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SENATE BILL 209

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Clemente Sanchez

AN ACT

RELATING TO FOOD SERVICE SANITATION; INCREASING FEES; PROVIDING FOR FEES FOR ADMINISTRATIVE AND TECHNICAL SERVICES; LIMITING FEE EXEMPTIONS; 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.

.216378.3SA

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1 B. The board shall establish a schedule of fees for
2 the issuance and renewal of permits issued by the division
3 under the Food Service Sanitation Act. The board shall set the
4 schedule of fees not exceeding two hundred fifty dollars (\$250)
5 for administrative and technical services provided for the
6 issuance of initial permits. The board shall establish a
7 separate schedule of fees so that no fee established by such
8 schedule shall be less than [~~one hundred dollars (\$100)~~] two
9 hundred dollars (\$200) or more than [~~two hundred dollars~~
10 ~~(\$200)~~] seven hundred dollars (\$700) annually for a food
11 service establishment [~~with not more than a twenty-five dollar~~
12 ~~(\$25.00) incremental increase per fiscal year~~]. The board
13 shall establish a separate schedule of fees not to exceed
14 [~~twenty-five dollars (\$25.00)~~] fifty dollars (\$50.00) per
15 single event or celebration per temporary food service
16 establishment. Fees shall be waived [~~for all temporary non-~~
17 ~~potentially hazardous food service operations, for any~~
18 ~~temporary food service establishment operating no more than two~~
19 ~~calendar days in any calendar month and~~] for any food service
20 establishment that provides food to the general public at no
21 charge. Fees collected for the issuance and renewal of permits
22 pursuant to the Food Service Sanitation Act shall be deposited
23 in the food service sanitation fund."

24 **SECTION 2.** Section 25-1-5.1 NMSA 1978 (being Laws 1993,
25 Chapter 100, Section 5, as amended) is amended to read:

.216378.3SA

1 "25-1-5.1. FOOD SERVICE SANITATION FUND.--The "food
2 service sanitation fund" is created as a nonreverting fund in
3 the state treasury. [~~and money in the fund is subject to~~
4 ~~appropriation by the legislature to~~] The fund shall be
5 administered by the department of environment, and money in the
6 fund is appropriated to the department for the purpose of
7 paying the costs of administering [~~regulations~~] rules
8 promulgated by the board to carry out the provisions of the
9 Food Service Sanitation Act. Disbursements from the fund shall
10 be made by warrant of the secretary of finance and
11 administration pursuant to vouchers signed by the secretary of
12 environment or the secretary's designee."

13 SECTION 3. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2020.