

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-1065.01 Yelana Love x2295

SENATE BILL 17-244

SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

Gray,

Senate Committees

Business, Labor, & Technology

House Committees

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.

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

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 ~~Supplanting funds for other county programs is prohibited.~~

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

7 **25-4-1608. Food protection cash fund - creation.**

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

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

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