

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1076

By: Hildebrant

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; creating
11 the Food Truck Freedom Act; authorizing the State
12 Commissioner of Health to promulgate rules;
13 authorizing local authorities to regulate mobile food
14 vendors; allowing administrative hearing upon
15 suspension or revocation of certain license;
16 establishing penalties; providing appeals process;
17 amending 63 O.S. 2021, Section 1-1101, which relates
18 to definitions; defining terms; amending 63 O.S.
19 2021, Section 1-1118, as last amended by Section 135,
20 Chapter 452, O.S.L. 2024 (63 O.S. Supp. 2024, Section
21 1-1118), which relates to food establishment license,
22 exemptions, expiration license, fee-exempt license,
23 reasonable standards and rules for sanitation;
24 allowing mobile food vendors to operate in certain
locations; requiring mobile food vendors to operate
in a certain manner; providing for noncodification;
providing for codification; and providing an
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Food Truck
4 Freedom Act".

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-1150 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. A mobile food vendor with a food establishment license
9 required under Section 1-1118 of Title 63 of the Oklahoma Statutes
10 is authorized to operate in this state subject to this section.
11 Mobile food vendors shall follow all state and local laws and
12 regulations governing operations in the jurisdiction where the
13 vendor is operating that are not in conflict with this act.

14 B. A mobile food vendor with a food establishment license
15 required under Section 1-1118 of Title 63 of the Oklahoma Statutes
16 shall provide a copy of its state license to a local authority for
17 recognition by the local authority before operating in the local
18 authority's jurisdiction. The local authority shall recognize a
19 lawful and valid state license and authorize the mobile food vendor
20 to operate in its jurisdiction within five (5) business days of
21 receipt of the state license and verification of compliance with
22 local regulations not in conflict with this act. Such recognition
23 and authorization may include issuing a local license or permit to
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1 the mobile food vendor. Any local license or permit issued shall
2 not impose additional requirements that conflict with this act.

3 C. Upon compliance with subsection B of this section, a mobile
4 food vendor may operate in the following locations:

5 1. Any location allowed by the local authority; and

6 2. On private property under the following circumstances:

7 a. the property is located in a zoning district where
8 food service establishments are permitted to operate
9 and the vendor has permission of the property owner,
10 designee, or lessor,

11 b. the property is located in a residential zoning
12 district and the mobile food vendor has been invited
13 by a resident or group of residents in that district
14 to operate on their property for the purpose of
15 serving food to that resident, group of residents, or
16 their guests; provided, that the operation of mobile
17 food vendors on the subject property not exceed twelve
18 (12) days per year, and

19 c. the mobile food vendor would not cause a nuisance.

20 D. A mobile food vendor shall not operate in any manner which
21 will interfere with or obstruct the free passage of pedestrians or
22 vehicles along any street, sidewalk, or parkway.

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1 E. A mobile food vendor shall not operate in a state park
2 without having a contract or lease agreement approved by the
3 Oklahoma Tourism and Recreation Commission.

4 F. When operating, a mobile food vendor shall:

5 1. Maintain a food vending vehicle in good operating order;

6 2. Provide a waste receptacle for customers that is visible and
7 request that customers use it;

8 3. Remove and dispose of all refuse within a twenty-five-foot
9 radius of the mobile food vendor's operating area at the conclusion
10 of operation;

11 4. Display the mobile food vendor's food establishment license
12 in a conspicuous location for public view; and

13 5. If serving food at a temporary mass gathering, notify the
14 State Department of Health and the local authority in the
15 jurisdiction where the gathering is to be located of the dates the
16 mobile food vendor will operate at the temporary mass gathering at
17 least ten (10) business days prior to the gathering.

18 G. The State Commissioner of Health may promulgate rules to
19 enforce the provisions of this section. Rules adopted shall not:

20 1. Require a mobile food vendor to operate a specific distance
21 from the perimeter of an existing commercial establishment or to
22 enter into any agreement with a commercial establishment;

