



House Bill 272

Food Establishments - Lavatory Requirement and On-Farm Food Service Facility License

MACo Position: **SUPPORT
WITH AMENDMENTS**

Date: February 4, 2026

To: Health Committee

From: Karrington Anderson

The Maryland Association of Counties (MACo) **SUPPORTS HB 272 WITH AMENDMENTS**. This bill provides additional flexibility for food establishments by modifying lavatory requirements, caps the on-farm food service facility licensing fee at \$100, and directs the Maryland Department of Health (MDH), in consultation with the Maryland Department of the Environment (MDE) and the Maryland Department of Agriculture (MDA), to adopt regulations governing on-farm food service facility licenses.

Counties support the bill's removal of the statutory requirement that a lavatory be chemical in nature. Allowing greater flexibility in the type of portable toilet used to meet the convenient lavatory requirement reduces unnecessary burdens on on-farm food establishments while maintaining public health protections.

However, counties have concerns with provisions granting broad regulatory authority to the Department without sufficient clarity or safeguards. The bill does not clearly ensure meaningful local participation in the regulatory development process, despite the substantial impact these regulations could have on local enforcement, operations, and resources. Additionally, counties have concerns about the \$100 statewide cap on licensing fees. Licensing fees are intended to help offset the cost of inspections and program administration, and a statewide cap limits local discretion and flexibility to recover costs associated with administering on-farm food service facilities.

Counties further request clarification to ensure that nothing in the bill preempts local zoning, land use, or other local regulatory authority, and that the issuance of a license remains subject to compliance with all applicable local laws.

Additionally, HB 272 presents an alarmingly broad policy change unrelated to the public health and safety considerations around farm-based food operations. Item (F)(3) in line 26 of page 4 speaks to a regulatory process to consider "how to assess the current or planned physical structures" at the farm location. Not only does this upend a substantial policy matter fully contemplated under the current Tax Property Article, but the bill also suggests that a regulatory process could or should override the guidance adopted by the General Assembly with regard to agricultural use assessments and related

law – much of which has been in effect for decades. The General Assembly has only very recently considered stand-alone legislation to effect very similar goals (most recently HB 592 and SB 418 of 2024) and consistently rejected these changes, multiple times, in the standing committees with proper jurisdiction over property assessments and related procedures. A bill to have the legislature cede such authority to a far more insular regulatory process by an unrelated agency should be very carefully considered and weighed against the potential public health benefits. Counties assert that this change is not necessary and would have unintended consequences.

With these amendments, MACo respectfully urges a **FAVORABLE WITH AMENDMENTS** report on HB 272, to fully ensure that the scope of the bill does not upend firm statutory structure, and includes suitable stakeholder input on the proposed regulatory scheme.

MACo Amendments on HB 272:

On page 3, in line 31, strike “; AND” and substitute “.”.

On page 4, in line 1, strike “(2)” through “\$100.”.

On page 4, in line 8, after “**SUBTITLE**” insert “**(3) THE PROVISIONS OF THIS SECTION: (1) DO NOT SUPERSEDE ANY APPLICABLE BUILDING CODES, ZONING CODES, LAND USE DESIGNATIONS, OR PUBLIC HEALTH AND SAFETY REGULATIONS, AND (2) APPLY TO A LEGISLATIVE BODY ONLY TO THE EXTENT THAT THEY DO NOT CONFLICT WITH OTHER LOCAL, STATE OR FEDERAL LAWS OR REGULATIONS.**”.

On page 4, in line 26, strike “ASSESS” and substitute “**CONSIDER**”.

On page 5, in line 3, after “**LOCATED**” insert “**(G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE DEPARTMENT TO CONDUCT OR REQUIRE AN ASSESSMENT OF THE VALUE OF REAL PROPERTY, OR TO EVALUATE PROPERTY FOR PURPOSES RELATED TO VALUATION OR TAXATION, OR TO EXERCISE ANY AUTHORITY OTHERWISE RESERVED TO THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION UNDER THE TAX-PROPERTY ARTICLE.**”.

On page 5, in line 4, after “**SECTION 3.**” insert “**AND BE IT FURTHER ENACTED, That, the Department shall consult with key stakeholders, including the appropriate Delegated Approval Authority and at least one representative of county governments designated by the Maryland Association of Counties, when developing regulations required under Section 2 of this Act. SECTION 4.**”

On page 5, in line 6, strike “4” and substitute “**5**”.