

# SENATE BILL REPORT

## SHB 2639

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As of February 20, 2018

**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:** House Committee on Health Care & Wellness (originally sponsored by Representatives Buys, Peterson, Stokesbary, Graves, Stambaugh, Bergquist, Vick, Walsh, Volz, Shea, Blake and Young).

**Brief History:** Passed House: 2/14/18, 98-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/20/18.

### Brief Summary of Bill

- Allows a regulatory authority to exempt mobile food units from requirements to store, prepare, and package food in a separate food establishment under certain circumstances.

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## SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Karen Epps (786-7424)

**Background:** Food Service Standards. The United States Food and Drug Administration (FDA) provides guidance to state and local agencies regarding safe food service practices (Food Code). The FDA developed the Food Code in cooperation with the Centers for Disease Control and Prevention and the United States Department of Agriculture to provide current enforcement standards for safe food service practices.

The Washington State Board of Health (Board) is authorized to establish minimum standards for the prevention and control of food borne illnesses. Local jurisdictions may adopt more stringent standards. The Board's rules direct food service establishments in the areas of food supplies, food protection, public health labeling, food preparation, temperature control, personal hygiene, garbage and litter, sanitary equipment, and pest control. The Board

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considers the most recent version of the FDA's Food Code when adopting rules for food service.

Mobile Food Units. Mobile food units are regulated under Board rules. 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 to wash utensils.

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.

Under Board rules, the regulatory authority 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.

**Summary of 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:

- the mobile food unit contains all equipment and utensils needed for complete preparation of an approved menu;
- the mobile food unit is protected from environmental contamination when not in use;
- the mobile food unit can maintain required temperatures for food storage at all times;
- a dedicated handwashing sink is available to allow 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 Board;
- 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 following 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.

Mobile food unit is defined to mean a readily movable food establishment. Commissary is defined to mean an approved food establishment where food is stored, prepared, portioned, or

packaged for service elsewhere. Servicing area is defined to mean 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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill provides that as long as a food truck has everything it needs to operate as a restaurant kitchen then the food truck is exempt from having to prepare food in a commissary or servicing area. This change should lower the costs for food trucks and allow food trucks to provide better products, while also improving food safety. Washington is one of two states that has not updated its code to allow cooking and preparation on a food truck. Twenty-five states have no regulation at all regarding cooking and preparation on a food truck. FDA guidelines provide that the food truck and the types of food dictate whether a truck can or cannot cook and prep on the food truck. Currently, prep of fruits and vegetables cannot be done on a food truck. Food trucks have difficulty finding a commissary kitchen from which they can operate. Food trucks have all the necessary equipment that is in a commissary kitchen. Using a commissary kitchen is extremely expensive, illogical, and inefficient. Using a commissary kitchen puts the quality of food at risk because it requires cooking, cooling, storing, and reheating of food. This bill provides food trucks in Washington with the same level playing field as food trucks in other states.

**Persons Testifying:** PRO: Representative Vincent Buys, Prime Sponsor; Tim Johnson, Washington State Food Truck Association; Emily Wigley, Orca Eats.

**Persons Signed In To Testify But Not Testifying:** No one.