

SECOND REGULAR SESSION

HOUSE BILL NO. 3157

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES (12).

6846H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto fifteen new sections relating to licensing of mobile food vendors, with penalty provisions.

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

Section A. Chapter 196, RSMo, is amended by adding thereto fifteen new sections, to
2 be known as sections 196.3070, 196.3073, 196.3076, 196.3079, 196.3082, 196.3085,
3 196.3088, 196.3091, 196.3094, 196.3097, 196.3100, 196.3103, 196.3106, 196.3109, and
4 196.3112, to read as follows:

196.3070. As used in sections 196.3070 to 196.3112, the following terms mean:

- 2 **(1) "Applicant", a person who applies to the department to receive a license to**
3 **operate as a mobile food vendor;**
- 4 **(2) "Department", the department of health and senior services;**
- 5 **(3) "License holder", a person who holds a mobile food vendor license issued**
6 **under sections 196.3070 to 196.3112;**
- 7 **(4) "Local authority", any municipality, county, public health authority, or other**
8 **political subdivision of this state;**
- 9 **(5) "Mobile food unit", any vehicle, trailer, cart, or other conveyance that**
10 **operates as a food service establishment and that is designed to be readily movable;**
- 11 **(6) "Mobile food vendor" or "vendor", any person who dispenses food or**
12 **beverages from a mobile food unit for immediate service or consumption;**
- 13 **(7) "Municipality", any city, town, or village located wholly or partially within a**
14 **county;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

196.3073. 1. Notwithstanding any authority granted under chapter 192 or any
2 **other provision of law, sections 196.3070 to 196.3112 preempt any local ordinance,**
3 **resolution, rule, or regulation concerning the licensing or permitting of mobile food**
4 **vendors or the operation of mobile food units.**

5 **2. A local authority shall not require a mobile food vendor holding a valid**
6 **statewide mobile food vendor license to obtain an additional local license or permit as a**
7 **condition of operating a mobile food unit.**

8 **3. A local authority shall not adopt or enforce any regulation that conflicts with**
9 **or imposes requirements inconsistent with sections 196.3070 to 196.3112.**

196.3076. 1. A person shall not operate as a mobile food vendor in this state
2 **unless the person holds a mobile food vendor license issued by the department. A**
3 **separate license is required for each mobile food unit a mobile food vendor operates.**

4 **2. A mobile food vendor license issued by the department is valid throughout the**
5 **state and authorizes operation in any jurisdiction, subject to compliance with state law.**

6 **3. A local authority shall not prohibit the operation in its jurisdiction of a mobile**
7 **food vendor who holds a mobile food vendor license and complies with all other state**
8 **and local laws not in conflict with sections 196.3070 to 196.3112.**

196.3079. 1. The department shall prescribe a written application for a mobile
2 **food vendor license. The department shall make the application available to applicants**
3 **in person and on the department's website.**

4 **2. An applicant for a mobile food vendor license shall submit an application to**
5 **the department on the form the department prescribes. The application shall contain**
6 **the following information:**

7 **(1) The applicant's name, address, and telephone number;**

8 **(2) The name, address, and telephone number of any associated entity or**
9 **organization the applicant is representing and copies of documents verifying that**
10 **relationship;**

11 **(3) The applicant's primary residences and business addresses during the twelve**
12 **months preceding the date of the application;**

13 **(4) The food or beverages the applicant proposes to sell to enable the department**
14 **to establish the applicant's food type classification;**

15 **(5) A statement of whether the applicant has previously been denied a mobile**
16 **food vendor license, or had a mobile food vendor license suspended or revoked, in**

17 another state or local jurisdiction and the reasons for any denial, suspension, or
18 revocation; and

19 (6) For each mobile food unit the applicant is applying for a license to operate,
20 the vehicle license number, description, identification number, registration, proof of
21 vehicle insurance, and proof of any additional licenses or permits required by this state.

22 3. The department may require an applicant to submit additional information.

23 4. An applicant may submit one application for all mobile food units to be
24 licensed under sections 196.3070 to 196.3112.

25 5. An applicant's failure to submit a complete application may result in denial of
26 a license.

27 6. A person shall not intentionally provide false information or intentionally
28 omit requested information on an application.

