

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

618U0097

SENATE BILL NO. 72

Introduced by: Senators Maher and Adelstein and Representatives Cammack, Greenfield, Heinert, and Verchio

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning inspections of food
2 service establishments by the Department of Health.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-18-25.1 be amended to read as follows:

5 34-18-25.1. The department shall, at least annually, make one inspection of each lodging
6 establishment and campground and, at least twice annually, of each food service establishment
7 or mobile food service licensed under this chapter to ascertain that the lodging establishment,
8 campground, food service establishment, or mobile food service is in compliance with this
9 chapter and the rules promulgated pursuant to this chapter. The department shall charge an
10 inspection fee of twenty-five dollars for each inspection. The inspection shall take place during
11 business hours and shall be conducted by an authorized department inspector after presentation
12 of identification. The scope of the inspection is limited to those areas provided for in this
13 chapter and the rules promulgated pursuant to this chapter.

14 If the inspection fee is paid to the department prior to the inspection and the department
15 failed to make the required annual inspection or inspections, the department shall either return



1 the fee or apply the fee towards the annual license fee.

2 If the department failed to make two annual inspections of a food service establishment in
3 the previous year, the department, if requested by the owner of the establishment, may not post
4 its inspection findings until the second annual inspection has been completed by the department.