

SENATE BILL No. 643

By Committee on Ways and Means

2-19

9 AN ACT concerning food service establishments; relating to licensing
10 fees; amending K.S.A. 2007 Supp. 36-503 and repealing the existing
11 section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2007 Supp. 36-503 is hereby amended to read as
15 follows: 36-503. (a) It shall be unlawful for any person to engage in the
16 business of conducting a food service establishment unless such person
17 shall have in effect a valid license therefor issued by the secretary of health
18 and environment, except that any food service establishment providing
19 only a device for the convenience and operation by a customer for the
20 purpose of heating prepackaged food with no provision for consumption
21 of food on the premises, or any food service establishment licensed by
22 the secretary pursuant to any other law and maintained in connection
23 with any premises licensed by the secretary pursuant to any other law
24 shall not be required to obtain a license under this section, nor shall any
25 person engaged only in the serving of food on railway dining cars or in
26 the occasional sale or serving of food be required to obtain a license
27 hereunder. For the purpose of this section, the sale or serving of food in
28 the same location less than seven days in any calendar year shall be con-
29 strued as the occasional sale or serving of food. Nothing in this act shall
30 prevent the secretary of health and environment from inspecting any food
31 service establishment when a complaint against such food service estab-
32 lishment is transmitted to the secretary of health and environment or any
33 authorized agent thereof except that no provision of this act shall be con-
34 strued to authorize the secretary of health and environment to inspect or
35 cause to be inspected under the provisions of this act any food service
36 establishment licensed by the secretary of health and environment pur-
37 suant to any other law or maintained in connection with any premises
38 licensed by the secretary pursuant to any other law which food service
39 establishment is not required to obtain a license under this section.

40 (b) *The secretary of health and environment shall require a licensee,*
41 *or a person required to be licensed, to provide such information as nec-*
42 *essary to determine the amount of the license fee. Applications for such*
43 *licenses shall be made on forms prescribed by the secretary, and each*

1 such application shall be accompanied by an application fee and by a
2 license fee, each of which shall be established in an amount fixed by rules
3 and regulations adopted by the secretary of health and environment. *All*
4 *food service establishments which are newly constructed or operated or*
5 *which have changed ownership, shall pay an application fee.* Application
6 fees may be adjusted in accordance with the type of establishment or
7 based on other criteria as determined by the secretary, but in no event
8 shall any application fee exceed ~~\$200~~ \$300. Such license fee, *as estab-*
9 *lished by rules and regulations adopted by the secretary,* shall not exceed
10 ~~\$200~~ \$500 and shall be fixed in an amount which, together with the ap-
11 plication fee, is sufficient to defray the cost of administering the food
12 service establishment inspection and licensure activities of the secretary.
13 Prior to the issuance of any such license, the secretary shall inspect or
14 cause to be inspected the food service establishment designated in the
15 application, to determine that it complies with the standards for food
16 service establishments promulgated pursuant to this act. If such food
17 service establishment is found to be in compliance, the secretary shall
18 issue the license. If the application for license is denied, the secretary
19 shall give written notice thereof to the applicant, stating also that the
20 applicant is entitled to a hearing thereon if a written request therefor is
21 filed with the secretary within 20 days of the date such notice is sent.
22 Such hearing shall be held in accordance with the provisions of the Kansas
23 administrative procedure act.

24 (c) Every license issued hereunder shall be displayed conspicuously
25 in the food service establishment for which it is issued, and no such license
26 shall be transferable to any other person or location. Whenever any such
27 license is lost, destroyed or mutilated, a duplicate license shall be issued
28 to any otherwise qualified licensee upon application therefor and the pay-
29 ment of a fee in the amount of \$3.

30 (d) Any person who, on the effective date of this act, has a valid
31 license to operate a restaurant shall be a licensee under the provisions of
32 this act, and any such license is hereby deemed to be a license to operate
33 a food service establishment issued under the provisions of this act.

34 (e) A premises where prepackaged individual meals are distributed
35 to persons eligible under the federal older Americans act shall not pay
36 any fee prescribed under subsection (b).

37 Sec. 2. K.S.A. 2007 Supp. 36-503 is hereby repealed.

38 Sec. 3. This act shall take effect and be in force from and after its
39 publication in the statute book.