

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. (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 processing establishment that processes or otherwise prepares wholesale food to comply with nationally recognized guidelines for the manufacturing and processing of food; providing for the testing of such processed food 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:

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) This bill: (1)
7 requires a food processing establishment that processes or otherwise prepares
8 wholesale food intended for human consumption to comply with nationally
9 recognized guidelines for the manufacturing and processing of food; (2) authorizes
10 the health authority, under certain circumstances, to require that the food processed
11 or otherwise prepared in such establishments be tested for the presence of
12 contaminants; (3) requires that the cost of the testing be paid by the establishments;
13 (4) requires that the testing be conducted in accordance with nationally recognized
14 laboratory standards; (5) requires timely reporting to the health authority if the
15 testing indicates contamination; and (6) requires the recording and review of test
16 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 processing establishment shall comply with nationally recognized guidelines for the manufacturing and processing of food, including, without limitation:

(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 be tested:

(a) The food processing establishment:

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



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1 *the testing shall, within 24 hours after obtaining the test results,*
2 *report those test results to the health authority.*

3 6. As used in this section:

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

- 8 (1) Vitamins;
9 (2) Food supplements;
10 (3) Food additives;
11 (4) Spices;
12 (5) Tea;
13 (6) Coffee;
14 (7) Salsa;
15 (8) Jelly or jam; or
16 (9) Condiments.

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

18 (1) Food from an unapproved or unknown source.
19 (2) Food that is adulterated, labeled improperly,
20 misbranded, contaminated, showing evidence of temperature
21 abuse or otherwise unfit for human consumption.

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

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

26 (I) Is infected with a communicable disease; or
27 (II) Is not practicing strict standards of cleanliness or
28 personal hygiene.

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

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

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

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

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

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

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

43 Sec. 2. (Deleted by amendment.)



1 **Sec. 3.** (Deleted by amendment.)

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