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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 4268

03/12/2026 Authored by Schultz and Smith
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; modifying requirements for the licensure of mobile food units;
1.3 amending Minnesota Statutes 2024, sections 157.011, by adding a subdivision;
1.4 157.15, subdivision 1; 157.16, by adding a subdivision; 157.20, subdivision 2a;
1.5 proposing coding for new law in Minnesota Statutes, chapter 157.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2024, section 157.011, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 1a. Rules for licensure of mobile food units. The commissioner may adopt rules
1.10 to implement sections 157.23 to 157.233. Rules adopted under this subdivision must be
1.11 narrowly tailored to address a demonstrable risk to the health or safety of the public and
1.12 must not:

1.13 (1) limit the number of mobile food unit licenses issued by the commissioner;

1.14 (2) establish requirements for the hours mobile food units may operate;

1.15 (3) restrict a mobile food unit's propane capacity below the capacity otherwise allowed
1.16 in law for commercial vehicles; or

1.17 (4) require a mobile food unit to:

1.18 (i) operate outside a specific perimeter surrounding a food and beverage service
1.19 establishment or other commercial establishment;

1.20 (ii) enter into an agreement with a food and beverage service establishment or other
1.21 commercial establishment, except as necessary to properly dispose of grease and other
1.22 cooking waste;

2.1 (iii) have a handwashing sink in a mobile food unit from which only prepackaged food
 2.2 is sold;

2.3 (iv) enter into an agreement with a commissary if the mobile food unit contains the
 2.4 equipment required by law and properly disposes of grease and other cooking waste;

2.5 (v) provide to the commissioner, as a condition of obtaining or maintaining a mobile
 2.6 food unit license, the fingerprints of any individual applying for or holding a mobile food
 2.7 unit license;

2.8 (vi) install a global positioning system tracking device on the mobile food unit;

2.9 (vii) keep the mobile food unit in constant motion except when serving customers;

2.10 (viii) require the mobile food unit to have an additional fire inspection if the mobile food
 2.11 unit passed a fire inspection in the preceding 12 months; or

2.12 (ix) submit to health inspections by entities other than the commissioner or a local agency
 2.13 with delegated authority to conduct health inspections.

2.14 Sec. 2. Minnesota Statutes 2024, section 157.15, subdivision 1, is amended to read:

2.15 Subdivision 1. **Application.** The definitions in this section apply to ~~sections 157.011~~
 2.16 ~~and 157.15 to 157.22~~ this chapter.

2.17 Sec. 3. Minnesota Statutes 2024, section 157.16, is amended by adding a subdivision to
 2.18 read:

2.19 Subd. 5. **Transfer of certain mobile food unit fees.** Each fiscal year, the commissioner
 2.20 must transfer to the local units of government in which a mobile food unit operated in the
 2.21 previous fiscal year a portion of the annual base fees and additional annual fees paid by the
 2.22 mobile food unit. Using data reported to the commissioner under section 157.233, subdivision
 2.23 2, the amount of a mobile food unit's fees transferred to a local unit of government must be
 2.24 in proportion to the number of days the mobile food unit operated in the local unit of
 2.25 government's jurisdiction in the previous fiscal year relative to the total number of days the
 2.26 mobile food unit operated in Minnesota in the previous fiscal year. The commissioner must
 2.27 establish a methodology for determining the fee amounts to transfer to local units of
 2.28 government and may set minimum and maximum fee amounts that may be transferred under
 2.29 that methodology.

3.1 Sec. 4. Minnesota Statutes 2024, section 157.20, subdivision 2a, is amended to read:

3.2 Subd. 2a. **Risk categories.** (a) **High-risk establishment.** "High-risk establishment"
3.3 means a public pool, or any food and beverage service establishment, hotel, motel, lodging
3.4 establishment, or resort that:

3.5 (1) serves potentially hazardous foods that require extensive processing on the premises,
3.6 including manual handling, cooling, reheating, or holding for service;

3.7 (2) prepares foods several hours or days before service;

3.8 (3) serves menu items that epidemiologic experience has demonstrated to be common
3.9 vehicles of food-borne illness;

3.10 (4) has a public swimming pool; or

3.11 (5) draws its drinking water from a surface water supply.

3.12 (b) **Medium-risk establishment.** "Medium-risk establishment" means a food and
3.13 beverage service establishment, hotel, motel, lodging establishment, or resort that:

3.14 (1) serves potentially hazardous foods but with minimal holding between preparation
3.15 and service; or

3.16 (2) serves foods, such as pizza, that require extensive handling followed by heat treatment.

3.17 (c) **Low-risk establishment.** "Low-risk establishment" means a food and beverage
3.18 service establishment, hotel, motel, lodging establishment, or resort that is not a high-risk
3.19 or medium-risk establishment.

3.20 (d) **Risk exceptions.** ~~Mobile food units,~~ Seasonal permanent and seasonal temporary
3.21 food stands, food carts, and special event food stands are not inspected on an established
3.22 schedule and therefore are not defined as high-risk, medium-risk, or low-risk establishments.

3.23 (e) **School inspection frequency.** Elementary and secondary school food service
3.24 establishments must be inspected according to the assigned risk category or by the frequency
3.25 required in the Richard B. Russell National School Lunch Act, whichever frequency is more
3.26 restrictive.

3.27 (f) **Mobile food units.** The commissioner must categorize mobile food units according
3.28 to the risk categories in paragraphs (a) to (c).

