

CONSENT CALENDAR

March 6, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred HB 1595-FN,**

**AN ACT relative to establishing a statewide food truck
license. Having considered the same, report the same
with the recommendation that the bill be REFERRED
FOR INTERIM STUDY.**

Rep. John Hunt

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 1595-FN
Title:	relative to establishing a statewide food truck license.
Date:	March 6, 2022
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

The intent of this bill was to have one state license for food trucks in New Hampshire rather than the current practice that a food truck vendor would get a license from the town in which they would like to operate. Given that the majority of the cities in New Hampshire have a separate license for their city, a food truck operator would have to get multiple licenses. Needless to say, the cities do not want to give up their responsibility to ensure food safety, and the committee decided that the bill needed more work.

Vote 18-0.

Rep. John Hunt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 1595-FN, relative to establishing a statewide food truck license. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. The intent of this bill was to have one state license for food trucks in New Hampshire rather than the current practice that a food truck vendor would get a license from the town in which they would like to operate. Given that the majority of the cities in New Hampshire have a separate license for their city, a food truck operator would have to get multiple licenses. Needless to say, the cities do not want to give up their responsibility to ensure food safety, and the committee decided that the bill needed more work.

Vote 18-0.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1595-FN

BILL TITLE: relative to establishing a statewide food truck license.

DATE: March 3, 2022

LOB ROOM: 302-304

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Hunt

Seconded by Rep. Bartlett

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk



2022 SESSION

Commerce and Consumer Affairs

Bill #: HB 1595 Motion: 15 AM #: Exec Session Date: 3/3/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	18		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4		
Ham, Bonnie D.	5		
Depalma IV, Joseph Dennis Acton	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
Herbert, Christopher J.			
Van Houten, Constance	12		
Fargo, Kristina M.	13		
Weston, Joyce	14		
Beaulieu, Jane E. Tanner	15		
Burroughs, Anita D.	16		
McAleer, Chris R.	17		
TOTAL VOTE:	18	0	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1595-FN

BILL TITLE: relative to establishing a statewide food truck license.

DATE: 2/24/22

Subcommittee Members: Reps. Hunt, ~~Ceballos~~, Ham, ~~Johnson~~, Abel, Weston, Fargo, Herbert and McAleer
Greason Potocak

Comments and Recommendations:

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. Hunt Seconded by Rep. Potocak Vote: 8-0

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. [Signature]
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1595-FN

BILL TITLE: relative to establishing a statewide food truck license.

DATE: February 24, 2022

Subcommittee Members: Reps. Hunt, Greeson, Ham, Potucek, Abel, Fargo, Weston, Herbert and McAleer

Comments and Recommendations:

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Rep. Hunt

Seconded by Rep. Rep. Potucek

Vote: 8-0

Respectfully submitted,

Rep. John Hunt
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1595-FN

BILL TITLE: relative to establishing a statewide food truck license.

DATE: January 27, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 1:18 p.m.

Time Adjourned: 2:27 p.m.

Committee Members: Reps. Hunt, Potucek, Ammon, Greeson, Johnson, Terry, Bartlett, Abel, Weston, Beaulieu, Burroughs and McAleer

Bill Sponsors:

Rep. Wilhelm

Rep. Query

Sen. Perkins Kwoka

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Matt Wilhem

We have the authority to inspect food trucks so I asked the office of legislative services to draft an amendment that strikes the word inspect from line 16 the original bill and that's the amendment that I think has made its way around the room. It would be my expectation that the department of health and human would streamline food truck licensing at the state level. Eliminates the need of our for our cities and towns to establish and enforce their own and it frees up these entrepreneurs to focus on what's most important, earning a living serving their neighbors and creating jobs. I urge committee members to send house bill 1595 to the house floor with a strong fine partisan on to pass as amended recommendation and I welcome your questions thank you chairman

Rep McAleer

Q: Who will now inspect these trucks? Does the state have the resources to do this?

A: My understanding with the fiscal note is that there will be resources put against that inspection process. After talking with some food truck operators, they want to make sure they're operating in a safe way. Health, safety, fire. We need to figure out the standards through the rule making process.

Rep. Johnson

Q: Are the towns and cities standardized?

A: They're all a little different and that makes it challenging to operate in multiple municipalities. If a food truck operator sees an opportunity to operate in Nashua, for example, they would need to get permission ahead of time.

Q: If this bill passes, they would get

Rep Hunt: Some towns have a visiting vendor requirement. They would have to register with the town.

