

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Rutinel

1 Strike the Transportation, Housing, and Local Government Committee
2 Report, dated March 25, 2025, and substitute:

3 "Amend printed bill, strike everything below the enacting clause and
4 substitute:

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

7 **29-11.6-101. Legislative declaration.** (1) THE GENERAL
8 ASSEMBLY FINDS AND DECLARES THAT:

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

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

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

18 **29-11.6-102. Definitions.** AS USED IN THIS ARTICLE 11.6, UNLESS
19 THE CONTEXT OTHERWISE REQUIRES:

20 (1) "DENVER FOOD SAFETY LICENSE" MEANS THE FOOD SAFETY
21 LICENSE GRANTED BY THE CITY AND COUNTY OF DENVER THAT
22 AUTHORIZES A MOBILE RETAIL FOOD ESTABLISHMENT TO OPERATE WITHIN
23 THE CITY AND COUNTY OF DENVER.

24 (2) "FIRE SAFETY PERMIT" MEANS A PERMIT OR DOCUMENT ISSUED
25 BY A LOCAL GOVERNMENT THAT CERTIFIES THAT A MOBILE RETAIL FOOD
26 ESTABLISHMENT MEETS THE LOCAL GOVERNMENT'S FIRE SAFETY
27 STANDARDS AND AUTHORIZES AN INDIVIDUAL TO OPERATE THE MOBILE
28 RETAIL FOOD ESTABLISHMENT.

29 (3) "INTERNATIONAL FIRE CODE" MEANS THE INTERNATIONAL FIRE
30 CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, OR A
31 SUCCESSOR ORGANIZATION.

32 (4) "LOCAL GOVERNMENT" MEANS AN AUTHORITY, A COUNTY, A
33 MUNICIPALITY, A CITY AND COUNTY, A DISTRICT, OR ANOTHER POLITICAL
34 SUBDIVISION OF THE STATE OR ANY DEPARTMENT, AGENCY, INSTITUTION,
35 OR AUTHORITY OF A COUNTY, A MUNICIPALITY, A CITY AND COUNTY, A
36 DISTRICT, OR ANOTHER POLITICAL SUBDIVISION OF THE STATE.

37 (5) "MOBILE RETAIL FOOD ESTABLISHMENT" MEANS A RETAIL
38 FOOD ESTABLISHMENT THAT:

1 (a) IS OPERATED FROM A MOVABLE, MOTOR-DRIVEN, OR
2 PROPELLED VEHICLE, PORTABLE STRUCTURE, OR WATERCRAFT;
3 (b) CAN CHANGE LOCATION; AND
4 (c) IS INTENDED TO PHYSICALLY REPORT TO AND OPERATE FROM
5 A COMMISSARY FOR SERVICING, RESTOCKING, AND MAINTENANCE.
6 (6) "RETAIL FOOD ESTABLISHMENT" HAS THE MEANING SET FORTH
7 IN SECTION 25-4-1602 (14).
8 (7) "STATE HEALTH DEPARTMENT LICENSE" MEANS THE LICENSE
9 GRANTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
10 PURSUANT TO SECTION 25-4-1606.
11 **29-11.6-103. Mobile retail food establishment operations - fire**
12 **safety permit - reciprocity between local government jurisdictions.**
13 (1) A VALID FIRE SAFETY PERMIT THAT HAS BEEN ISSUED TO A MOBILE
14 RETAIL FOOD ESTABLISHMENT IS VALID IN THE JURISDICTION OF ANY
15 OTHER LOCAL GOVERNMENT IN THIS STATE IF THE FIRE SAFETY PERMIT
16 WAS ISSUED:
17 (a) BY A LOCAL GOVERNMENT THAT HAS ADOPTED THE MOST
18 RECENT INTERNATIONAL FIRE CODE OR A FIRE CODE THAT HAS
19 INCORPORATED THE MINIMUM CODES AND STANDARDS FOR MOBILE RETAIL
20 FOOD ESTABLISHMENTS AS ADOPTED BY THE DIVISION OF FIRE PREVENTION
21 AND CONTROL PURSUANT TO SECTION 24-33.5-1203 (1)(z); AND
22 (b) AFTER AN INSPECTION BY A CERTIFIED FIRE INSPECTOR, AS
23 DEFINED IN SECTION 24-33.5-1202 (2.5).
24 (2) (a) THE OWNER OR OPERATOR OF A MOBILE RETAIL FOOD
25 ESTABLISHMENT SHALL PROVIDE, THROUGH REASONABLE ELECTRONIC
26 MEANS, A COPY OF THE FIRE SAFETY PERMIT ISSUED IN ACCORDANCE WITH
27 SUBSECTION (1) OF THIS SECTION TO THE LOCAL GOVERNMENT IN WHICH
28 THE OWNER OR OPERATOR INTENDS TO OPERATE THE MOBILE RETAIL FOOD
29 ESTABLISHMENT AT LEAST THREE BUSINESS DAYS BEFORE OPERATING
30 WITHIN THE LOCAL GOVERNMENT'S JURISDICTION.
31 (b) THE OWNER OR OPERATOR OF A MOBILE RETAIL FOOD
32 ESTABLISHMENT MUST PROVIDE ONLY ONE COPY OF THE FIRE SAFETY
33 PERMIT ISSUED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION TO
34 THE LOCAL GOVERNMENT PER CALENDAR YEAR, UNLESS THE FIRE SAFETY
35 PERMIT HAS EXPIRED IN THE TIME SINCE THE OWNER OR OPERATOR
36 PREVIOUSLY SUBMITTED THE PERMIT TO THE LOCAL GOVERNMENT.
37 (3) (a) A MOBILE RETAIL FOOD ESTABLISHMENT THAT IS
38 OPERATING IN A LOCAL GOVERNMENT'S JURISDICTION MUST BE IN
39 COMPLIANCE WITH THE LOCAL GOVERNMENT'S FIRE SAFETY CODE DURING
40 OPERATION IN THAT JURISDICTION AND IS SUBJECT TO INSPECTION AND
41 ENFORCEMENT BY THE LOCAL GOVERNMENT.
42 (b) A MOBILE RETAIL FOOD ESTABLISHMENT THAT FAILS A FIRE
43 SAFETY INSPECTION BY A LOCAL GOVERNMENT OR THAT IS FOUND IN

