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HOUSE BILL 455

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Andy Nuñez

AN ACT

**RELATING TO FOOD; 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

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

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

22 "25-1-5.1. FOOD SERVICE SANITATION FUND. -- The "food
23 service sanitation fund" is created in the state treasury, [~~to~~
24 ~~be administered by]~~ and money in the fund is appropriated to
25 the department of environment for the purpose of paying the

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1 costs of administering regulations promulgated by the board to
2 carry out the provisions of the Food Service Sanitation Act. "

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