

Amendment No. 27

Assembly Amendment to Assembly Bill No. 40	(BDR 40-223)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

TJO/HAC



Date: 4/5/2023

A.B. No. 40—Revises provisions related to inspections of food establishments.
(BDR 40-223)



ASSEMBLY BILL NO. 40—COMMITTEE ON
HEALTH AND HUMAN SERVICES(ON BEHALF OF THE DIVISION OF PUBLIC AND
BEHAVIORAL HEALTH OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions related to inspections of food establishments.
(BDR 40-223)FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to food establishments; ~~requiring~~ authorizing an applicant for a permit to operate a food establishment to provide an electronic mail address for purposes of communicating certain notices; authorizing, under certain circumstances, a health authority to furnish an electronic original of a food inspection report form; authorizing service of certain written notices by a health authority to be provided electronically; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for an application to a health authority for a permit to operate a food establishment, including that an application include the applicant's full name and post office address. (NRS 446.875) **Section 1** of this bill ~~requires that~~ authorizes such an application also include an electronic mail address by which the health authority may communicate with the applicant and send any inspection report form or other notice.

Existing law requires that whenever the health authority makes an inspection of a food establishment, the health authority furnish the original food inspection report form to the permit holder or operator after the inspection. (NRS 446.890) **Section 2** of this bill authorizes a health authority to furnish an electronic original food inspection report form after such an inspection.

Existing law provides that notice of an inspection report or other written notice is properly served by a health authority when it is delivered personally to the permit holder or sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. (NRS 446.900) **Section 3** of this bill additionally authorizes a health authority to properly serve an inspection report form ~~for other written notice~~ and certain notices on a permit holder by sending the notice to the electronic mail address provided by the permit holder , if any.

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

Section 1. NRS 446.875 is hereby amended to read as follows:

446.875 1. Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include:

(a) The applicant's full name ~~and~~ and post office address ~~and~~ *An applicant may include on the application an electronic mail address by which the health authority may communicate with the applicant and send any inspection report form or other notice.*

(b) A statement whether the applicant is a natural person, firm or corporation, and, if a partnership, the names of the partners, together with their addresses.

(c) A statement of the location and type of the proposed food establishment.

(d) The signature of the applicant or applicants.

2. An application for a permit to operate a temporary food establishment must also include the inclusive dates of the proposed operation.

3. Upon receipt of such an application, the health authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, the health authority shall issue a permit to the applicant.

4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.

5. A permit issued pursuant to this section:

(a) Is not transferable from person to person or from place to place.

(b) Must be posted in every food establishment.

Sec. 2. NRS 446.890 is hereby amended to read as follows:

446.890 1. The health authority, after he or she has properly identified himself or herself, must be permitted to enter, at any reasonable time, any food establishment within the State for the purpose of making any inspection to determine compliance with this chapter. The health authority must be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.

2. Whenever the health authority makes an inspection of a food establishment, the health authority shall record his or her findings on an inspection report form provided for this purpose. The health authority shall furnish the original *or an electronic original* of the inspection report form to the permit holder or operator. The form must summarize the requirements of this chapter.

Sec. 3. NRS 446.900 is hereby amended to read as follows:

446.900 1. Notices provided for in NRS 446.895 shall be deemed to have been properly served when the original of the inspection report form or other notice has been ~~delivered~~:

(a) *Delivered* personally to the permit holder or person in charge ~~or such notice has been sent~~;

(b) *Sent* by registered or certified mail, return receipt requested, to the last known address of the permit holder ~~or~~; *or*

(c) ~~Sent~~ *Except for any notice required pursuant to NRS 446.880, sent to the electronic mail address, if any, provided by the permit holder to the health authority.*

2. A copy of ~~such~~ *any inspection report form or other* notice *provided pursuant to subsection 1* shall be filed with the records of the health authority.

Sec. 4. This act becomes effective on July 1, 2023.