
DIGEST

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HB 493 Reengrossed

2017 Regular Session

Magee

Abstract: Establishes a reinspection fee to be assessed by the La. Dept. of Health upon facilities and establishments with sanitary code violations.

Proposed law provides for definitions.

Proposed law authorizes the La. Dept. of Health (LDH) to conduct a reinspection of any commercial facility subject to regulation and inspection pursuant to present law (R.S. 40:4 or 5).

Proposed law requires LDH to charge a fee of \$150 to conduct any second or subsequent reinspection, which shall be assessed to the owner of the reinspected facility by notice served in the same manner provided for in the sanitary code for service of a notice of violation.

Proposed law provides that any failure of the owner to pay the fee within 30 days of service shall be grounds for issuance of an order revoking any permit held by the owner. Proposed law further provides that the order shall be subject to an adjudicatory hearing before the division of administrative law if requested by the owner within the time limit set forth in the order.

Proposed law provides that LDH shall not issue any permit to the owner of an unpermitted facility until any fee for a second or subsequent reinspection is paid.

Proposed law provides the following definitions for purposes of proposed law:

- (1) "Critical item" has the meaning ascribed in present administrative code, LAC 51:XXIII.101.
- (2) "Initial inspection" means any routine, complaint-based, or pre-opening inspection of a commercial facility conducted to determine compliance with the sanitary code that identifies either a minimum of five sanitary code violations or a minimum of one sanitary code violation constituting a critical item that is not corrected during the inspection. Proposed law stipulates that any reinspection that identifies either a minimum of five sanitary code violations or a minimum of one sanitary code violation constituting a critical item, and in which none of the violations were previously identified in the most recent inspection, constitutes an "initial inspection".
- (3) "Reinspection" means any inspection subsequent to an initial inspection conducted to determine remedial compliance related to any sanitary code violation identified during an initial inspection.

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

Except for provisions of proposed law authorizing a fee to be assessed for a violation which does not constitute a critical item, effective upon signature of governor or lapse of time for gubernatorial action.

Provisions of proposed law authorizing a fee to be assessed for a violation which does not constitute a critical item become effective on March 1, 2018.

(Adds R.S. 40:31.39)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Stipulate that proposed law authorizing a fee to be assessed for a violation which does not constitute a critical item, as defined in proposed law, shall become operative and enforceable on March 1, 2018.

The House Floor Amendments to the engrossed bill:

1. Stipulate that proposed law authorizing a fee to be assessed for a violation which does not constitute a critical item, as defined in proposed law, shall become effective, rather than operative and enforceable, on March 1, 2018.