- D. If the Department finds a person to be in violation of any provision of this chapter, the Department:
  - (1) Shall take action against a misbranded or adulterated food offered or sold under this chapter in accordance with Health-General Article, §§21-253 and 21-254, Annotated Code of Maryland; and
  - (2) May determine that food produced in a private home kitchen or charitable community food facility by the person may not be offered or sold by a charitable community food facility.
- E. When an inspection indicates that an immediate and substantial danger to public health exists and requires emergency action at a facility operated by an excluded organization, the approving authority may seek injunctive relief as provided in Health-General Article, §§21-1214 and 21-1215, Annotated Code of Maryland.