4.1 Sec. 5. [157.23] REGULATION OF MOBILE FOOD UNITS.

4.2 Subdivision 1. Licensure. In order to operate in this state, a mobile food unit must be
4.3 licensed under this chapter and rules adopted under this chapter. A separate license is required
4.4 for each mobile food unit.

4.5 Subd. 2. Relation to local law. (a) Except as provided in paragraph (b), a mobile food
4.6 unit must comply with local laws governing mobile food unit operations in the jurisdictions
4.7 in which the mobile food unit operates.

4.8 (b) This chapter and rules adopted under this chapter preempt any local law that regulates
4.9 the operation of mobile food units in a manner that conflicts with this chapter or rules
4.10 adopted under this chapter.

4.11 (c) A local unit of government must not:

4.12 (1) prohibit from operating in its jurisdiction a mobile food unit that is licensed under
4.13 this chapter and rules adopted under this chapter and that is operating in compliance with
4.14 state law and with the local unit of government's laws that are not in conflict with this
4.15 chapter; or

4.16 (2) impose a local fee on a mobile food unit for the mobile food unit to operate in the
4.17 jurisdiction of the local unit of government.

4.18 Subd. 3. Delegation. (a) As part of a delegation agreement under section 145A.07, the
4.19 commissioner may delegate to a local agency the authority to perform one or more of the
4.20 following duties: licensure of mobile food units, conducting plan reviews for mobile food
4.21 units, and conducting preoperational inspections and periodic health inspections of mobile
4.22 food units.

4.23 (b) A local agency that performs one or more of the functions listed in paragraph (a)
4.24 according to a delegation agreement:

4.25 (1) must collect the applicable fees under section 157.16 for the functions performed;

4.26 (2) must transmit to the commissioner the annual base fee, additional annual fee, statewide
4.27 hospitality fee, and technology fee collected; and

4.28 (3) may retain any fees collected for preoperational inspections, health inspections, or
4.29 plan reviews to cover the local agency's cost of conducting the inspection or plan review.

4.30 (c) Nothing in this section shall be construed to require a local agency to enter into a
4.31 delegation agreement under section 145A.07 or to assume duties related to licensure, plan
4.32 reviews, or inspections of mobile food units.

5.1 Sec. 6. **[157.231] PERIODIC HEALTH INSPECTIONS.**

5.2 Subdivision 1. Health inspections. The commissioner must perform periodic health
5.3 inspections of mobile food units. The commissioner must determine the frequency with
5.4 which a mobile food unit is inspected based on the risk category that applies to the mobile
5.5 food unit and the results of previous health inspections.

5.6 Subd. 2. Location for health inspection. The commissioner must provide notice to a
5.7 mobile food unit when the commissioner plans, within a specified period of time, to conduct
5.8 a health inspection of the mobile food unit. Upon receipt of this notice, the mobile food unit
5.9 must submit to the commissioner, in a form and manner specified by the commissioner, a
5.10 list of the locations at which the mobile food unit plans to operate during the time period
5.11 specified in the notice. The commissioner must use this list of locations to schedule a health
5.12 inspection of the mobile food unit.

5.13 Sec. 7. **[157.232] MOBILE FOOD UNIT LICENSING GUIDE.**

5.14 The commissioner must develop and make available on the department website a guide
5.15 on mobile food unit licensure. The guide must include instructions for obtaining, maintaining,
5.16 and renewing a mobile food unit license and information on the standards for health
5.17 inspections of a mobile food unit.

5.18 Sec. 8. **[157.233] STATEWIDE DATABASE OF MOBILE FOOD UNITS.**

5.19 Subdivision 1. Database. The commissioner must establish and administer a statewide
5.20 database on mobile food units for use by the commissioner and local agencies. The database
5.21 must include:

5.22 (1) a list of the mobile food units licensed under this chapter;

5.23 (2) for each mobile food unit, the results of health inspections and copies of the inspection
5.24 reports;

5.25 (3) a list of public complaints made against mobile food units that resulted in disciplinary
5.26 action or corrective action and, for each complaint, the disciplinary action or corrective
5.27 action imposed; and

5.28 (4) mobile food unit itineraries submitted under subdivision 2.

5.29 Subd. 2. Itineraries. A mobile food unit must submit to the commissioner an itinerary
5.30 of the locations at which the mobile food unit plans to operate. The commissioner shall

6.1 establish requirements for the form, manner, and frequency of these submissions and the
6.2 time period the itinerary must cover.

6.3 Sec. 9. **TRANSITION PLAN; TRANSFER OF DUTIES.**

6.4 (a) The commissioner of health, in consultation with the commissioner of agriculture,
6.5 shall prepare and implement a plan to transfer mobile food units regulated by the
6.6 commissioner of agriculture to the regulatory authority of the commissioner of health.

6.7 (b) Section 15.039 applies to the transfer of the regulation of certain mobile food units
6.8 from the commissioner of agriculture to the commissioner of health.

6.9 Sec. 10. **REVISOR INSTRUCTION.**

6.10 The revisor of statutes, in consultation with the Department of Health, Department of
6.11 Agriculture, House Research Department, and Senate Counsel, Research, and Fiscal Analysis,
6.12 shall prepare legislation that amends Minnesota Statutes as necessary to conform with this
6.13 act. The revisor shall submit the proposal, in a form ready for introduction, during the 2027
6.14 regular session to the chairs and ranking minority members of the legislative committees
6.15 with jurisdiction over health.