Rep Terry

Q: What other states have similar requirements?

A: There are 3 or 4 other states that do have a statewide food truck license. Rhode Island is one. This was a request from a constituent who understands the food truck industry.

Rep Beaulieu

Q: Did you speak to someone from the health committee regarding this bill?

A: I have not.

Q: I did and they're not favorable to this bill. They could put directions on their website for how to register with each town.

Olivia Knox

My name is Olivia Lennox I was born and raised in Manchester NH I opened my first food truck in Portland OR and the year of 2018 I saw that picture in 2020 moved back to Manchester and I now operated food truck in Manchester and we've been operating since September of last year I don't have anything prepared but I came here because I am in support of the bill in front of you I'm parked at the factory on Willow which is actually a brand new food truck pod then 14 spots for food trucks and I was the first one three parts there there's a second truck now and there's recruiting more for food trucks they come and join so I think that you know they're sending people my way and wanting me to explain the process and I'm having a hard time you know helping them out because there is so many steps and as of right now I didn't get the New Hampshire State license because I'm not operating outside of Manchester but if I wanted to operate in any of the smaller towns not the 15 municipalities but any of the smaller towns I actually wouldn't be able to do that either I'm basically only allowed to operate in Manchester right now which is fine I could actually I know that I could go through the state and get a \$225 license there's some there's a process with you know then coming out and inspecting the state statewide coming out to inspect and me sending in a floor plan and then I would have the ability to move throughout the state but not in any of the 15 municipalities only in smaller towns and then Manchester where I'm currently licensed and then if I wanted to go to any of the larger cities which is where the money is for me you know I'd have to go through their individual city clerks offices so I do think that this bill would streamline that process for a lot of future folders and I do know one other food truck right now who they didn't they weren't aware of how long this process could possibly take for the licensing so they built their food truck out they put their money into their dream and it's just kind of sitting there and they're waiting for the bureaucratic process to carry out which can take time and can be confusing and involves a lot of different stops along the way a lot of different checks that you're writing out to a lot of different people and I think that streamlining that process would just make food trucks a lot more accessible to the people of New Hampshire end welcome questions

Rep Herbert

Q: I'm always defensive if someone isn't going to pay the city for what it does. What are the other steps?

A: I had to apply for a peddlers and hawkers license, then applied for a state peddlers and hawkers license. In any of the states I've lived in the past five years. So actually I was late opening my food truck by a week because I was waiting for the state of Oregon to send me a background check for the past five years to make sure that I wasn't like a criminal even though I did get a clear background check from New Hampshire so there's just I think that that packet the peddlers and hawkers might look different and the different municipalities but in Manchester there were a lot of different steps and a lot of different things that needed to be

Q: The city of Manchester had this peddler license and did inspection work for the license?

A: Yes. I paid for a local and state peddler and hawkers licenses and did the background check.

Q: You mentioned a five year residency requirement?

A: I needed a background check for anywhere I had lived for the background check.

Rep Burroughs

Q: Let's say you come up to my community in North Conway and you had a state license what else would you need to do?

A: Assuming it wasn't one of the 13 communities, I would need to approach your town hall and need to fill out an event slip.

Q: So you would have to check with the individual town?

A: Yes, the state license at this moment requires a floor plan and do an inspection.

Rep Ham

Q: If you get the state license, does it cover you for public property, private property, everywhere you would be or are there different licenses?

A: I believe that's where parks and recs came in when it comes to Manchester. If it's private, and I had the state license, I could operate on private property. I had to provide a copy of my lease. In a perfect world I would be able to get a state license and go to any municipality but I welcome the larger cities to do fire inspections on top of state inspections, because I think that's appropriate.

Rep Beaulieu

Q: Did the property owner where the food truck is, did they give you information to tell you what the licencing requirements were?

A: They did not. That was more of a business transaction. It was just the lease. They don't know. It's an apartment building. They did tell me they do not provide waste water disposal. They told me they would provide 50 amps and fresh water. It's not their job to tell me about the license.

Q: Do you have a commissary there.

A: I have one but not there. I own a food prep company. Not because of my food truck.

Rep Bartlett

Q: This very helpful. What are the costs of these various licenses?

A: The NH state license is \$220 for mobile food unit. Manchester peddlers and hawkers was \$150 – but you aren't allowed to exchange money with it. New employees each need a P&H license. Commissary license was \$325. Background check \$25. Secretary of State \$50. Parks and Recreation didn't charge me.