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

9 **29-11.6-104. Mobile retail food establishment operations - food**
10 **safety license - state health department license - Denver food safety**
11 **license - reciprocity between local government jurisdictions.**

12 **(1) Denver food safety license.** (a) THE CITY AND COUNTY OF DENVER
13 SHALL PERMIT THE OWNER OR OPERATOR OF A MOBILE RETAIL FOOD
14 ESTABLISHMENT THAT HAS AN ACTIVE AND VALID STATE HEALTH
15 DEPARTMENT LICENSE TO OPERATE THE MOBILE RETAIL FOOD
16 ESTABLISHMENT WITHIN THE JURISDICTION OF THE CITY AND COUNTY OF
17 DENVER.

18 (b) (I) THE OWNER OR OPERATOR OF A MOBILE RETAIL FOOD
19 ESTABLISHMENT SHALL PROVIDE, THROUGH REASONABLE ELECTRONIC
20 MEANS, A COPY OF THE ACTIVE AND VALID STATE HEALTH DEPARTMENT
21 LICENSE TO THE CITY AND COUNTY OF DENVER AT LEAST THREE BUSINESS
22 DAYS BEFORE OPERATING WITHIN THE JURISDICTION OF THE CITY AND
23 COUNTY OF DENVER.

24 (II) THE OWNER OR OPERATOR OF A MOBILE RETAIL FOOD
25 ESTABLISHMENT MUST PROVIDE ONLY ONE COPY OF THE STATE HEALTH
26 DEPARTMENT LICENSE TO THE CITY AND COUNTY OF DENVER PER
27 CALENDAR YEAR, UNLESS THE STATE HEALTH DEPARTMENT LICENSE HAS
28 EXPIRED IN THE TIME SINCE THE OWNER OR OPERATOR PREVIOUSLY
29 SUBMITTED THE LICENSE TO THE CITY AND COUNTY OF DENVER.

30 (c) (I) A MOBILE RETAIL FOOD ESTABLISHMENT THAT IS OPERATING
31 WITHIN THE JURISDICTION OF THE CITY AND COUNTY OF DENVER MUST BE
32 IN COMPLIANCE WITH ALL ORDINANCES, RESOLUTIONS, REGULATIONS,
33 ZONING CODES, HEALTH CODES, OR OTHER CODES OF THE CITY AND
34 COUNTY OF DENVER DURING OPERATION WITHIN THE CITY AND COUNTY
35 OF DENVER AND IS SUBJECT TO INSPECTION AND ENFORCEMENT BY THE
36 CITY AND COUNTY OF DENVER.

37 (II) A MOBILE RETAIL FOOD ESTABLISHMENT THAT IS FOUND IN
38 VIOLATION OF ANY ORDINANCE, RESOLUTION, REGULATION, ZONING CODE,
39 HEALTH CODE, OR OTHER CODE OF THE CITY AND COUNTY OF DENVER IS
40 NOT PERMITTED TO OPERATE WITHIN THAT JURISDICTION PURSUANT TO
41 SUBSECTION (1)(a) OF THIS SECTION UNTIL THE MOBILE RETAIL FOOD
42 ESTABLISHMENT PASSES A CITY AND COUNTY OF DENVER HEALTH
43 INSPECTION AND COMPLIES WITH THE LAWS OF THE CITY AND COUNTY OF

1 DENVER.

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

8 (b) (I) THE OWNER OR OPERATOR OF A MOBILE RETAIL FOOD
9 ESTABLISHMENT SHALL PROVIDE, THROUGH REASONABLE ELECTRONIC
10 MEANS, A COPY OF THE ACTIVE AND VALID DENVER FOOD SAFETY LICENSE
11 TO THE LOCAL GOVERNMENT IN WHICH THE OWNER OR OPERATOR INTENDS
12 TO OPERATE THE MOBILE RETAIL FOOD ESTABLISHMENT AND TO THE
13 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, CREATED IN SECTION
14 25-1-102, AT LEAST THREE BUSINESS DAYS BEFORE OPERATING WITHIN
15 THE LOCAL GOVERNMENT'S JURISDICTION.

