

SENATE BILL NO. 14—SENATOR MCGINNESS

PREFILED JANUARY 24, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Clarifies exemption of religious, charitable and other nonprofit organizations from regulation as food establishments. (BDR 40-333)

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; clarifying the exemption of religious, charitable and other nonprofit organizations from regulation as food establishments; 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.** NRS 446.020 is hereby amended to read as follows:  
2     446.020 1. Except as otherwise limited by subsection 2,  
3     “food establishment” means any place, structure, premises, vehicle  
4     or vessel, or any part thereof, in which any food intended for  
5     ultimate human consumption is manufactured or prepared by any  
6     manner or means whatever, or in which any food is sold, offered or  
7     displayed for sale or served.  
8     2. The term does not include:  
9     (a) Private homes, unless the food prepared or manufactured in  
10    the home is sold, or offered or displayed for sale or for  
11    compensation or contractual consideration of any kind ~~by~~ *by any*  
12    *person other than a religious, charitable or other nonprofit*  
13    *organization to raise money;*  
14    (b) Fraternal or social clubhouses at which attendance is limited  
15    to members of the club;  
16    (c) Vehicles operated by common carriers engaged in interstate  
17    commerce;



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

6 (e) Any establishment where animals are slaughtered which is  
7 regulated and inspected by the State Department of Agriculture;

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

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

14 **Sec. 2.** NRS 446.870 is hereby amended to read as follows:

15 446.870 1. Except as otherwise provided in this section, it is  
16 unlawful for any person to operate a food establishment unless he  
17 possesses a valid permit issued to him by the health authority.

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

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

26 4. ~~{Except as otherwise provided in subsection 5, food}~~ *Food*  
27 that is prepared in a private home must not be sold, or offered or  
28 displayed for sale or for compensation or contractual consideration  
29 of any kind, unless the person preparing the food possesses a valid  
30 permit issued to him by the health authority for that purpose ~~[-~~

31 ~~5. A religious, charitable or other nonprofit organization may,~~  
32 ~~without possessing a permit from the health authority, sell food~~  
33 ~~occasionally to raise money, whether or not the food was prepared~~  
34 ~~in a private home, if the sale occurs on the premises of the~~  
35 ~~organization. If the sale is to occur off the premises of the~~  
36 ~~organization, a permit from the health authority is required unless an~~  
37 ~~exemption is granted pursuant to subsection 2.]~~ *or the food is sold*  
38 *or offered for sale by a religious, charitable or other nonprofit*  
39 *organization to raise money.*

40 **Sec. 3.** This act becomes effective upon passage and approval.