Colleen Smith, DHHS

Good afternoon members of the committee my name is Colleen Smith I'm the administrator for the food protection section within DHHS and I'm happy to answer any questions around HB1595. As it stands now there is it's not a statewide food or truck license. We license all the 217 cities and towns in New Hampshire. Outside of the self inspecting so a food truck or a mobile food unit as we define them can move about in the areas that are under our jurisdiction. As was mentioned in previous testimony if they want to operate in one of those self inspecting jurisdiction such as Manchester or Concord they'd have to obtain a permit from that city and as was mentioned, it's not just not

necessarily limited to just a from the health department but it could involve other requirements such as the hawkers and peddlers license. As mentioned if this bill were to pass we do anticipate we need additional resources to take on the additional work as mentioned before if somebody was operating exclusively in Manchester they wouldn't require our license for a health permit but they would be inspected by that city health department. One of the other areas that the bill doesn't speak to is how to handle temporary events because exempt from a state license is anyone operating in conjunction with a temporary event such as a fair festival that's not longer than 14 days in duration. So this would be our fair like Deerfield and Hopkinton fairs. Those mobile food units that are operating exclusively there we don't license because they're exempt from a state food license. However, many of the cities and towns they better self inspecting they do issue temporary food licenses for those types of events. Those cities and towns would still be able to do that temporary food permit even if they had a statewide food license and I know there are probably many questions about the current regulation so I'm happy to answer those.

Rep Hunt

Q: Are we creating a new truck license?

A: As I understand it, cities and towns wouldn't be able to issue their own.

Q: Do we have a statewide food truck license now?

A: Food trucks are a food establishment. We have jurisdiction except the 15 self-inspecting cities and towns.

Q: This state license is also for restaurants?

A: It's a type of license. It's under 143-A4.

Q: Nothing about traveling or moving?

A: The license as issued by the state isn't statewide. Similar to a restaurant, they would have to be inspected by the local jurisdiction.

Rep Terry

Q: Are you aware of other states that have this proposed legislation?

A: I don't know the exact number. 4 seems reasonable. Rhode Island doesn't have individual municipalities that issue licenses. In Massachusetts each town licenses. New Hampshire is a patchwork.

Rep Bartlett

Q: Do have any idea of how many licenses you issue each year?

A: We have 200 licenses. We have definitely seen growth in this category. They're becoming more popular. The pandemic may have caused the increase.

Q: Do you do on site inspections each year?

A: We inspect risk-based. It would be every one to two years.

Q: Say two years, they get inspected. When did you last increase your fees?

A: We haven't increased fees since 2009.

Rep McAleer

Q: I think you said state law would preclude city laws. Can we do both? If a city decides to license they can.

A: Right now an operator could have both. The tricky part is how to navigate the self-inspecting municipalities.

Rep Hunt: We wouldn't want double jeopardy. If you have two licenses, who's in charge? The city has jurisdiction over that city. We should be writing the state statute, this would apply only if you're in a town that doesn't require license. We have to decide who's your authority in that given place. In a city – it would be a city. In a town – it would be the state. This bill doesn't say that.

A: In addition to the 200 currently in the state, there are 175 in self-inspecting communities. One of the difficulties, we would need an additional staff person and the fee won't pay for the new position.

Rep Burroughs

Q: Would you believe, a group of high school students have started a food truck. They now have two restaurants and hire a sizable group of people and have an excellent product?

Rep Beaulieu

Q: Do you need a peddlers license in the state.

A: A peddlers license applies to any vendor where there's an exchange of money. The state requires that for any mobile vendor.

Rep Johnson

Q: Not only when a person wants to open a food truck license, they would need to get a food truck license and a peddler's license, and to operate in the communities, they would also need the same license so a total of 4?

A: If they are in the state's jurisdiction, they have to comply with us. If they're in a city they would have to comply with the city.

Rep Bartlett

Q: The licenses are to service the inspections, correct?

A: Overall our program is revenue neutral in the amount of licensing revenue we generate and the cost to run our program. This would expand our geography because we don't go into the self-inspecting geographies. We would have to raise license fees to make it cost neutral.

