

Senate Bill No. 352—Committee on Human
Resources and Facilities

CHAPTER.....

AN ACT relating to food establishments; excluding certain persons under certain circumstances from regulation as food handlers; clarifying that food prepared in a private home and given away at no charge is not subject to regulation as a food establishment under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, “food establishment” means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes ~~that~~, *unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;*

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the state department of agriculture;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS;

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only ~~these~~ *alcoholic* beverages which are in sealed containers.

Sec. 2. NRS 446.030 is hereby amended to read as follows:

446.030 1. “Food handler” means any person employed in or operating a food establishment, whether *that person is an* employer, employee or ~~independent individual~~ *other natural person*, who handles, stores, transports, prepares, manufactures, serves or sells food, or who comes in contact with eating or cooking utensils or other equipment used in the handling, preparation, manufacture, service ~~that~~ or sale of food.

2. *The term does not include a person who only handles, stores, transports, sells or otherwise comes in contact with food that is permanently sealed or packaged for sale directly to the consumer and who, if the food is potentially hazardous food, handles the food only*

occasionally or incidentally outside the normal and usual course and scope of his responsibilities or employment.

3. As used in this section, "potentially hazardous food" has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the Food Code published by the Food and Drug Administration of the United States Department of Health and Human Services, unless the administrator of the health division of the department of human resources has adopted a later edition of the Food Code for this purpose.

Sec. 3. NRS 446.870 is hereby amended to read as follows:

446.870 1. Except as otherwise provided in ~~subsection 2.~~ *this section*, it is unlawful for any person to operate a food establishment unless he possesses a valid permit issued to him by the health authority.

2. The health authority may exempt a food establishment from the provisions of this chapter if the health authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health.

3. Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the provisions of this chapter, unless it is given to a food establishment.

4. Except as otherwise provided in subsection 5, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him by the health authority for that purpose.

5. A religious, charitable or other nonprofit organization may, without possessing a permit from the health authority, sell food occasionally to raise money, whether or not the food was prepared in a private home, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the health authority is required unless an exemption is granted pursuant to subsection 2.

Sec. 4. This act becomes effective on July 1, 2001.