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

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

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

36 (II) (A) A MOBILE RETAIL FOOD ESTABLISHMENT WITH A DENVER
37 FOOD SAFETY LICENSE THAT IS OPERATING WITHIN THE JURISDICTION OF
38 ANOTHER LOCAL GOVERNMENT PURSUANT TO SUBSECTION (2)(a) OF THIS
39 SECTION MUST BE IN COMPLIANCE WITH RULES ADOPTED BY THE
40 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
41 SECTION 25-4-1604.

42 (B) A MOBILE RETAIL FOOD ESTABLISHMENT WITH A DENVER FOOD
43 SAFETY LICENSE THAT IS OPERATING WITHIN THE JURISDICTION OF

1 ANOTHER LOCAL GOVERNMENT PURSUANT TO SUBSECTION (2)(a) OF THIS
2 SECTION AND IS FOUND IN VIOLATION OF THE RULES ADOPTED BY THE
3 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
4 SECTION 25-4-1604 IS NOT PERMITTED TO OPERATE WITHIN THAT
5 JURISDICTION, OR ANY OTHER LOCAL GOVERNMENT'S JURISDICTION OTHER
6 THAN THE CITY AND COUNTY OF DENVER, UNTIL THE MOBILE RETAIL FOOD
7 ESTABLISHMENT PASSES A HEALTH INSPECTION BY THE LOCAL
8 GOVERNMENT OR THE DEPARTMENT OF PUBLIC HEALTH AND
9 ENVIRONMENT.

10 **29-11.6-105. Local government enforcement.** NOTHING IN THIS
11 ARTICLE 11.6 PROHIBITS A LOCAL GOVERNMENT FROM ADOPTING OR
12 ENFORCING THE LOCAL GOVERNMENT'S ORDINANCES, RESOLUTIONS,
13 REGULATIONS, ZONING CODES, HEALTH CODES, OR OTHER CODES RELATED
14 TO THE OPERATION OF A MOBILE RETAIL FOOD ESTABLISHMENT.

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

17 **25-4-1602. Definitions.** As used in this part 16, unless the context
18 otherwise requires:

19 (2.7) "DENVER FOOD SAFETY LICENSE" HAS THE MEANING SET
20 FORTH IN SECTION 29-11.6-102 (1).

21 (10.5) "MOBILE RETAIL FOOD ESTABLISHMENT" HAS THE MEANING
22 SET FORTH IN SECTION 29-11.6-102 (5).

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

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

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

33 (3) THE DEPARTMENT SHALL CONSIDER AN OWNER OR OPERATOR
34 OF A MOBILE RETAIL FOOD ESTABLISHMENT WITH A DENVER FOOD SAFETY
35 LICENSE TO HAVE A VALID LICENSE TO OPERATE THE MOBILE RETAIL FOOD
36 ESTABLISHMENT WITHIN THE JURISDICTION OF ANOTHER LOCAL
37 GOVERNMENT IN ACCORDANCE WITH SECTION 29-11.6-104 (2).

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

40 **24-33.5-1203. Duties of division.** (1) The division shall perform
41 the following duties:

42 (z) ADOPT MINIMUM CODES AND STANDARDS FOR FIRE SAFETY AND
43 PREVENTION RELATED TO THE OPERATION OF MOBILE RETAIL FOOD

1 ESTABLISHMENTS, AS DEFINED IN SECTION 29-11.6-102 (5), FOR USE BY A
2 LOCAL GOVERNMENT IN THE LOCAL GOVERNMENT'S ESTABLISHMENT OR
3 ADOPTION OF A FIRE CODE.

4 **SECTION 5. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly; except that, if a referendum petition is filed pursuant
8 to section 1 (3) of article V of the state constitution against this act or an
9 item, section, or part of this act within such period, then the act, item,
10 section, or part will not take effect unless approved by the people at the
11 general election to be held in November 2026 and, in such case, will take
12 effect on the date of the official declaration of the vote thereon by the
13 governor.

14 (2) This act applies to applications submitted and conduct
15 occurring on or after the applicable effective date of this act.".

16 Page 1 of the bill, strike lines 102 through 104 and substitute
17 "THEREWITH, ESTABLISHING A DEFINITION OF "MOBILE RETAIL FOOD
18 ESTABLISHMENT" AND ESTABLISHING RECIPROCITY FOR CERTAIN
19 LICENSES AND PERMITS BETWEEN LOCAL GOVERNMENT JURISDICTIONS
20 TO ALLOW A MOBILE RETAIL FOOD ESTABLISHMENT TO OPERATE IN
21 MULTIPLE JURISDICTIONS."."

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