Drew Cline, Josiah Bartlett

Organization New Hampshire- we are here to testify on this bill. We've done some research on food truck regulations in New Hampshire. This bill creates truly for the first time statewide food truck license. You explained a little better the current system requires food truck vendors to get a state permit but then also if they wanna serve in any of the 15 municipalities that were that are self regulated they have to purchase annually a separate vendor permit in each of those communities. So when we a couple years ago did a big report in food trucks in New Hampshire which are very popular among the younger crowd. For young people food trucks are a quality of life issue. For folks in their twenties 30s or 40s before the pandemic there was a 70% increase in food truck application with the license applications at the state level for food truck vendors. In the 3 1/2 years before the pandemic started, and yet what municipality saw was there wasn't a significant increase in actual

food truck on the road. That's because of the municipal license problems people would not be able to go from one municipality to another. I interviewed a food truck vendor who spent more than \$1500 a year getting permits in a region around Southern New Hampshire and northern Massachusetts so just to give you an example now, these products might have gone up but when I did the story \$212.00 in Concord \$250 in another town \$200 in another town \$150 in another town you're quickly adding up. So what this would do is allow the state health department to a license and inspect the food trucks so they would be inspected and then you could truly drive them around and the local municipality could still have food truck regulations they can regulate location for the most part which nobody's taking away from them. In the bottom of the bill the last line of the bill my computer screen went black but you can read it allows him to have a few other regulatory you're not taking everything away from the municipalities. What we are doing is consolidating it to a statewide license so that people can truly offer these popular food trucks all around the state so we think it would be a good bill it would increase competition Why aren't there more food trucks where the food trucks people really want them but the problem is to those local licensing problems and they are different. So it's not just the fee you would have to pass a different license requirement in Portsmouth than you would in Concord. It's very difficult and discouraging and so this statewide license would really free these food trucks to operate statewide that would be a great breaking for.

Rep Hunt

Q: If you're in one of these cities, are you thinking a state license is all you'll need to get.

A: There's an amendment that would allow the local municipalities to inspect. Ideally, you want one inspection at the state level because you're raising the burden. Starting in 2016 Utah became the first state to do a statewide food truck license. Arizona followed. Then Rhode Island. Washing State also has a statewide license for food trucks, but I don't have the details.

Rep Bartlett

Q: The amendment would not allow municipalities to inspect?

A: The bill as written would take the inspections from the state level. I think the amendment would allow municipalities to inspect.

Rep Beaulieu

Q: Have you talked to town center, planning departments, and would you believe town planners are responsible for allowing food trucks to be in a certain area and we should be working with them to adjust this law.

A: The bill wouldn't interfere with towns ability to regulate where, when, and how many food trucks would be in town. Zoning regulations are a big issue in why there aren't food trucks.

Rep Hunt

Q: The intent of this legislation is to have one stop for license?

A: Yes.

Q: No town is going to be happy that we're taking the ability to pull the license. Let's agree the intent is one stop shopping for licensure.

A: That's how it works now. Ideally, you would get a food truck license from the state, and just be able to register with the municipality.

Rep Terry

Q: The intent is to eliminate redundancy. If a food truck wanted to operate in 15 self-inspecting cities and the state, it would require 16 licenses and hundreds of dollars. If we want to make it easier for food trucks and consumers, the costs on the provider would be reduced because we're eliminating the redundancy. The inspection rules are all different.

A: What's the point of inspection? It's public health and safety. If the state takes it over, then DHHS is verifying the food truck meets all the requirements of public health and safety. Why would you add a local requirement on top of it. If you see a food truck with a new hampshrie license plate, it was inspected for safety.

Rep McAleer

Q: Wouldn't a municipality still be able to charge a vendor's license?

A: I think it would. There's a portion of the bill that allows them to do that.

Ross Connelly

I think we've been discussing this quite a bit. It can be a complicated issue but the crux of the matter is that the current process is incredibly cumbersome and difficult for anyone who wants to open and operate a food truck in the state of New Hampshire. As representative Terry pointed out you would need 16 different licenses 16 different sets of rules across the state if you'd like to operate a truck across the state of New Hampshire. Those 15 municipalities that do self inspection happen to be the largest municipalities in the state. That's where food trucks would want to operate as the previous speaker from the Department of Health and Human Services mentioned there's 200 total food trucks operating in the state.- 174 of those are in those self inspecting towns so the real issue is the conflict between those 15 towns and the differences between those. And for an individual business owner just trying to make a buck and grow their business they have to navigate through HB1516 different sets of rules that it's very confusing it's hard for them to do and sometimes are more onerous than others. I live in the town of Merrimack is there's a business in town called able Ebenezer they're a brewery that does not do food so they have food trucks come to their location and unfortunately it's difficult to get food trucks into the town of Merrimack because the processes is very cumbersome. For these reasons we think the original intent of bill. I do have the amendment I haven't looked at it that closely so I can't comment on that but what we'd really like to see is just a more streamlined process for these business owners to operate in New Hampshire and we think the original bill definitely accomplish that so I would be happy to take any questions

