

**65-688. Retail food establishments and food processing plants; inspection fees; rules and regulations.** (a) In order to reimburse the state of Kansas for inspections by the secretary of food establishments and food processing plants, the secretary shall adopt rules and regulations establishing a graduated application and license fee schedule to cover all of the cost of inspection of food establishments and food processing plants.

(b) The cost of the application fee for each food establishment and food processing plant location shall not exceed \$350.

(c) The cost of the annual license fee for each food establishment shall be as follows:

(1) No more than \$250 for any food establishment of less than 5,000 square feet;

(2) no more than \$300 for any food establishment of 5,000 square feet or more but less than 10,000 square feet;

(3) no more than \$500 for any food establishment of 10,000 square feet or more but less than 50,000 square feet; and

(4) no more than \$750 for any food establishment of 50,000 square feet or more.

(d) The cost of the annual license fee for each food processing plant shall be as follows:

(1) No more than \$200 for any food processing plant of less than 5,000 square feet; and

(2) no more than \$400 for any food processing plant of 5,000 square feet or more.

(e) In determining the square footage of a food establishment or food processing plant, the secretary shall only consider areas within the walls of the structure or covered by the roof of such structure in which dining, food preparation or food storage occurs. A banquet hall or ballroom in a lodging establishment, as defined in K.S.A. 36-501, and amendments thereto, that is not set with permanent or semi-permanent seating for the serving of food shall not be considered when determining such square footage.

(f) Any location that meets the definition of a food processing plant and a food establishment, as such terms are defined in K.S.A. 65-655, and amendments thereto, shall be required to obtain a license as both a food processing plant and a food establishment.

(g) Whenever the secretary determines that the total amount of revenue derived from the fees collected pursuant to this section are insufficient to carry out the purposes for which the fees are collected, the secretary may amend such rules and regulations to increase the amount of the fee or fees, except that the amount of any fee shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this subsection provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the secretary to decrease the amount of the fees prescribed for food establishments or food processing plants by amending the rules and regulations which fix the fees, as the case may be.

(h) Elementary and secondary education facilities that have school lunch programs subject to the national school lunch act, 42 U.S.C. § 1751 et seq., shall not be subject to the provisions of subsections (b) and (c)(1) through (c)(4) but shall have separate application and license fees as established by rules and regulations of the secretary.

(i) There is hereby created the food safety fee fund. All moneys received as fees under this section shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the food safety fee fund. All expenditures from the food safety fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

(j) The secretary shall adopt rules and regulations necessary to carry out the provisions of this section including establishing minimum conditions necessary to operate and maintain a food establishment or food processing plant in a safe and sanitary manner, and establishing enforcement provisions necessary to effect complete compliance with such standards, provisions, rules and regulations.

**History:** L. 2001, ch. 203, § 2; L. 2002, ch. 91, § 16; L. 2004, ch. 147, § 6; L. 2008, ch. 48, § 6; L. 2012, ch. 145, § 23; July 1.

**Revisor's Note:**

Section was amended twice in the 2004 session, see also 65-688a.