

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-1013.01 Renee Leone x2695

SENATE BILL 25-285

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

Lukens,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING UPDATING THE FEE SCHEDULE FOR THE FEES PAID BY**
102 **RETAIL FOOD ESTABLISHMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill updates the ongoing schedule of annual fees imposed on retail food establishments, which fees are imposed to cover the cost of required health and safety inspections under current law.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 **SECTION 1.** In Colorado Revised Statutes, 25-4-1602, **add** (1.5),
2 (5.5), (5.7), (9.5), (10.5), and (13.5) as follows:

3 **25-4-1602. Definitions.** As used in this part 16, unless the context
4 otherwise requires:

5 (1.5) "CATERER" MEANS A RETAIL FOOD ESTABLISHMENT THAT:

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

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

13 (5.5) "GROCERY STORE" MEANS A RETAIL FOOD ESTABLISHMENT
14 THAT ONLY OFFERS PREPACKAGED, COMMERCIALY PREPARED FOOD AND
15 BEVERAGES, INCLUDING THOSE THAT ARE REQUIRED TO BE REFRIGERATED
16 OR FROZEN AND ARE TIME OR TEMPERATURE CONTROLLED FOR SAFETY
17 FOR RETAIL SALE TO CONSUMERS, FOR OFF-PREMISES CONSUMPTION.

18 (5.7) "GROCERY STORE WITH DELI" MEANS A RETAIL FOOD
19 ESTABLISHMENT THAT:

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

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

24 (9.5) "LIMITED FOOD SERVICE ESTABLISHMENT" MEANS A RETAIL
25 FOOD ESTABLISHMENT THAT OFFERS LIMITED SERVICE, INCLUDING:

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

- 1 (b) PROVIDING SELF-SERVICE BEVERAGES;
- 2 (c) OFFERING PREPACKAGED, COMMERCIALY PREPARED FOOD
- 3 AND BEVERAGES THAT REQUIRE TIME OR TEMPERATURE CONTROL FOR
- 4 SAFETY; OR
- 5 (d) REHEATING COMMERCIALY PREPARED FOODS THAT REQUIRE
- 6 TIME OR TEMPERATURE CONTROL FOR SAFETY.

7 (10.5) "MOBILE FOOD ESTABLISHMENT" MEANS A RETAIL FOOD

8 ESTABLISHMENT THAT:

- 9 (a) IS OPERATED FROM A MOVABLE, MOTOR-DRIVEN OR PROPELLED
- 10 VEHICLE, PORTABLE STRUCTURE, OR WATERCRAFT;
- 11 (b) CAN CHANGE LOCATION; AND
- 12 (c) IS INTENDED TO PHYSICALLY REPORT TO AND OPERATE FROM
- 13 A COMMISSARY FOR SERVICING, RESTOCKING, AND MAINTENANCE.

14 (13.5) "RESTAURANT" MEANS A RETAIL FOOD ESTABLISHMENT

15 THAT PREPARES AND SERVES FOOD IN INDIVIDUAL PORTIONS OR BUFFETS

16 FOR IMMEDIATE ON-PREMISES OR OFF-PREMISES CONSUMPTION.

17 **SECTION 2.** In Colorado Revised Statutes, 25-4-1607, **amend**

18 (1) introductory portion, (1)(e)(I)(B), (2), (3), (4), (5), and (13); **repeal**

19 (1.5) and (14); and **add** (1)(f) and (1.1) as follows:

20 **25-4-1607. Fees - repeal.** (1) ~~Except as provided in subsections~~

21 ~~(1)(d.5) and (14) of this section, effective January 1 of the year following~~

22 ~~the increases specified in subsection (1.5)(a) of this section~~ BEGINNING

23 JANUARY 1, 2019, AND ENDING DECEMBER 31, 2025, each retail food

24 establishment in this state shall be assessed an annual license fee as

25 follows:

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

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

5 (f) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JANUARY 1,
6 2026.

7 (1.1) (a) FOR CALENDAR YEARS 2026, 2027, AND 2028 AND FOR
8 EACH SUBSEQUENT CALENDAR YEAR THEREAFTER, EACH RETAIL FOOD
9 ESTABLISHMENT IN THIS STATE MUST BE ASSESSED AN ANNUAL LICENSE
10 FEE AS FOLLOWS:

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

14 SEATING CAPACITY	1/1/2026	1/1/2027	1/1/2028
15 0 TO 100	\$ 481	<u>\$ 567</u>	<u>\$ 682</u>
16 101 TO 200	\$ 538	<u>\$ 634</u>	<u>\$ 763</u>
17 OVER 200	\$ 581	<u>\$ 687</u>	<u>\$ 826</u>

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

21	1/1/2026	1/1/2027	1/1/2028
22	\$ 338	<u>\$ 394</u>	<u>\$ 475</u>

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

26 SQUARE FOOTAGE	1/1/2026	1/1/2027	1/1/2028
27 LESS THAN 15,001	\$ 244	<u>\$ 282</u>	<u>\$ 340</u>

1 OVER 15,000 \$ 441 \$ 519 \$ 624

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

5 SQUARE FOOTAGE	1/1/2026	1/1/2027	1/1/2028
6 LESS THAN 15,001	\$ 469	<u>\$ 552</u>	<u>\$ 664</u>
7 OVER 15,000	\$ 894	<u>\$ 1,062</u>	<u>\$ 1,276</u>

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

12 1/1/2026	1/1/2027	1/1/2028
13 \$ 1,063	<u>\$ 1,264</u>	<u>\$ 1,519</u>

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

17 MOBILE TYPE	1/1/2026	1/1/2027	1/1/2028
18 FULL SERVICE	\$ 481	<u>\$ 567</u>	<u>\$ 682</u>
19 PREPACKAGED FOOD	\$ 338	<u>\$ 394</u>	<u>\$ 475</u>

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

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

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

1 SPECIAL EVENT.

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

6 (II) THIS SUBSECTION (1.1)(c) IS REPEALED, EFFECTIVE JANUARY
7 1, 2026.

