

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 14, 2015  
Date

Committee on Public Health Care & Human Services.

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

HB15-1226 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

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

1 STAKEHOLDER GROUP, INCLUDING REPRESENTATIVES FROM COLORADO  
2 ASSOCIATIONS REPRESENTING COUNTY OR DISTRICT PUBLIC HEALTH  
3 AGENCIES, COUNTY COMMISSIONERS, RETAIL FOOD ESTABLISHMENTS, AND  
4 ANY OTHER PARTY THAT REPRESENTS A RETAIL FOOD ESTABLISHMENT AND  
5 EXPRESSES INTEREST IN PARTICIPATING.

6 (2) THE DEPARTMENT SHALL KEEP AND MAINTAIN A LIST OF  
7 STAKEHOLDERS.

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

13 (4) THE DEPARTMENT SHALL MEET WITH THE STAKEHOLDERS TO  
14 STUDY RETAIL FOOD ESTABLISHMENTS, RETAIL FOOD ESTABLISHMENT  
15 LICENSE FEES, AND RETAIL FOOD INSPECTION PROGRAMS, INCLUDING:

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

18 (b) UNIFORM STATEWIDE ADMINISTRATION, IMPLEMENTATION,  
19 INTERPRETATION, AND ENFORCEMENT OF THE INSPECTION PROGRAM TO  
20 INCLUDE, AT A MINIMUM:

21 (I) TRAINING;

22 (II) APPLICATION;

23 (III) COMMUNICATION TO THE PUBLIC;

24 (IV) GUIDANCE DOCUMENTS; AND

25 (V) INSPECTION FREQUENCY, INCLUDING COMPLIANCE  
26 STRATEGIES;

27 (c) POTENTIAL REGULATORY CHANGES;

28 (d) COLLABORATION WITH THE INDUSTRY;

29 (e) A REQUESTED ANNUAL LICENSE FEE ADJUSTMENT WITH  
30 APPROPRIATE DOCUMENTATION, INCLUDING COSTS OF PROVIDING AN  
31 INSPECTION;

32 (f) AN ANNUAL LICENSE FEE CHARGED FOR PAROCHIAL, PUBLIC, OR  
33 PRIVATE SCHOOLS; CHARITABLE ORGANIZATIONS AND BENEVOLENT,  
34 NONPROFIT RETAIL FOOD ESTABLISHMENTS THAT ASSIST ELDERLY,  
35 INCAPACITATED, OR DISADVANTAGED PERSONS; AND NONPROFIT OR  
36 CHARITABLE ORGANIZATIONS THAT DONATE, PREPARE, SELL, OR SERVE  
37 FOOD IN CONJUNCTION WITH AN EVENT OR CELEBRATION;

38 (g) ALTERNATIVE ADMINISTRATIVE ACTIONS;

39 (h) THE CURRENT ANNUAL LICENSE FEE STRUCTURE AND LICENSE  
40 CATEGORIES;

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

1 (j) THE ACTUAL COST OF INSPECTIONS.  
2 (5) ON OR BEFORE DECEMBER 1, 2015, AND EVERY THREE YEARS  
3 THEREAFTER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR HIS OR  
4 HER DESIGNEE SHALL PREPARE A REPORT OF THE FINDINGS AND  
5 CONCLUSIONS OF THE STUDY AND SHALL PRESENT THE REPORT TO ALL  
6 STAKEHOLDERS AND OTHERS UPON REQUEST.

7 **SECTION 3. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2016 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor."

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