

## CHAPTER 344

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**HEALTH AND ENVIRONMENT**

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## SENATE BILL 17-244

BY SENATOR(S) Priola, Holbert, Scott;  
also REPRESENTATIVE(S) Gray, Becker K., Rosenthal, Van Winkle.

**AN ACT****CONCERNING RETAIL FOOD ESTABLISHMENT LICENSE FEES.**

*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

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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.*

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.

(13) **Legislative declaration - disposition of fee revenue.** (b) Counties may only spend the increased revenue from the increase of retail food establishment fees on retail food health-related activities. PRIOR TO JANUARY 1, 2019, supplanting funds for other county programs is prohibited.

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

**25-4-1608. Food protection cash fund - creation.** (2) Forty-three dollars of each fee collected by the department and a county or district board of health pursuant to section 25-4-1607 ~~(1)(a), (1)(b), (1)(c), and (1)(c.5)~~ (1)(a), (1)(a.5), (1)(b), (1)(c), (1)(c.5), (1)(e)(I)(B), (1.5)(a)(I), (1.5)(a)(II), (1.5)(a)(III), (1.5)(a)(IV), (1.5)(a)(V), (1.5)(b)(I), (1.5)(b)(II), (1.5)(b)(III), (1.5)(b)(IV), (1.5)(b)(V), AND (1.5)(d)(II) shall be transmitted to the state treasurer, who shall credit ~~such~~ THE fee to the food protection cash fund created in subsection (1) of this section. This portion of the fee shall be used by the department to conduct the duties and responsibilities set forth in section 25-4-1604 (1)(a), (1)(b), (1)(c), (1)(f), (1)(g), and (1)(i). The remainder of ~~such~~ THE fee shall be retained by the county or district board of health for deposit in the appropriate county or district public health agency fund in accordance with section 25-1-511 or, if the fee is collected by the department, it shall be deposited pursuant to subsection (1) of this section, and used to pay a portion of the cost of conducting a retail food establishment protection program.

**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 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2017