

2017 Regular Session

HOUSE BILL NO. 493

BY REPRESENTATIVES MAGEE, BAGLEY, HORTON, RICHARD, AND STAGNI

1 AN ACT

2 To enact R.S. 40:31.39, relative to powers and duties of the office of public health of the
3 Louisiana Department of Health; to provide for authority of the office with respect
4 to enforcement of the state sanitary code; to provide for assessment of fees by the
5 office; to establish and provide for a reinspection fee; to provide the amount and
6 procedures for assessment of the fee; to provide for definitions; to provide for
7 effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:31.39 is hereby enacted to read as follows:

10 §31.39. Office of public health reinspection fees

11 A. As used in this Section, the following terms and phrases have the meaning
12 ascribed to them in this Subsection:

13 (1) "Critical item" has the meaning ascribed in the sanitary code, LAC
14 51:XXIII.101.

15 (2)(a) "Initial inspection" means any routine, complaint-based, or pre-
16 opening inspection of a commercial facility conducted to determine compliance with
17 the sanitary code that identifies either a minimum of five sanitary code violations or
18 a minimum of one sanitary code violation constituting a critical item that is not
19 corrected during the inspection.

20 (b) Any reinspection that identifies either a minimum of five sanitary code
21 violations or a minimum of one sanitary code violation constituting a critical item,

1 and in which none of the violations were previously identified in the most recent
2 inspection, constitutes an initial inspection for purposes of this Section.

3 (3) "Reinspection" means any inspection subsequent to an initial inspection
4 conducted to determine remedial compliance related to any sanitary code violation
5 identified during an initial inspection.

6 (4) "Second or subsequent reinspection" means any reinspection conducted
7 following a prior reinspection and that identifies either a minimum of five sanitary
8 code violations or a minimum of one sanitary code violation constituting a critical
9 item that remain uncorrected after being identified either in an initial inspection or
10 in a reinspection.

11 B.(1) The department may conduct a reinspection of any commercial facility
12 subject to regulation and inspection by the department pursuant to R.S. 40:4 or 5.

13 (2) The department shall charge a fee of one hundred fifty dollars to conduct
14 any second or subsequent reinspection, which shall be assessed to the owner of the
15 reinspected facility by notice served in the same manner provided for in the sanitary
16 code for service of a notice of violation.

17 (3) Failure of the owner to pay the fee within thirty days of service shall be
18 grounds for the issuance of an order revoking any permit held by the owner. The
19 order shall be subject to an adjudicatory hearing before the division of administrative
20 law if requested by the owner within the time limit set forth in the order.

21 (4) The department shall not issue any permit to the owner of an unpermitted
22 facility until any fee for a second or subsequent reinspection is paid.

23 Section 2.(A) This Act shall become effective upon signature by the governor or, if
24 not signed by the governor, upon expiration of the time for bills to become law without
25 signature by the governor, as provided by Article III, Section 18 of the Constitution of
26 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act
27 shall become effective on the day following such approval.

28 (B) Notwithstanding the provisions of Subsection A of this Section, the provisions
29 of this Act authorizing a fee to be assessed for a violation which does not constitute a critical

1 item, as defined in R.S. 40:31.39 enacted by Section 1 of this Act, shall become effective on
2 March 1, 2018.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____