

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5218

Chapter 185, Laws of 2019

66th Legislature
2019 Regular Session

MOBILE FOOD UNITS--REGULATORY APPROVAL

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 19, 2019
Yeas 47 Nays 0

KAREN KEISER

President of the Senate

Passed by the House April 10, 2019
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 29, 2019 3:02 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5218** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

April 30, 2019

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5218

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

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

READ FIRST TIME 02/08/19.

1 AN ACT Relating to mobile food units; amending RCW 43.20.025 and
2 43.20.148; and adding a new section to chapter 43.20 RCW.

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

4 **Sec. 1.** RCW 43.20.025 and 2006 c 239 s 2 are each amended to
5 read as follows:

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

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

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

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

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

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

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

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

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

13 (9) "Local health officer" means the legally qualified physician
14 appointed as a health officer pursuant to chapter 70.05, 70.08, or
15 70.46 RCW.

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

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

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

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

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

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

38 **Sec. 2.** RCW 43.20.148 and 2018 c 167 s 1 are each amended to
39 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 NEW SECTION. Sec. 3. A new section is added to chapter 43.20
38 RCW to read as follows:

1 (1) Beginning May 1, 2020, a regulatory authority must accept a
2 completed and approved plan review of a mobile food unit from another
3 regulatory authority if:

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

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

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

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

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

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

17 (2) Except as provided in (a) and (b) of this subsection, the
18 regulatory authority may not require an applicant to submit any
19 additional documents or inspections to obtain a permit to operate the
20 mobile food unit.

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

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

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

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

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

34 (4) The state board must adopt rules to implement this section.

Passed by the Senate April 19, 2019.

Passed by the House April 10, 2019.

Approved by the Governor April 29, 2019.

Filed in Office of Secretary of State April 30, 2019.

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