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

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

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

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

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

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

24 ~~(1.5) (a) Except as provided in subparagraph (VI) of this~~
25 ~~paragraph (a) and subsection (14) of this section, effective January 1,~~
26 ~~2018, to December 31, 2018, each retail food establishment in this state~~
27 ~~shall be assessed an annual license fee as follows:~~

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

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

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

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

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

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

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

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

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

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

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

16	Seating Capacity	Fee
17	0 to 100	\$ 330
18	101 to 200	370
19	Over 200	405

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

27 ~~(III) A retail food establishment only offering prepackaged~~

1 ~~commercially prepared food and beverages, including those that are~~
2 ~~required to be held at refrigerated or frozen time or temperature control~~
3 ~~for safety for retail sale to consumers for off-premises consumption, shall~~
4 ~~be assessed an annual fee based on the following schedule:~~

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

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

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

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

19 ~~(VI) Repealed.~~

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

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

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

26 ~~(II) A county or district board of health may establish fees that are~~
27 ~~lower than the fees listed in this subsection (1.5) if the county or district~~

1 ~~board of health is in compliance with this part 16.~~

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

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

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

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

1 when services are completed.

2 (13) **Legislative declaration - disposition of fee revenue.**

3 (a) The general assembly does not intend for the fees paid by retail food
4 establishments as outlined in subsections (1) and ~~(1.5)~~ **(1.1)** of this section
5 to subsidize inspection or other costs associated with entities exempt from
6 fees under ~~paragraph (a) of subsection (9)~~ SUBSECTION (9)(a) of this
7 section.

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

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

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

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

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

3 **25-4-1607.7. Health inspection results - development of a**
4 **uniform system - communication to the public.** (1) ~~On or before~~
5 ~~January 1, 2017, the department shall solicit input from retail food~~
6 ~~establishments, contracted local public health agencies, county~~
7 ~~commissioners, and others with a vested interest in the retail food~~
8 ~~inspection program to establish a uniform system to communicate health~~
9 ~~inspection results to the public. The uniform system established pursuant~~
10 ~~to this section must provide meaningful and reasonably detailed~~
11 ~~information to the public and must not summarize the results of the~~
12 ~~inspection with a letter, number, or symbol grading system, or a similar,~~
13 ~~oversimplified method of quantifying results.~~

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

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

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

24 **25-4-1607.9. Department targets - audits - reporting.** (1) ~~On~~
25 ~~or before April 1, 2017,~~ The department shall respond to all plans and
26 specifications and HACCP plan reviews within fourteen ~~working~~
27 BUSINESS days after receipt, as required by section 25-4-1605 (4).

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

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

7 **25-4-1608. Food protection cash fund - creation.**
8 ~~(2) Forty-three~~ FIFTY-FIVE dollars of each fee collected by the department
9 ~~and~~ OR a county or district board of health pursuant to section 25-4-1607
10 ~~(1)(a), (1)(a.5), (1)(b), (1)(c), (1)(c.5), (1)(c)(I)(B), (1.5)(a)(I), (1.5)(a)(II),~~
11 ~~(1.5)(a)(III), (1.5)(a)(IV), (1.5)(a)(V), (1.5)(b)(I), (1.5)(b)(II),~~
12 ~~(1.5)(b)(III), (1.5)(b)(IV), (1.5)(b)(V), and (1.5)(d)(II) shall (1) AND~~
13 ~~(1.1)(a) SHALL be transmitted to the state treasurer, who shall credit the~~
14 ~~fee to the food protection cash fund created in subsection (1) of this~~
15 ~~section. This portion of the fee shall be used by the department to conduct~~
16 ~~the duties and responsibilities set forth in section 25-4-1604 (1)(a), (1)(b),~~
17 ~~(1)(c), (1)(f), (1)(g), and (1)(i). The remainder of the fee shall be retained~~
18 ~~by the county or district board of health for deposit in the appropriate~~
19 ~~county or district public health agency fund in accordance with section~~
20 ~~25-1-511 or, if the fee is collected by the department, it shall be deposited~~
21 ~~pursuant to subsection (1) of this section, and used to pay a portion of the~~
22 ~~cost of conducting a retail food establishment protection program.~~ ____

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

25 **8-4-124. Third-party food delivery services - prohibitions -**
26 **penalties - definitions.** (1) As used in this section, unless the context
27 otherwise requires:

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

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

8 **30-11-129. Third-party food delivery service fee restrictions**
9 **- definitions.** (1) As used in this section, unless the context otherwise
10 requires:

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

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

18 **31-15-904. Third-party food delivery service fee restrictions**
19 **- definitions.** (1) As used in this section, unless the context otherwise
20 requires:

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

26 **SECTION 9. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2026 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.