



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

HB 19-1014

# FISCAL NOTE

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<b>Drafting Number:</b>	LLS 19-0568	<b>Date:</b>	January 15, 2019
<b>Prime Sponsors:</b>	Rep. Singer; Bird Sen. Ginal	<b>Bill Status:</b>	House Business
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**Bill Topic:** RETAIL FOOD ESTABLISHMENTS INSPECTION AND SUSPENSION

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input checked="" type="checkbox"/> Local Government ( <i>minimal</i> )
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill modifies provisions of the Food Protection Act related to the inspection of retail food establishments. It will minimally increase state and local workload in FY 2019-20 only.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

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## Summary of Legislation

This bill modifies provisions of the Food Protection Act related to the inspection of retail food establishments effective January 1, 2020. These modifications include:

- clarifying the definition of imminent health hazard;
- requiring that the system to communicate inspection results only be revised through the triennial stakeholder process;
- removing the minimum amount for a civil penalty and setting a maximum amount of \$1,000; and
- creating a new civil penalty process for inspection violations.

## Background

**Retail food establishment inspections.** State law requires retail food establishments to obtain a license before operating any business that sells food to the public. Retail food establishments include restaurants, catering operations, grocery stores, convenience stores, concession stands, and food trucks. Most counties issue their own licenses for food operations within the county. The Colorado Department of Public Health and Environment (CDPHE) issues licenses and conducts inspections for retail food establishments in Clear Creek, Jackson, Moffat, Ouray, Park, and Pitkin counties. Penalties for violations levied by the CDPHE are deposited into the Food Protection Cash Fund.

**Stakeholder group study.** House Bill 15-1226 required the CDPHE to convene a stakeholder group to study retail food establishments, retail food establishment license fees, and retail food inspection programs. The most recent review conducted in 2018 focused on modifying statutory enforcement requirement protocols. The report issued November 30, 2018, included the legislative recommendations reflected in this bill.

## Assumptions

While the bill makes changes to penalty amounts, this is not expected to change the amount of revenue collected from penalties by state or local inspectors.

## State Expenditures

This bill will minimally increase workload for the Division of Environmental Health and Sustainability in the CDPHE to update its rules and train its inspectors on the new inspection protocols. This workload increase can be accomplished within existing resources.

## Local Government

Like for the CDPHE, this bill will minimally increase workload for local health departments to update their rules and train inspectors on the new inspection protocols.

## Effective Date

The bill takes effect January 1, 2020, if no referendum petition is filed.

## State and Local Government Contacts

Counties      Information Technology      Public Health and Environment