

Regular Session, 2013
HOUSE BILL NO. 337
BY REPRESENTATIVE LORUSSO

ACT No. 281

1 AN ACT

2 To enact R.S. 40:31.37, relative to retail food establishments; to implement permit fees for
3 retail food establishments; to implement food establishment permit fees for day care
4 centers; to implement permit fees for nonitinerant retail food stores/markets; to
5 require proof of gross receipts for retail food stores/markets; to provide for
6 temporary permits; to provide for penalties; to implement a permit fee for temporary
7 or special events; to implement a permit fee for seasonal food establishments; to
8 provide for exemptions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:31.37 is hereby enacted to read as follows:

11 §31.37. Retail food establishment fees

12 A.(1) The department shall charge a fee for each required permit issued to
13 a food establishment, as defined in the state Sanitary Code, including the following
14 types of establishments defined therein: itinerant food establishment, itinerant retail
15 food store/market, market, mobile food establishment, mobile retail food
16 store/market, retail food manufacturer, retail food store/market, temporary food
17 establishment, and temporary retail food store/market.

18 (2) For each nonmobile location of a food establishment, the department
19 shall require a permit for each mode of operation therein that, if standing alone,
20 would meet the state Sanitary Code definition of a food establishment.

21 (3) Except as otherwise provided in this Section, fees shall be charged
22 annually for each permit issued to an establishment in accordance with the following
23 schedule:

1	<u>First permit</u>	<u>\$150.00</u>
2	<u>Second through fifth permits</u>	<u>\$112.50 each</u>
3	<u>Each permit after the fifth</u>	<u>\$75.00 each</u>

4 B. The department shall charge each day care center an annual food
5 establishment permit fee based upon the number of children for which the center is
6 licensed, in accordance with the following schedule:

7	<u>Licensed for:</u>	
8	<u>0 - 15 individuals</u>	<u>\$37.50</u>
9	<u>16 - 50 individuals</u>	<u>\$75.00</u>
10	<u>51 - 100 individuals</u>	<u>\$112.50</u>
11	<u>101 or more individuals</u>	<u>\$150.00</u>

12 C. For nonitinerant retail food stores/markets whose food sales are equal to
13 or greater than sixty percent of the total gross sales, the department shall charge a
14 single annual fee per store, regardless of the number of permits issued to that store,
15 based on the annual gross receipts of the store, in accordance with the following
16 schedule:

17	<u>Annual Gross Revenue</u>	<u>Annual Fee</u>
18	<u>Less than \$100,000</u>	<u>\$75.00</u>
19	<u>\$100,000 - \$500,000</u>	<u>\$112.50</u>
20	<u>\$500,001 - \$1,000,000</u>	<u>\$187.50</u>
21	<u>\$1,000,001 - \$2,500,000</u>	<u>\$375.00</u>
22	<u>\$2,500,001 - \$5,000,000</u>	<u>\$600.00</u>
23	<u>More than \$5,000,000</u>	<u>\$750.00</u>

24 D. For nonitinerant retail food stores/markets whose food sales are less than
25 sixty percent of the total gross sales, the department shall charge a fee for each
26 required permit issued to a store, based on the annual gross receipts of the store, in
27 accordance with the following schedule:

28	<u>Annual Gross Revenue</u>	<u>Annual Fee</u>
29	<u>Less than \$100,000</u>	<u>\$75.00</u>
30	<u>\$100,000 - \$500,000:</u>	

1	<u>First through fourth permits</u>	<u>\$112.50 each</u>
2	<u>Each permit after the fourth</u>	<u>\$75.00 each</u>
3	<u>\$500,001 - \$1,000,000:</u>	
4	<u>First permit</u>	<u>\$187.50</u>
5	<u>Second through fourth permits</u>	<u>\$112.50 each</u>
6	<u>Each permit after the fourth</u>	<u>\$75.00 each</u>
7	<u>\$1,000,001 - \$2,500,000:</u>	
8	<u>First permit</u>	<u>\$375.00</u>
9	<u>Second through fourth permits</u>	<u>\$112.50 each</u>
10	<u>Each permit after the fourth</u>	<u>\$75.00 each</u>
11	<u>\$2,500,001 - \$5,000,000:</u>	
12	<u>First permit</u>	<u>\$600.00</u>
13	<u>Second through fourth permits</u>	<u>\$112.50 each</u>
14	<u>Each permit after the fourth</u>	<u>\$75.00 each</u>
15	<u>More than \$5,000,000:</u>	
16	<u>First permit</u>	<u>\$750.00</u>
17	<u>Second through fourth permits</u>	<u>\$112.50 each</u>
18	<u>Each permit after the fourth</u>	<u>\$75.00 each</u>
19	<u>E.(1) Upon written request by the department, a retail food store/market shall</u>	
20	<u>within thirty days furnish proof of gross receipts for the most recent twelve-month</u>	
21	<u>period for which proof is available. In the case of establishments doing business less</u>	
22	<u>than one year, proof for less than a twelve-month period shall be submitted and the</u>	
23	<u>department shall calculate a projected annual gross receipts figure.</u>	
24	<u>(2) New retail food stores/markets shall be issued temporary permits upon</u>	
25	<u>payment of an initial fee in the amount of one hundred twelve dollars and fifty cents</u>	
26	<u>and shall thereafter be required to furnish within seventy-five days of opening proof</u>	
27	<u>of gross receipts for the first three months of operation, from which the department</u>	
28	<u>shall calculate projected gross annual receipts and assess the appropriate fees in</u>	
29	<u>accordance with Subsections C and D of this Section, giving credit for the one</u>	
30	<u>hundred twelve dollars and fifty cents initial fee amount paid.</u>	

1 (3) Failure to provide the department with gross receipts data as required in
2 this Subsection shall result in an assessment of the maximum applicable fees
3 provided by Subsection D of this Section.

4 F. For temporary or special events, including fairs and festivals, requiring
5 a food establishment permit, the department shall charge a twenty-five dollar fee for
6 the entire event.

7 G. For food establishments that are seasonal, as defined in the state Sanitary
8 Code, the department shall not charge an annual fee but shall instead charge a fifteen
9 dollar fee for each month of operation.

10 H. State and local government-owned and operated facilities, churches, and
11 nonprofit organizations, as defined by the United States Internal Revenue Service,
12 are exempt from any fees authorized by this Section.

13 I. Notwithstanding any other provisions of this Section, the department shall
14 not collect retail food establishment fees in an amount that results in the office of
15 public health's retail food section having a surplus of more than three million dollars
16 at the end of any fiscal year.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____