

# SENATE BILL NO. 1631

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

6809S.011

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to mobile food vendor licenses.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.273, to read as follows:

**196.273. 1. As used in this section, the following terms mean:**

(1) "Department", the department of health and senior services;

(2) "Local authority", a municipality, county, public health authority, or any other political subdivision of this state;

(3) "Mobile food unit", any vehicle, trailer, cart, or other conveyance that operates as a food service establishment and is designed to be readily moveable;

(4) "Mobile food vendor", any person who dispenses food or beverages from a mobile food unit for immediate service or consumption;

(5) "Prepackaged food", any commercially-labeled and processed food that is prepackaged to prevent direct human contact with the food product on distribution from the manufacturer, food facility, or other approved source.

18           2. (1) A person shall not operate as a mobile food  
19 vendor in this state unless he holds a mobile food vendor  
20 license issued by the department. A separate license shall  
21 be required for each mobile food unit that a mobile food  
22 vendor operates.

23           (2) A license issued by the department under this  
24 section shall be valid throughout the state and authorizes  
25 operation in any jurisdiction, subject to compliance with  
26 the provisions of this section. A local authority shall not  
27 prohibit the operation of a mobile food vendor in its  
28 jurisdiction if the vendor holds a license issued under this  
29 section and complies with all other state and local laws not  
30 otherwise in conflict with the provisions of this section.

31           3. The department shall develop a written application  
32 for a mobile food vendor license and shall make the  
33 application available to applicants in person and on the  
34 department's website. The application shall include, at a  
35 minimum, the following:

36           (1) The applicant's name, address, and telephone  
37 number;

38           (2) The name, address, and telephone number of any  
39 associated entity or organization that the applicant is  
40 representing and copies of documents verifying that  
41 relationship;

42           (3) The applicant's primary residence and business  
43 addresses during the twelve months preceding the date of the  
44 application;

45           (4) The food or beverages that the applicant proposes  
46 to sell to enable the department to establish the  
47 applicant's food-type classification;

48           (5) A statement of whether the applicant has  
49 previously been denied a mobile food vendor license or has

50 had a mobile food vendor license suspended or revoked in  
51 another state or local jurisdiction, including the reasons  
52 for any denial, suspension, or revocation; and

53 (6) The mobile food unit's vehicle license number,  
54 description, identification number, registration, proof of  
55 vehicle insurance, and proof of any additional licenses or  
56 permits required under state law.

57 4. An applicant may submit one application for all  
58 mobile units to be licensed under this section. An  
59 applicant's failure to submit a complete application may  
60 result in the denial of a license. An applicant shall not  
61 intentionally provide false information or intentionally  
62 omit requested information on an application.

63 5. The department shall develop a guide on mobile food  
64 vendor licensing procedures, which shall be available at the  
65 department's office and on the department's website. The  
66 guide shall include, at a minimum, the following:

67 (1) Instructions for obtaining, maintaining, and  
68 renewing a mobile food vendor license; and

69 (2) A description of the department's standards for  
70 inspecting a mobile food unit.

71 6. No later than the fourteenth calendar day following  
72 receipt of a completed mobile food vendor license  
73 application by the department, the department or a local  
74 authority acting under a collaborative agreement under  
75 subsection 11 of this section shall conduct a health  
76 inspection of each of the applicant's mobile food units  
77 listed on the application. The department shall not issue a  
78 license to an applicant whose mobile food unit does not pass  
79 a health inspection. The department shall ensure that an  
80 applicant's mobile food unit is safe for preparing,  
81 handling, and selling food, and that an applicant is in

82 compliance with all applicable laws of this state. The  
83 department may set forth the standards for health  
84 inspections by regulation.

85         7. (1) The department shall issue a mobile food  
86 vendor license to an applicant who submits a complete  
87 application, pays any required fee, and meets the  
88 department's licensing requirements and whose mobile food  
89 unit passes a health inspection. A license issued under  
90 this section shall be renewable annually upon receipt of a  
91 license renewal application before the expiration of the  
92 previous license. Before the expiration of the license, the  
93 department shall send notice of its expiration to the mobile  
94 food vendor. A mobile food vendor may continue to operate  
95 while the renewal application is pending with the department.

