

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 353

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO FOOD SANITATION; AMENDING THE FOOD SERVICE  
SANITATION ACT TO RAISE PERMIT FEES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 25-1-5 NMSA 1978 (being Laws 1977,  
Chapter 309, Section 5, as amended) is amended to read:

"25-1-5. OPTIONAL POWERS.--

A. The board may establish a system of grading food  
service establishments for the purpose of certifying compliance  
with the Food Service Sanitation Act and regulations requiring  
food service establishments to display in a designated manner a  
grade as notice of compliance to the public. Such regulations  
shall include provisions for the revocation and reinstatement  
of the permit that are consistent with due process of law.

B. The board shall establish a schedule of fees for

underscored material = new  
[bracketed material] = delete

1 the issuance and renewal of permits issued by the division  
2 under the Food Service Sanitation Act. The board shall set the  
3 schedule of fees so that no fee established by such schedule  
4 shall be less than [~~seventy-five dollars (\$75.00) or more than~~  
5 ~~one hundred dollars (\$100)~~] one hundred dollars (\$100) or more  
6 than two hundred dollars (\$200) annually for a food service  
7 establishment, with not more than a twenty-five dollar (\$25.00)  
8 incremental increase per fiscal year. The board shall  
9 establish a separate schedule of fees not to exceed twenty-five  
10 dollars (\$25.00) per single event or celebration per temporary  
11 food service establishment. Fees shall be waived for all  
12 temporary non-potentially hazardous food service operations,  
13 for any temporary food service establishment operating no more  
14 than two calendar days in any calendar month and for any food  
15 service establishment that provides food to the general public  
16 at no charge. Fees collected for the issuance and renewal of  
17 permits pursuant to the Food Service Sanitation Act shall be  
18 deposited in the food service sanitation fund."

19 Section 2. Section 25-1-5.1 NMSA 1978 (being Laws 1993,  
20 Chapter 100, Section 5) is amended to read:

21 "25-1-5.1. FOOD SERVICE SANITATION FUND.--The "food  
22 service sanitation fund" is created in the state treasury [~~to~~  
23 ~~be administered by~~] and is appropriated to the department of  
24 environment for the purpose of paying the costs of  
25 administering regulations promulgated by the board to carry out

.150146.1

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the provisions of the Food Service Sanitation Act."