

PROPOSAL

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Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 15 FOOD

10.15.03 Food Service Facilities

Authority: Health-General Article, §§18-102, 21-202, 21-301, and 21-330.1, Annotated Code of Maryland

Notice of Proposed Action

[21-117-P]

The Secretary of Health proposes to amend Regulation .27 under **COMAR 10.15.03 Food Service Facilities**.

Statement of Purpose

The purpose of this action is to align Regulation .27 Farmer's Market, Bake Sales, and Cottage Food Business, with Ch. 405 (H.B. 1017), Acts of 2020, which established that cottage food businesses may request a unique identification number from the Department to be used in lieu of a business address on a cottage food product label.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

.27 Farmer's Market, Bake Sales, and Cottage Food Business.

A. The approving authority shall accept as being from an approved source the homemade foods specified in §B of this regulation when the foods are:

(1) (text unchanged)

(2) Offered or sold only in the State:

(a) Subject to the requirements of [§C(5) and (6)] §C(6) and (7) of this regulation, at a retail food store; or

(b) (text unchanged)

B. (text unchanged)

C. Cottage Food Business.

(1) The approving authority shall allow the owner of a cottage food business to sell only cottage food products processed and packaged in Maryland that are:

(a)—(b) (text unchanged)

(c) Prepackaged with a label that contains the following information:

(i) The name and address of the cottage food business *or the name, phone number, and identification number assigned to the cottage food business by the Department*;

(ii)—(viii) (text unchanged)

(2) *A cottage food business may request a unique identification number from the Department which can be used in lieu of the address of the cottage food business on the product label required under §C(1) of this regulation.*

[(2)] (3)—[(5)] (6) (text unchanged)

[(6)] (7) The owner of a cottage food business may not sell or offer for sale a cottage food product to a retail food store until notified by the Department, in writing, that the requirements stated in [§C(5)] §C(6) of this regulation are satisfactorily met.
D. (text unchanged)

DENNIS R. SCHRADER
Secretary of Health