

AMENDMENTS TO LB740

Introduced by Agriculture.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 81-2,239, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

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

10 Sec. 2. Section 81-2,240, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

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

17 Sec. 3. Guidance document has the same meaning as in section
18 84-901.

19 Sec. 4. (1) A political subdivision acting as a regulatory
20 authority may enter into an agreement under the Interlocal Cooperation
21 Act with other public agencies to grant and provide reciprocity for local
22 licensing of mobile food establishments for purposes of regulating food
23 safety and handling.

24 (2) On or before December 1, 2023, a political subdivision acting as
25 a regulatory authority that is eligible to participate in an agreement
26 under this section shall submit a report electronically to the
27 Legislature. Such report shall contain the following information:

1 (a) A description of any reciprocity agreement entered into pursuant
2 to this section; or

3 (b) If a reciprocity agreement has not been entered into pursuant to
4 this section, a summary of actions taken to develop such an agreement and
5 a description of any impediments to such an agreement.

6 Sec. 5. (1) For purposes of this section, city means a city of the
7 first class or a city of the second class.

8 (2) The department shall establish and maintain the Mobile Food
9 Establishment Ordinance Registry. The registry shall be made available
10 for review by the public on the department's website. The purpose of the
11 registry is to record in a central location the municipal ordinances used
12 to regulate mobile food establishments.

13 (3) Each city shall participate in the registry. Except as provided
14 in subsection (4) of this section, each city shall provide the department
15 with the following information for the registry:

16 (a) The name and address of each person responsible for regulating
17 mobile food establishment operations;

18 (b) A sample copy of any form that is required to be submitted in
19 order for the mobile food establishment to operate in the city;

20 (c) A complete electronic record of the ordinances used to regulate
21 mobile food establishments; and

22 (d) Any other information the department deems necessary.

23 (4) Any city that does not regulate the operation of mobile food
24 establishments in any way shall submit to the department for publication
25 on the registry a written statement confirming that the city does not
26 regulate the operation of mobile food establishments.

27 (5) To ensure an accurate and updated registry, each city shall:

28 (a) Upon a request by the department, make available to the
29 department all information required pursuant to this section; and

30 (b) Beginning in 2023, by December 31 of each calendar year notify
31 the department of any new or modified ordinance adopted within such

1 calendar year regulating mobile food establishments.

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

4 Sec. 6. The department shall develop and make available to the
5 public a guidance document for mobile food establishment operators. The
6 guidance document shall describe food establishment permit requirements
7 applicable to mobile food establishments, including permit requirements
8 applicable to reciprocity agreements between participating regulatory
9 authorities under section 4 of this act.

10 Sec. 7. Original sections 81-2,239 and 81-2,240, Revised Statutes
11 Cumulative Supplement, 2022, are repealed.