

CHAPTER 296

HEALTH AND ENVIRONMENT

SENATE BILL 25-285

BY SENATOR(S) Roberts, Amabile, Bridges, Cutter, Gonzales J., Kipp, Marchman, Wallace;
also REPRESENTATIVE(S) Lukens and Soper, Boesenecker, Lieder, Lindsay, Mabrey, McCormick, Sirota, McCluskie.

AN ACT**CONCERNING UPDATING THE FEE SCHEDULE FOR THE FEES PAID BY RETAIL FOOD ESTABLISHMENTS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 25-4-1602, **add** (1.5), (5.5), (5.7), (9.5), (10.5), and (13.5) as follows:

25-4-1602. Definitions. As used in this part 16, unless the context otherwise requires:

(1.5) "CATERER" MEANS A RETAIL FOOD ESTABLISHMENT THAT:

(a) ONLY PROVIDES FOOD OR BEVERAGES PREPARED IN BULK AT ONE LOCATION FOR SERVICE IN INDIVIDUAL PORTIONS OR BUFFETS THAT ARE NOT AVAILABLE FOR INDIVIDUAL PURCHASE AT ANOTHER LOCATION; OR

(b) PROVIDES FOOD OR BEVERAGE PREPARATION OR SERVICE ON PUBLIC OR PRIVATE PREMISES NOT UNDER THE OWNERSHIP OR CONTROL OF THE CATERER.

(5.5) "GROCERY STORE" MEANS A RETAIL FOOD ESTABLISHMENT THAT ONLY OFFERS PREPACKAGED, COMMERCIALY PREPARED FOOD AND BEVERAGES, INCLUDING THOSE THAT ARE REQUIRED TO BE REFRIGERATED OR FROZEN AND ARE TIME OR TEMPERATURE CONTROLLED FOR SAFETY FOR RETAIL SALE TO CONSUMERS, FOR OFF-PREMISES CONSUMPTION.

(5.7) "GROCERY STORE WITH DELI" MEANS A RETAIL FOOD ESTABLISHMENT THAT:

(a) OFFERS PREPACKAGED, COMMERCIALY PREPARED FOOD FOR OFF-PREMISES CONSUMPTION; AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) PREPARES OR SERVES FOOD IN INDIVIDUAL PORTIONS FOR IMMEDIATE ON-PREMISES OR OFF-PREMISES CONSUMPTION.

(9.5) "LIMITED FOOD SERVICE ESTABLISHMENT" MEANS A RETAIL FOOD ESTABLISHMENT THAT OFFERS LIMITED SERVICE, INCLUDING:

(a) PREPARING OR SERVING FOOD THAT DOES NOT REQUIRE TIME OR TEMPERATURE CONTROL FOR SAFETY;

(b) PROVIDING SELF-SERVICE BEVERAGES;

(c) OFFERING PREPACKAGED, COMMERCIALY PREPARED FOOD AND BEVERAGES THAT REQUIRE TIME OR TEMPERATURE CONTROL FOR SAFETY; OR

(d) REHEATING COMMERCIALY PREPARED FOODS THAT REQUIRE TIME OR TEMPERATURE CONTROL FOR SAFETY.

(10.5) "MOBILE FOOD ESTABLISHMENT" MEANS A RETAIL FOOD ESTABLISHMENT THAT:

(a) IS OPERATED FROM A MOVABLE, MOTOR-DRIVEN OR PROPELLED VEHICLE, PORTABLE STRUCTURE, OR WATERCRAFT;

(b) CAN CHANGE LOCATION; AND

(c) IS INTENDED TO PHYSICALLY REPORT TO AND OPERATE FROM A COMMISSARY FOR SERVICING, RESTOCKING, AND MAINTENANCE.

(13.5) "RESTAURANT" MEANS A RETAIL FOOD ESTABLISHMENT THAT PREPARES AND SERVES FOOD IN INDIVIDUAL PORTIONS OR BUFFETS FOR IMMEDIATE ON-PREMISES OR OFF-PREMISES CONSUMPTION.

