

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 14, 2012
Date

Committee on Health and Environment.

After consideration on the merits, the Committee recommends the following:

HB12-1097 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, before line 1 insert:
 - 2 "SECTION 1. In Colorado Revised Statutes, 25-4-1602, **add**
 - 3 (6.5) as follows:
 - 4 **25-4-1602. Definitions.** As used in this part 16, unless the context
 - 5 otherwise requires:
 - 6 (6.5) "IMMINENT HEALTH HAZARD" MEANS A SIGNIFICANT THREAT
 - 7 OR DANGER TO HEALTH THAT IS CONSIDERED TO EXIST WHEN THERE IS
 - 8 EVIDENCE SUFFICIENT TO SHOW THAT A PRODUCT, PRACTICE,
 - 9 CIRCUMSTANCE, OR EVENT CREATES A SITUATION THAT REQUIRES
 - 10 IMMEDIATE CORRECTION OR CESSATION OF OPERATION TO PREVENT
 - 11 INJURY OR ILLNESS BASED ON THE NUMBER OF POTENTIAL INJURIES OR
 - 12 ILLNESSES AND THE NATURE, SEVERITY, AND DURATION OF THE
 - 13 ANTICIPATED INJURY OR ILLNESS."
- 14 Renumber succeeding sections accordingly.
- 15 Page 2, line 3, after "**Disciplinary action** -"insert "**closure** -".
- 16 Page 2, line 4, strike "PROCEEDINGS" and substitute "EXCEPT IN CASES OF
- 17 CLOSURE DUE TO AN IMMINENT HEALTH HAZARD, PROCEEDINGS".
- 18 Page 2, before line 11 insert:

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

3 **25-4-1611. Violation - penalties.** (3) A maximum of three civil
4 penalties may be assessed against a licensee or other person operating a
5 retail food establishment in any ~~calendar year~~ TWELVE-MONTH PERIOD.
6 Whenever a third civil penalty is assessed in a ~~calendar year~~
7 TWELVE-MONTH PERIOD, the department or a county or district board of
8 health ~~shall~~ MAY initiate proceedings to suspend or revoke the license of
9 the licensee pursuant to section 25-4-1609."

10 Renumber succeeding section accordingly.

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