

Amendment No. 172

Senate Amendment to Senate Bill No. 210

(BDR 40-564)

Proposed by: Senate Committee on Health and Human Services**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MSM/BJE



Date: 4/22/2011

S.B. No. 210—Revises provisions governing the regulation of food establishments that manufacture or process food intended for human consumption. (BDR 40-564)



SENATE BILL NO. 210—COMMITTEE ON
HEALTH AND HUMAN SERVICES

MARCH 1, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the regulation of certain food processing establishments. ~~{that manufacture or process food intended for human consumption.}~~ (BDR 40-564)

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; requiring a food ~~{establishment or food}~~ processing establishment that ~~{manufactures or}~~ processes or otherwise prepares wholesale food to comply with nationally recognized guidelines for the manufacturing and processing of food ; that are adopted by the State Board of Health or a local board of health by regulation; providing for the testing of such ~~{manufactured or}~~ processed food ~~{by an independent laboratory;}~~ under certain circumstances; requiring the recording and review of test results; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the regulation of food establishments, including, without limitation, establishments that manufacture or process food intended for human consumption. (Chapter 446 of NRS) Existing law also requires that such provisions be enforced by the officers and agents of the Health Division of the Department of Health and Human Services and the officers and agents of the local boards of health. (NRS 446.050, 446.940) ~~{Section 1 of this}~~ ***This*** bill: (1) requires a food ~~{establishment or a food}~~ processing establishment that ~~{manufactures or}~~ processes or otherwise prepares wholesale food intended for human consumption to comply with nationally recognized guidelines for the manufacturing and processing of food ; that are adopted by the State Board of Health or a local board of health by regulation; and (2) authorizes the health authority , under certain circumstances, to require that the food ~~{manufactured or}~~ processed or otherwise prepared in such establishments be tested ~~{by an independent laboratory and}~~ for the presence of contaminants; (3) requires that the cost of the testing be paid by the establishments ~~{.}~~ ~~{Section 2 of this bill specifies that the regulations of the State Board of Health include the nationally recognized guidelines for manufacturing and processing food.}~~ ; (4) requires that the testing be conducted in accordance with nationally recognized laboratory standards; (5) requires timely reporting to the health authority if the testing indicates contamination; and (6) requires the recording and review of test results.

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

Section 1. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. A food ~~establishment or food~~ processing establishment ~~that manufactures or processes food~~ shall comply with nationally recognized guidelines for the manufacturing and processing of food, ~~that are adopted by the State Board of Health or a local board of health pursuant to NRS 446.040,~~ including, without limitation ~~the~~ procedures for the testing of the manufactured or processed food within the establishment.~~

~~2. The health authority may require that:~~

~~(a) Any food manufactured or processed in a food establishment or food processing establishment be tested by an independent laboratory; and~~

~~(b) The food establishment or:~~

(a) Identifying hazards from biological, chemical, physical and radiological sources;

(b) Establishing and carrying out preventive controls to:

(1) Minimize significantly the contamination of food; or

(2) Prevent hazards from contaminating food; and

(c) Verifying that preventive controls are effectively minimizing or preventing the contamination of food through the use of:

(1) Programs for environmental testing;

(2) Programs for the testing of products; or

(3) Other appropriate means.

2. Except as otherwise provided in this subsection, whenever the health authority determines there are reasonable grounds to suspect that the food processed or otherwise prepared by a food processing establishment may constitute a substantial health hazard, the health authority may require that the food processing establishment have its food tested for the presence of any contaminants. The provisions of this subsection do not apply to the extent that a food processing establishment is under investigation for the same purpose pursuant to federal law.

3. If the health authority requires pursuant to subsection 2 that the food processed or otherwise prepared by a food processing establishment ~~pay~~ be tested:

(a) The food processing establishment;

(1) Is responsible for the cost of the testing ~~for~~; and

(2) May perform such testing itself or cause the testing to be performed by a third party.

(b) The testing must be conducted in a manner that is consistent with nationally recognized laboratory standards.

4. Records of the results of any tests conducted pursuant to this section must be retained by the food processing establishment to which the tests pertain for a period of not less than 2 years. The food processing establishment shall, upon request, make those records available to the health authority for its review.

5. If testing required pursuant to subsection 2 indicates that the food processed or otherwise prepared by a food processing establishment is contaminated, the person or entity that conducted the testing shall, within 24 hours after obtaining the test results, report those test results to the health authority.

6. As used in this section:

(a) "Food processing establishment" means a commercial establishment which processes or otherwise prepares and packages wholesale food for human consumption. The term includes, without limitation, establishments that process:

(1) Vitamins;

(2) Food supplements;

(3) Food additives;

(4) Spices;

(5) Tea;

(6) Coffee;

(7) Salsa;

(8) Jelly or jam; or

(9) Condiments.

(b) "Substantial health hazard" includes, without limitation:

(1) Food from an unapproved or unknown source.

(2) Food that is adulterated, labeled improperly, misbranded, contaminated, showing evidence of temperature abuse or otherwise unfit for human consumption.

(3) Food held or kept under any condition that supports the rapid growth of bacteria, unless time is used properly as a public health control.

(4) Food that is or was handled by a person who:

(I) Is infected with a communicable disease; or

(II) Is not practicing strict standards of cleanliness or personal hygiene.

(5) Food that has come into contact with equipment, utensils or working surfaces which are not cleaned and sanitized effectively.

(6) Food prepared in an area where sewage or liquid waste is not disposed of in an approved and sanitary manner.

(7) Food prepared in an area where contamination may result from insects, rodents or other animals.

(8) Food prepared in an area where contamination may result from toxic materials which are stored or used improperly.

(c) "Wholesale food" means food that is processed or otherwise prepared at a food processing establishment and is:

(1) Used subsequently at another food processing establishment; or

(2) Served to the public at a food establishment.

Sec. 2. ~~NRS 446.940 is hereby amended to read as follows:~~

~~446.940 1. Except as provided in subsection 2, this chapter must be enforced by the health authority in accordance with regulations hereby authorized to be adopted by the State Board of Health to carry out the requirements of this chapter. The regulations must adopt nationally recognized guidelines for the manufacturing and processing of food, including, without limitation, procedures for a food establishment or food processing establishment to test the food manufactured or processed within the establishment.~~

~~2. A local board of health may adopt such regulations as it may deem necessary to carry out the requirements of this chapter. Such regulations:~~

~~(a) Become effective when approved by the State Board of Health;~~

~~(b) Must be enforced by the health authority; and~~

~~(c) Supersede the regulations adopted by the State Board of Health pursuant to subsection 1.~~

~~3. All sheriffs, constables, police officers, marshals and other peace officers shall render such services and assistance to the health authority in regard to enforcement as the health authority may request.~~ **(Deleted by amendment.)**

1 **Sec. 3.** ~~[This act becomes effective upon passage and approval for the~~
2 ~~purpose of adopting regulations and on October 1, 2011, for all other purposes.]~~
3 **(Deleted by amendment.)**