

HOUSE BILL REPORT

SSB 5218

As Reported by House Committee On:
Local Government

Title: An act relating to mobile food units.

Brief Description: Concerning mobile food units.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Zeiger, Takko and King).

Brief History:

Committee Activity:

Local Government: 3/15/19, 3/22/19 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Requires a regulatory authority to accept a completed and approved plan review of a mobile food unit from another regulatory authority if: (1) the applicant has obtained a valid permit to operate the mobile food unit from another regulatory authority; and (2) the applicant meets certain additional requirements.
- Authorizes a regulatory authority to require a vendor of a mobile food unit to meet restroom requirements and additional commissary agreements if necessary.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Pollet, Chair; Peterson, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton, Goehner and Senn.

Staff: Yvonne Walker (786-7841).

Background:

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.

The Washington State Board of Health (Board) establishes 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 considers the most recent version of the United States Food and Drug Administration's Food Code when adopting rules for food service.

Mobile Food Units.

A mobile food unit is a readily moveable food establishment. A licensed owner of a mobile food unit must submit a plan of operation regarding the mobile food unit to the regulatory authority, including but not limited to, menu and food preparation steps, equipment specifications and location, proposed itinerary or sites to be served, and the intended commissary and servicing area.

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 under certain circumstances, including that the mobile food unit contains all equipment and utensils needed for complete preparation of an approved menu, can maintain required temperatures for food storage at all times, has adequate water capacity and ware washing facilities to clean utensils, and the local health officer approves the mobile food unit's menu and plan of operations.

"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 vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, or boarding food.

Summary of Amended Bill:

Beginning May 1, 2020, a regulatory authority must accept a completed and approved plan review of a mobile food unit from another regulatory authority if the applicant: (1) has obtained a valid permit to operate from the other regulatory authority; and (2) if the applicant provides:

- a copy of the current operating permit from the original regulatory authority;
- a copy of the complete approved plan review from the original regulatory authority;
- the most recent inspection report of the mobile food unit from the original regulatory authority that demonstrates compliance with the food safety standards; and
- any commissary agreements the applicant was required to maintain under the permit from the original regulatory authority.

The regulatory authority may not require an applicant to submit any additional documents or inspections to obtain a permit to operate the mobile food unit. The regulatory authority may require an applicant to submit any restroom agreements the regulatory authority determines

are necessary to comply with Department of Health (DOH) and the Board. The regulatory authority may also require an applicant to submit additional commissary agreements as required by the DOH and the Board regulations unless a mobile food unit is exempt from the use of a commissary, or a mobile food unit returns to its approved commissary after each day of service as described in the approved plan. A regulatory authority granting a permit may charge the applicant an annual permit fee, but may not charge a plan review or inspection fee. The Board must adopt rules to implement this requirement.

"Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment. The local Board, acting through the local health officer, is the regulatory authority for the activity of a food establishment, except as otherwise provided by law.

Amended Bill Compared to Substitute Bill:

The amended bill eliminates the provision that required the DOH to adopt rules relating to requiring a regulatory authority to accept a completed and approved plan review of a mobile food unit from another regulatory authority (however, the Board would still be required to adopt such rules).

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended 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) This bill would make it easier for food trucks to operate in the State of Washington. Each county has different food truck regulations, some more rigorous than others. Currently, local plan and review permits are costly and this bill will allow vendors that obtained a valid permit in one jurisdiction to use that permit in another jurisdiction if they meet certain requirements.

In all local jurisdictions in Washington, food truck vendors must obtain an operating permit. Obtaining an operating permit is a two-part process. First, the vendor must complete and submit two copies of a 30-page plan review application which describes how a vendor will safely operate and the structural elements of the food truck (the kind of equipment onboard and how the food for each menu item will be purchased, stored, prepared, transported or served). These types of elements do not change from one jurisdiction to the next. These lengthy review plan applications have a cost that ranges between \$500 to \$800 per jurisdiction. After the plan is submitted and approved, the vendor must then apply for an annual operating permit that costs between \$725 and \$1,750 per year per jurisdiction. The fees are used for the permit, cover the administrative costs to issue the permit, and the cost of

food safety inspections (this bill does not change or amend those costs or permitting process requirements).

This bill will help people who would like to operate or expand a food truck business. By passing this bill, it will encourage a market that is taking off to grow further. It will also help small business owners by eliminating a redundant, time consuming, and costly part of the permitting process. This will also save local health inspectors time and resources reviewing the plan review portion of the permit process. If passed, cities, counties, and corporate office parks will all benefit from having a larger pool of properly permitted food vendors to serve at their events.

(Opposed) None.

Persons Testifying: Senator Zeiger, prime sponsor; and Tim Johnson, Washington State Food Truck Association.

Persons Signed In To Testify But Not Testifying: None.