

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 the issuance and renewal of permits issued by the division under the Food Service Sanitation Act. The board shall set the schedule of fees so that no fee established by such schedule shall be less than one hundred dollars (\$100) or more than two hundred dollars (\$200) annually for a food service establishment with not more than a twenty-five-dollar (\$25.00) incremental increase per fiscal year. The board shall establish a separate schedule of fees not to exceed twenty-

five dollars (\$25.00) per single event or celebration per temporary food service establishment. Fees shall be waived for all temporary non-potentially hazardous food service operations, for any temporary food service establishment operating no more than two calendar days in any calendar month and for any food service establishment that provides food to the general public at no charge. Fees collected for the issuance and renewal of permits pursuant to the Food Service Sanitation Act shall be deposited in the food service sanitation fund."

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

"25-1-5.1. FOOD SERVICE SANITATION FUND.--The "food service sanitation fund" is created in the state treasury, and money in the fund is subject to appropriation by the legislature to the department of environment for the purpose of paying the costs of administering regulations promulgated by the board to carry out the provisions of the Food Service Sanitation Act."
