

SSB 5218 - H COMM AMD
By Committee on Local Government

ADOPTED 04/10/2019

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

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

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

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

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

1 (9) "Local health officer" means the legally qualified physician
2 appointed as a health officer pursuant to chapter 70.05, 70.08, or
3 70.46 RCW.

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

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

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

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

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

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

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

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

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

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

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

38 ~~(2))~~ The regulatory authority must approve a request for a
39 mobile food unit to be exempt from state board of health or local

1 health jurisdiction requirements to operate from an approved
2 commissary or servicing area if:

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

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

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

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

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

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

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

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

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

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20
26 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Correct the title.

EFFECT: Eliminates the provision that requires 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 (it maintains, however, that the Washington State Board of Health is still required to adopt such rules).

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