29 7. The department shall develop a guide on the mobile food vendor licensing
30 procedures. The guide shall be available at the department's office and on the
31 department's website. The guide shall include the following information:

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

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

196.3082. 1. Within fourteen days after the date the department receives a
2 complete mobile food vendor license application, the department or a local authority
3 acting under a collaborative agreement as provided by section 196.3100 shall conduct a
4 health inspection of each of the applicant's mobile food units listed on the application.
5 The department shall not issue a license to operate any mobile food unit that does not
6 pass a health inspection.

7 2. The department shall ensure that an applicant's mobile food unit is safe for
8 preparing, handling, and selling food and that an applicant is in compliance with all
9 applicable laws and rules.

196.3085. 1. The department shall issue a mobile food vendor license to an
2 applicant who submits a complete application, pays any required fee, and meets the
3 department's licensing requirements and whose mobile food unit passes a health
4 inspection.

5 2. A license issued under this section expires on the first anniversary of the date
6 of issuance.

7 3. Before expiration of a license, the department shall send notice of the
8 expiration to the mobile food vendor. The vendor shall submit a license renewal
9 application before the date the license expires.

10 4. A licensed mobile food vendor may continue to operate while the vendor's
11 application for license renewal is pending with the department.

 196.3088. 1. A mobile food vendor license issued under sections 196.3070 to
2 196.3112 is not transferable and does not authorize the activities of any person other
3 than the person who holds the license.

4 2. The sale of one mobile food unit identified in a mobile food vendor license
5 application, when replaced by another mobile food unit, does not invalidate the license
6 or require issuance of a new license.

7 3. A license holder who replaces a mobile food unit with another unit shall
8 provide to the department the information required by section 196.3079 for the
9 replacement unit and ensure the replacement unit is inspected as required by section
10 196.3082. The health inspection shall be conducted as soon as practicable but not later
11 than the fourteenth calendar day after the date the department receives the information
12 required under this section.

13 4. The recipient of transferred mobile food vendor business assets shall apply for
14 and obtain a new mobile food vendor license before operating as a mobile food vendor.

 196.3091. 1. The department may charge a fee for each mobile food vendor
2 license application submitted and each license issued or renewed under sections
3 196.3070 to 196.3112. The department may establish a schedule of fees based on the
4 license classifications described in section 196.3097. The department may set the fees in
5 amounts necessary to cover the costs of administering sections 196.3070 to 196.3112.

6 2. The department may charge a fee for a health inspection of an applicant's
7 mobile food unit required under section 196.3082. The department shall set the fee in an
8 amount that covers the cost of conducting a health inspection under that section.

9 3. At the time the department issues or renews a mobile food vendor license, the
10 department shall charge a fee for a health inspection required under section 196.3100.
11 The department shall set the fee in an amount based on the average cost of conducting a
12 health inspection multiplied by the number of annual health inspections required during
13 the next year for the mobile food vendor classification type as described by section
14 196.3097.

15 4. The department shall deposit all fees collected under this section into a
16 separate account in the Missouri public health services fund established in section
17 192.900 to be used for the administration of sections 196.3070 to 196.3112.

 196.3094. A mobile food vendor shall:

2 (1) Submit to and pass any required health inspection conducted under section
3 196.3100;

4 (2) Comply with all laws and rules regarding food safety; and

5 **(3) Display the mobile food vendor license and health inspection certificate in a**
6 **conspicuous location for public view.**

196.3097. 1. The department shall establish by rule classifications of mobile food
2 **vendors for purposes of conducting health inspections as follows:**

3 **(1) Mobile food type I vendor for a vendor who dispenses prepackaged foods,**
4 **who does not dispense beverages that require time or temperature control for safety,**
5 **and who poses a low risk of harm to the public;**

6 **(2) Mobile food type II vendor for a vendor who dispenses food that requires**
7 **limited handling and preparation; and**

8 **(3) Mobile food type III vendor for a vendor who prepares, cooks, holds, and**
9 **serves food from a mobile food unit.**

10 **2. The rules adopted under this section shall specify the categories of foods or**
11 **beverages that mobile food vendors in each classification may serve.**