Rep Beaulieu

Q: Could talk about local control

A: local control is a good idea in some areas. Not this one. It's confusing for people to go town to town and understand the rules. The town would have a say over where the trucks operate. They would have a say over hawkers and peddlers. There should be a single rule at the state level.

Q: If all of these municipalities do not like this bill, how can you get passed that?

A: Again, we'd like to see making this a simpler process for the business owners. These food trucks operate across the country and are extremely popular for the younger generation. I'd like to see that the same for Nh and bring that commerce to those localities.

Rep Terry

Q: with respect to local control, do you see any difference between appropriate health standards between Alton compared to Manchester.

A: The food standards should be applied equally across New Hampshire. Streamlining and making that more clear helps the businesses owners with their business. If you're just moving around lake Winnepessauke that would be confusing.

Rep Herbert

Q: Would you believe those 15 cities might have an interest in where those locations can be. You're not against restricting zoning laws so cities should still have an option of determining where the food trucks can be?

A: Yes, the original bill, cities and towns would still have the ability to restrict where the trucks can operate. Also, register them so they know who is operating in each locality. Those municipalities would still

Rep Hunt: you would still need the hawkers and peddlers licenses.

A: The SoS handles the statewide hawkers and peddlers license.

Rep Hunt: This sounds great on paper but would be difficult to implement. I can't imagine anyone wanting to get a license in all 16 towns.

Rep Ham

Q: Would you believe, I have some concerns about the local control issue? I would be sensitive to the impression that we're taking over regulating this industry.

A: I understand that concern. The state does many things in terms of inspection and licensing. You're still working with local municipalities on location hawkers and peddlers license.

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB1595 on 2022-01-27

Support: 1 Oppose: 2 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Perkins Kwoka, Senator Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/19/2022 12:54 PM
Kudlik, Cindy	Grafton, NH CindyKudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	1/22/2022 10:40 AM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	1/23/2022 9:47 PM
Wood, Zephan	Pembroke, NH zephanw@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 10:58 PM
Lenox, Jennifer	Manchester, NH jenlenox321@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 12:05 PM
Houser, Zachery	Deerfield, NH houserbrothersbbq@gmail.com	A Member of the Public	Houser Brothers Barbecue LLC	Support	No	No	1/26/2022 1:13 PM
Forbes, Meagan	Minneapolis, MN mforbes@ij.org	A Member of the Public	The Institute for Justice	Support	No	No	1/26/2022 1:23 PM
Prygocki-Jeakins, Kimberley	Manchester, NH kspj44@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 1:56 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 3:05 PM
Harrington, Margaret	Manchester, NH mharrington9595@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 6:31 PM
Tong, Corey	Manchester, NH Coreyctong@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 7:35 PM
McNicholas, Kaitlin	Merrimack, NH kaitlin.mcnicholas@aol.com	A Member of the Public	Myself	Support	No	No	1/27/2022 7:52 AM
LeBlanc, Kelley-Sue	Manchester, NH ksl@thesleazyvegan.com	A Member of the Public	Myself	Support	No	No	1/27/2022 11:36 AM

Archived: Tuesday, April 5, 2022 2:17:16 PM
From: [Beaudoin, Rene](#)
Sent: Wednesday, January 26, 2022 4:07:50 PM
To: [~House Commerce Committee](#)
Subject: HB1595 - Relative to establishing a statewide food truck license.
Importance: Normal

Good Afternoon House Commerce Committee,

I am writing to you all regarding HB1595 – Relative to establishing a statewide food truck license.

You may be aware that within NH there are 15 self-inspecting communities with robust food licensing and inspection programs with highly qualified individuals. These self-inspecting communities are separate from the Bureau of Food Protection, however, we have close working relationship with our state partners and other self-inspecting jurisdictions.

HB1595, as proposed, will remove the ability of local health officers and food service inspectors from licensing and inspecting food trucks within their municipalities and puts the general public at risk, especially since the local municipality would be unable to inspect for food service complaints or illnesses related to a food truck operating or residing within their municipality.

