

ASSEMBLY BILL NO. 497—COMMITTEE ON
COMMERCE AND LABOR

MARCH 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Exempts licensed child care facility from certain regulations applicable to food establishment.
(BDR 40-1199)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to food establishments; exempting a licensed child care facility from certain regulations applicable to a food establishment; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 446 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Potentially hazardous food” has the meaning*
4 *ascribed to it in subpart 1-201 of the 1999 edition of the Food*
5 *Code published by the Food and Drug Administration of the*
6 *United States Department of Health and Human Services, unless*
7 *the Administrator of the Health Division of the Department of*
8 *Human Resources has adopted a later edition of the Food Code*
9 *for this purpose.*

10 **Sec. 3.** *1. Any regulation adopted by the State Board of*
11 *Health or a local board of health pursuant to NRS 446.940 that*
12 *establishes a standard for the construction of a food establishment*
13 *or the equipment required to be present in a food establishment*
14 *shall not apply to any child care facility that limits its menu to:*

15 *(a) Food that does not constitute a potential or actual hazard*
16 *to the public health; and*



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1 (b) *Potentially hazardous food that has been:*
2 (1) *Commercially prepared and precooked; or*
3 (2) *Pasteurized.*
4 2. *As used in this section, "child care facility" includes:*
5 (a) *A child care facility licensed pursuant to chapter 432A of*
6 *NRS; or*
7 (b) *A child care facility licensed by a city or county.*
8 **Sec. 4.** NRS 446.030 is hereby amended to read as follows:
9 446.030 1. "Food handler" means any person employed in or
10 operating a food establishment, whether that person is an employer,
11 employee or other natural person, who handles, stores, transports,
12 prepares, manufactures, serves or sells food, or who comes in
13 contact with eating or cooking utensils or other equipment used in
14 the handling, preparation, manufacture, service or sale of food.
15 2. The term does not include a person who only handles, stores,
16 transports, sells or otherwise comes in contact with food that is
17 permanently sealed or packaged for sale directly to the consumer
18 and who, if the food is potentially hazardous food, handles the food
19 only occasionally or incidentally outside the normal and usual
20 course and scope of his responsibilities or employment.
21 ~~[3. As used in this section, "potentially hazardous food" has the~~
22 ~~meaning ascribed to it in subpart 1 201 of the 1999 edition of the~~
23 ~~Food Code published by the Food and Drug Administration of~~
24 ~~the United States Department of Health and Human Services, unless~~
25 ~~the Administrator of the Health Division of the Department of~~
26 ~~Human Resources has adopted a later edition of the Food Code for~~
27 ~~this purpose.]~~
28 **Sec. 5.** This act becomes effective on July 1, 2003.

