

MALEHA Food Committee Report: Food Law Update Recommendations

1. Food Handler Certification (289.2129)

At previous MALEHA Forum (August 17, 2017) motion was made and supported to support food handler certification as long as all the following requirements are met:

- Food Handler Training requirement applies to all regulated facilities, including MDARD regulated facilities,
- Funding is provided to LHDs to administer the additional time needed in the Food Safety Program, and
- The 2017 Food Code requirement for a certified PIC to be in the food establishment at all hours of operation.

Current Food Law draft has language for Food Handler requirement, but proposal has not been supported at Food Law Workgroup meetings. However, MALEHA may want to restate position formally to MDARD as the Food Law updates move forward.

2. STFU Proposed Language (289.6137)

Proposed changes:

- Modify language of subsection D to include specific language regarding spacing of inspections.
- Increase fees for STFU evaluations (currently set at \$90)

Existing Wording

(d) While in operation, request and receive 2 evaluations per licensing year spaced generally over the span of the operating period. A local health department and the department shall charge a fee of \$90 for such an evaluation

Current language in Food Law draft and supported by MALEHA Food Committee:

While in operation, request and receive 2 evaluations per licensing year spaced generally over the span of the operating period but not less than one month apart. A minimum of one operational evaluation shall be from the local health department where the transitory food unit holds that license. A local health department and the department may charge a fee for such an evaluation.

3. License Endorsement for Specialized Processing (289.4105)

MDARD appears reluctant to support any changes for “dual licensure”. However, specialized processing occurring in a food service establishment that is wholesaled should require additional inspection to assure compliance with necessary CFRs. As such, the MALEHA Food Committee is proposing the concept of a “license endorsement” for wholesaling of food utilizing specialized processing that would be issued by MDARD. The endorsement would require a separate fee paid to MDARD for the inspection and endorsement for the processing of wholesaled items, while maintaining local health department inspection of the food service establishment operations.