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HOUSE BILL 25-1295

BY REPRESENTATIVE(S) Rutinel and Lindsay, Mabrey, Bacon, Clifford, Duran, English, Froelich, Hamrick, Marshall, Martinez, Story, Titone, Velasco;
also SENATOR(S) Roberts and Carson, Amabile, Bridges, Cutter, Daugherty, Exum, Hinrichsen, Jodeh, Kipp, Liston, Marchman, Snyder, Wallace, Winter F.

CONCERNING THE OPERATION OF FOOD TRUCKS, AND, IN CONNECTION THEREWITH, ESTABLISHING A DEFINITION OF "MOBILE FOOD ESTABLISHMENT" AND ESTABLISHING RECIPROCITY FOR CERTAIN LICENSES AND PERMITS BETWEEN LOCAL GOVERNMENT JURISDICTIONS TO ALLOW A MOBILE FOOD ESTABLISHMENT TO OPERATE IN MULTIPLE JURISDICTIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **recreate and reenact, with amendments**, article 11.6 of title 29 as follows:

29-11.6-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(a) MOBILE FOOD ESTABLISHMENTS ARE A GROWING PART OF THE STATE'S ECONOMY;

(b) MOBILE FOOD ESTABLISHMENTS ARE INHERENTLY MOBILE AND ARE INTENDED TO OPERATE IN VARIOUS LOCATIONS ACROSS THE STATE; AND

(c) LAWS IMPOSED AND ADMINISTERED AT THE LOCAL LEVEL REQUIRING MOBILE FOOD ESTABLISHMENTS TO OBTAIN SEPARATE PERMITS OR LICENSES TO OPERATE WITHIN A LOCAL GOVERNMENT'S JURISDICTION IMPOSE INORDINATE BURDENS ON THOSE ESTABLISHMENTS.

29-11.6-102. Definitions. AS USED IN THIS ARTICLE 11.6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DENVER RETAIL FOOD LICENSE" MEANS THE BUSINESS LICENSE GRANTED BY THE CITY AND COUNTY OF DENVER THAT AUTHORIZES A MOBILE FOOD ESTABLISHMENT TO OPERATE WITHIN THE CITY AND COUNTY OF DENVER AND INDICATES THAT THE MOBILE FOOD ESTABLISHMENT IS IN COMPLIANCE WITH APPLICABLE FOOD SAFETY STANDARDS.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102.

(3) "FIRE SAFETY PERMIT" MEANS A PERMIT OR DOCUMENT ISSUED BY A LOCAL GOVERNMENT THAT CERTIFIES THAT A MOBILE FOOD ESTABLISHMENT MEETS THE LOCAL GOVERNMENT'S FIRE SAFETY STANDARDS AND AUTHORIZES AN INDIVIDUAL TO OPERATE THE MOBILE FOOD ESTABLISHMENT.

(4) "INTERNATIONAL FIRE CODE" MEANS THE INTERNATIONAL FIRE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, OR A SUCCESSOR ORGANIZATION.

(5) "LOCAL GOVERNMENT" MEANS AN AUTHORITY, A COUNTY, A MUNICIPALITY, A CITY AND COUNTY, A DISTRICT, OR ANOTHER POLITICAL SUBDIVISION OF THE STATE OR ANY DEPARTMENT, AGENCY, INSTITUTION, OR AUTHORITY OF A COUNTY, A MUNICIPALITY, A CITY AND COUNTY, A DISTRICT, OR ANOTHER POLITICAL SUBDIVISION OF THE STATE.

(6) "MOBILE FOOD ESTABLISHMENT" MEANS A RETAIL FOOD

ESTABLISHMENT THAT:

(a) IS OPERATED FROM A MOVABLE, MOTOR-DRIVEN, OR PROPELLED VEHICLE, PORTABLE STRUCTURE, OR WATERCRAFT;

(b) CAN CHANGE LOCATION; AND

(c) IS INTENDED TO PHYSICALLY REPORT TO AND OPERATE FROM A COMMISSARY FOR SERVICING, RESTOCKING, AND MAINTENANCE.

(7) "RETAIL FOOD ESTABLISHMENT" HAS THE MEANING SET FORTH IN SECTION 25-4-1602 (14).

