

## CHAPTER 78

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 12-1097**

BY REPRESENTATIVE(S) Summers, Brown, Coram, DelGrosso, Ferrandino, Fields, Kerr A., Kerr J., Schafer S., Todd, Young;  
also SENATOR(S) Jahn, Williams S.

**AN ACT****CONCERNING CIVIL PENALTIES FOR RETAIL FOOD ESTABLISHMENTS.**

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

**SECTION 1.** In Colorado Revised Statutes, 25-4-1602, **add** (6.5) as follows:

**25-4-1602. Definitions.** As used in this part 16, unless the context otherwise requires:

(6.5) "IMMINENT HEALTH HAZARD" MEANS A SIGNIFICANT THREAT OR DANGER TO HEALTH THAT IS CONSIDERED TO EXIST WHEN THERE IS EVIDENCE SUFFICIENT TO SHOW THAT A PRODUCT, PRACTICE, CIRCUMSTANCE, OR EVENT CREATES A SITUATION THAT REQUIRES IMMEDIATE CORRECTION OR CESSATION OF OPERATION TO PREVENT INJURY OR ILLNESS BASED ON THE NUMBER OF POTENTIAL INJURIES OR ILLNESSES AND THE NATURE, SEVERITY, AND DURATION OF THE ANTICIPATED INJURY OR ILLNESS.

**SECTION 2.** In Colorado Revised Statutes, 25-4-1609, **amend** (2) as follows:

**25-4-1609. Disciplinary actions - closure - revocation - suspension - review.**

(2) EXCEPT IN CASES OF CLOSURE DUE TO AN IMMINENT HEALTH HAZARD, PROCEEDINGS FOR the revocation ~~and~~ OR suspension of a license or certificate of license ~~shall~~ MAY NOT be ~~in addition to any other penalties prescribed by this part 16~~ ~~NO~~ COMMENCED UNTIL AFTER THE IMPOSITION OF THE PENALTIES PRESCRIBED BY SECTION 25-4-1611. THE MAXIMUM PERIOD OF suspension ~~shall be for a period longer than~~ IS six months. When a license or certificate of license is suspended or revoked, no part of the fees paid for a license ~~shall~~ MAY be returned to the licensee.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3.** In Colorado Revised Statutes, 25-4-1611, **amend** (3) as follows:

**25-4-1611. Violation - penalties.** (3) A maximum of three civil penalties may be assessed against a licensee or other person operating a retail food establishment in any ~~calendar year~~ TWELVE-MONTH PERIOD. Whenever a third civil penalty is assessed in a ~~calendar year~~ TWELVE-MONTH PERIOD, the department or a county or district board of health ~~shall~~ MAY initiate proceedings to suspend or revoke the license of the licensee pursuant to section 25-4-1609.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 6, 2012