

HB1226_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

HB15-1226 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

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

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

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

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

22 25-4-1607.5. Retail food establishment regulation - fees -
23 investigations - stakeholder process. (1) THE EXECUTIVE DIRECTOR OF
24 THE DEPARTMENT OR HIS OR HER DESIGNEE SHALL CONVENE A
25 STAKEHOLDER GROUP, INCLUDING REPRESENTATIVES FROM COLORADO
26 ASSOCIATIONS REPRESENTING COUNTY OR DISTRICT PUBLIC HEALTH
27 AGENCIES, COUNTY COMMISSIONERS, RETAIL FOOD ESTABLISHMENTS, AND
28 ANY OTHER PARTY THAT REPRESENTS A RETAIL FOOD ESTABLISHMENT AND
29 EXPRESSES INTEREST IN PARTICIPATING.

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

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

37 (4) THE DEPARTMENT SHALL MEET WITH THE STAKEHOLDERS TO



1 STUDY RETAIL FOOD ESTABLISHMENTS, RETAIL FOOD ESTABLISHMENT
2 LICENSE FEES, AND RETAIL FOOD INSPECTION PROGRAMS, INCLUDING:

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

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

8 (I) TRAINING;

9 (II) APPLICATION;

10 (III) COMMUNICATION TO THE PUBLIC;

11 (IV) GUIDANCE DOCUMENTS; AND

12 (V) INSPECTION FREQUENCY, INCLUDING COMPLIANCE
13 STRATEGIES;

14 (c) POTENTIAL REGULATORY CHANGES;

15 (d) COLLABORATION WITH THE INDUSTRY;

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

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

25 (g) ALTERNATIVE ADMINISTRATIVE ACTIONS;

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

28 (i) THE REVIEW OF RISK-BASED INSPECTION SCHEDULES; AND

29 (j) THE ACTUAL COST OF INSPECTIONS.

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

35 **SECTION 3. Act subject to petition - effective date.** This act
36 takes effect at 12:01 a.m. on the day following the expiration of the
37 ninety-day period after final adjournment of the general assembly (August
38 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
39 referendum petition is filed pursuant to section 1 (3) of article V of the
40 state constitution against this act or an item, section, or part of this act
41 within such period, then the act, item, section, or part will not take effect



1 unless approved by the people at the general election to be held in
2 November 2016 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor."

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