



**PLEASE SUPPORT HB16-1401:
Retail Food Establishment Stakeholder Recommendations**

Sponsors: Representatives K. Becker and Priola
Senators Woods and Hodge

Background: As the result of HB15-1226, a stakeholder group convened in the summer/fall of 2015 to develop recommendations to update the retail food establishment statute and fee structure. A diverse group of stakeholders including retail food establishments and their associations, county commissioners, local public health agencies and CDPHE met several times over six months. **THE STAKEHOLDER GROUP REACHED AGREEMENT ON SEVERAL CHANGES, INCLUDING ALL OF THE PROVISIONS IN THIS BILL.**

HB16-1401 includes the following components:

- Support for small and large businesses operating retail food establishments:
 - Plan reviews must be completed within 14 working days. Without a plan review, retail food establishments cannot remodel or open new locations in a timely manner. This leads to lost revenue and delayed business openings.
 - Higher levels of training and education on food safety principles for public health inspectors across the state. Well-trained inspectors help protect the public from foodborne illness by routinely inspecting retail food establishments and providing a high level of education to food workers about proper food handling.
 - Standardization of food safety inspections across the state with a focus on foodborne illness risk factors, correction of violations, and a focus on the highest risk establishments. This will help retail food establishments better train their employees to comply with consistent requirements across different locations.
- Communication to the public about inspection results:
 - CPDHE is required to establish a system for communicating the results of retail food establishment inspections to the public with the input of all stakeholders
 - The communication system cannot use a letter grade, number, symbol or other oversimplified method of communication. This is important to both retail food establishments and consumers, as oversimplified results can mislead consumers and harm retail food establishments.
 - All local public health agencies contracting with the state to provide a local food safety and inspection program would be required to use this system. By having a consistent way to communicate results around the state, consumers can be better educated on how to understand inspection results.

- Simplification of license categories and fees:
 - Reduces the number of license categories to reflect current types of establishments, avoid confusion, increase uniformity and create efficiencies
 - Adds a new license category for establishments selling only very low risk foods, such as pre-packaged foods
 - License fee increases averaging \$155/year/establishment, phased in over 3 years (average \$93 year 1 increase, \$31 year 2, \$31 year 3). The year 2 and year 3 increases are contingent upon public health agency compliance with communication and plan review requirements in the bill. License fee revenue supports routine and follow-up inspections of retail food establishments, as well as investigation and control of food borne illness outbreaks. These fees are set in statute and have not been increased since 2009. This new plan holds health departments accountable to follow requirements set by this bill.
 - Clarifies the list of establishments that are exempt from the annual license fee to include K-12 schools, jails/prisons, nonprofits providing food assistance, and local community events.
- License suspension provisions:
 - Reduces the maximum license suspension from 6 months to 1 month. A 6-month suspension often means business closure as a business cannot usually recover and employees must find alternative work.
 - Clarifies and streamlines civil penalty requirements

Summary of HB16-1401:

The stakeholder process resulted in agreement by ALL parties on this set of recommendations.

Public health agencies need increased fee revenue to cover costs of quality, timely inspections and to respond to illness outbreaks. Retail food establishments need timely and consistent inspections and plan reviews to operate and expand their businesses safely and efficiently.

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Supporters:

Colorado Association of Public Health Officials (CALPHO)

Colorado Bar Owners Association

Colorado Hotel & Lodging Association

Colorado Restaurant Association

Colorado Retail Council

Colorado-Wyoming Petroleum Marketers Association, Convenience Store Association

Natural Grocers by Vitamin Cottage

Rocky Mountain Food Industry Association