

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 food 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 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; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law sets forth provisions governing the regulation of food
2 establishments, including, without limitation, establishments that manufacture or
3 process food intended for human consumption. (Chapter 446 of NRS) Existing law
4 also requires that such provisions be enforced by the officers and agents of the
5 Health Division of the Department of Health and Human Services and the officers
6 and agents of the local boards of health. (NRS 446.050, 446.940) **Section 1** of this
7 bill: (1) requires a food establishment or a food processing establishment that
8 manufactures or processes food intended for human consumption to comply with
9 nationally recognized guidelines for the manufacturing and processing of food that
10 are adopted by the State Board of Health or a local board of health by regulation;
11 and (2) authorizes the health authority to require that food manufactured or
12 processed in such establishments be tested by an independent laboratory and that
13 the cost of the testing be paid by the establishments. **Section 2** of this bill specifies
14 that the regulations of the State Board of Health include the nationally recognized
15 guidelines for manufacturing and processing food.



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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 446.940, including, without limitation, 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 food processing establishment pay the cost of the testing.

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.

Sec. 3. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