(8) "STATE HEALTH DEPARTMENT LICENSE" MEANS THE LICENSE GRANTED BY THE DEPARTMENT PURSUANT TO SECTION 25-4-1606.

29-11.6-103. Mobile food establishment operations - fire safety permit - reciprocity between local government jurisdictions. (1) A VALID FIRE SAFETY PERMIT THAT HAS BEEN ISSUED TO A MOBILE FOOD ESTABLISHMENT IS VALID IN THE JURISDICTION OF ANY OTHER LOCAL GOVERNMENT IN THIS STATE IF THE FIRE SAFETY PERMIT WAS ISSUED:

(a) BY A LOCAL GOVERNMENT THAT HAS ADOPTED THE MOST RECENT INTERNATIONAL FIRE CODE OR A FIRE CODE THAT HAS INCORPORATED THE MINIMUM CODES AND STANDARDS FOR MOBILE FOOD ESTABLISHMENTS AS ADOPTED BY THE DIVISION OF FIRE PREVENTION AND CONTROL PURSUANT TO SECTION 24-33.5-1203 (1)(z); AND

(b) AFTER AN INSPECTION BY A CERTIFIED FIRE INSPECTOR, AS DEFINED IN SECTION 24-33.5-1202 (2.5).

(2) (a) THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT SHALL PROVIDE, THROUGH REASONABLE ELECTRONIC MEANS, A COPY OF THE FIRE SAFETY PERMIT ISSUED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION TO THE LOCAL GOVERNMENT IN WHICH THE OWNER OR OPERATOR INTENDS TO OPERATE THE MOBILE FOOD ESTABLISHMENT AT LEAST FOURTEEN CALENDAR DAYS BEFORE OPERATING WITHIN THE LOCAL GOVERNMENT'S JURISDICTION. THE OWNER OR OPERATOR OF THE MOBILE FOOD ESTABLISHMENT SHALL SUBMIT THE COPY OF THE FIRE SAFETY PERMIT TO THE LOCAL GOVERNMENT ENTITY RESPONSIBLE FOR

ISSUING FIRE SAFETY PERMITS FOR THE LOCAL GOVERNMENT IN WHICH THE MOBILE FOOD ESTABLISHMENT INTENDS TO OPERATE.

(b) THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT MUST PROVIDE ONLY ONE COPY OF THE FIRE SAFETY PERMIT ISSUED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION TO THE LOCAL GOVERNMENT PER CALENDAR YEAR, UNLESS THE FIRE SAFETY PERMIT HAS EXPIRED IN THE TIME SINCE THE OWNER OR OPERATOR PREVIOUSLY SUBMITTED THE PERMIT TO THE LOCAL GOVERNMENT.

(3) (a) A MOBILE FOOD ESTABLISHMENT THAT IS OPERATING IN A LOCAL GOVERNMENT'S JURISDICTION MUST BE IN COMPLIANCE WITH THE LOCAL GOVERNMENT'S FIRE SAFETY CODE DURING OPERATION IN THAT JURISDICTION AND IS SUBJECT TO INSPECTION AND ENFORCEMENT BY THE LOCAL GOVERNMENT.

(b) A MOBILE FOOD ESTABLISHMENT THAT FAILS A FIRE SAFETY INSPECTION BY A LOCAL GOVERNMENT OR THAT IS FOUND IN VIOLATION OF THE LOCAL GOVERNMENT'S FIRE SAFETY CODE IS CONSIDERED TO NO LONGER HAVE A VALID FIRE SAFETY PERMIT IN THAT JURISDICTION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND IS NOT PERMITTED TO OPERATE WITHIN THAT LOCAL GOVERNMENT'S JURISDICTION UNTIL THE MOBILE FOOD ESTABLISHMENT PASSES A FIRE SAFETY INSPECTION FROM A CERTIFIED FIRE INSPECTOR, AS DEFINED IN SECTION 24-33.5-1202 (2.5), AND COMPLIES WITH THE LOCAL GOVERNMENT'S FIRE SAFETY CODE.

29-11.6-104. Mobile food establishment operations - Denver retail food license - state health department license - reciprocity between jurisdictions. (1) Denver retail food license. (a) THE CITY AND COUNTY OF DENVER SHALL PERMIT THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT THAT HAS AN ACTIVE AND VALID STATE HEALTH DEPARTMENT LICENSE TO OPERATE THE MOBILE FOOD ESTABLISHMENT WITHIN THE JURISDICTION OF THE CITY AND COUNTY OF DENVER IF THE OWNER OR OPERATOR MEETS THE REQUIREMENTS OF SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION.

