

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 17-1065.01 Yelana Love x2295

**SENATE BILL 17-244**

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**SENATE SPONSORSHIP**

**Priola,**

**HOUSE SPONSORSHIP**

**Gray,**

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**Senate Committees**  
Business, Labor, & Technology

**House Committees**  
Business Affairs and Labor

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**A BILL FOR AN ACT**

101 **CONCERNING RETAIL FOOD ESTABLISHMENT LICENSE FEES.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Currently, retail food establishment license fees are established in statute. The bill authorizes a county or district board (local board) of health to establish fees that are lower than the fees set in statute as long as the local board is in compliance with current law regarding food safety. The bill removes language prohibiting a county government from supplanting funds from increased revenues based on increased license fees for other county programs.

The bill requires a local board that chooses to establish fees lower

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
April 24, 2017

HOUSE  
Amended 2nd Reading  
April 21, 2017

SENATE  
3rd Reading Unamended  
March 30, 2017

SENATE  
2nd Reading Unamended  
March 29, 2017

than those in statute to continue to remit \$43 from each fee to the state treasurer.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 25-4-1607, **amend** (1) introductory portion, (1)(e)(I), (1.5)(d), and (13)(b) as follows:

**25-4-1607. Fees - repeal.** (1) Except as provided in ~~paragraph (d.5) of this subsection~~ (1) SUBSECTIONS (1)(d.5) and ~~subsection (14) of this section~~, effective January 1 of the year following the increases specified in ~~paragraph (a) of subsection (1.5)~~ SUBSECTION (1.5)(a) of this section, each retail food establishment in this state shall be assessed an annual license fee as follows:

(e) (I) Retail food establishment license fees shall be established pursuant to this subsection (1); except that:

(A) The city and county of Denver may establish such fees by ordinance; AND

(B) A COUNTY OR DISTRICT BOARD OF HEALTH MAY ESTABLISH FEES THAT ARE LOWER THAN THE FEES LISTED IN SUBSECTION (1.5) OF THIS SECTION IF THE COUNTY OR DISTRICT BOARD OF HEALTH IS IN COMPLIANCE WITH THIS PART 16;

(1.5) (d) Retail food establishment license fees shall be established pursuant to this subsection (1.5); except that:

(I) The city and county of Denver may establish such fees by ordinance; AND

(II) A COUNTY OR DISTRICT BOARD OF HEALTH MAY ESTABLISH FEES THAT ARE LOWER THAN THE FEES LISTED IN THIS SUBSECTION (1.5) IF THE COUNTY OR DISTRICT BOARD OF HEALTH IS IN COMPLIANCE WITH THIS PART 16.

1           (13) **Legislative declaration - disposition of fee revenue.**

2           (b) Counties may only spend the increased revenue from the increase of  
3           retail food establishment fees on retail food health-related activities.  
4           PRIOR TO JANUARY 1, 2019, supplanting funds for other county programs  
5           is prohibited.

6           **SECTION 2.** In Colorado Revised Statutes, 25-4-1608, **amend**  
7           (2) as follows:

8           **25-4-1608. Food protection cash fund - creation.**

9           (2) Forty-three dollars of each fee collected by the department and a  
10          county or district board of health pursuant to section 25-4-1607 ~~(1)(a),~~  
11          ~~(1)(b), (1)(c), and (1)(c.5)~~ (1)(a), (1)(a.5), (1)(b), (1)(c), (1)(c.5),  
12          (1)(e)(I)(B), (1.5)(a)(I), (1.5)(a)(II), (1.5)(a)(III), (1.5)(a)(IV), (1.5)(a)(V),  
13          (1.5)(b)(I), (1.5)(b)(II), (1.5)(b)(III), (1.5)(b)(IV), (1.5)(b)(V), AND  
14          (1.5)(d)(II) shall be transmitted to the state treasurer, who shall credit  
15          such THE fee to the food protection cash fund created in subsection (1) of  
16          this section. This portion of the fee shall be used by the department to  
17          conduct the duties and responsibilities set forth in section 25-4-1604  
18          (1)(a), (1)(b), (1)(c), (1)(f), (1)(g), and (1)(i). The remainder of such THE  
19          fee shall be retained by the county or district board of health for deposit  
20          in the appropriate county or district public health agency fund in  
21          accordance with section 25-1-511 or, if the fee is collected by the  
22          department, it shall be deposited pursuant to subsection (1) of this section,  
23          and used to pay a portion of the cost of conducting a retail food  
24          establishment protection program.

25          **SECTION 3. Act subject to petition - effective date.** This act  
26          takes effect at 12:01 a.m. on the day following the expiration of the  
27          ninety-day period after final adjournment of the general assembly (August

1 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2018 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.