

HOUSE BILL NO. HB0266

Food truck licensing-statewide application.

Sponsored by: Representative(s) Larson, JT, Andrew,
Williams and Wylie and Senator(s) Barlow,
Nethercott and Salazar

A BILL

for

1 AN ACT relating to public health and safety; authorizing
2 food trucks to operate throughout the state as specified;
3 making conforming amendments; requiring rulemaking; and
4 providing for effective dates.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 35-7-128 is created to read:

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10 **35-7-128. Food truck licenses; requirements.**

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12 (a) As used in this section, "food truck" means a
13 fully encased food establishment on a motor vehicle or
14 trailer that is pulled by a motor vehicle from which a
15 person, from within the frame of the vehicle or trailer,

1 prepares, cooks, sells or serves food or beverages for
2 immediate human consumption. "Food truck" shall not include
3 a pushcart or an ice cream truck.

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5 (b) If a food truck is licensed to operate under any
6 ordinance, rule or regulation in a Wyoming county, city or
7 town, that license shall be valid and recognized throughout
8 the state.

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10 (c) Food trucks shall at all times be able to provide
11 satisfactory evidence of the following:

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13 (i) A license from the department of
14 agriculture, a local health department or local health
15 officer for processing, distributing, storing or preparing
16 food for sale pursuant to W.S. 35-7-124;

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18 (ii) If required, a sales tax license from the
19 department of revenue pursuant to W.S. 39-15-106;

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21 (iii) Compliance with reasonable fire safety
22 standards for food trucks as determined by rule of the
23 department;

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2 (iv) Compliance with other applicable federal
3 and state laws or regulations governing the operation of a
4 food truck or commercial establishment.

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6 **Section 2.** W.S. 35-7-110(a)(xi), (xxxi)(intro) and
7 (xxxii) is amended to read:

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9 **35-7-110. Definitions.**

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11 (a) As used in this act:

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13 (xi) "Establishment" means and includes any
14 place or any area of any establishment, including a food
15 truck as defined in W.S. 35-7-128(a), in which foods,
16 drugs, devices and cosmetics are displayed for sale,
17 manufactured, processed, packed, held or stored.
18 "Establishment" does not include a home kitchen where food
19 is prepared and stored for family consumption, or any other
20 place equipped for the preparation, consumption and storage
21 of food on the premise by employees or nonpaying guests;

22

1 (xxxi) "Commercial food establishment" means and
2 includes any place or any area of any establishment that is
3 a wholesale or retail business, including a food truck as
4 defined in W.S. 35-7-128(a), where foods, drugs, devices
5 and cosmetics are displayed for sale, manufactured,
6 processed, packed, held or stored. "Commercial food
7 establishment" shall not include:

8
9 (xxvii) "This act" means W.S. 35-7-109 through
10 ~~35-7-126~~ 35-7-128.

11
12 **Section 3.** The department of agriculture and
13 department of health shall promulgate all rules necessary
14 to implement the provisions of this act.

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