

BILL SUMMARY

1st Session of the 60th Legislature

Bill No.:	HB1076
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Author:	Rep. Hildebrant
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Research Analysis

The committee substitute for HB 1076 creates the "Food Truck Freedom Act," which authorizes a mobile food vendor with a food establishment license to operate in this state. Mobile food vendors must follow all state and local laws and regulations that govern operations and are not in conflict with this act. A mobile food vendor must provide a copy of its state licensure to a local authority before operating in that jurisdiction. The local authority must recognize a lawful state license and authorize the mobile food vendor to operate in their jurisdiction. Following this, a mobile food vendor may operate at any location allowed the local authority and on private property under the listed circumstances. Mobile food vendors must not operate in any manner that will interfere with either foot or vehicle traffic and cannot operate in a state park without a contract or lease agreement. A mobile food vendor must, when operating, maintain a food vending vehicle in good condition, provide a waste receptacle, remove and dispose of all refuse within a 25 foot radius of the vehicle, display their food establishment license in a conspicuous location, and notify the State Department of Health and the local authority within 10 days if serving food at a mass gathering. The State Commissioner of Health may promulgate rules to enforce this measure provided that the rules do not address certain exceptions in the measure. The local authority may regulate mobile food vendors' operations as well as other listed powers given to local authorities in the measure. However, there are certain things listed in the measure that local authorities are not authorized to do such as prohibit a mobile food vendor from lawfully operating in its jurisdiction if the vendor holds a food establishment license and is in compliance with the act and other listed prohibitions on local authority. Any mobile food vendor who has been notified of a possible suspension or revocation of their license may request an administrative hearing. The State Department of Health may issue civil penalties to a mobile food vendor operating without a license or with a suspended or revoked license. A person aggrieved by a decision from the State Department of Health following a hearing has the right to appeal. This act does not require a local authority to adopt a program that regulates mobile food vendors or to revise its existing program and it does not impede any state investigations of food-borne illness. The measure adds several relevant definitions to state statute. A mobile food vendor operating in a county governed by a city-county health department must obtain a local food establishment license.

Prepared By: Suzie Nahach, House Research Staff

Fiscal Analysis

The committee substitute to HB 1076 establishes the Food Truck Freedom Act, providing clear guidelines for the regulation of mobile food vendors. The State Commissioner of Health is authorized to promulgate rules to ensure compliance between local authorities and mobile food vendors. The measure clarifies regulatory standards and is not anticipated to have a fiscal impact on the state budget.

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Other Considerations

None.

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