(b)(I) THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT SHALL SUBMIT TO THE CITY AND COUNTY OF DENVER, THROUGH REASONABLE ELECTRONIC MEANS AS DETERMINED BY THE CITY AND COUNTY OF DENVER, THE FOLLOWING DOCUMENTATION AND INFORMATION AT LEAST

FOURTEEN CALENDAR DAYS BEFORE OPERATING WITHIN THE JURISDICTION OF THE CITY AND COUNTY OF DENVER:

(A) A COPY OF THE VALID STATE HEALTH DEPARTMENT LICENSE;

(B) A COPY OF THE STATE HEALTH DEPARTMENT LICENSE APPLICATION THAT WAS SUBMITTED TO THE DEPARTMENT OR ANOTHER LOCAL GOVERNMENT JURISDICTION, INCLUDING ANY PERMITS THAT WERE SUBMITTED AS PART OF THE APPLICATION, IF THE MOBILE FOOD ESTABLISHMENT OBTAINED ITS INITIAL STATE HEALTH DEPARTMENT LICENSE WITHIN THE PREVIOUS TWO YEARS AND THE APPLICATION MATERIALS ARE READILY AVAILABLE TO THE OWNER OR OPERATOR OF THE MOBILE FOOD ESTABLISHMENT; AND

(C) AT THE REQUEST OF THE CITY AND COUNTY OF DENVER, A SUMMARY OF ANY VIOLATIONS COMMITTED BY THE OWNER OR OPERATOR OF THE MOBILE FOOD ESTABLISHMENT WITHIN THE PREVIOUS CALENDAR YEAR THAT WERE RELATED TO THE STATE HEALTH DEPARTMENT LICENSE OR OPERATION OF THE MOBILE FOOD ESTABLISHMENT.

(II) (A) THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT SHALL DISPLAY THE STATE HEALTH DEPARTMENT LICENSE IN THE SERVICE WINDOW OF THE MOBILE FOOD ESTABLISHMENT AT ALL TIMES DURING THE OPERATION OF THE MOBILE FOOD ESTABLISHMENT IN THE CITY AND COUNTY OF DENVER.

(B) THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT SHALL MAINTAIN ALL REQUIRED FIRE SAFETY PERMITS, INCLUDING FIRE SAFETY PERMITS REQUIRED FOR FLAMMABLE OPERATIONS, WITHIN THE MOBILE FOOD ESTABLISHMENT AND PROVIDE THE PERMITS UPON REQUEST DURING AN INSPECTION OF THE MOBILE FOOD ESTABLISHMENT.

(c) (I) A MOBILE FOOD ESTABLISHMENT THAT IS OPERATING WITHIN THE JURISDICTION OF THE CITY AND COUNTY OF DENVER PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION MUST BE IN COMPLIANCE WITH ALL ORDINANCES, RESOLUTIONS, REGULATIONS, ZONING CODES, HEALTH CODES, OR OTHER CODES OF THE CITY AND COUNTY OF DENVER DURING OPERATION WITHIN THE CITY AND COUNTY OF DENVER AND IS SUBJECT TO INSPECTION AND ENFORCEMENT BY THE CITY AND COUNTY OF DENVER.

(II) IF THE CITY AND COUNTY OF DENVER FINDS THAT A MOBILE FOOD ESTABLISHMENT WITH A STATE HEALTH DEPARTMENT LICENSE AND THAT IS OPERATING WITHIN ITS JURISDICTION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION IS IN VIOLATION OF ANY APPLICABLE STATE LAW OR OF ANY ORDINANCE, RESOLUTION, REGULATION, ZONING CODE, HEALTH CODE, OR OTHER CODE OF THE CITY AND COUNTY OF DENVER, THE CITY AND COUNTY OF DENVER MAY:

