
Local Government Committee

SSB 5218

Brief Description: Concerning mobile food units.

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

Brief Summary of Substitute Bill

- Requires that 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 another regulatory authority and the applicant meets certain additional requirements.
- Authorizes a local regulatory authority to require a vendor of a mobile food unit to meet restroom requirements and additional commissary agreements if necessary.

Hearing Date: 3/15/19

Staff: Yvonne Walker (786-7841).

Background:

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 (FDA) 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

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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 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.

"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 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 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 to comply with Department of Health and the Board. The regulatory authority may also 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 DOH and 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.

Appropriation: None.

Fiscal Note: Requested on March 11, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.