

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 740**

Introduced by Vargas, 7; Aguilar, 35.

Read first time January 18, 2023

Committee: Agriculture

1 A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend  
2 section 81-2,251.04, Reissue Revised Statutes of Nebraska, and  
3 sections 81-2,239 and 81-2,240, Revised Statutes Cumulative  
4 Supplement, 2022; to define and redefine terms; to provide for  
5 enforcement of health inspection permits for mobile food units as  
6 prescribed; to provide duties for the Department of Agriculture and  
7 certain cities; to harmonize provisions; and to repeal the original  
8 sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-2,239, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 81-2,239 Sections 81-2,239 to 81-2,292 and sections 3, 5, 6, and 7  
4 of this act and the provisions of the Food Code and the Current Good  
5 Manufacturing Practice In Manufacturing, Packing, or Holding Human Food  
6 adopted by reference in sections 81-2,257.01 and 81-2,259, shall be known  
7 and may be cited as the Nebraska Pure Food Act.

8 Sec. 2. Section 81-2,240, Revised Statutes Cumulative Supplement,  
9 2022, is amended to read:

10 81-2,240 For purposes of the Nebraska Pure Food Act, unless the  
11 context otherwise requires, the definitions found in sections 81-2,241 to  
12 81-2,254 and section 3 of this act shall be used. In addition, the  
13 definitions found in the code and practice adopted by reference in  
14 sections 81-2,257.01 and 81-2,259 shall be used.

15 Sec. 3. Guidance document has the same meaning as in section  
16 84-901.

17 Sec. 4. Section 81-2,251.04, Reissue Revised Statutes of Nebraska,  
18 is amended to read:

19 81-2,251.04 Mobile food unit shall mean a vehicle mounted food  
20 establishment designed to be readily movable ~~that returns to a commissary~~  
21 ~~daily for cleanup and service.~~

22 Sec. 5. (1) A political subdivision under contract with the  
23 department to perform regulatory functions authorized pursuant to the  
24 Nebraska Pure Food Act may enter into an agreement under the Interlocal  
25 Cooperation Act with one or more participating political subdivisions to  
26 grant and recognize health inspection permits for mobile food units.

27 (2) A participating political subdivision may refuse to recognize a  
28 mobile food unit's health inspection permit. If the permit is not  
29 recognized, the mobile food unit operator shall be provided with written  
30 notice regarding the basis for this decision.

31 (3) The mobile food unit may be subject to periodic and unannounced

1 inspections in any jurisdiction where its health inspection permit is  
2 recognized. Political subdivisions shall utilize discretion when  
3 inspecting mobile food units that are authorized to operate in multiple  
4 jurisdictions to ensure inspection is no more frequent than necessary to  
5 protect public health and safety. A mobile food unit shall allow the  
6 political subdivision or its agent access for inspection when the mobile  
7 food unit is physically operating in its jurisdiction.

8 (4) Fees for inspections conducted in a participating political  
9 subdivision's public health department's jurisdiction shall be limited to  
10 the administrative costs incurred by the participating political  
11 subdivision's public health department to complete the inspection.

12 Sec. 6. (1) For purposes of this section, city means a city of the  
13 first class or a city of the second class.

14 (2) Any city that does not regulate the operation of mobile food  
15 units in any way shall submit to the department for publication on a  
16 registry a written statement confirming that no mobile food unit  
17 ordinances exist. The department shall post such registry on its website.

18 (3) The department may adopt and promulgate rules and regulations to  
19 carry out this section.

20 Sec. 7. The department shall develop and make available to the  
21 public a guidance document for mobile food unit operators. The guidance  
22 document shall include all health and safety requirements a mobile food  
23 unit operator must demonstrate in order to receive approval for a health  
24 inspection permit pursuant to section 5 of this act.

25 Sec. 8. Original section 81-2,251.04, Reissue Revised Statutes of  
26 Nebraska, and sections 81-2,239 and 81-2,240, Revised Statutes Cumulative  
27 Supplement, 2022, are repealed.