(A) PROHIBIT THE MOBILE FOOD ESTABLISHMENT FROM OPERATING WITHIN THE CITY AND COUNTY OF DENVER UNTIL THE MOBILE FOOD ESTABLISHMENT PASSES A HEALTH INSPECTION BY THE CITY AND COUNTY OF DENVER, HAS PAID ALL FINES ASSESSED BY THE CITY AND COUNTY OF DENVER FOR THE VIOLATIONS, AND IS FOUND TO BE IN COMPLIANCE WITH ALL APPLICABLE STATE LAWS AND THE LAWS OF THE CITY AND COUNTY OF DENVER; AND

(B) NOTIFY THE DEPARTMENT OF THE VIOLATIONS COMMITTED BY THE MOBILE FOOD ESTABLISHMENT WHILE OPERATING IN THE CITY AND COUNTY OF DENVER.

(III) IF THE DEPARTMENT RECEIVES NOTICE FROM THE CITY AND COUNTY OF DENVER PURSUANT TO THIS SUBSECTION (1)(c), THE DEPARTMENT MAY TAKE ENFORCEMENT ACTION AGAINST A MOBILE FOOD ESTABLISHMENT WITH A STATE HEALTH DEPARTMENT LICENSE FOR THE VIOLATIONS.

(2) **State health department license.** (a) THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT THAT HAS A VALID AND ACTIVE DENVER RETAIL FOOD LICENSE IS CONSIDERED TO HAVE A VALID STATE HEALTH DEPARTMENT LICENSE AND IS PERMITTED TO OPERATE THE MOBILE FOOD ESTABLISHMENT WITHIN THE JURISDICTION OF ANOTHER LOCAL GOVERNMENT.

(b)(I) THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT SHALL PROVIDE, THROUGH REASONABLE ELECTRONIC MEANS, A COPY OF THE ACTIVE AND VALID DENVER RETAIL FOOD LICENSE TO THE LOCAL GOVERNMENT IN WHICH THE OWNER OR OPERATOR INTENDS TO OPERATE THE MOBILE FOOD ESTABLISHMENT AND TO THE DEPARTMENT AT LEAST FOURTEEN CALENDAR DAYS BEFORE OPERATING WITHIN THE LOCAL GOVERNMENT'S JURISDICTION.

(II) THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT MUST PROVIDE ONLY ONE COPY OF THE DENVER RETAIL FOOD LICENSE TO THE LOCAL GOVERNMENT PER CALENDAR YEAR, UNLESS THE DENVER RETAIL FOOD LICENSE HAS EXPIRED IN THE TIME SINCE THE OWNER OR OPERATOR PREVIOUSLY SUBMITTED THE LICENSE TO THE LOCAL GOVERNMENT.

(III) A LOCAL GOVERNMENT MAY DESIGNATE THE OFFICE OR DEPARTMENT OF THE LOCAL GOVERNMENT TO WHICH THE OWNER OR OPERATOR OF A MOBILE FOOD ESTABLISHMENT SHALL SUBMIT THE COPY OF THE DENVER RETAIL FOOD LICENSE IN ACCORDANCE WITH THIS SUBSECTION (2)(b). IF THE LOCAL GOVERNMENT DOES NOT DESIGNATE AN OFFICE OR DEPARTMENT, THE OWNER OR OPERATOR OF THE MOBILE FOOD ESTABLISHMENT SHALL SUBMIT THE COPY OF THE DENVER RETAIL FOOD LICENSE TO A RELEVANT OFFICE OR DEPARTMENT.

(c) (I) (A) A MOBILE FOOD ESTABLISHMENT WITH A DENVER RETAIL FOOD LICENSE THAT IS OPERATING IN A LOCAL GOVERNMENT'S JURISDICTION MUST BE IN COMPLIANCE WITH ALL ORDINANCES, RESOLUTIONS, REGULATIONS, ZONING CODES, OR OTHER CODES OF THE LOCAL GOVERNMENT DURING OPERATION IN THAT JURISDICTION AND IS SUBJECT TO INSPECTION AND ENFORCEMENT BY THE LOCAL GOVERNMENT.

(B) A MOBILE FOOD ESTABLISHMENT WITH A DENVER RETAIL FOOD LICENSE THAT IS FOUND IN VIOLATION OF ANY ORDINANCE, RESOLUTION, REGULATION, ZONING CODE, OR OTHER CODE OF THE LOCAL GOVERNMENT IN WHICH IT IS OPERATING IS NOT PERMITTED TO OPERATE WITHIN THAT JURISDICTION PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION UNTIL THE MOBILE FOOD ESTABLISHMENT COMPLIES WITH THE LAWS OF THE LOCAL GOVERNMENT.

