

SENATE BILL 544

J1, A1, M4

5lr2027
CF HB 559

By: **Senator Bailey**

Introduced and read first time: January 23, 2025

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 24, 2025

CHAPTER _____

1 AN ACT concerning

2 **Food Establishments – Portable Chemical Toilets**

3 FOR the purpose of authorizing certain food establishments to comply with the
4 requirement to provide a convenient lavatory by providing a portable chemical toilet
5 that ~~otherwise~~ meets certain requirements; and generally relating to food
6 establishments.

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 21–325
10 Annotated Code of Maryland
11 (2023 Replacement Volume and 2024 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 21–325.

16 (a) **[Each] SUBJECT TO SUBSECTION (D) OF THIS SECTION, EACH** food
17 establishment shall have:

18 (1) A convenient toilet that is:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (i) Except as provided in subsection (c) of this section, separated
2 from any room in which food is manufactured, prepared, packed, canned, frozen, sold, or
3 distributed;

4 (ii) Kept in a sanitary condition; and

5 (iii) Properly ventilated; and

6 (2) A convenient lavatory that is:

7 (i) Supplied with soap, water, towels, or other approved hand drying
8 devices;

9 (ii) Kept in a sanitary condition; and

10 (iii) Properly ventilated.

11 (b) Each food service facility which prepares food and provides seating for patrons
12 established after January 1, 1979, shall have available for the public:

13 (1) A convenient toilet that is kept in a sanitary condition; and

14 (2) A convenient lavatory that is:

15 (i) Supplied with soap, water, towels, or other approved hand drying
16 devices;

17 (ii) Kept in a sanitary condition; and

18 (iii) Properly ventilated.

19 (c) A room that houses a toilet may be constructed within a larger room in which
20 food is manufactured, prepared, packed, canned, frozen, sold, or distributed.

21 **(D) (1) THIS SUBSECTION APPLIES ONLY TO A FOOD ESTABLISHMENT**
22 **THAT IS:**

23 **(I) A BUSINESS THAT CONDUCTS AGRITOURISM, AS DEFINED IN**
24 **§ 4-212 OF THE LAND USE ARTICLE;**

25 **(II) A CLASS 4 LIMITED WINERY LICENSED UNDER § 2-206 OF**
26 **THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE; AND**

27 **(III) A CLASS 8 FARM BREWERY LICENSED UNDER § 2-210 OF**
28 **THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE.**

1 **(2) A FOOD ESTABLISHMENT MAY COMPLY WITH THE REQUIREMENT**
2 **TO PROVIDE A CONVENIENT LAVATORY BY PROVIDING A PORTABLE CHEMICAL**
3 **TOILET THAT ~~OTHERWISE:~~**

4 **(I) OTHERWISE MEETS THE REQUIREMENTS OF SUBSECTION**
5 **(A)(2) OR (B)(2) OF THIS SECTION; AND**

6 **(II) IS PLACED AT LEAST 25 FEET FROM A WELL.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
8 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.