

CHAPTER 320

HEALTH AND ENVIRONMENT

HOUSE BILL 03-1351

BY REPRESENTATIVE(S) Hall, Fritz, and Tochtrop;
also SENATOR(S) Kester.

AN ACT

**CONCERNING AN INCREASE IN THE ANNUAL LICENSE FEE FOR RETAIL FOOD ESTABLISHMENTS, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. 25-4-1607 (1) (a), (1) (b), and (1) (c), Colorado Revised Statutes, are amended to read:

25-4-1607. Fees. (1) Each retail food establishment in this state shall be assessed an annual license fee in accordance with the following provisions:

(a) A retail food establishment preparing or serving food in individual portions for immediate on- or off-premises consumption shall be assessed an annual fee based on the following schedule:

Seating Capacity	Fee
0 to 100	\$ 110 154
101 to 200	125 175
Over 200	135 189

(b) A retail food establishment offering food for retail sale to consumers for off-premises consumption shall be assessed an annual fee based on the following schedule:

Square Footage	Fee
Less than 3,000	\$ 44 55
3,001 to 10,000	80 100
10,001 to 20,000	92 115
20,001 to 40,000	110 138

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

40,001 to 70,000	140 175
over 70,000	200 250

(c) A retail food establishment offering food for retail sale to consumers for off-premises consumption and preparing or serving food in individual portions for immediate consumption either on- or off-premises shall be assessed an annual fee based on the following schedule:

Square Footage	Fee
Less than 3,000	\$ 110 138
3,001 to 10,000	180 225
10,001 to 20,000	192 240
20,001 to 40,000	210 263
40,001 to 70,000	240 300
over 70,000	310 383

SECTION 2. 25-4-1608 (2), Colorado Revised Statutes, is amended to read:

25-4-1608. Food protection cash fund - creation. (2) TWENTY-FIVE DOLLARS OF EACH FEE COLLECTED BY THE DEPARTMENT AND LOCAL BOARD OF HEALTH PURSUANT TO SECTION 25-4-1607 (1) (a), AND twenty dollars of each fee collected by the department and local board of health pursuant to section 25-4-1607 (1) (b) AND (1) (c) shall be transmitted to the state treasurer, who shall credit such 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 fee shall be retained by the local board of health for deposit in the appropriate local board of health cash fund in accordance with sections 25-1-509 and 25-1-713, or if the fee is collected by the department it shall be deposited pursuant to section 25-4-1608 (1), and used to pay a portion of the cost of conducting a retail food establishment protection program.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the food protection cash fund created in section 25-4-1608, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, consumer protection division, for the fiscal year beginning July 1, 2003, the sum of ninety thousand two hundred fifty-seven dollars (\$90,257), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Effective date. This act shall take effect July 1, 2003.

SECTION 5. 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: May 22, 2003