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- 1 2. Require a mobile food vendor that serves only prepackaged
2 food or that does not prepare or open food to have a handwashing
3 sink in the food vending vehicle;
- 4 3. Require a mobile food vendor to associate with a commissary
5 if the vendor carries all the equipment necessary to comply with
6 health and safety standards and applicable regulations;
- 7 4. Limit the number of licensed mobile food vendors;
- 8 5. Require a mobile food vendor to obtain any additional
9 permits from a local authority unless the mobile food vendor seeks
10 to operate at an event which is permitted by a local authority or in
11 a local, public park;
- 12 6. Require a mobile food vendor to be fingerprinted or to
13 install a Global Positioning System (GPS) tracking device on the
14 vendor's vehicle;
- 15 7. Require a mobile food vendor to stay in constant motion
16 except for when serving customers;
- 17 8. Require a mobile food vendor to change locations unless the
18 vendor is operating in violation of this act;
- 19 9. Require a mobile food vendor to maintain insurance that
20 names a local authority as an additional insured unless the vendor
21 is operating at an event sponsored by the local authority or
22 operating in a local, public park;
- 23 10. Require a mobile food vendor to maintain a bond that names
24 a local authority as a beneficiary unless the vendor is operating at

1 an event sponsored by the local authority or operating in a local,
2 public park;

3 11. Require a mobile food vendor to submit to health
4 inspections beyond health inspections conducted by the Department or
5 by a local authority collaborating with the Department, unless the
6 Department is investigating a reported foodborne illness, or
7 addressing a complaint of an imminent health or safety hazard to the
8 public;

9 12. Require a health inspection of a food vending vehicle more
10 than twice per year unless the Department is ensuring a mobile food
11 vendor has corrected a violation detected during a prior inspection,
12 is investigating a reported foodborne illness, or is conducting a
13 nonobstructive spot inspection to ensure food safety;

14 13. Charge a mobile food vendor fees for a health inspection;
15 or

16 14. Require a mobile food vendor to submit to a state fire
17 inspection if the vendor can demonstrate it passed a state or local
18 fire inspection in the previous twelve (12) months.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-1151 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 A. The local authority may regulate mobile food vendors in
23 accordance with this section. In relation to a mobile food vendor's
24 operations, a local authority may:

1 1. Restrict the operation of a noisemaking device that exceeds
2 seventy-five (75) decibels measured at twenty-three (23) feet from
3 the food vending vehicle during certain hours of the day;

4 2. Restrict a mobile food vendor from operating in a public
5 park or require a special permit and payment of fees to operate in a
6 public park;

7 3. Prohibit a mobile food vendor from blocking or restricting
8 ingress to or egress from private property;

9 4. Develop a mobile food vendor metered parking pass for a fee
10 that permits a mobile food vendor to operate from metered parking
11 spaces for longer than the vendor would otherwise be permitted;

12 5. Investigate reports of foodborne illnesses;

13 6. Report a mobile food vendor's suspected violation of this
14 act to the State Department of Health;

15 7. Issue citations and penalties to mobile food vendors for
16 violations of state and local law not inconsistent with this act;
17 and

18 8. Adopt and enforce other regulations in conformity to
19 municipal powers that are not inconsistent with this act. Any
20 regulation regarding mobile food vendors must address public health
21 or safety risks.

22 B. In relation to a mobile food vendor's operations, a local
23 authority may not:

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1 1. Prohibit a mobile food vendor from lawfully operating in its
2 jurisdiction if the vendor holds a food establishment license
3 required under Section 1-1118 of Title 63 of the Oklahoma Statutes
4 and is in compliance with this act and all other state and local
5 laws not in conflict with this act;

6 2. Require a mobile food vendor to obtain any license or permit
7 from the local authority to operate a food vending vehicle unless:

8 a. the local authority is issuing a local license in
9 recognition of a state license under subsection B of
10 Section 3 of this act,

11 b. the mobile food vendor seeks to operate at an event
12 which has been permitted by the local authority, or

13 c. the mobile food vendor seeks a food establishment
14 license from a local authority required by Section 1-
15 1118 of Title 63 of the Oklahoma Statutes;

16 3. Require a mobile food vendor that is operating on private
17 property with the permission of the owner to operate a specific
18 distance from commercial food or retail establishments;

19 4. Require a mobile food vendor to enter into any agreement
20 with commercial food or retail establishments;

21 5. Require a mobile food vendor to be fingerprinted or to
22 install a Global Positioning System (GPS) tracking device on the
23 vendor's vehicle;

