

Chapter 762

(House Bill 559)

AN ACT concerning

Food Establishments – Portable Chemical Toilets

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

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

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

Article – Health – General

21–325.

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

(1) A convenient toilet that is:

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

(ii) Kept in a sanitary condition; and

(iii) Properly ventilated; and

(2) A convenient lavatory that is:

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

(ii) Kept in a sanitary condition; and

(iii) Properly ventilated.

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

- (1) A convenient toilet that is kept in a sanitary condition; and
- (2) A convenient lavatory that is:
 - (i) Supplied with soap, water, towels, or other approved hand drying devices;
 - (ii) Kept in a sanitary condition; and
 - (iii) Properly ventilated.

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 20, 2025.