SECTION 2. In Colorado Revised Statutes, 25-4-1607, **amend** (1) introductory portion, (1)(e)(I)(B), (2), (3), (4), (5), and (13); **repeal** (1.5) and (14); and **add** (1)(f) and (1.1) as follows:

25-4-1607. Fees - repeal. (1) ~~Except as provided in subsections (1)(d.5) and (14) of this section, effective January 1 of the year following the increases specified in subsection (1.5)(a) of this section~~ BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2025, each retail food establishment in this state shall be assessed an annual license fee as follows:

(e) (I) Retail food establishment license fees shall be established pursuant to this subsection (1); except that:

(B) A county or district board of health may establish fees that are lower than the fees listed in ~~subsection (1.5) of this section~~ THIS SUBSECTION (1) if the county or district board of health is in compliance with this part 16;

(f) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JANUARY 1, 2026.

(1.1) (a) FOR CALENDAR YEARS 2026, 2027, AND 2028 AND FOR EACH SUBSEQUENT CALENDAR YEAR THEREAFTER, EACH RETAIL FOOD ESTABLISHMENT IN THIS STATE MUST BE ASSESSED AN ANNUAL LICENSE FEE AS FOLLOWS:

(I) A RESTAURANT OR CATERER SHALL BE ASSESSED THE APPLICABLE ANNUAL FEE ON OR AFTER THE DATES LISTED IN THE FOLLOWING SCHEDULE:

SEATING CAPACITY	1/1/2026	1/1/2027	1/1/2028
0 TO 100	\$ 481	\$ 567	\$ 682
101 TO 200	\$ 538	\$ 634	\$ 763
OVER 200	\$ 581	\$ 687	\$ 826

(II) A LIMITED FOOD SERVICE ESTABLISHMENT SHALL BE ASSESSED THE APPLICABLE ANNUAL FEE ON OR AFTER THE DATES LISTED IN THE FOLLOWING SCHEDULE:

	1/1/2026	1/1/2027	1/1/2028
	\$ 338	\$ 394	\$ 475

(III) A GROCERY STORE SHALL BE ASSESSED THE APPLICABLE ANNUAL FEE ON OR AFTER THE DATES LISTED IN THE FOLLOWING SCHEDULE:

SQUARE FOOTAGE	1/1/2026	1/1/2027	1/1/2028
LESS THAN 15,001	\$ 244	\$ 282	\$ 340
OVER 15,000	\$ 441	\$ 519	\$ 624

(IV) A GROCERY STORE WITH DELI SHALL BE ASSESSED THE APPLICABLE ANNUAL FEE ON OR AFTER THE DATES LISTED IN THE FOLLOWING SCHEDULE:

SQUARE FOOTAGE	1/1/2026	1/1/2027	1/1/2028
LESS THAN 15,001	\$ 469	\$ 552	\$ 664
OVER 15,000	\$ 894	\$ 1,062	\$ 1,276

(V) A RETAIL FOOD ESTABLISHMENT OFFERING FOOD AT A TEMPORARY LIVING QUARTER FOR WORKERS ASSOCIATED WITH OIL AND GAS OPERATIONS SHALL BE ASSESSED THE APPLICABLE ANNUAL FEE ON OR AFTER THE DATES LISTED IN THE FOLLOWING SCHEDULE:

	1/1/2026	1/1/2027	1/1/2028
	\$ 1,063	\$ 1,264	\$ 1,519

(VI) A MOBILE FOOD ESTABLISHMENT SHALL BE ASSESSED THE APPLICABLE ANNUAL FEE ON OR AFTER THE DATES LISTED IN THE FOLLOWING SCHEDULE:

MOBILE TYPE	1/1/2026	1/1/2027	1/1/2028
FULL SERVICE	\$ 481	\$ 567	\$ 682
PREPACKAGED FOOD	\$ 338	\$ 394	\$ 475

(VII) THE FEE AMOUNTS LISTED FOR CALENDAR YEAR 2028 IN THIS SUBSECTION (1.1)(a) APPLY TO CALENDAR YEAR 2029 AND TO EACH SUBSEQUENT CALENDAR YEAR THEREAFTER UNTIL A NEW FEE SCHEDULE IS ESTABLISHED.

(b)(I) A RETAIL FOOD ESTABLISHMENT IS SUBJECT TO ONLY ONE OF THE FEES SET FORTH IN SUBSECTION (1.1)(a) OF THIS SECTION.

(II) A COUNTY OR DISTRICT PUBLIC HEALTH AGENCY SHALL ESTABLISH THE LICENSE FEES FOR A RETAIL FOOD ESTABLISHMENT AT A SPECIAL EVENT.