- 1 6. Require a mobile food vendor to stay in constant motion
2 except for when serving customers;
- 3 7. Require a mobile food vendor to maintain an insurance policy
4 that names the local authority as an additional insured unless the
5 vendor is operating at an event sponsored by the local authority or
6 operating in a local, public park;
- 7 8. Require a mobile food vendor to maintain a bond that names a
8 local authority as a beneficiary unless the vendor is operating at
9 an event sponsored by the local authority or operating in a local,
10 public park;
- 11 9. Require a mobile food vendor to submit to health inspections
12 beyond health inspections conducted by or in collaboration with the
13 Department, unless the local authority is investigating a reported
14 foodborne illness or addressing a complaint of an imminent health or
15 safety hazard to the public;
- 16 10. Require a health inspection of a food vending vehicle more
17 than twice per year unless the local authority, in collaboration
18 with the Department under this act, is ensuring a mobile food vendor
19 has corrected a violation detected during a prior inspection, is
20 investigating a reported foodborne illness, or is conducting a
21 nonobstructive spot inspection to ensure food safety;
- 22 11. Charge a mobile food vendor fees for additional health
23 inspections;
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1 12. Charge a mobile food vendor fees for any local license or
2 permit allowed under Section 3 of this act beyond the administrative
3 cost of issuing the local license or permit;

4 13. Require a mobile food vendor to submit to a state fire
5 inspection if the vendor can demonstrate it passed a state fire
6 inspection in the previous twelve (12) months;

7 14. Require a mobile food vendor to enter into any agreement
8 with a commercial establishment or restaurant;

9 15. Regulate the equipment requirements for a food vending
10 vehicle; or

11 16. Require a mobile food vendor to associate with a commissary
12 if the vendor has all the equipment necessary to comply with state
13 regulations pertaining to food vending vehicles.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-1152 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Any mobile food vendor who has been notified of a possible
18 suspension or revocation of his or her state license may request an
19 administrative hearing in accordance with the Administrative
20 Procedures Act and rules promulgated by the State Commissioner of
21 Health.

22 B. The State Department of Health may issue civil penalties to
23 a person who operates as a mobile food vendor without a license,
24 with a suspended license, or after a license is revoked.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-1153 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A person aggrieved by a decision of the State Department of
5 Health following a hearing has the right to appeal the decision as
6 provided in the Administrative Procedures Act and rules promulgated
7 by the State Commissioner of Health.

8 SECTION 6. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-1154 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 A. This act shall not be construed to require a local authority
12 to adopt a program regulating mobile food vendors or to modify its
13 existing program regulating mobile food vendors; provided, the
14 regulations do not conflict with this act.

15 B. This act shall not be construed to impede the State
16 Department of Health or local authority in any investigation of a
17 reported foodborne illness.

18 SECTION 7. AMENDATORY 63 O.S. 2021, Section 1-1101, is
19 amended to read as follows:

20 Section 1-1101. For the purposes of this ~~article~~ section:

21 ~~(a) The term "food" means (1) articles used for food or drink~~
22 ~~for man, (2) chewing gum, and (3) articles used for components of~~
23 ~~any such article~~

24 1. The term "food" means:

- 1 a. articles used for food or drink for human consumption,
2 b. chewing gum, and
3 c. articles used for components of any such article.

4 ~~(b)~~ 2. The term "label" means a display of written, printed or
5 graphic matter upon the immediate container of any article; and a
6 requirement made by or under authority of this article that any
7 word, statement, or other information appearing on the label shall
8 not be considered to be complied with unless such word, statement,
9 or other information also appears on the outside container or
10 wrapper, if there be any, of the retail package of such article, or
11 is easily legible through the outside container or wrapper.

12 ~~(e)~~ 3. The term "immediate container" does not include package
13 liners.

14 ~~(d) The term "labeling" means all labels and other written,~~
15 ~~printed or graphic matter (1) upon an article or any of its~~
16 ~~containers or wrappers, or (2) accompanying such article~~

17 4. The term "labeling" means all labels and other written,
18 printed or graphic matter:

- 19 a. upon an article or any of its containers or wrappers,
20 or
21 b. accompanying such article.

22 ~~(e)~~ 5. If an article is alleged to be misbranded because the
23 labeling is misleading, or if an advertisement is alleged to be
24 false because it is misleading, then in determining whether the

1 labeling or advertisement is misleading there shall be taken into
2 account (among other things) not only representations made or
3 suggested by statement, word, design, device, sound, or in any
4 combination thereof, but also the extent to which the labeling or
5 advertisement fails to reveal facts material in the light of such
6 representations or material with respect to consequences which may
7 result from the use of the article to which the labeling or
8 advertisement relates, under the conditions of use prescribed in the
9 labeling or advertisement thereof, or under such conditions of use
10 as are customary or usual.

