

(3) Except in Baltimore City, vending machine locations used exclusively for prepackaged and commercially sealed foods that are not potentially hazardous, as defined by regulation, are not required to be licensed.

(4) In Baltimore City, a license may be required for each individual vending machine.

(5) An excluded organization may operate a food establishment without a license unless the excluded organization has been issued a license under § 21-304(a)(2)(ii) of this title.

(6) Nothing in this subtitle shall preempt the right of a county to require a permit under the authority provided by a local law, ordinance, or regulation if this subtitle does not require the food establishment to obtain a State license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2004.

Approved May 11, 2004.

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## CHAPTER 377

(House Bill 784)

AN ACT concerning

### **Montgomery County - Fire and Explosive Investigators - Authority**

**MC 409-04**

FOR the purpose of including a Montgomery County fire and explosive investigator in the definition of "law enforcement official" under the law relating to the authorized carrying of a handgun by a person engaged in law enforcement; providing that, under certain circumstances, a Montgomery County fire and explosive investigator operating in Montgomery County has the same authority as the State Fire Marshal and a full-time investigative and inspection assistant in the office of the State Fire Marshal to make an arrest without a warrant and exercise certain powers of arrest; authorizing a Montgomery County fire and explosive investigator to exercise certain authority while operating outside Montgomery County under certain circumstances; authorizing the Montgomery County Fire Administrator to limit certain authority of a fire and explosive investigator to make an arrest without a warrant or exercise certain powers of arrest; requiring the Fire Administrator to express the limitation in writing; ~~providing that the action of the Fire Administrator in limiting certain authority is not subject to judicial review, does not create a right for anyone except the Fire Administrator or the county to challenge the authority of a fire and explosive investigator, and does not create a cause of action for damages against the county, the Fire Administrator, or a fire and explosive investigator;~~ removing a Montgomery County fire and explosive investigator from a law granting certain fire investigators authority to make an arrest without a warrant under