(c)(I) THE 2026 FEE AMOUNTS SET FORTH IN SUBSECTION (1.1)(a) OF THIS SECTION APPLY TO, AND SHALL BE ASSESSED FOR, A RETAIL FOOD ESTABLISHMENT THAT COMMENCES OPERATIONS OR IS NEWLY LICENSED ON OR AFTER SEPTEMBER 1, 2025.

(II) THIS SUBSECTION (1.1)(c) IS REPEALED, EFFECTIVE JANUARY 1, 2026.

(d)(I) RETAIL FOOD ESTABLISHMENT LICENSE FEES SHALL BE IMPOSED PURSUANT TO THIS SUBSECTION (1.1); EXCEPT THAT:

(A) THE CITY AND COUNTY OF DENVER MAY ESTABLISH FEES BY ORDINANCE; AND

(B) A COUNTY OR DISTRICT BOARD OF HEALTH MAY ESTABLISH FEES THAT ARE LOWER THAN THE FEES LISTED IN SUBSECTION (1.1)(a) OF THIS SECTION IF THE COUNTY OR DISTRICT BOARD OF HEALTH IS IN COMPLIANCE WITH THIS PART 16.

(II) EXCEPT AS PROVIDED IN SUBSECTION (1.1)(d)(I) OF THIS SECTION, THE FEES SET FORTH IN SUBSECTION (1.1)(a) OF THIS SECTION OR BY ORDINANCE OF THE CITY AND COUNTY OF DENVER MUST:

(A) BE THE ONLY ANNUAL LICENSE FEES CHARGED BY THE STATE OR BY A COUNTY, DISTRICT, LOCAL, OR REGIONAL INSPECTION AUTHORITY; AND

(B) COVER ALL INSPECTIONS REQUIRED FOR A RETAIL FOOD ESTABLISHMENT THROUGHOUT AN ANNUAL LICENSE PERIOD.

~~(1.5) (a) Except as provided in subparagraph (VI) of this paragraph (a) and subsection (14) of this section, effective January 1, 2018, to December 31, 2018, each retail food establishment in this state shall be assessed an annual license fee as follows:~~

~~(I) A retail food establishment preparing or serving food in individual portions for immediate on- or off-premises consumption shall be assessed an annual fee based on the following schedule:~~

Seating Capacity	Fee
0 to 100	\$ 360
101 to 200	400
Over 200	435

~~(II) A retail food establishment preparing or serving food that does not require time or temperature control for safety, providing self-service beverages, offering prepackaged commercially prepared food and beverages requiring time or temperature control or only reheating commercially prepared foods that require time or temperature control for safety for retail sale to consumers shall be assessed an annual fee of two hundred fifty-three dollars.~~

~~(III) A retail food establishment only offering prepackaged commercially prepared food and beverages, including those that are required to be held at refrigerated or frozen time or temperature control for safety for retail sale to consumers for off-premises consumption, shall be assessed an annual fee based on the following schedule:~~

Square Footage	Fee
Less than 15,001	\$ 183
Over 15,000	330

~~(IV) A retail food establishment offering food for retail sale to consumers for off-premises consumption and preparing or serving food in individual portions for immediate consumption either on- or off-premises shall be assessed an annual fee based on the following schedule:~~

Square Footage	Fee
Less than 15,001	\$ 350
Over 15,000	665

~~(V) A retail food establishment offering food at a temporary living quarter for workers associated with oil and gas shall be assessed an annual fee of eight hundred dollars.~~

~~(VI) The fees established in this subsection (1.5) are effective September 1, 2017, for any new retail food establishment that was not licensed and in operation prior to that date.~~

~~(b) Effective January 1, 2017, to December 31, 2017, each retail food establishment in this state shall be assessed an annual license fee as follows:~~

~~(I) A retail food establishment preparing or serving food in individual portions for immediate on- or off-premises consumption shall be assessed an annual fee based on the following schedule:~~

Seating Capacity	Fee
0 to 100	\$ 330
101 to 200	370
Over 200	405

~~(II) A retail food establishment limited to preparing or serving food that does not require time or temperature control for safety, providing self-service beverages, offering prepackaged commercially prepared food and beverages requiring time or temperature control or only reheating commercially prepared foods that require time or temperature control for safety for retail sale to consumers shall be assessed an annual fee of two hundred thirty-five dollars.~~