12 **3. A mobile food vendor who seeks to serve food or beverages that may require**
13 **the vendor's reclassification shall notify the department of the nature of the food or**
14 **beverages to be sold. The department, or a local authority in a collaborative agreement**
15 **with the department under section 196.3100, may conduct a health inspection and**
16 **reclassify the vendor in accordance with the rules adopted under this section.**

196.3100. 1. The department shall ensure ongoing, randomized inspections are
2 **conducted on each mobile food vendor based on the mobile food vendor's classification**
3 **and previous health inspection results.**

4 **2. Upon request by a local authority, the department may enter into a**
5 **collaborative agreement with the local authority for conducting health inspections. The**
6 **department shall reimburse the local authority acting under a collaborative agreement**
7 **for the cost of conducting a health inspection from the separate account in the Missouri**
8 **public health services fund established in section 196.3091.**

9 **3. At a frequency to be determined by the department, a mobile food vendor**
10 **shall make available to the department a list of all locations at which the vendor intends**
11 **to operate, to the best of the vendor's knowledge.**

196.3103. 1. The department or a local authority may investigate a mobile food
2 **vendor if there is reasonable suspicion to believe the vendor is violating the law or upon**
3 **receipt of a health or safety complaint. The local authority shall report suspected**
4 **violations of state law to the department and may recommend the department suspend**
5 **or revoke a mobile food vendor license.**

6 **2. The mobile food vendor shall cooperate with the department or local**
7 **authority during an investigation. Failure to cooperate with the department or local**
8 **authority may result in suspension or revocation of a license.**

9 **3. Sections 196.3070 to 196.3112 shall not be construed to impede an**
10 **investigation of a reported foodborne illness by the department or local authority.**

196.3106. 1. The department may refuse to issue or renew a mobile food vendor
2 **license for one or any combination of causes stated in subsection 2 of this section. The**
3 **department shall notify the applicant in writing of the reasons for the refusal and shall**
4 **advise the applicant of his or her right to file a complaint with the administrative**
5 **hearing commission as provided by chapter 621.**

6 **2. The department may cause a complaint to be filed with the administrative**
7 **hearing commission as provided by chapter 621 against any license holder or any person**
8 **who has failed to renew or has surrendered his or her mobile food vendor license for any**
9 **one or any combination of the following causes:**

10 **(1) Violation of any provision of sections 196.3070 to 196.3112 or any rule**
11 **adopted under sections 196.3070 to 196.3112;**

12 **(2) Obtaining a license by means of fraud, misrepresentation, or concealment of**
13 **a material fact;**

14 **(3) Use of fraud or misrepresentation or the making of a false statement in**
15 **connection with the sale of food or beverages while operating as a mobile food vendor;**

16 **(4) Three or more citations during a twelve-month period for a violation of any**
17 **provision of sections 196.3070 to 196.3112 or any rules adopted under sections 196.3070**
18 **to 196.3112; or**

19 **(5) Other material facts or conditions related to the applicant or application that**
20 **provide reasonable justification for the denial, suspension, or revocation of the license,**
21 **as determined by the department.**

22 **3. The department shall not deny, suspend, or revoke a mobile food vendor**
23 **license for any cause not stated in subsection 2 of this section.**

24 **4. After the filing of such complaint, the proceedings shall be conducted in**
25 **accordance with the provisions of chapter 621. Upon a finding by the administrative**
26 **hearing commission that the grounds provided in subsection 2 of this section for**
27 **disciplinary action are met, the department may, singly or in combination, censure or**
28 **place the person named in the complaint on probation or suspension or revoke the**
29 **mobile food vendor license on such terms and conditions as the department deems**
30 **appropriate.**

31 **5. A license holder who continues to operate after the department suspends or**
32 **revokes the license holder's mobile food vendor license is subject to an administrative**
33 **penalty in an amount to be determined by the department.**

196.3109. 1. The department may apply to the administrative hearing
2 **commission for an emergency suspension or restriction of a mobile food vendor license**

3 if the department has reasonable cause to believe that the license holder's operations
4 pose an imminent threat to the public health and safety.