To simplify the process and achieve the same goal of the currently proposed legislation, a process of reciprocity should be explored. Reciprocity would still allow for local control in self-inspecting municipalities with robust food service safety programs, and still allow food trucks licensed either by the state or other self-inspecting municipalities that serve as home base to the food truck to operate in other areas of the state without having to obtain multiple food licenses. This would also allow the self-inspecting municipality to conduct inspections as necessary in response to public safety and food safety complaints and concerns.

What this bill does not address are the other requirements, not related to food safety, that food trucks will still have to complete in order to operate in these self-inspecting jurisdictions. There may be additional hawkers and peddler's permits, fire safety inspections, and land use regulations that the food truck operator will have to be aware of before operation. If this bill is to proceed, I would recommend the following language change to ensure the food safety concerns can be addressed in real time within the self-inspecting municipalities, as our office receives and responds to food safety and sanitation complaints on a regular basis. I am always available to have additional conversation if needed.

Thank you for your time and consideration.

1 New Section; Food Service Licensure; Statewide Food Truck License. Amend RSA 143-A by inserting after section 5-a the following new section: 143-A:5-b Statewide Food Truck License.

I. In this section, "food truck" means a mobile, fully encased food service establishment:

- (a) On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
- (b) From which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.

II. No person shall operate a food truck within the state without a ~~statewide~~ food truck license issued by the department of health and human services **or a self-inspecting municipality**. The

department shall adopt rules under RSA 541-A relative to the requirements for operation of a food truck. The rules, at a minimum, shall specify: health and safety requirements; license application and renewal procedures; licensing fees; water system requirements; inspection requirements; and administrative enforcement procedures. **Self-inspecting municipalities shall adopt rules, at a minimum, that reflect the requirements of the department of health and human services.**

III. Notwithstanding the authority of municipal health officers to license food establishments under RSA 47:17 or RSA 147:1, a municipality shall not require a separate license ~~or permit, or inspection~~ to operate a food truck within the municipality, provided that the food truck operator registers with the municipality and provides the municipality with a valid ~~statewide~~ food truck license issued by the department **or by another self-inspecting municipality.**

IV. Nothing in this section shall prevent a municipality from enforcing local land use regulations, zoning, and other ordinances in relation to the operation of a food truck within its borders.

2 Effective Date. This act shall take effect January 1, 2023.

-Ren

Rene Beaudoin, REHS
Deputy Health Officer
City of Nashua Environmental Health Department
18 Mulberry St
Nashua, NH 03060
Phone: 603-589-4537
Fax: (603) 589-4539
E-mail: beaudoinr@nashuanh.gov
Website: www.NashuaNH.gov/DPHCS

COVID-19 vaccines are critical to protecting food service workers, their families, co-workers, and their communities. Schedule your initial vaccination or booster shot at www.vaccines.gov.

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The first nationally accredited health department in New Hampshire.

“An ounce of prevention is worth a pound of cure” – Benjamin Franklin

 **Think before you print.**

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Archived: Thursday, May 19, 2022 12:44:38 PM
From: marlana@orbitgroup.com
Sent: Friday, February 4, 2022 9:14:28 PM
To: ~House Commerce Committee
Subject: HB1595
Importance: Normal

Chairman Hunt and members of the House Commerce & Consumer Affairs Committee,

I am writing to you in support of a bill that would permit Food Truck operators to work in the state in a streamlined process in coordination with local governments and health departments.

We have all been witness to the importance of outdoor dining under current circumstances but what is often overlooked is that the goals and efforts of chefs and restaurateurs alike have been delayed or destroyed in the pursuit of their chosen craft.

As long as we, as consumers, continue to enjoy the variety of the culinary arts, there will be talented, innovative chefs that will look for a way to deliver their creations. Some, through ghost kitchens, meal delivery options and third party delivery services (with predatory high fees) have been able to continue their work. But we must not overlook the success of the Food Truck/Cart model that many of these small businesses rely on.

Food truck/cart operators are no longer limited to fairs, special events and/or large gatherings (where available), and to some, not even winter weather is a deterrent. These small businesses are looking to have semi-permanent homes where they can build a following and grow their business.

For example, The Food Truck/Cart residency opportunity at The Factory on Willow in Manchester allows operators the opportunity to have a semi-permanent spot where they can sell food to residents, guests and neighbors. We offer a low monthly fee, water and electrical service in exchange for their presence at our property. We do not take a percentage of their sales or any other fees. This has allowed small businesses the opportunity to continue their growth during a challenging time for restauranteurs/food service providers.

