

HOUSE BILL REPORT

HB 2639

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to exempting certain mobile food units from state and local regulations pertaining to commissaries or servicing areas.

Brief Description: Exempting certain mobile food units from state and local regulations pertaining to commissaries or servicing areas.

Sponsors: Representatives Buys, Peterson, Stokesbary, Graves, Stambaugh, Bergquist, Vick, Walsh, Volz, Shea, Blake and Young.

Brief History:

Committee Activity:

Health Care & Wellness: 1/30/18, 1/31/18 [DPS].

Brief Summary of Substitute Bill

- Exempts certain mobile food units from requirements to store, prepare, portion, and package food in a separate food establishment.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Harris, Jinkins, MacEwen, Maycumber, Riccelli, Robinson, Slatter, Stonier and Tharinger.

Staff: Sydney Sullivan (786-7291) and Jim Morishima (786-7191).

Background:

A mobile food unit is a readily moveable food establishment. All mobile food units must be operated from an approved commissary or servicing area. A mobile food unit must return to the commissary or servicing area to obtain supplies, to complete thorough cleaning, and wash utensils.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A licensed owner of a mobile food unit must submit a plan of operation with the following specifications regarding the mobile food unit:

- menu and food preparation steps;
- floor plan;
- equipment specifications and location;
- finish schedule;
- proposed itinerary or sites to be served;
- source of water and specifications of the on-board plumbing;
- site used for sewage disposal;
- availability of restrooms for employees;
- operating procedures;
- cleaning schedule; and
- the intended commissary and servicing area.

A local board of health may impose additional requirements to protect against health hazards that are related to the operation of a mobile food unit which may include limiting authorized food preparation steps, prohibiting some menu items, and restricting the mode of a mobile food unit's operation when facilities and equipment are inadequate.

"Commissary" means an approved food establishment where food is stored, prepared, portioned, or packaged for service elsewhere.

"Servicing area" means an operating base location to which a mobile food unit or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

Summary of Substitute Bill:

The regulatory authority must approve a mobile food unit's request for exemption from all state and local requirements to operate a mobile food unit from an approved commissary or servicing area if:

- all equipment and utensils needed for complete preparation of an approved menu are contained onboard the mobile food unit;
- when not in use, the mobile food unit is protected from environmental contamination;
- the mobile food unit can maintain required temperatures for food storage at all times;
- a dedicated handwashing sink is available for frequent handwashing on the mobile food unit;
- the mobile food unit has adequate water capacity and warewashing facilities to clean all utensils used on the mobile food unit at a rate mandated by the Washington State Board of Health;
- tools for cleaning and sanitizing are stored on the mobile food unit;
- all food, water, and ice are prepared on-board the mobile food unit or obtained from an approved source;
- all wastewater and garbage is sanitarily removed from the mobile food unit as per an approved written plan, or by a licensed service provider; and
- the local health officer approves the mobile food unit's menu and plan of operations.

Substitute Bill Compared to Original Bill:

The substitute bill: (1) clarifies that the regulatory authority is the approving entity for a request for a mobile food unit to be exempt from state or local health board requirements to operate from an approved commissary or servicing area; and (2) requires the local health officer to approve the menu and plan of operations in order for a mobile food unit to be exempt from state or local health board requirements to operate from an approved commissary or servicing area.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Exempting mobile food units from having to return to a commissary is important for efficiency. Mobile food unit's kitchens are cleaner, have better equipment, and are better supervised than required commissaries. Commissaries for mobile food units are often hard to come by and are shared spaces with many other people. The requirement for commissaries often results in mobile food units having greater exposure to contamination, because all food must be prepared ahead of time, instead of on an as-needed basis. Exempting qualified mobile food units from having a commissary will not adversely affect public health because mobile food units will still need to be licensed to operate and approved by the regulatory authority.

(Opposed) None.

(Other) The language in the bill should be altered to mandate that the local jurisdiction health authority is in charge of regulating exempt mobile food units.

Persons Testifying: (In support) Representative Buys, prime sponsor; Tim Johnson and Lori Johnson, Washington State Food Truck Association; Jen Gustin; Rick MacDuffie; Turan Wright; Emily Wigley; and Nick Parisi.

(Other) Jaime Bodden, Washington State Association of Local Public Health Officials.

Persons Signed In To Testify But Not Testifying: None.