(II) (A) A MOBILE FOOD ESTABLISHMENT WITH A DENVER RETAIL FOOD LICENSE THAT IS OPERATING WITHIN THE JURISDICTION OF ANOTHER LOCAL GOVERNMENT PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST BE IN COMPLIANCE WITH RULES ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION 25-4-1604.

(B) IF A LOCAL GOVERNMENT FINDS THAT A MOBILE FOOD ESTABLISHMENT WITH A DENVER RETAIL FOOD LICENSE AND THAT IS OPERATING WITHIN THE LOCAL GOVERNMENT'S JURISDICTION PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION IS IN VIOLATION OF THE RULES ADOPTED

BY THE DEPARTMENT PURSUANT TO SECTION 25-4-1604, THE LOCAL GOVERNMENT MAY PROHIBIT THE MOBILE FOOD ESTABLISHMENT FROM OPERATING WITHIN THE LOCAL GOVERNMENT'S JURISDICTION UNTIL THE MOBILE FOOD ESTABLISHMENT PASSES A HEALTH INSPECTION BY THE LOCAL GOVERNMENT, THE DEPARTMENT, OR ANOTHER LOCAL GOVERNMENT THAT ENFORCES THE RULES ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION 25-4-1604.

29-11.6-105. Local government enforcement. NOTHING IN THIS ARTICLE 11.6 PROHIBITS A LOCAL GOVERNMENT FROM ADOPTING OR ENFORCING THE LOCAL GOVERNMENT'S ORDINANCES, RESOLUTIONS, REGULATIONS, ZONING CODES, HEALTH CODES, OR OTHER CODES RELATED TO THE OPERATION OF A MOBILE FOOD ESTABLISHMENT.

SECTION 2. In Colorado Revised Statutes, 25-4-1602, **add** (2.7) and (10.5) as follows:

25-4-1602. Definitions. As used in this part 16, unless the context otherwise requires:

(2.7) "DENVER RETAIL FOOD LICENSE" HAS THE MEANING SET FORTH IN SECTION 29-11.6-102 (1).

(10.5) "MOBILE FOOD ESTABLISHMENT" HAS THE MEANING SET FORTH IN SECTION 29-11.6-102 (6).

SECTION 3. In Colorado Revised Statutes, 25-4-1604, **amend** (2); and **add** (3) as follows:

25-4-1604. Powers and duties of department - reciprocal license - rules. (2) (a) Subsection (1) of this section ~~shall~~ DOES not apply to the city and county of Denver, which, by ordinance, may provide for the licensure of retail food establishments.

(b) THE CITY AND COUNTY OF DENVER SHALL PERMIT A LICENSEE TO OPERATE A MOBILE FOOD ESTABLISHMENT WITHIN THE JURISDICTION OF THE CITY AND COUNTY OF DENVER IN ACCORDANCE WITH SECTION 29-11.6-104 (1).

(3) THE DEPARTMENT SHALL CONSIDER AN OWNER OR OPERATOR OF

A MOBILE FOOD ESTABLISHMENT WITH A DENVER RETAIL FOOD LICENSE TO HAVE A VALID LICENSE TO OPERATE THE MOBILE FOOD ESTABLISHMENT WITHIN THE JURISDICTION OF ANOTHER LOCAL GOVERNMENT IN ACCORDANCE WITH SECTION 29-11.6-104 (2).

SECTION 4. In Colorado Revised Statutes, 24-33.5-1203, **add** (1)(z) as follows:

24-33.5-1203. Duties of division. (1) The division shall perform the following duties:

(z) ADOPT MINIMUM CODES AND STANDARDS FOR FIRE SAFETY AND PREVENTION RELATED TO THE OPERATION OF MOBILE FOOD ESTABLISHMENTS, AS DEFINED IN SECTION 29-11.6-102 (6), FOR USE BY A LOCAL GOVERNMENT IN THE LOCAL GOVERNMENT'S ESTABLISHMENT OR ADOPTION OF A FIRE CODE.

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2026; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to the operation of mobile food establishments on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO