

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 18** SLS 13RS 133

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

| | | |
|--|---------|----------------------------------|
| Date: June 13, 2013 | 9:21 AM | Author: WARD |
| Dept./Agy.: DHH/OPH | | Analyst: Jennifer Katzman |
| Subject: Application of Sanitary Code to Cake & Cookie Products | | |

PUBLIC HEALTH

EN SEE FISC NOTE GF EX See Note

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Provides for cake and cookie products and preparation of cakes and cookies in home for public consumption.

Proposed law restricts the application of certain provisions of the state Sanitary Code relative to equipment, design, construction, utensils, and supplies for preparation of jellies, preserves jams, cake and cookie products, and honey as long as the proceeds from gross annual sales are less than \$20,000 under.

| EXPENDITURES | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Annual Total | | | | | | |
| REVENUES | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 5 -YEAR TOTAL |
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | DECREASE | DECREASE | DECREASE | DECREASE | DECREASE | |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

The Office of Public Health (OPH) currently performs retail food inspections relative to these home preparers that self-report their activities by applying for a retail food permit. The proposed legislation appears to exempt these home preparers from the construction, permitting, and inspection requirements in the Sanitary Code. However, since certain food preparation provisions of the Sanitary Code are still required in the proposed legislation, it is unclear if OPH will still be responsible for inspecting these home preparers in order to ensure food safety. To the extent that inspections are not required due to the proposed legislation, SGF costs will decrease by an indeterminable amount depending on the number of home preparers of jellies, preserves jams, cakes, cookies, and honey that were previously permitted and whose gross annual sales are less than \$20,000.

REVENUE EXPLANATION

It is anticipated that self-generated revenues within OPH will decrease by an indeterminable amount as a result of this legislation. The current permitting fee for retail food establishments is \$100. The current maximum civil fine for violations of the Sanitary Code relative to food preparation is \$100 per day per violation; however, there is a penalty cap of \$10,000 per year relative to the assessment of civil fines. With the application of this legislation, OPH would lose all revenues associated with the subgroups listed in proposed law (R.S. 40:4.9) relative to permitting fees and penalties.

Senate

Dual Referral Rules

House

- | | |
|---|--|
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {S} |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

John D. Carpenter
Legislative Fiscal Officer