

**Testimony on House Bill 2730
to
The Senate Agriculture Committee**

**by Erik Wisner
Regulatory and Policy Special Assistant
Kansas Department of Agriculture
March 13, 2012**

Good morning, Chairman Taddiken and members of the committee. I am Erik Wisner, Regulatory and Policy Special Assistant of the Kansas Department of Agriculture. Thank you for the opportunity for the department to appear here in support of HB 2730, which will make several important changes to statutes related to our food safety and lodging programs.

In 2008, the Legislature transferred all food safety inspection functions from the Kansas Department of Health and Environment to the Kansas Department of Agriculture. Since that time, KDA has been working on efforts to update the laws relating to food and lodging inspections in order to make them more user-friendly for the regulated industry. In addition, KDA wanted to update the license structure to assess fees based on our regulatory work and to clarify businesses exempt from licensure.

HB 2730 makes many changes that update and clarify the Kansas Food Drug and Cosmetic Act. These include:

- Consolidating all definitions into one section.
- Consolidating all statutes related to penalties into a single statute. Previously, eight statutes referenced penalties. It also sets the cap on civil penalties at \$1,000 per violation.
- Clarifies that small lodging establishments that are exempt from licensing are still subject to inspection when a complaint is received. This is the guest house definition.
- Clarifies that administration and enforcement of the act is consistent with procedures in the KS Administrative Procedures Act.
- Repeals statutes that are archaic, redundant or incorporated into existing or new statutes.

The bill also makes some changes to the license structure:

- Consolidates the food service establishment license and retail food store license into one license now known as the "food establishment" license.
- Sets fee caps for "food establishment" licenses between \$250 and \$750 depending on size. While some of the larger high-risk facilities will see an increase in fees, most will see very little change. In many instances smaller, lower-risk facilities will see a decrease in fees. The cumulative effect of these changes in fees will be revenue neutral.
- Increases the late fee for license renewal from \$10 to \$25.
- Changes the license renewal date from January 1 to April 1.

- At the request of the Kansas Department of Education, a provision has been added in statute to allow the secretary to set in regulation, separate from other food establishment fees, the license and application fee for all facilities that have school lunch programs that receive federal school lunch funding
- Clarifies in statute the businesses exempted from licensing and inspection.

The amendments KDA proposes in HB 2730 will update food safety and lodging statutes to provide more transparency in regulatory authority and more equity in licensing cost by directing relating the fees paid to regulatory costs of the program.

Thank you for your consideration, and I am happy to respond to questions at the appropriate time.