11 ~~(f)~~ 6. The term "advertisement" means all representations
12 disseminated in any manner or by any means, other than by labeling,
13 for the purpose of inducing, or which are likely to induce, directly
14 or indirectly, the purchase of food.

15 ~~(g)~~ 7. The term "contaminated with filth" applies to any food
16 not securely protected from dust, dirt, and, as far as may be
17 necessary by all reasonable means, from all foreign or injurious
18 contaminations.

19 ~~(h)~~ 8. The provisions of this article regarding the selling of
20 food shall be considered to include the manufacture, production,
21 processing, packing, exposure, offer, possession, and holding of any
22 such article for sale; and the sale, dispensing, and giving of any
23 such article, and the supplying or applying of any such articles in
24 the conduct of any food establishment.

1 ~~(i)~~ 9. The term "Federal Act" means the Federal Food, Drug, and
2 Cosmetic Act.

3 10. The term "mobile food establishment" means a facility
4 including a trailer, that prepares food and beverages, is vehicle
5 mounted, is road-approved by the Department of Transportation
6 including wheels and axles, is readily movable, and remains at one
7 physical address for no more than twelve (12) hours at one time,
8 unless the mobile food establishment is operating on private
9 property. A mobile food establishment operating on private property
10 may remain at one physical address for no more than fourteen (14)
11 days.

12 11. The term "mobile push cart" means a non-self-propelled food
13 unit that can be manually moved by an average person without being
14 vehicle mounted.

15 12. The term "mobile retail food establishment" means a
16 licensed enterprise which sells packaged foods from a stationary
17 display at a location some distance from the establishment but still
18 at the same physical address for no more than twelve (12) hours;
19 provided, the licensed unit is on the premises and readily available
20 for inspection and the food has been prepared in a facility that is
21 regulated by the good manufacturing practices in Title 21 of the
22 Code of Federal Regulations or pursuant to Section 310:260 of the
23 Oklahoma Administrative Code, Good Manufacturing Practice

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1 Regulations, Oklahoma Department of Agriculture, Food, and Forestry,
2 and United States Department of Agriculture, or this act.

3 13. The term "mobile food vendor" means any person who
4 dispenses food or beverages from a mobile food establishment, mobile
5 push cart, or mobile retail food establishment.

6 14. The term "mobile food vending" means dispensing food or
7 beverages from a food vending vehicle.

8 15. The term "food vending vehicle" means a mobile food
9 establishment, mobile push cart, or mobile retail food
10 establishment.

11 16. The term "local authority" means any local government
12 including any town, city, charter city, political subdivision, or
13 county.

14 17. The term "public property" means any property owned and
15 operated by this state or a local authority for the benefit of the
16 public and includes all rights-of-way contained wholly within any
17 state or local authority parks.

18 18. The term "temporary mass gathering" means an actual or
19 reasonably anticipated assembly of three hundred (300) or more
20 people for an event that continues, or reasonably can be expected to
21 continue, for two (2) or more hours per day.

22 19. The term "nonobstructive spot inspection" means an
23 inspection of a mobile food establishment at a temporary mass
24 gathering that is conducted, if practicable, before the start of the

1 temporary mass gathering and that does not exceed ten (10) minutes
2 in length if conducted during a high-traffic time of the gathering.

3 SECTION 8. AMENDATORY 63 O.S. 2021, Section 1-1118, as
4 last amended by Section 135, Chapter 452, O.S.L. 2024 (63 O.S. Supp.
5 2024, Section 1-1118), is amended to read as follows:

