

# SENATE BILL REPORT

## SSB 5218

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As Amended by House, April 10, 2019

**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:** Agriculture, Water, Natural Resources & Parks: 2/05/19, 2/07/19 [DPS].

**Floor Activity:**

Passed Senate: 2/26/19, 49-0.

Passed House: 4/10/19, 95-0.

**Brief Summary of First Substitute Bill**

- Requires that, 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 has obtained a valid permit to operate from the other regulatory authority and the applicant meet certain additional requirements.
- Allows a local regulatory authority to require an applicant meet restroom requirements and additional commissary agreements if necessary.

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

**Majority Report:** That Substitute Senate Bill No. 5218 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

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

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*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.*

**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 considers the most recent version of the FDA'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 local 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. "Local regulatory authority" means the local enforcement body or authorized representative having jurisdiction over the food establishment.

The local 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, and the local health officer approves the mobile food unit's menu and plan of operations.

**Summary of First Substitute 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 has obtained a valid permit to operate from the other regulatory authority and if the applicant provides:

- a copy of the current operating permit from the original local regulatory authority;
- a copy of the complete approved plan review from the original local regulatory authority;
- the most recent inspection report of the mobile food unit from the original local 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 local 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. The regulatory authority may require an applicant to submit additional commissary agreements as required by department and state 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.

**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 on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill would make it easier for food trucks to operate in Washington State. This bill is designed to help people who want to operate a food truck business. Food trucks are small businesses that meet a popular demand. Food trucks are good for the vitality of downtown areas. Local plan review applications are costly and time consuming and this bill would allow food truck vendors who have a valid permit in one jurisdiction to use that permit in another jurisdiction if they meet certain requirements. The bill provides some relief to food truck vendors when it comes to the plan review application process. This bill is a common sense bill that will be good for local economies. The plan review process is redundant from one jurisdiction to the next. The focus of this bill is to allow reciprocity of that part of the permit. This bill does not affect the permit application fee.

OTHER: The Department of Health is currently revising the food service rules. Stakeholders, including mobile food unit operators, are involved in these efforts and it may be better to work under the rule review process, incorporating industry needs while allowing stakeholder input and public comment. This bill potentially limits the ability of local health departments to conduct a review to verify that mobile units have the necessary facilities to operate in a safe manner within the local community. The top priority is to develop code that promotes this model of business in a way protecting consumers from food borne outbreaks. The bill should be limited to plan approval, not approval of the permit without inspection. At a minimum, local health jurisdictions need to be able to assure that the menu and the plan of operation can be safely implemented and are viable at the new venue and in the new commissary in the other jurisdiction.

**Persons Testifying:** PRO: Senator Hans Zeiger, Prime Sponsor; Tim Johnson, Washington State Food Truck Association.

OTHER: Jaime Boddin, Washington State Association of Local Public Health Officials; Joe Laxson, Washington Department of Health.

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

#### **EFFECT OF HOUSE AMENDMENT(S):**

- Eliminates the provision requiring the Department of Health 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