

Introduced by Senator CogdillFebruary 16, 2007

An act to amend Section 114381 of the Health and Safety Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 315, as introduced, Cogdill. Food facilities: permit fees.

The California Uniform Retail Food Facilities Law (CURFFL) provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services. Under existing law, local health agencies are primarily responsible for enforcing CURFFL. Effective July 1, 2007, these duties will be transferred to the State Department of Public Health.

CURFFL requires each food facility to have a valid permit to be open for business and requires any fee for the permit to be determined by the local governing body.

This bill would require a school district that operates a food facility pursuant to a permit to pay the permit fee. By imposing additional duties upon local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 114381 of the Health and Safety Code
2 is amended to read:

3 114381. (a) A food facility shall not be open for business
4 without a valid permit.

5 (b) A permit shall be issued by the enforcement agency when
6 investigation has determined that the proposed facility and its
7 method of operation meets the specifications of the approved plans
8 or conforms to the requirements of this part.

9 (c) A permit, once issued, is nontransferable. A permit shall be
10 valid only for the person, location, type of food sales, or
11 distribution activity and, unless suspended or revoked for cause,
12 for the time period indicated.

13 (d) Any fee for the permit or registration or related services,
14 including, but not limited to, the expenses of inspecting and
15 impounding any utensil suspected of releasing lead or cadmium
16 in violation of Section 108860 as authorized by Section 114393,
17 review of HACCP plans, and alternative means of compliance
18 shall be determined by the local governing body. Fees shall be
19 sufficient to cover the actual expenses of administering and
20 enforcing this part. *Notwithstanding Section 6103 of the*
21 *Government Code, a school district that operates a food facility*
22 *subject to the permit requirement of this section may be required*
23 *to pay the permit fee.*

24 (e) A permit shall be posted in a conspicuous place in the food
25 facility or in the office of a vending machine business.

26 (f) Any person requesting the enforcement agency to undertake
27 activity pursuant to Sections 114149.1 and 114419.3 shall pay the
28 enforcement agency’s costs incurred in undertaking the activity.
29 The enforcement agency’s services shall be assessed at the current
30 hourly cost recovery rate.

31 SEC. 2. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.

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