6 Section 1-1118. A. It shall be unlawful for any person to
7 operate or maintain any establishment, stationary or otherwise,
8 where food or drink is offered for sale, or sold, to the public,
9 unless the person is the holder of a food establishment license
10 issued for such purpose by the State Commissioner of Health or
11 designee. A mobile food vendor that seeks to operate in a county
12 that is governed by a city-county health department shall obtain a
13 food establishment license from the local authority. This food
14 establishment license shall be recognized by the State Commissioner
15 of Health and all local authorities as a state food establishment
16 license for purposes of this title. A food establishment license
17 shall permit the mobile food vendor to operate in any local
18 authority's jurisdiction upon the local authority's recognition of
19 the license, the issuance of any relevant local license, and the
20 vendor's compliance with all other municipal provisions not in
21 conflict with this act. A food establishment license shall not be
22 required for:
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- 1 1. A produce stand that offers only whole, uncut and
2 unprocessed fresh fruits, melons, vegetables and legumes and/or
3 whole uncracked and unprocessed nuts;
- 4 2. A manufacturer, wholesaler or broker of food licensed
5 pursuant to Section 1-1119 of this title;
- 6 3. A kitchen in a private home if only food that does not
7 require time and temperature control for safety is prepared for sale
8 or service at a function such as a nonprofit civic, charitable or
9 religious organization's bake sale;
- 10 4. An area where food that is prepared as specified in
11 paragraph 3 of this subsection is sold or offered for human
12 consumption;
- 13 5. A private home that receives catered or home-delivered food;
- 14 6. A hotel licensed pursuant to Section 1-1201 of this title
15 which provides limited food service in compliance with rules
16 promulgated by the State Commissioner of Health;
- 17 7. A kitchen in a private home or in a bed and breakfast that
18 prepares and offers food to guests, if the home is owner-occupied,
19 the number of available guest bedrooms does not exceed four, and
20 breakfast is the only meal offered;
- 21 8. A nonprofit civic, charitable or religious organization
22 using unpaid individuals to prepare or serve food on its behalf, for
23 occasional fundraising events sponsored and conducted by the
24 organization. For the purposes of this paragraph, an "occasional

1 ~~fund-raising~~ fundraising event" shall be defined as an event that
2 occurs four times a year or less;

3 9. Day care centers or family day care centers, and all other
4 child care facilities as defined and licensed pursuant to the
5 provisions of the Oklahoma Child Care Facilities Licensing Act;

6 10. Nursing facilities and specialized facilities, as defined
7 in and licensed pursuant to the provisions of the Nursing Home Care
8 Act, residential care homes as defined by the Residential Care Act,
9 adult day care centers as defined by the Adult Day Care Act, and
10 assisted living centers and continuum of care facilities licensed
11 pursuant to the Continuum of Care and Assisted Living Act;

12 11. Vendors at farmers markets selling frozen meat that is
13 either kept refrigerated or on ice; and

14 12. Other establishments exempted from food establishment
15 licensure pursuant to state law.

16 B. Each license shall expire one (1) year following the date of
17 its issuance. The State Department of Health shall charge and
18 collect for each such license an annual fee to be fixed by the State
19 Commissioner of Health by rule or as provided for in this section.

20 1. The Commissioner may provide by rule for a fee-exempt
21 license for a food establishment operated by a nonprofit, civic,
22 charitable or religious organization that uses unpaid persons to
23 sell or offer food on a more frequent basis than the occasional
24 fundraising event. A fee-exempt license shall not expire but shall

1 remain in full force and effect until affirmatively revoked,
2 suspended, annulled or withdrawn by the Department in accordance
3 with applicable law.

4 2. The Commissioner may by rule also provide that licenses for
5 establishments serving events of limited duration or operating on a
6 seasonal basis shall extend only for the term of the event or
7 season, and may by rule adjust the fees for such licenses
8 accordingly.

9 3. The Commissioner shall provide by rule a three-day license
10 for vendors who only sell at farmers markets as defined in 310:257-
11 1-2 of the Oklahoma Administrative Code or at county fairs.
12 Licenses for vendors who only sell at farmers markets or county
13 fairs shall not exceed Fifty Dollars (\$50.00). Vendors who do not
14 sell food and vendors who meet the exceptions provided in subsection
15 A of this section shall not be required to obtain a three-day
16 license or a food establishment license.

17 4. The Commissioner shall provide by rule a multiseasonal
18 license for snow cone stands that sell hot beverages in addition to
19 snow cones. A snow cone stand that does not sell hot beverages
20 shall be considered a seasonal food establishment.

21 C. The State Commissioner of Health shall promulgate reasonable
22 standards and rules for sanitation of establishments required to be
23 licensed, which shall include the following: buildings, vehicles,
24 and appurtenances thereto, including plumbing, ventilation and

1 lighting; construction, cleanliness and bactericidal treatment of
2 equipment and utensils; cleanliness, wholesomeness, storage and
3 refrigeration of food and drink sold or served; cleanliness and
4 hygiene of personnel; toilet facilities; disposal of waste; water
5 supply; and other items deemed necessary to safeguard the health,
6 comfort, and safety of customers.

7 SECTION 9. This act shall become effective November 1, 2025.

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