

ASSEMBLY BILL NO. 200—ASSEMBLYMEN HARDY, GRADY,
CARLTON, HICKEY, OSCARSON; KIRNER, LIVERMORE AND
WHEELER

MARCH 4, 2013

JOINT SPONSORS: SENATORS HARDY; AND CEGAVSKE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to food establishments.
(BDR 40-129)

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; allowing farms to hold farm-to-fork events in certain circumstances without being considered a food establishment for purposes of inspections by the health authority and other regulations; requiring such farms to register with the health authority; providing a similar exemption from requirements applicable to a food establishment for certain farms which manufacture or prepare certain food items for sale or which offer or display such food items under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a permit to operate a food establishment and to comply with various other requirements in the operation of the food establishment. (NRS 446.870) Existing law defines the term "food establishment" for those purposes and specifically excludes certain entities from the definition, including private homes where the food that is prepared or manufactured in the home is not provided for compensation or other consideration of any kind. (NRS 446.020)

Section 5 of this bill adds to the list of entities that are excluded from the definition of "food establishment" a farm holding a farm-to-fork event. **Section 2** of this bill defines the term "farm-to-fork event" as an event where prepared food from a farm is provided for immediate consumption by paying guests at the farm.



* A B 2 0 0 R 2 *

Section 3 of this bill authorizes a farm to hold a farm-to-fork event without being subject to the requirements of a food establishment provided that: (1) any rabbit meat or poultry served is raised and prepared on the farm, and is butchered and processed on the farm pursuant to certain permit and inspection requirements of NRS; (2) other food items served are prepared from ingredients substantially produced on the farm; and (3) each guest is provided with and acknowledges receipt of a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as to the butchering and processing of the meat or poultry. **Section 3** further provides that a farm which holds more than two events in any month becomes a food establishment subject to all the requirements of a food establishment for the remainder of the calendar year. **Section 3.5** requires a farm that wishes to hold farm-to-fork events to register with the health authority by providing certain information and paying a fee. The health authority is prohibited from inspecting the farm, except in certain circumstances. **Section 5** also adds to the list of entities that are excluded from the definition of "food establishment" a farm that manufactures or prepares certain food items for sale or which offers or displays for sale or serves those food items under certain circumstances. **Section 4** of this bill specifies which food items qualify a farm for that exemption.

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 the provisions set forth as sections 2, 3, 3.5 and 4 of this act.

Sec. 2. *"Farm-to-fork event" means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of section 3 of this act.*

Sec. 3. 1. *Except as otherwise provided in subsection 3, a farm is not a "food establishment" for purposes of holding a farm-to-fork event provided that:*

(a) Any poultry and meat from a rabbit that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; and

(b) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.

2. *A farm which holds a farm-to-fork event shall:*

(a) Before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1; and

(b) Obtain from each guest a signed acknowledgment of receipt of the notice.



1 3. A farm which holds more than two events in any month
2 that would otherwise qualify as farm-to-fork events becomes a
3 food establishment for the remainder of that calendar year subject
4 to all of the requirements of this chapter and any regulations
5 adopted pursuant thereto concerning food establishments.

6 **Sec. 3.5.** 1. A farm that wishes to hold farm-to-fork events
7 must register with the health authority by submitting such
8 information as the health authority deems appropriate, including,
9 without limitation:

10 (a) The name, address and contact information of the owner of
11 the farm;

12 (b) The name under which the farm operates; and

13 (c) The address of the farm.

14 2. The health authority may charge a fee for the registration
15 of a farm pursuant to this section in an amount not to exceed the
16 actual cost of the health authority to establish and maintain a
17 registry of farms holding farm-to-fork events.

18 3. The health authority shall not inspect a farm that holds a
19 farm-to-fork event, except as otherwise provided in subsection 3 of
20 section 3 of this act and except that the health authority may
21 inspect a farm following a farm-to-fork event to investigate a food
22 item that may be deemed to be adulterated pursuant to NRS
23 585.300 to 585.360, inclusive, or an outbreak or suspected
24 outbreak of illness known or suspected to be caused by a
25 contaminated food item served at the farm-to-fork event. A farm
26 shall cooperate with the health authority in any such inspection.

27 4. If, as a result of an inspection conducted pursuant to
28 subsection 3, the health authority determines that the farm has
29 produced an adulterated food item or was the source of an
30 outbreak of illness caused by a contaminated food item, the health
31 authority may charge and collect from the farm a fee in an
32 amount not to exceed the actual cost of the health authority to
33 conduct the investigation.

34 **Sec. 4.** 1. A farm which manufactures or prepares a food
35 item by any manner or means whatever for sale, or which offers or
36 displays a food item for sale, is not a "food establishment"
37 pursuant to paragraph (h) of subsection 2 of NRS 446.020 if each
38 such food item is:

39 (a) Made substantially from ingredients that were grown or
40 produced on the farm;

41 (b) Sold at the farm or at a farmers' market licensed pursuant
42 to chapter 244 or 268 of NRS;

43 (c) Sold to a natural person for his or her consumption and
44 not for resale;



(d) *Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101 and which has been approved by the health authority if the food item is sold at a farmers' market;*

(e) *Labeled with "NOT FOR RESALE - PROCESSED AND PREPARED IN A FACILITY WHICH DOES NOT HAVE A PERMIT AND WHICH HAS NOT BEEN INSPECTED BY A STATE OR COUNTY HEALTH AUTHORITY" printed prominently on the label for the food item; and*

(f) *Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers.*

2. *As used in this section:*

(a) *"Farm" means land used for an agricultural purpose, including, without limitation, the production of crops and the on-site storage, preparation and sale of agricultural products principally produced on the land.*

(b) *"Food item" means any food that is not potentially hazardous, does not require time or temperature controls for safety and has a pH of 4.6 or less.*

Sec. 5. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

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

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

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

NRS; ~~for~~



1 (g) The premises of a wholesale dealer of alcoholic beverages
2 licensed under chapter 369 of NRS who handles only alcoholic
3 beverages which are in sealed containers ~~H~~;

4 *(h) A farm that meets the requirements of section 4 of this act*
5 *with respect to a food item as defined in that section; or*

6 *(i) A farm for purposes of holding a farm-to-fork event.*

7 **Sec. 6.** This act becomes effective on July 1, 2013.