96         (2) A mobile food vendor shall display the mobile food  
97 vendor license and health inspection certificate in a  
98 conspicuous location for public view.

99         (3) A mobile food vendor license issued under this  
100 section shall not be transferrable and shall not authorize  
101 the activities of any person other than the person who holds  
102 the license. The recipient of any transferred mobile food  
103 vendor business assets shall apply for and obtain a new  
104 mobile food vendor license before operating as a mobile food  
105 vendor.

106         (4) The sale of one mobile food unit identified in a  
107 mobile food vendor license application, when replaced by  
108 another mobile food unit, shall not invalidate the license  
109 or require the issuance of a new license. A license holder  
110 who replaces a mobile food unit with another unit shall  
111 provide the department with the information required under  
112 subsection 3 of this section and shall have the replacement  
113 unit inspected as required under subsection 6 of this

114 section. The inspection shall be conducted as soon as  
115 practicable, but no later than the fourteenth calendar day  
116 after the date the department receives the information  
117 required under this subsection.

118       8. (1) The department may charge a fee for each  
119 mobile food vendor license application submitted and each  
120 license issued or renewed under this section. The  
121 department may establish a schedule of fees based on the  
122 license classification described in subsection 9 of this  
123 section. Fees set by the department shall not exceed the  
124 amount necessary to cover the costs of administration of  
125 this section.

126       (2) The department may charge a fee for a health  
127 inspection of an applicant's mobile food unit required under  
128 subsection 6 of this section; provided, the fee does not  
129 exceed the amount necessary to cover the costs of conducting  
130 the inspection.

131       9. The department shall establish by rule the  
132 following classifications for mobile food vendors for  
133 purposes of conducting health inspections as follows:

134       (1) Mobile food type I vendor for a vendor who  
135 dispenses prepackaged foods, does not dispense time or  
136 temperature control safety beverages, or poses a low risk of  
137 harm to the public;

138       (2) Mobile food type II vendor for a vendor who  
139 dispenses food that requires limited handling and  
140 preparation;

141       (3) Mobile food type III vendor for a vendor who  
142 prepares, cooks, holds, and serves food from a mobile food  
143 unit.

144       10. The rules adopted under this section shall specify  
145 the categories of foods or beverages that mobile food

146 vendors in each classification may serve. A mobile food  
147 vendor who seeks to serve food or beverages that may require  
148 the vendor's reclassification shall notify the department of  
149 the nature of the food or beverages to be sold. The  
150 department, or a local authority in a collaborative  
151 agreement with the department under subsection 11 of this  
152 section, may conduct a health inspection and reclassify the  
153 vendor in accordance with the rules adopted under this  
154 section.

155       11. (1) The department shall ensure that ongoing,  
156 randomized inspections are conducted for each mobile food  
157 unit based on the mobile food vendor's classification and  
158 previous health inspection results. Upon the request of a  
159 local authority, the department may enter into a  
160 collaborative agreement with the local authority for  
161 conducting health inspections. The department shall  
162 reimburse the local authority using moneys collected for  
163 health inspection fees under subsection 8 of this section.

164       (2) On a frequency to be determined by the department,  
165 a mobile food vendor shall make available to the department  
166 a list of all locations at which the vendor intends to  
167 operate, to the best of the vendor's knowledge.

168       12. (1) The department or a local authority may  
169 investigate a mobile food vendor upon reasonable suspicion  
170 that the vendor is violating the provisions of this section  
171 or upon receipt of a health or safety complaint. The local  
172 authority shall report suspected violations of state law to  
173 the department and may recommend that the department suspend  
174 or revoke a mobile food vendor license. The mobile food  
175 vendor shall cooperate with the department or the local  
176 authority during an investigation. Failure to cooperate may  
177 result in the suspension or revocation of a license.

178           (2) The provisions of this section shall not be  
179 construed to impede the department or a local authority when  
180 conducting an investigation of a reported food-borne illness.