~~(III) A retail food establishment only offering prepackaged commercially prepared food and beverages, including those that are required to be held at refrigerated or frozen time or temperature control for safety for retail sale to consumers for off-premises consumption, shall be assessed an annual fee based on the following schedule:~~

Square Footage	Fee
Less than 15,001	\$ 170
Over 15,000	305

~~(IV) A retail food establishment offering food for retail sale to consumers for off-premises consumption and preparing or serving food in individual portions for immediate consumption either on- or off-premises shall be assessed an annual fee based on the following schedule:~~

Square Footage	Fee
Less than 15,001	\$ 325
Over 15,000	620

~~(V) A retail food establishment offering food at a temporary living quarter for workers associated with oil and gas shall be assessed an annual fee of seven hundred forty dollars.~~

~~(VI) Repealed.~~

~~(c) A retail food establishment is subject to only one of the fees established in this subsection (1.5) per year.~~

~~(d) Retail food establishment license fees shall be established pursuant to this subsection (1.5); except that:~~

~~(f) The city and county of Denver may establish such fees by ordinance; and~~

~~(H) A county or district board of health may establish fees that are lower than the fees listed in this subsection (1.5) if the county or district board of health is in compliance with this part 16.~~

(2) At the time a plan is submitted for review, an application fee of one hundred FIFTY-FIVE dollars shall be paid to the department or a county or district board of health. The fee for plan review and preopening inspection of a new or remodeled retail food establishment shall be the actual cost of such review which shall AND MUST not exceed ~~five hundred eighty~~ NINE HUNDRED dollars. Such costs shall MUST be payable at the time the plan is approved and an inspection is completed to determine compliance.

(3) At the time an equipment review is submitted, an application fee of one hundred FIFTY-FIVE dollars shall be paid to the department. The fee for equipment review by the department to determine compliance with applicable standards shall MUST be the actual cost of such review which shall AND MUST not exceed ~~five hundred~~ SEVEN HUNDRED SEVENTY-FIVE dollars. Such costs shall MUST be payable when the review is completed.

(4) The fee for an HACCP plan review of a specific written process shall be the actual cost of such review, which shall not exceed one hundred dollars. The review of an HACCP plan for a process already conducted at a facility shall be the actual cost of such review, which shall MUST not exceed ~~four hundred~~ SIX HUNDRED TWENTY dollars. Costs shall be paid at the time the plan is approved and an inspection is completed.

(5) The fee for services requested by ~~any~~ A person seeking department or county or district board of health review of a potential retail food establishment site shall MUST be ~~seventy-five~~ ONE HUNDRED TWENTY dollars or the actual cost of such review, whichever is greater. ~~Seventy-five~~ ONE HUNDRED TWENTY dollars of such fee shall be billed at the time the review is requested, and the remainder shall MUST be payable when services are completed.

(13) **Legislative declaration - disposition of fee revenue.** (a) The general assembly does not intend for the fees paid by retail food establishments as outlined in subsections (1) and ~~(1.5)~~ (1.1) of this section to subsidize inspection or other costs associated with entities exempt from fees under ~~paragraph (a) of subsection (9)~~ SUBSECTION (9)(a) of this section.

(b) Counties may only spend the increased revenue from the increase of retail food establishment fees on retail food health-related activities. ~~Prior to January 1, 2019, supplanting funds for other county programs is prohibited.~~

~~(14) (a) The fee increase in subsection (1.5) of this section does not take effect until the department and all local public health agencies contracted by the department to perform inspections and enforce regulations regarding retail food establishments prove compliance with section 25-4-1607.7 (2). If the department and all local public health agencies are not in compliance on January 1, 2018, the increase does not take effect until January 1 in the year following proven compliance.~~

~~(b) The fee increase in subsection (1) of this section does not take effect until the department proves compliance with section 25-4-1607.9 (1). If the department is not in compliance on January 1 following the fee increase specified in subsection (1.5) of this section, the increase in subsection (1) does not take effect until January 1 in the year following proven compliance.~~

~~(c) The executive director of the department shall notify the revisor of statutes, in writing, when the conditions specified in paragraphs (a) and (b) of this subsection (14) have been satisfied.~~

SECTION 3. In Colorado Revised Statutes, **amend** 25-4-1607.7 as follows:

25-4-1607.7. Health inspection results - development of a uniform system - communication to the public. (1) ~~On or before January 1, 2017, the department shall solicit input from retail food establishments, contracted local public health agencies, county commissioners, and others with a vested interest in the retail food inspection program to establish a uniform system to communicate health inspection results to the public. The uniform system established pursuant to this section must provide meaningful and reasonably detailed information to the public and must not summarize the results of the inspection with a letter, number, or symbol grading system, or a similar, oversimplified method of quantifying results.~~

(2) ~~After July 1, 2017, The department or a local public health agency contracted by the department to perform inspections and enforce regulations regarding retail food establishments shall only utilize the system developed and approved by the department to communicate inspection results.~~

(3) ~~After January 1, 2020, The system developed and approved by the department to communicate inspection results may only be revised through the triennial stakeholder process required by section 25-4-1607.5.~~

SECTION 4. In Colorado Revised Statutes, 25-4-1607.9, **amend** (1) and (2) introductory portion as follows:

25-4-1607.9. Department targets - audits - reporting. (1) ~~On or before April 1, 2017, The department shall respond to all plans and specifications and HACCP plan reviews within fourteen working BUSINESS days after receipt, as required by section 25-4-1605 (4).~~

(2) ~~On or before December 31, 2019, The department shall ensure significant statewide compliance with the federal food and drug administration's voluntary national retail food regulatory program standards by verifying that:~~

SECTION 5. In Colorado Revised Statutes, 25-4-1608, **amend** (2) as follows:

25-4-1608. Food protection cash fund - creation. (2) ~~Forty-three~~ FIFTY-FIVE dollars of each fee collected by the department ~~and~~ OR a county or district board of health pursuant to section 25-4-1607 ~~(1)(a), (1)(a.5), (1)(b), (1)(c), (1)(c.5), (1)(e)(I)(B), (1.5)(a)(I), (1.5)(a)(II), (1.5)(a)(III), (1.5)(a)(IV), (1.5)(a)(V), (1.5)(b)(I), (1.5)(b)(II), (1.5)(b)(III), (1.5)(b)(IV), (1.5)(b)(V), and (1.5)(d)(II) shall~~ (1) AND (1.1)(a) SHALL be transmitted to the state treasurer, who shall credit the fee to the food protection cash fund created in subsection (1) of this section. This portion of the fee shall be used by the department to conduct the duties and responsibilities set forth in section 25-4-1604 (1)(a), (1)(b), (1)(c), (1)(f), (1)(g), and (1)(i). The remainder of the fee shall be retained by the county or district board of health for deposit in the appropriate county or district public health agency fund in accordance with section 25-1-511 or, if the fee is collected by the department, it shall be deposited pursuant to subsection (1) of this section, and used to pay a portion of the cost of conducting a retail food establishment protection program.

SECTION 6. In Colorado Revised Statutes, 8-4-124, **amend** (1)(a) as follows:

8-4-124. Third-party food delivery services - prohibitions - penalties - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Retail food establishment" means a retail food establishment, as defined in section 25-4-1602 (14), that pays an annual license fee as required by section 25-4-1607. ~~(1)(a), (1.5)(a)(I), or (1.5)(b)(I):~~ "Retail food establishment" does not include grocery stores or convenience stores.

SECTION 7. In Colorado Revised Statutes, 30-11-129, **amend** (1)(b) as follows:

30-11-129. Third-party food delivery service fee restrictions - definitions. (1) As used in this section, unless the context otherwise requires:

(b) "Retail food establishment" means a retail food establishment, as defined in section 25-4-1602 (14), that pays an annual license fee as required by section 25-4-1607. ~~(1)(a), (1.5)(a)(I), or (1.5)(b)(I):~~ "Retail food establishment" does not include grocery stores or convenience stores.

SECTION 8. In Colorado Revised Statutes, 31-15-904, **amend** (1)(b) as follows:

31-15-904. Third-party food delivery service fee restrictions - definitions. (1) As used in this section, unless the context otherwise requires:

(b) "Retail food establishment" means a retail food establishment, as defined in section 25-4-1602 (14), that pays an annual license fee as required by section 25-4-1607. ~~(1)(a), (1.5)(a)(I), or (1.5)(b)(I):~~ "Retail food establishment" does not include grocery stores or convenience stores.

SECTION 9. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an

item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 30, 2025