

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

### Food Trucks Under the Nebraska Pure Food Act

The Nebraska Department of Agriculture (Department), through its Food Safety and Consumer Protection Focus Area, is responsible for the administration and enforcement of the Nebraska Pure Food Act, Neb. Rev. Stat. §§81-2,239 to 81-2,292 (Act). Section 81-2,275 of the Act provides that it is unlawful for a person to operate a food establishment or food processing plant in any manner which is not in conformity with the Act.

Section 81-2,245.01 defines a food establishment as an operation that stores, prepares, packages, serves, sells, vends, delivers, or otherwise provides food for human consumption. Mobile food unit is defined in §81-2,251.04 of the Act as a vehicle that goes to a commissary every day. A mobile food establishment is not defined in the statute but is a food establishment that is mobile. A food truck may be either, depending on whether it returns to a commissary. It is a mobile food establishment if it does not return to a commissary each day. Commissary is defined in §81-2,242.02 as a food establishment where food, food containers, or food supplies are kept, handled, prepared, packaged, or stored for use in mobile food units, pushcarts, or vending machines.

Subsection 81-2,270(4)(a) provides that the Director of Agriculture sets fees each year with the following current fees for mobile food units and mobile food establishments:

				No Food
			Additional	Preparation
		First	Food	Area,
		Food	Preparation	Unit
		Preparation	Area	Or
		Area	Annual	Units
Food	Initial	Annual	Inspection	Annual
Handling	Permit	Inspection	Fee	Inspection
Activity	Fee	Fee	(per area)	Fee
<b>Mobile Food Unit</b>				
<b>(for each unit)</b>	\$86.19	N/A	N/A	\$43.09
<b>Commissary</b>	\$86.19	\$120.64	\$43.09	N/A
<b>All Other Food</b>				
<b>Establishments</b>	\$86.19	\$120.64	\$43.09	N/A

Under this fee structure mobile food establishments fall into the “all other food establishments” category. Operators of mobile food units must be permitted as a commissary and pay secondary fees for each mobile food unit.

Section 81-2,281 authorizes the Department to contract with qualified local health department to conduct regulatory functions authorized pursuant to the Act within their jurisdictions except those functions relating to permits issued under the Act. The Department has agreements with Douglas County, Lincoln/Lancaster and the Central Health District health departments. Holders of permits issued pursuant to the Act inspected by political subdivisions under contract with the Department are exempt from the inspection fees prescribed in the Act if such holders pay license or inspection fees to the political subdivision performing the inspections.

The contracted health departments have their own fee schedules for food trucks, commissaries and mobile food units operating within their jurisdictions.

Information relating to Douglas County permits may be found at:

<https://www.douglascountyhealth.com/food-safety-compliance/70-food-safety-compliance/647-mobiles-pushcart-permits>

Information relating to Lincoln/Lancaster permits may be found at:

<https://online.encodeplus.com/regs/lincoln-ne/doc-viewer.aspx?tocid=001.009.007#secid-8278>

Information relating to Central Health District permits may be found at:

<https://cdhd.ne.gov/what-we-do/environmental-health/food-safety-permits.html>

The City of Grand Island has a vendor permit that is also required to sell.

[https://grandisland.municipalcodeonline.com/book?type=ordinances#name=32-44\\_Food\\_Vendor\\_Permit;\\_General\\_Rules](https://grandisland.municipalcodeonline.com/book?type=ordinances#name=32-44_Food_Vendor_Permit;_General_Rules)