181           13. The department may deny, suspend, or revoke a  
182 mobile food vendor license only if the applicant or license  
183 holder commits one or more of the following:

184           (1) Violates the provisions of this section or a rule  
185 adopted under this section;

186           (2) Obtains a license by means of fraud,  
187 misrepresentation, or concealment of a material fact;

188           (3) Commits fraud or makes a misrepresentation or  
189 false statement in connection with the sale of food or  
190 beverages while operating as a mobile food vendor; or

191           (4) Other material facts or conditions related to the  
192 applicant or application provide reasonable justification  
193 for the denial, suspension, or revocation of the license, as  
194 determined by the department.

195           14. (1) The department shall provide written notice  
196 to an applicant or license holder that the applicant's  
197 mobile food vendor application has been denied or that the  
198 license may be suspended or revoked. The applicant or  
199 license holder may seek a review of any official action of  
200 the department that aggrieves the applicant or license  
201 holder, including denial, suspension, or revocation, before  
202 the administrative hearing commission, as provided in  
203 chapter 621.

204           (2) The department may issue an emergency order to  
205 suspend a mobile food vendor license if the department has  
206 reasonable cause to believe that a license holder's  
207 operations pose an imminent threat to the public's health  
208 and safety. An emergency suspension order is effective  
209 immediately without a hearing on notice to the license

210 holder and shall state the length of the suspension. Such  
211 emergency orders shall be subject to review before the  
212 administrative hearing commission under chapter 621.

213 15. The department shall adopt rules and regulations  
214 to implement the provisions of this section; provided, such  
215 rules shall not have the following effects:

216 (1) Limit the number of mobile food vendor licenses  
217 that the department may issue;

218 (2) Address the hours of operations for mobile food  
219 vendors;

220 (3) Restrict a mobile food vendor's propane capacity  
221 below the capacity that state law allows for commercial  
222 vehicles;

223 (4) Require a mobile food vendor to operate outside of  
224 a specific perimeter of a commercial establishment or  
225 restaurant;

226 (5) Require a mobile food vendor to enter into any  
227 agreement with a commercial establishment or restaurant,  
228 except as necessary to properly dispose of grease and other  
229 cooking waste;

230 (6) Require a mobile food vendor to have an  
231 operational hand-washing sink if the vendor sells only  
232 prepackaged food;

233 (7) Require a mobile food vendor to associate with a  
234 commissary if the mobile food unit carries the equipment  
235 necessary to comply with state law and properly disposes of  
236 grease and other cooking waste;

237 (8) Require a mobile food unit to be in constant  
238 motion except when serving customers;

239 (9) Require a mobile food vendor to submit to an  
240 additional fire inspection of a mobile food unit if the  
241 vendor demonstrates that the mobile food unit has passed a

242 state or local fire inspection within the preceding twelve  
243 months;

244 (10) Require a mobile food vendor to submit to a  
245 health inspection other than an inspection that the  
246 department, or a local authority under a collaborative  
247 agreement, conducts, unless the department is investigating  
248 a reported food-borne illness; and

249 (11) Impose inspections, equipment, or operational  
250 requirements beyond those established by the department  
251 under state law.

252 Any rule or portion of a rule, as that term is defined in  
253 section 536.010, that is created under the authority  
254 delegated in this section shall become effective only if it  
255 complies with and is subject to all of the provisions of  
256 chapter 536 and, if applicable, section 536.028. This  
257 section and chapter 536 are nonseverable and if any of the  
258 powers vested with the general assembly pursuant to chapter  
259 536 to review, to delay the effective date, or to disapprove  
260 and annul a rule are subsequently held unconstitutional,  
261 then the grant of rulemaking authority and any rule proposed  
262 or adopted after August 28, 2026, shall be invalid and void.

263 16. (1) Notwithstanding any provision of law to the  
264 contrary, the provisions of this section shall preempt any  
265 local ordinance, rule, or regulation relating to the  
266 licensing or permitting of mobile food vendors or the  
267 operation of mobile food units.

268 (2) A local authority shall not require a mobile food  
269 vendor holding a valid mobile food vendor license under this  
270 section to obtain an additional local permit or license as a  
271 condition of operating a mobile food unit.

272           (3) A local authority shall not adopt or enforce any  
273 ordinance, regulation, or rule that conflicts with or  
274 imposes requirements inconsistent with the mobile food  
275 vendor license issued under this section.

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