

**AMENDMENT TO BILL NO. 36-0043
Offered by Senator Angel L. Bolques, Jr.**

Bill No. 36-0043, section 1, is amended as follows:

1. In subsection (a), paragraph (2), first sentence, after “hazard,” insert “the Commissioner of Health, without prior notice, may issue” and strike “, may be issued without prior notice”; and

2. Strike the language in subsection (b), internal subsection (c).

3. Insert a subsection (c) that reads:

“(c) Strike the existing language in section 1481 and insert the following language:

“§ 1481. Civil Penalties; Risk-Based Enforcement Framework

(a) Definitions

(1) Risk-based inspection means a regulatory framework that transitions from reactive enforcement to proactive risk management grounded in national best practices and public health priorities and designed to optimize resources while strengthening food safety outcomes.

(2) Risk-based framework means:

(A) Classification of violations by their public health risk level from low to high;

(B) Assignment of penalties according to classification;

(C) Encouragement of compliance through structured reductions for good performance; and

(D) Transparency and consistency in enforcement practices.

(b) In accordance with the principles of Risk-Based Inspection, a person who violates any provision of this chapter or any regulation promulgated under it shall attend a mandated food borne prevention educational course provided by the Department of Health's Environmental Division and shall be subject to civil penalties as set forth in this section.

(c) The Commissioner shall assign a risk level to each violation based on (1) the potential for foodborne illness or injury; (2) the type of food or process involved; and (3) whether the violation reflects systemic failure or isolated error.

(d) Risk level classifications; penalties

(1) low-risk violation – maximum \$250 per occurrence

(2) moderate-risk violation – \$251-\$500 per occurrence

(3) high-risk violation – \$501- \$1,000 per occurrence

(e) Repeated violations. In addition to the risk violation fines proscribed in this section:

(1) A second violation within 24 months of the first violation shall be fined an additional \$250, or suspension or revocation pursuant to section 1434 of this chapter, or both.

(2) A third or subsequent violation within 36 months of the first violation shall be fined an additional \$500, or suspension or revocation pursuant to section 1434 of this chapter, or both.

(f) Imminent Health Hazard. Any condition deemed to present an imminent threat to public health shall incur a fine of up to \$2,000 and may result in immediate permit suspension pursuant to section 1434(2) of this chapter.

(g) Compliance-Based Adjustments. Establishments with no priority or priority foundation violations in the past 24 months may qualify for a reduction of up to \$100 in civil penalties for subsequent minor infractions.

(h) Each day a violation continues beyond the identified timeline for compliance constitutes a separate violation.

(i) Civil penalties collected under this section shall be deposited into the Health Revolving Fund and used for inspection services, training, and enforcement efforts of the Environmental Health Division.”

Amendment No. 36-418/ June 24, 2025/PFA