

CHAPTER 238

HEALTH AND ENVIRONMENT

HOUSE BILL 15-1226

BY REPRESENTATIVE(S) Becker K., Ginal, Primavera, Hullinghorst;
also SENATOR(S) Hodge, Steadman.

AN ACT**CONCERNING ANNUAL LICENSE FEES FOR RETAIL FOOD ESTABLISHMENTS.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The retail food establishment industry, consisting of restaurants, grocery stores, convenience stores, and other establishments across the state, is a critical industry that supports communities and provides jobs;

(b) It is a core function of local government to keep the food supply safe and avoid the human and financial costs of food-borne illness through regular inspections and the investigation and control of illness outbreaks;

(c) The annual license fees for retail food establishments are currently outlined in statute and have not been increased in six years;

(d) Before adjusting annual license fees, it is important to have input from all stakeholders who wish to be heard; and

(e) Holding regular stakeholder meetings before deciding whether to adjust annual license fees will best inform the legislature on how an adjustment will affect all interested parties.

SECTION 2. In Colorado Revised Statutes, **add** 25-4-1607.5 as follows:

25-4-1607.5. Retail food establishment regulation - fees - investigations -

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

stakeholder process. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE SHALL CONVENE A STAKEHOLDER GROUP, INCLUDING REPRESENTATIVES FROM COLORADO ASSOCIATIONS REPRESENTING COUNTY OR DISTRICT PUBLIC HEALTH AGENCIES, COUNTY COMMISSIONERS, RETAIL FOOD ESTABLISHMENTS, AND ANY OTHER PARTY THAT REPRESENTS A RETAIL FOOD ESTABLISHMENT AND EXPRESSES INTEREST IN PARTICIPATING.

(2) THE DEPARTMENT SHALL KEEP AND MAINTAIN A LIST OF STAKEHOLDERS.

(3) THE DEPARTMENT SHALL CONVENE THE FIRST MEETING WITH THE STAKEHOLDERS NO LATER THAN JUNE 15, 2015, AND AS NEEDED THEREAFTER. AFTER SUBMISSION OF THE REPORT DESCRIBED IN SUBSECTION (5) OF THIS SECTION, THE DEPARTMENT SHALL MEET WITH THE STAKEHOLDERS AT LEAST ONCE EVERY THREE YEARS.

(4) THE DEPARTMENT SHALL MEET WITH THE STAKEHOLDERS TO STUDY RETAIL FOOD ESTABLISHMENTS, RETAIL FOOD ESTABLISHMENT LICENSE FEES, AND RETAIL FOOD INSPECTION PROGRAMS, INCLUDING:

(a) INCIDENTS OF, AND TRENDS IN, FOOD-BORNE ILLNESSES, INCLUDING THE CORRELATION TO INSPECTIONS;

(b) UNIFORM STATEWIDE ADMINISTRATION, IMPLEMENTATION, INTERPRETATION, AND ENFORCEMENT OF THE INSPECTION PROGRAM TO INCLUDE, AT A MINIMUM:

(I) TRAINING;

(II) APPLICATION;

(III) COMMUNICATION TO THE PUBLIC;

(IV) GUIDANCE DOCUMENTS; AND

(V) INSPECTION FREQUENCY, INCLUDING COMPLIANCE STRATEGIES;

(c) POTENTIAL REGULATORY CHANGES;

(d) COLLABORATION WITH THE INDUSTRY;

(e) A REQUESTED ANNUAL LICENSE FEE ADJUSTMENT WITH APPROPRIATE DOCUMENTATION, INCLUDING COSTS OF PROVIDING AN INSPECTION;

(f) AN ANNUAL LICENSE FEE CHARGED FOR PAROCHIAL, PUBLIC, OR PRIVATE SCHOOLS; CHARITABLE ORGANIZATIONS AND BENEVOLENT, NONPROFIT RETAIL FOOD ESTABLISHMENTS THAT ASSIST ELDERLY, INCAPACITATED, OR DISADVANTAGED PERSONS; AND NONPROFIT OR CHARITABLE ORGANIZATIONS THAT DONATE, PREPARE, SELL, OR SERVE FOOD IN CONJUNCTION WITH AN EVENT OR CELEBRATION;

(g) ALTERNATIVE ADMINISTRATIVE ACTIONS;

(h) THE CURRENT ANNUAL LICENSE FEE STRUCTURE AND LICENSE CATEGORIES;

- (i) THE REVIEW OF RISK-BASED INSPECTION SCHEDULES; AND
- (j) THE ACTUAL COST OF INSPECTIONS.

(5) ON OR BEFORE DECEMBER 1, 2015, AND EVERY THREE YEARS THEREAFTER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE SHALL PREPARE A REPORT OF THE FINDINGS AND CONCLUSIONS OF THE STUDY AND SHALL PRESENT THE REPORT TO ALL STAKEHOLDERS AND OTHERS UPON REQUEST.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 29, 2015