

Introduced by

Human Services Committee

(At the request of the State Department of Health)

1 A BILL for an Act to create and enact section 23-09-16.1 of the North Dakota Century Code,
2 relating to food and lodging establishment license renewals; and to amend and reenact sections
3 23-09-16 and 23-09-18 of the North Dakota Century Code, relating to food and lodging
4 establishment licenses.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 23-09-16 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **23-09-16. License - Application.**

9 Before any food establishment, lodging establishment, pushcart, mobile food unit, or
10 assisted living facility may be operated in this state, it must be licensed by the department. The
11 department shall waive the license requirement for any food establishment, lodging
12 establishment, or assisted living facility licensed by a city or district health unit if the local health
13 unit's sanitation, safety, and inspection rules are approved by the department. ~~Application for~~
14 ~~license must be made to the department during December of every year, or before the~~
15 ~~operating of the food establishment, lodging establishment, pushcart, mobile food unit, or~~
16 ~~assisted living facility, as the case may be.~~ The application must be in writing on forms furnished
17 by the department and must be accompanied by the required fee. ~~An additional amount of fifty~~
18 ~~percent of the license fee must be imposed upon renewal if the license was not renewed before~~
19 ~~February first following the expiration date. A reduced license fee in the amount of one-half the~~
20 ~~applicable license fee must be charged for a new food establishment, lodging establishment,~~
21 ~~pushcart, mobile food unit, or assisted living facility beginning operations after July first of each~~
22 ~~year and for changes in ownership and location of such existing establishments after July first of~~
23 ~~each year.~~ The department shall issue a license to an applicant that meets all of the
24 requirements of this chapter and any rules established by the department. The department may

1 adopt rules establishing the amount and the procedures for the collection of annual license
2 fees. The fees must be based on the cost of reviewing construction plans, conducting routine
3 and complaint inspections, reinspection, and necessary enforcement action. License fees
4 collected pursuant to this section must be deposited in the department's operating fund in the
5 state treasury and any expenditure from the fund is subject to appropriation by the legislative
6 assembly.

7 **SECTION 2.** Section 23-09-16.1 of the North Dakota Century Code is created and enacted
8 as follows:

9 **23-09-16.1. License renewal.**

- 10 1. A license issued under this chapter expires on December thirty-first of each year.
- 11 2. A license may be renewed by December thirty-first by submitting a renewal application
12 and a renewal fee established by the department by rule, provided the licensee is in
13 compliance with this chapter and any rules established by the department.
- 14 3. If the renewal application and renewal fee are not received by December thirty-first,
15 the license expires and the licensee may not operate.
- 16 4. Within sixty days after December thirty-first, an expired license may be renewed by
17 submitting the renewal application, renewal fee, and a late fee established by the
18 department by rule. The late fee is equal to fifty-percent of the license fee.
- 19 5. If the renewal application, renewal fee, and late fee are not received within sixty days
20 after December thirty-first, the license may not be renewed, and the applicant shall
21 apply and meet the requirements for licensure to be granted a license.
- 22 6. The department may extend the renewal deadlines for an application providing proof
23 of hardship rendering the applicant unable to meet the deadline.

24 **SECTION 3. AMENDMENT.** Section 23-09-18 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **23-09-18. Failure to comply with chapter - Notice - How served.**

27 ~~Whenever the proprietor of any food establishment, lodging establishment, or assisted living~~
28 ~~facility fails to comply with this chapter, the proprietor must be given notice of the time within~~
29 ~~which the proprietor must meet the requirements~~The department may deny an application or
30 take disciplinary action against the license of an applicant or a licensee upon the failure of the
31 applicant or licensee to comply with this chapter or with any of the rules adopted by the

1 department. Before the department takes disciplinary action against a license for failure of a
2 license, the department shall notify the licensee in writing of the reason disciplinary action is
3 being considered and shall provide a reasonable amount of time for correction to be made. The
4 notice must be in writing and delivered personally by an inspector of the department or sent by
5 registered or certified mail. Action taken under the authority granted in this section must comply
6 with chapter 28-32.