There are many areas in the state and, even in highly populated cities and towns that are still underserved when it comes to dining and entertainment options. The flexibility that trucks/carts have will allow for a greater presence of these small businesses as a service to the population.

Please consider creating the framework that many other cities and states across the country have already done to foster these small businesses.

Thank you,
~LIZ

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=====
Elizabeth SC Hitchcock
liz@orbitgroup.com
phone +1 603 828 5868

Social @lizesc

Archived: Tuesday, April 5, 2022 2:37:43 PM
From: [Ren Beaudoin](#)
Sent: Monday, February 28, 2022 4:23:22 PM
To: ~House Commerce Committee
Subject: House Bill 1595 - Relative to a Statewide Food truck License
Importance: Normal

Good Afternoon House Commerce Committee,

I am writing in regards to HB1595 - Relative to Establishing a Statewide Food Truck License as it has been referred to interim study. I would like to provide some information from a self-inspecting City.

Self-inspecting municipalities have robust food inspection programs with highly qualified and trained individuals. To remove the ability of local health officers and food service inspectors from licensing and inspecting food trucks within their municipalities puts the general public at risk, especially since the local municipality would be unable to inspect for food service complaints or illnesses related to a food truck operating or residing within their municipality. In addition, this bill does not eliminate the requirement for food trucks to pay for and obtain a hawkers permit in the municipality and the food truck would still be subject to inspections by the local Fire Marshall in larger municipalities where this is required, like food inspections, for safety reasons. There would still be an issue of what is termed Temporary Food Service Establishments for public events where a temporary or event license may be needed for the event and this is not covered by the current proposed legislation.

One thought to simplify the process and achieve a similar goal of the currently proposed legislation would be a process of reciprocity. Reciprocity would still allow for local control in self-inspecting municipalities with robust food service safety programs, and still allow food trucks licensed either by the state or self-inspecting municipalities that serve as home base to the food truck to operate in other areas of the state without having to obtain multiple food licenses. This would also allow the self-inspecting municipality to conduct inspections as necessary in response to public safety and food safety complaints and concerns.

Again, the legislation does not eliminate the need for other licenses or inspections for other reasons such as hawkers and peddlers permits or fire safety inspections. By eliminating local food safety control and inspections, you would be putting the general public at risk due to a lack of inspectional oversight for food safety.

A process of reciprocity could look like the following, if considered:

1 New Section; Food Service Licensure; Statewide Food Truck License. Amend RSA 143-A by inserting after section 5-a the following new section: 143-A:5-b Statewide Food Truck License.

I. In this section, "food truck" means a mobile, fully encased food service establishment:

- (a) On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
- (b) From which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.

II. No person shall operate a food truck within the state without a ~~statewide~~ food truck license issued by the department of health and human services **or a self-inspecting municipality**. ~~The department shall adopt rules under RSA 541-A relative to the requirements for operation of a food truck. The rules, at a minimum, shall specify: health and safety requirements; license application and renewal procedures; licensing fees; water system requirements; inspection requirements; and administrative enforcement procedures. (Rules for food trucks already exist at the state and local levels - there is no need for this)~~

III. Notwithstanding the authority of municipal health officers to license food establishments under RSA 47:17 or RSA 147:1, a municipality shall not require a separate license **or permit, or inspection** to operate a food truck within the municipality, provided that the food truck operator registers with the municipality and provides the municipality with a valid ~~statewide~~ food truck license issued by the department **or by another self-inspecting municipality**. **The food truck may still be subject to licensure for special or temporary events within a self-inspecting municipality.**

IV. Nothing in this section shall prevent a municipality from enforcing local land use regulations, zoning, and other ordinances in relation to the operation of a food truck within its borders.

2 Effective Date. This act shall take effect January 1, 2023.

Thank you for your consideration. I am always available for further discussion and can be reached anytime.

Take care,

-Ren

Rene Beaudoin, REHS
Deputy Health Officer
City of Nashua Environmental Health Department
18 Mulberry St
Nashua, NH 03060
Phone: O: 603-589-4537 C: 603-459-5319
E-mail: beaudoinr@nashuanh.gov
Website: www.NashuaNH.gov/DPHCS

Archived: Thursday, May 19, 2022 12:44:33 PM
From: Moore, Aidan
Sent: Tuesday, January 11, 2022 1:43:10 PM
To: ~House Commerce Committee
Cc: Mollica, Joseph; Armaganian, Mark; Culver, Matthew
Subject: Position on HB 1039 and HB 1591
Importance: Normal

Good Day Chairman Hunt and members of the House Committee on Commerce and Consumer Affairs,

My apology for not being with you in person today. I am not feeling well and prefer not to expose you to whatever symptoms I have.