5 2. The department shall submit to the administrative hearing commission
6 supporting affidavits and records, together with a complaint alleging the facts in
7 support of the department's request for an emergency suspension or restriction of a
8 license, and shall supply the administrative hearing commission with the last home or
9 business addresses on file with the department for the license holder. Within one
10 business day of the filing of the complaint, the administrative hearing commission shall
11 return a service packet to the department. The service packet shall include the
12 department's complaint and any affidavits or records the department intends to rely on
13 that have been filed with the administrative hearing commission. The service packet
14 may contain other information in the discretion of the administrative hearing
15 commission. Within twenty-four hours of receiving the packet, the department shall
16 either personally serve the license holder the service packet or leave a copy of the service
17 packet at all of the license holder's current addresses on file with the department.

18 3. Within five days of the department's filing of the complaint, the
19 administrative hearing commission shall review the information submitted by the
20 department and shall issue its findings of fact and conclusions of law. If the
21 administrative hearing commission finds that there is reasonable cause for the
22 department to believe that the license holder's operations pose an imminent threat to
23 the public health and safety, the administrative hearing commission shall enter the
24 order requested by the department. The order shall be effective upon personal service
25 or by leaving a copy at all of the license holder's current addresses on file with the
26 department.

27 4. (1) The administrative hearing commission shall hold an evidentiary hearing
28 on the record within forty-five days of the department's filing of the complaint to
29 determine if cause for discipline exists under the provisions of sections 196.3070 to
30 196.3112 and to determine whether the initial order entered by the commission shall
31 continue in effect. Prior to the hearing, the license holder may file affidavits and
32 certified court records for consideration by the administrative hearing commission. The
33 administrative hearing commission may grant a request for a continuance but shall in
34 any event hold the hearing within one hundred twenty days of the department's initial
35 filing. The department shall be granted leave to amend its complaint if it is more than
36 thirty days prior to the hearing, or within thirty days prior to the hearing upon a
37 showing of good cause.

38 (2) If no cause for discipline is found following an evidentiary hearing, the
39 administrative hearing commission shall issue findings of fact, conclusions of law, and

40 an order terminating the commission's initial order imposing an emergency suspension
41 or restriction of the license.

42 (3) If the administrative hearing commission finds cause for discipline following
43 an evidentiary hearing, the commission shall issue findings of fact and conclusions of
44 law and order the emergency suspension or restriction to remain in full force and effect
45 pending a disciplinary hearing before the department. The department shall hold a
46 hearing following the certification of the record by the administrative hearing
47 commission and may impose discipline otherwise authorized by state law.

48 5. Any action under this section shall be in addition to and not in lieu of any
49 discipline otherwise in the department's power to impose and may be brought
50 concurrently with other actions.

51 6. If the administrative hearing commission does not grant an initial order
52 imposing an emergency suspension or restriction of the license as described in
53 subsection 3 of this section, the department shall remove all reference to such emergency
54 suspension or restriction from its public records.

196.3112. 1. The department may adopt rules to implement sections 196.3070 to
2 196.3112. The rules shall be narrowly tailored to address a demonstrable health or
3 safety risk.

4 2. The department shall not adopt rules that serve to:

5 (1) Limit the number of mobile food vendor licenses the department may issue;

6 (2) Address the hours of operation for mobile food vendors;

7 (3) Restrict a mobile food vendor's propane capacity below the capacity state
8 law allows for commercial vehicles;

9 (4) Require a mobile food vendor to operate outside a specific perimeter of a
10 commercial establishment or restaurant;

11 (5) Require a mobile food vendor to enter into any agreement with a commercial
12 establishment or restaurant except as necessary to properly dispose of grease and other
13 cooking waste;

14 (6) Require a mobile food unit to have an operational handwashing sink if the
15 vendor sells only prepackaged food;

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

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

21 **(9) Require a mobile food vendor to submit a mobile food unit to an additional**
22 **fire inspection if the vendor demonstrates that the mobile food unit passed a state or**
23 **local fire inspection within the preceding twelve months;**

24 **(10) Require a mobile food vendor to submit to health inspections other than an**
25 **inspection the department, or a local authority under a collaborative agreement,**
26 **conducts unless the department is investigating a reported foodborne illness; or**

27 **(11) Impose inspection, equipment, or operational requirements beyond those**
28 **established by the department under state law.**

29 **3. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
30 **created under the authority delegated in this section shall become effective only if it**
31 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
32 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
33 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
34 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
35 **then the grant of rulemaking authority and any rule proposed or adopted after August**
36 **28, 2026, shall be invalid and void.**

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