

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0643.01 Chuck Brackney x2295

HOUSE BILL 12-1097

HOUSE SPONSORSHIP

Summers,

SENATE SPONSORSHIP

Jahn,

House Committees
Health and Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CIVIL PENALTIES FOR RETAIL FOOD ESTABLISHMENTS.**

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://www.leg.state.co.us/billsummaries>.)

The bill specifies that proceedings to suspend or revoke the license of a retail food establishment may be commenced only after the imposition of other civil penalties.

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

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.

1 **SECTION 1.** In Colorado Revised Statutes, 25-4-1602, **add** (6.5)
2 as follows:

3 **25-4-1602. Definitions.** As used in this part 16, unless the context
4 otherwise requires:

5 (6.5) "IMMINENT HEALTH HAZARD" MEANS A SIGNIFICANT THREAT
6 OR DANGER TO HEALTH THAT IS CONSIDERED TO EXIST WHEN THERE IS
7 EVIDENCE SUFFICIENT TO SHOW THAT A PRODUCT, PRACTICE,
8 CIRCUMSTANCE, OR EVENT CREATES A SITUATION THAT REQUIRES
9 IMMEDIATE CORRECTION OR CESSATION OF OPERATION TO PREVENT
10 INJURY OR ILLNESS BASED ON THE NUMBER OF POTENTIAL INJURIES OR
11 ILLNESSES AND THE NATURE, SEVERITY, AND DURATION OF THE
12 ANTICIPATED INJURY OR ILLNESS.

13 **SECTION 2.** In Colorado Revised Statutes, 25-4-1609, **amend**
14 (2) as follows:

15 **25-4-1609. Disciplinary actions - closure - revocation -**
16 **suspension - review.** (2) EXCEPT IN CASES OF CLOSURE DUE TO AN
17 IMMINENT HEALTH HAZARD, PROCEEDINGS FOR the revocation ~~and~~ OR
18 suspension of a license or certificate of license ~~shall~~ MAY NOT be ~~in~~
19 ~~addition to any other penalties prescribed by this part 16~~ No COMMENCED
20 UNTIL AFTER THE IMPOSITION OF THE PENALTIES PRESCRIBED BY SECTION
21 25-4-1611. THE MAXIMUM PERIOD OF suspension ~~shall be for a period~~
22 ~~longer than~~ IS six months. When a license or certificate of license is
23 suspended or revoked, no part of the fees paid for a license ~~shall~~ MAY be
24 returned to the licensee.

25 **SECTION 3.** In Colorado Revised Statutes, 25-4-1611, **amend**
26 (3) as follows:

27 **25-4-1611. Violation - penalties.** (3) A maximum of three civil

1 penalties may be assessed against a licensee or other person operating a
2 retail food establishment in any ~~calendar year~~ TWELVE-MONTH PERIOD.
3 Whenever a third civil penalty is assessed in a ~~calendar year~~
4 TWELVE-MONTH PERIOD, the department or a county or district board of
5 health ~~shall~~ MAY initiate proceedings to suspend or revoke the license of
6 the licensee pursuant to section 25-4-1609.

7 **SECTION 4. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.