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**SUBSTITUTE SENATE BILL 5218**

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**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 department and the state board must adopt rules to  
35 implement this section.

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