I have registered my positions on HB 1039 and 1591 through the legislative website and I am watching the hearing remotely.

Chief Mark Armaganian, Lt. Matt Culver and Lt. Danielle Ellston will be providing you with information on these two bills and answering any questions you might have.

HB 1039 – We would like support this bill and the amendment that has been provided to you by Lt. Culver. Lt. Culver will provide you with information on the bill and the rationale for the amendment.

HB 1595 – We oppose this bill as drafted and as amended. I have attached bullet points that I believe to be important in your consideration of the bill. Chief Armaganian and his staff have a comprehensive document for your consideration in addition to their in person testimony.

Thank you for your time and I wish you a healthy 2022.

Sincerely,

Aidan



Aidan J. Moore, Esq.
Legal Coordinator | NH Liquor Commission
50 Storrs St. | Concord, NH 03301
(603) 931-0222 | www.liquorandwineoutlets.com
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HB 1595-FN - AS INTRODUCED

2022 SESSION

22-2830

05/08

HOUSE BILL ***1595-FN***

AN ACT relative to establishing a statewide food truck license.

SPONSORS: Rep. Wilhelm, Hills. 42; Rep. Query, Hills. 16; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes a statewide food truck license.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to establishing a statewide food truck license.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Food Service Licensure; Statewide Food Truck License. Amend RSA 143-A by
2 inserting after section 5-a the following new section:

3 143-A:5-b Statewide Food Truck License.

4 I. In this section, "food truck" means a mobile, fully encased food service establishment:

5 (a) On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and

6 (b) From which a food truck vendor, standing within the frame of the vehicle, prepares,
7 cooks, sells, or serves food or beverages for immediate human consumption.

8 II. No person shall operate a food truck within the state without a statewide food truck
9 license issued by the department of health and human services. The department shall adopt rules
10 under RSA 541-A relative to the requirements for operation of a food truck. The rules, at a
11 minimum, shall specify: health and safety requirements; license application and renewal procedures;
12 licensing fees; water system requirements; inspection requirements; and administrative enforcement
13 procedures.

14 III. Notwithstanding the authority of municipal health officers to license food
15 establishments under RSA 47:17 or RSA 147:1, a municipality shall not require a separate license,
16 permit, or inspection to operate a food truck within the municipality, provided that the food truck
17 operator registers with the municipality and provides the municipality with a valid statewide food
18 truck license issued by the department.

19 IV. Nothing in this section shall prevent a municipality from enforcing local land use
20 regulations, zoning, and other ordinances in relation to the operation of a food truck within its
21 borders.

22 2 Effective Date. This act shall take effect January 1, 2023.

**HB 1595-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to establishing a statewide food truck license.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$19,500	\$39,375	\$39,375
Expenditures	\$0	\$70,100	\$80,400	\$83,700
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill creates a statewide food truck license to be administered by the Department of Health and Human Services. Municipal health officers that license food truck establishments would no longer require a separate license, permit, or inspection to operate a food truck within the municipality, provided that the food truck operator registers with the municipality and provides the municipality with a valid statewide food truck license issued by the Department.

The Department estimates the bill will increase state revenue by approximately \$39,375 per year (\$225 per application * 175 licensees). This revenue would be deposited into the state general fund. The Department also anticipates the need for one full-time license coordinator position (labor grade 20) to implement the bill, with a start date of January 1, 2023.

	FY 2023	FY 2024	FY 2025
CLASSIFIED, LG 20			
Salary	\$ 21,100	\$ 43,200	\$ 45,000
Benefits	\$ 14,500	\$ 30,200	\$ 31,700
Other	\$ 9,500	\$ 7,000	\$ 7,000
One-time startup costs (vehicle, computer, etc)	\$ 25,000	\$ -	\$ -
Total	\$ 70,100	\$ 80,400	\$ 83,700

This bill does not contain authorization or an appropriation for the position.

The bill will have an indeterminable impact on municipal revenue and expenditures.

AGENCIES CONTACTED:

Department of Health and Human Services