TEXAS
Health and Human Services

Texas Department of State Health Services

Who Should Be Licensed as a Mobile Food Vendor?

The purpose of this document is to provide clarification and support on the differences between who should and should not be licensed as a mobile food vendor (MFV), as defined by Health and Safety Code 437B and Texas Administrative Code 226.

Definitions and Rules

Health and Safety Code 437B.001

- **Food vending vehicle (FVV):** Any vehicle that operates as a food service establishment and is designed to be readily movable.
- **Mobile food vendor (MFV):** Any person who dispenses food or beverages from a FVV for immediate service or consumption. An MFV may cook, cool, hold, prepare, reheat, or conduct other activities allowed by the Food Code to fulfill food orders for immediate consumption. **An MFV does not include any operation that is not readily moveable.**

Texas Administrative Code (TAC) 226.2

Readily moveable: Able to easily move without delay or difficulty; free of alterations, attachments, additions, placement, or change in, under, or upon the FVV that prevent or otherwise reduce the ability to easily move without delay or difficulty. Readily moveable also includes any other requirements set forth by the regulatory authority.

§226.6(b)(4) Readily movable:

(A) There shall be no alteration, removal, attachments, additions, placement, or change in, under, around, or on the FVV that prevents or otherwise reduces mobility.

(B) An FVV may connect to a utility only when filling the potable water tank, emptying the wastewater tank, or temporarily connecting to an electrical source. The vehicle must not be permanently or remain connected to:

(i) a water supply hose during operation, except when filling the potable water tank;

(ii) an external sewage or water disposal system during operation, except when emptying the wastewater tank;

(iii) an external electrical source, if it is the only means for powering the FVV; or

(iv) an external gas source, if it is the only means for operating the FVV.

(C) The regulatory authority may require an MFV to move the FVV as often as required to a location designated by the regulatory authority to demonstrate the FVV is readily moveable. The FVV must be fully functional and free of any temporary utility connection, including electricity, water, and wastewater, at any location while operating or any location designated by the regulatory authority. An FVV must always be readily movable.

Since an FVV must be a vehicle that is designed to be readily moveable, an MFV must be able to operate at any location without the need of alterations, attachments, additions, placement, or change. A vehicle (e.g., trailer or truck) is not readily movable if it must connect to a water source to operate or does not have continuous supply of water through internally installed water tanks.

To be licensed, an MFV must have an FVV as defined by HSC 437B, **and** it must also be designed to meet all structural, water system, and operational requirements in TAC 226.

Minimum Structural Requirements

With the exception of pushcarts and roadside vendors, FVVs must meet the structural requirements in FDA Food Code 6-202.15 and 6-202.16. These requirements help protect against disease-causing microorganisms, such as insects and rodents, and protect the food preparation area from the weather, windblown dirt and debris, and flying insects. Since there is limited handling (i.e., pre-packaged items, no cooking) on pushcarts and roadside vending vehicles, the structural requirements do not apply to those operations.

With the exception of roadside vendors, FVVs must meet the water system material, design, and operational requirements in Food Code Part 5-3. Because roadside vendors only handle pre-packaged foods, they are not required to comply with water and sewage system requirements.

Depending on the vehicle design, the MFV must come into compliance or explore other permitting options with Texas DSHS or the local health department.

MFVs

These are examples of FVVs that meet the structural and water system requirements. Therefore, they are "designed to be readily movable." This list does not include roadside vendors.

- Fully enclosed food truck that meets the applicable structural, water system, and operational requirements (e.g., plumbing fixtures supplied by water tank)
- Fully enclosed trailer that meets the applicable structural, water system, and operational requirements (e.g., plumbing fixtures supplied by water tank)
- Fully equipped and designed pushcart (see Pushcart Guidance)

Not MFVs: Physical/Water System Limitations

These are examples of vehicles that are not designed to be licensed as an MFV.

- Concession trailers that are designed without an installed water system (permanently attached tanks)
- Concession trucks that are designed without an installed water system (permanently attached tanks)
- Open-air trailers (e.g. BBQ, kettle corn, roasted corn)
- Motorized vehicles (e.g. trucks, buses, trailers) with outward-facing beverage taps
- Open-air motorized vehicles without an enclosed food preparation area

If operating outside Texas DSHS jurisdiction, these operations should contact their local health departments for permitting requirements. Under DSHS, these operators may be required to obtain a temporary food establishment permit, which only allows them to operate at fairs, festivals, sporting events, and other special events. Such events may not exceed 14 consecutive days.