



Public Health Services Administration

Maryland is Adopting the FDA Food Code: What You Need to Know

To align retail food service facility regulations with national standards, the state of Maryland plans to adopt the [U.S. Food and Drug Administration \(FDA\) 2022 Model Food Code](#). The FDA Food Code is the national model for safeguarding food offered at retail food service locations. Adoption means the FDA Food Code will replace existing regulations in the [Code of Maryland Regulations \(COMAR\) 10.15.03](#) that govern retail food service facilities.

While **the Maryland Department of Health has not established a date** for adopting the FDA Food Code, the Department is seeking your feedback on the changes and requirements outlined below.

Key Changes At a Glance

While there is substantial overlap in most food safety requirements between COMAR 10.15.03 and the FDA Food Code, including those related to personal hygiene, sanitation, food handling, and temperature requirements for food service activities, there are a handful of key food safety requirements that will change following Maryland's adoption of the FDA Food Code.

Terminology Update

- **Time/Temperature Control for Safety (TCS) Foods:** The term Time/Temperature Control for Safety (TCS) Foods will be used instead of Potentially Hazardous Foods (PHF) to refer to foods that require temperature control to limit pathogenic microorganism growth or toxin formation.

New Requirements

- **Certified Food Protection (CFPM):** Each retail food service establishment must have at least one person in charge (PIC) who is a Certified Food Protection Manager (CFPM) on-site during all hours of operation. A CFPM is an individual who has demonstrated food safety knowledge and management ability by completing an accredited food protection manager certification program. The CFPM formalizes food safety accountability at the management level.

Key Requirements:

- CFPM certification must come from a program accredited by the American National Standards Institute (ANSI) National Accreditation Board (ANAB).

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Examples of accepted certifications include *ServSafe*, *Learn2Serve* and *StateFoodSafety Food Protection Manager* certifications.

- The establishment must maintain proof of certification and present it during inspections.
- **Date Marking:** Ready-to-eat (RTE) refrigerated TCS foods that are prepared on-site (such as tuna salad, chicken salad, fresh-cut tomatoes, fresh-cut lettuce) or opened from commercial packaging on-site, (such as opened packages of deli meats or soft cheeses) and held for more than 24 hours must be marked with a preparation/open date. Foods must be used or discarded within 7 days while kept at 41°F or below.

For example, you make chicken salad in your deli on Oct. 1:

- 1) Mark the container with the date Oct. 1, using for example, a pen, day dots, or color-coded system.
- 2) Store the container at or below 41°F, for up to 7 days.
- 3) Discard the food by Oct. 7.

Note: Date marking cannot be used to extend manufacturer use-by dates that are intended for food safety. Food that is not date marked at the time it was prepared must be discarded.

- **HACCP Plan Requirements:** Hazard Analysis and Critical Control Points (HACCP) plans will no longer be required for moderate and high priority food service facilities, just a select few processes.

When is a HACCP Plan required? If the establishment is conducting certain specialized processes that produce high risk items, a HACCP Plan will be required. Some examples of specialized processes include:

- Smoking meat/poultry to extend shelf life
- Packaging of TCS foods using reduced oxygen packaging (ROP)
- Processing and packaging juice
- Using food additives or components (e.g., vinegar) to turn a TCS food into a non-TCS food (e.g., pickling vegetables to make them shelf stable)
- Sprouting of seeds or beans

When is a HACCP plan not required? If establishment is only cooking, cooling, reheating, holding, and/or serving food following standard Food Code controls for time and temperature, a HACCP plan will no longer be required.

We want your feedback!

Your feedback is important. Please **scan the QR code below** to take the [Maryland FDA Food Code Adoption Survey](#). Your responses will be anonymous and will help us plan how to best support your industry/agency as we prepare for Maryland's adoption of the FDA Food Code. Additional information on the transition to come.



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