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**SUBSTITUTE SENATE BILL 5218**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Zeiger, Takko, and King)

AN ACT Relating to mobile food units; amending RCW 43.20.025 and 43.20.148; and adding a new section to chapter 43.20 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 43.20.025 and 2006 c 239 s 2 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commissions" means the Washington state commission on African-American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, and the governor's office of Indian affairs.

(2) "Consumer representative" means any person who is not an elected official, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services.

(3) "Council" means the governor's interagency coordinating council on health disparities, convened according to this chapter.

(4) "Department" means the department of health.

(5) "Health disparities" means the difference in incidence, prevalence, mortality, or burden of disease and other adverse health conditions, including lack of access to proven health care services that exists between specific population groups in Washington state.

(6) "Health impact review" means a review of a legislative or budgetary proposal completed according to the terms of this chapter that determines the extent to which the proposal improves or exacerbates health disparities.

(7) "Secretary" means the secretary of health, or the secretary's designee.

(8) "Local health board" means a health board created pursuant to chapter 70.05, 70.08, or 70.46 RCW.

(9) "Local health officer" means the legally qualified physician appointed as a health officer pursuant to chapter 70.05, 70.08, or 70.46 RCW.

(10) "Social determinants of health" means those elements of social structure most closely shown to affect health and illness, including at a minimum, early learning, education, socioeconomic standing, safe housing, gender, incidence of violence, convenient and affordable access to safe opportunities for physical activity, healthy diet, and appropriate health care services.

(11) "State board" means the state board of health created under this chapter ((~~43.20 RCW~~)).

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

(13) "Mobile food unit" means a readily movable food establishment.

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

(15) "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.

**Sec.**  RCW 43.20.148 and 2018 c 167 s 1 are each amended to read as follows:

((~~(1) For purposes of this section, the following terms have the following meanings:~~

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

~~(b) "Mobile food unit" means a readily movable food establishment.~~

~~(c) "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.~~

~~(2)~~)) The regulatory authority must approve a request for a mobile food unit to be exempt from state board of health or local health jurisdiction requirements to operate from an approved commissary or servicing area if:

((~~(a)~~)) (1) The mobile food unit contains all equipment and utensils needed for complete onboard preparation of an approved menu;

((~~(b)~~)) (2) The mobile food unit is protected from environmental contamination when not in use;

((~~(c)~~)) (3) The mobile food unit can maintain required food storage temperatures during storage, preparation, service, and transit;

((~~(d)~~)) (4) The mobile food unit has a dedicated handwashing sink to allow frequent handwashing at all times;

((~~(e)~~)) (5) The mobile food unit has adequate water capacity and warewashing facilities to clean all multiuse utensils used on the mobile ((~~[food]~~)) food unit at a frequency specified in state board of health rules;

((~~(f)~~)) (6) The mobile food unit is able to store tools onboard needed for cleaning and sanitizing;

((~~(g)~~)) (7) All food, water, and ice used on the mobile food unit is prepared onboard or otherwise obtained from approved sources;

((~~(h)~~)) (8) Wastewater and garbage will be sanitarily removed from the mobile food unit following an approved written plan or by a licensed service provider; and

((~~(i)~~)) (9) The local health officer approves the menu and plan of operations for the mobile food unit.

NEW SECTION. **Sec.**  A new section is added to chapter 43.20 RCW to read as follows:

(1) 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:

(a) The applicant has obtained a valid permit to operate the mobile food unit from another regulatory authority; and

(b) The applicant provides the following to the regulatory authority from which the applicant is seeking a permit:

(i) A copy of the current operating permit from the original regulatory authority;

(ii) A copy of the complete approved plan review from the original regulatory authority;

(iii) The most recent inspection report of the mobile food unit from the original regulatory authority that demonstrates compliance with food safety standards; and

(iv) Any commissary agreements that the applicant was required to maintain under the permit from the original regulatory authority.

(2) Except as provided in (a) and (b) of this subsection, 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.

(a) The regulatory authority may require an applicant to submit any restroom agreements the regulatory authority determines are necessary to comply with department and state board regulations.

(b) The regulatory authority may require an applicant to submit additional commissary agreements as required by department and state board regulations unless:

(i) A mobile food unit is exempt from the use of a commissary under RCW 43.20.148; or

(ii) A mobile food unit returns to its approved commissary after each day of service as described in the approved plan.

(3) A regulatory authority granting a permit pursuant to subsection (1) of this section may charge the applicant an annual permit fee, but may not charge a plan review or inspection fee.

(4) The department and the state board must adopt rules to implement this section.

**--- END ---**