

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 151

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO FOOD ESTABLISHMENTS; AMENDING SECTION 39-1607, IDAHO CODE, TO  
REVISE PROVISIONS REGARDING CERTAIN FEES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-1607, Idaho Code, be, and the same is hereby  
amended to read as follows:

39-1607. LICENSE AND OTHER FEES -- PROHIBITION ON ADDITIONAL FEES. (1)  
A fee may be charged by the department of health and welfare's regulatory au-  
thority for licensing a food establishment.

~~(a) The fee per food establishment for licenses issued from July 1,~~  
~~2009, through June 30, 2010, shall be:~~

~~(i) Sixty-five dollars (\$65.00) for temporary food establish-~~  
~~ments, intermittent food establishments and mobile food estab-~~  
~~lishments without a commissary;~~

~~(ii) Seventy-five dollars (\$75.00) for mobile food establish-~~  
~~ments with a commissary;~~

~~(iii) Ninety-five dollars (\$95.00) for all other food establish-~~  
~~ments, except for food establishments with more than two (2) li-~~  
~~censes on one (1) premises under common ownership; and~~

~~(iv) One hundred seven dollars and fifty cents (\$107.50) for food~~  
~~establishments with more than two (2) licenses on one (1) premises~~  
~~under common ownership.~~

~~(b) The fee per food establishment per year for licenses issued on and~~  
~~after July 1, 2010, shall be:~~

(a) Thirty-five dollars (\$35.00) for a temporary food establishment  
operating for one (1) day, forty-five dollars (\$45.00) for a temporary  
food establishment operating for two (2) or three (3) days, and sev-  
enty-two dollars (\$72.00) for a temporary food establishment operating  
for four (4) or more days or at multiple events;

~~(i**b**) Sixty-five dollars (\$65.00) for temporary food establishments,~~  
~~intermittent food establishments and mobile food establishments with-~~  
~~out a commissary;~~

~~(i**i**c) Eighty-five dollars (\$85.00) for mobile food establishments with~~  
~~a commissary;~~

~~(i**i**d) One hundred twenty-five dollars (\$125) for all other food es-~~  
~~tablishments, except for food establishments with more than two (2) li-~~  
~~censes on one (1) premises under common ownership; and~~

~~(i**e**) One hundred fifty dollars (\$150) for food establishments with~~  
~~more than two (2) licenses on one (1) premises under common ownership.~~

~~(2) A license issued to a temporary or intermittent food establishment~~  
~~by a regulatory authority shall be valid only for the celebration or event~~  
~~for which the license was issued; however, no additional license fee will be~~

~~charged by a regulatory authority to a temporary or intermittent food establishment for other celebrations or events within the same calendar year and with the same menu. Effective January 1, 2020, the fee per food establishment per year for licenses shall be:~~

- ~~(a) Thirty-five dollars (\$35.00) for a temporary food establishment operating for one (1) day, forty-five dollars (\$45.00) for a temporary food establishment operating for two (2) or three (3) days, and seventy-two dollars (\$72.00) for a temporary food establishment operating for four (4) or more days or at multiple events;~~
- ~~(b) Seventy-two dollars (\$72.00) for intermittent food establishments;~~
- ~~(c) Seventy-two dollars (\$72.00) for mobile food establishments without a commissary;~~
- ~~(d) Ninety-two dollars (\$92.00) for mobile food establishments with a commissary;~~
- ~~(e) One hundred sixty dollars (\$160) for all other food establishments, except for food establishments with more than two (2) licenses on one (1) premises under common ownership; and~~
- ~~(f) Two hundred dollars (\$200) for food establishments with more than two (2) licenses on one (1) premises under common ownership.~~
- ~~(3) Effective January 1, 2022, the fee per food establishment per year for licenses shall be:~~

- ~~(a) Thirty-five dollars (\$35.00) for a temporary food establishment operating for one (1) day, forty-five dollars (\$45.00) for a temporary food establishment operating for two (2) or three (3) days, and eighty dollars (\$80.00) for a temporary food establishment operating for four (4) or more days or at multiple events;~~
- ~~(b) Eighty dollars (\$80.00) for intermittent food establishments;~~
- ~~(c) Eighty dollars (\$80.00) for mobile food establishments without a commissary;~~
- ~~(d) One hundred dollars (\$100) for mobile food establishments with a commissary;~~
- ~~(e) Two hundred dollars (\$200) for all other food establishments, except for food establishments with more than two (2) licenses on one (1) premises under common ownership; and~~
- ~~(f) Two hundred fifty dollars (\$250) for food establishments with more than two (2) licenses on one (1) premises under common ownership.~~
- ~~(4) Effective July 1, 2019, in addition to other fees assessed by this section, the designated regulatory authority may assess:~~

- ~~(a) A plan review and preoperational inspection fee of one hundred dollars (\$100);~~
- ~~(b) A late fee for any fees paid past the applicable deadline;~~
- ~~(c) A license reinstatement fee of eighteen dollars (\$18.00);~~
- ~~(d) A request for variance fee of fifty dollars (\$50.00) per hour;~~
- ~~(e) A compliance conference fee of one hundred dollars (\$100) per hour;~~
- ~~(f) Enforcement and legal fees of one hundred fifty dollars (\$150) per hour; and~~
- ~~(g) Fees covering operational costs for inspections conducted pursuant to federal law or regulation.~~

1           (35) Fees collected for licensing a food establishment shall be used by  
2 the designated regulatory authority for funding a portion of the food safety  
3 inspection program. The designated regulatory authority may not impose  
4 fees on food establishments in addition to those provided by this section or  
5 specifically authorized by other applicable law.

6           (46) ~~On and after January 1, 2010, t~~The regulatory authority shall re-  
7 view at three (3) year intervals the cost data associated with the operation  
8 of the food safety inspection program as well as actions taken to increase  
9 the efficiency of such program and provide a report on ~~same~~ such review to the  
10 health and welfare committees of the Idaho legislature.

11           SECTION 2. An emergency existing therefor, which emergency is hereby  
12 declared to exist, this act shall be in full force and effect on and after its  
13 passage and approval.