

Representative Kera Birkeland proposes the following substitute bill:

FOOD TRUCK REGULATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions regarding food truck permitting.

Highlighted Provisions:

This bill:

► provides that a food truck that is designated as a tier-one food truck by the permitting local health department is not required to use a commissary if it meets specific conditions.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

11-56-104, as last amended by Laws of Utah 2022, Chapter 306

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **11-56-104** is amended to read:

11-56-104. Safety and health inspections and permits -- Fees.



(1) (a) A food truck business shall obtain, for each food truck that the business operates, an annual health department food truck permit from the local health department with jurisdiction over the area in which the majority of the food truck's operations takes place.

(b) A local health department shall recognize as valid a health department food truck permit that has been issued by another local health department within the state.

(2) A local health department may only charge a health department food truck permit fee to a food truck business in an amount that reimburses the local health department for the cost of regulating the food truck.

(3) (a) A political subdivision inspecting a food truck for fire safety shall conduct the inspection based on the criteria that the Utah Fire Prevention Board, created in Section 53-7-203, establishes in accordance with Section 53-7-204.

(b) (i) A political subdivision shall recognize as valid within the political subdivision's jurisdiction an approval from another political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted.

(ii) A political subdivision may not require that a food truck pass a fire safety inspection in a given calendar year if the food truck business presents to the political subdivision an approval described in Subsection (3)(b)(i) issued during the same calendar year.

(4) (a) Nothing in this section prevents a local health department from requiring a food truck business to obtain an event permit, in accordance with Section 11-56-105.

(b) Nothing in this section prevents a political subdivision from revoking the political subdivision's approval:

(i) described in Subsection (1)(b), if the operation of the related food truck within the political subdivision fails a health inspection by a local health department; or

(ii) described in Subsection (3)(b)(i), if the operation of the related food truck within the political subdivision fails to meet the criteria described in Subsection (3)(a).

(c) For each food truck that fails a health inspection as described in Subsection (4)(b)(i), a local health department may charge and collect a fee from the associated food truck business for that health inspection.

(5) A local health department may not require a food truck operator to use a commissary if the food truck:

(a) is designated as a tier-one food truck by the permitting local health department;

57 (b) does not use temperature controlled products;

58 (c) does not store prepared food products from one operating day to the next;

59 (d) is able to refill its potable water tanks at a location and in a manner approved by the
60 local health department; and

61 (e) is able to dispose of all wastewater, used cooking oil, and other refuse at a location
62 and in a manner approved by the local health department.

63 Section 2. **Coordinating H.B. 476 with H.B. 408 -- Modifying substantive**
64 **language.**

65 If this H.B. 476 and H.B. 408, Mobile Business Licensing Amendments, both pass and
66 become law, it is the intent of the Legislature that the Office of Legislative Research and
67 General Counsel prepare the Utah Code database for publication by modifying Subsection 5
68 enacted by this bill to read:

69 (5) A local health department may not require the operator of a food cart or food truck
70 to use a commissary if the food cart or food truck:

71 (a) is designated as a tier-one food cart or food truck by the permitting local health
72 department;

73 (b) does not use temperature controlled products;

74 (c) does not store prepared food products from one operating day to the next;

75 (d) is able to refill its potable water tanks at a location and in a manner approved by the
76 local health department; and

77 (e) is able to dispose of all wastewater, used cooking oil, and other refuse at a location
78 and in a manner approved by the local health department.