

MEMORANDUM

July 29, 2016

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: **Introduction:** Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training and Resolution to Adopt Bill 33-16 as a Board of Health Regulation

Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training, sponsored by Lead Sponsor Councilmember Riemer, is scheduled to be introduced on August 2, 2016. A public hearing is tentatively scheduled for September 20 at 1:30 p.m.

Bill 33-16 would require certain employees of eating and drinking establishment to complete a food allergen awareness training course and pass a test and require the Department of Health and Human Services to provide a list of approved online and in person food allergen awareness training courses.

A companion Board of Health regulation, which will be considered by the Council simultaneously with Bill 33-16, is attached on ©4-5.

This packet contains:	<u>Circle #</u>
Bill 33-16	1
Legislative Request Report	3
Board of Health Regulation	4

Bill No. 33-16
Concerning: Eating and Drinking
Establishments – Food Allergen
Awareness Training
Revised: 7/26/2016 Draft No. 3
Introduced: August 2, 2016
Expires: February 2, 2018
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Riemer

AN ACT to:

- (a) require certain employees of eating and drinking establishments to complete a food allergen awareness training course and pass a test;
- (b) require the Department of Health and Human Services to provide a list of approved online and in person food allergen awareness training courses; and
- (c) generally amend County law regarding eating and drinking establishments.

By adding

Montgomery County Code
Chapter 15, Eating and Drinking Establishments
Section 15-15B

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 15-15B is added as follows:**

2 **15-15B. Food allergen awareness training – required.**

3 (a) An eating and drinking establishment that is required to be under the
4 immediate control of a certified food service manager under Section 15-8
5 must have on the premises at all times when food is being prepared or
6 served, an employee who has completed a food allergen awareness
7 training course and passed a test approved by the Department.

8 (b) The Department must make available a list of approved online and
9 in-person food allergen awareness training courses.

10 **Sec. 2. Effective Date.**

11 Section 15-15B, as added by Section 1 of this Act, takes effect July 1, 2017.

12 *Approved:*

13

Nancy Floreen, President, County Council Date

14 *Approved:*

15

Isiah Leggett, County Executive Date

16 *This is a correct copy of Council action.*

17

Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 33-16

Eating and Drinking Establishments – Food Allergen Awareness Training

DESCRIPTION: Bill xx-16 would require certain employees of eating and drinking establishments to complete a food allergen awareness training course and pass a test. The Bill would also require the Department of Health and Human Services to provide a list of approved online and in person food allergen awareness training courses.

PROBLEM: Food allergens require an awareness by eating and drinking establishments to minimize potential risk to patrons with food allergies and to provide establishments with information so that employees can better respond to potential customer inquiries regarding food allergens.

GOALS AND OBJECTIVES: To educate eating and drinking establishment employees on food allergens.

COORDINATION: Department of Health and Human Services

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Amanda Mihill, Legislative Attorney, 240-777-7815

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: A violation of Chapter 15 is a Class A violation.

F:\LAW\BILLS\1633 Food Allergen Awareness\LRR.Docx

3

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

Lead Sponsor: Councilmember Riemer

SUBJECT: Resolution to adopt Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training as a Board of Health Regulation.

Background

1. County Code §2-65, as amended, provides that the County Council is, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.
2. Maryland Code Health-General Article §3-202 authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.
3. On {DATE}, the Council held a public hearing on this regulation. As required by law, each municipality in the County and the public were properly notified of this hearing.
4. On {DATE}, the County Council enacted Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training. Bill 33-16 requires certain eating and drinking establishments to have on the premises at all times when food is being prepared or served, an employee who has completed a food allergen awareness training course and passed a test.
5. The County Council, sitting as the Board of Health, finds after reviewing the evidence in the record that requiring eating and drinking establishments to have on the premises at all times when food is being prepared or served, an employee who has completed a food allergen awareness training course and passed a test as required by this Regulation is necessary to protect the health of County residents.

Action

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, approves the following resolution:

1. Section 15-15B of Chapter 15 of the Montgomery County Code, entitled “Eating and Drinking Establishments”, as added by Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training, are adopted as a Board of Health regulation. A copy of Bill 33-16 is attached to this resolution.
2. This resolution takes effect on July 1, 2017.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

F:\LAW\Resolutions\Board Of Health\Tanning Facilities\Board Of Health Regulation.Docx