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SECOND REPRINT

A.B. 352

ASSEMBLY BILL NO. 352—ASSEMBLYMEMBER ANDERSON

MARCH 3, 2025

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to businesses.
(BDR 51-890)

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 ~~omitted material~~ is material to be omitted.

AN ACT relating to businesses; requiring a person who wishes to conduct a cottage cosmetics operation to apply to the State Department of Agriculture for a license; setting forth requirements and fees relating to a cottage cosmetics operation; exempting a cottage cosmetics operation from certain licensing requirements; revising and reorganizing certain provisions governing cottage food establishments; requiring a person who wishes to conduct a cottage food operation to apply to the Department; revising certain provisions governing craft food operations; revising provisions governing farm-to-fork events; applying certain provisions governing food delivery service platforms to the delivery of food items from a cottage food operation; providing a penalty; providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commissioner of Food and Drugs is required to adopt regulations for the licensing of every person who manufactures, compounds, processes or packages drugs, devices or cosmetics in this State. (NRS 585.245) **Section 20** of this bill exempts, with certain exceptions, cottage cosmetics operations from the provisions of law governing the licensing, regulation, fees and inspection of such persons by the Commissioner.

Section 4 of this bill defines the term “cottage cosmetics operation” to mean a natural person: (1) who manufactures or prepares cosmetics in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the preparation of a cosmetic, for sale to a natural person; and (2) whose gross sales of such cosmetics are not more than \$100,000 per year. **Section 3** of this bill defines



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the term "cosmetic." **Sections 5 and 6** of this bill define certain other terms relating to cottage cosmetics operations. **Section 2** of this bill applies these definitions to the provisions of **sections 2-11.5** of this bill.

Section 7 requires a person who wishes to conduct a cottage cosmetics operation to apply to the State Department of Agriculture for a license to conduct a cottage cosmetics operation and prescribes certain requirements for such an application. **Section 7** authorizes the Department to: (1) charge certain fees for the issuance and renewal of a license to conduct a cottage cosmetics operation; and (2) inspect a cottage cosmetics operation for certain purposes and charge a fee for the inspection if the cottage cosmetics operation produced an adulterated or misbranded cosmetic or was the source of an outbreak of illness caused by a contaminated cosmetic. **Section 7** also requires the Department to maintain a registry of each person who holds an active license to conduct a cottage cosmetics establishment. **Section 10** requires the Director of the Department to adopt certain regulations governing cottage cosmetics operations.

Section 11 of this bill authorizes the Director to impose a civil penalty of not more than \$500 for a violation of the provisions of **sections 2-11.5**. **Section 21** of this bill provides that the civil penalty is an exception to the criminal penalties imposed for other violations of the provisions relating to food, drugs and cosmetics.

Section 11.5: (1) prohibits certain entities from adopting an ordinance or other regulation that prohibits a natural person from operating a cottage cosmetics operation; and (2) provides that the provisions of **sections 2-11.5** do not prohibit certain entities from regulating the time, place or manner of a cottage cosmetics operation, provided that such regulations do not unreasonably restrict or prohibit a person from conducting a cottage cosmetics operation.

Existing law sets forth certain requirements for a food establishment that prepares food intended for human consumption. (NRS 446.0145-446.945) Existing law exempts a cottage food operation from such requirements and requires a person who wishes to conduct a cottage food operation to register with a certain health authority. (NRS 446.866) **Section 16** of this bill instead requires a person who wishes to conduct a cottage food operation to apply to the Department for a license to conduct a cottage food operation. **Sections 14-16** of this bill revise and reorganize the existing provisions governing cottage food operations into new sections of the Nevada Revised Statutes. **Section 28** of this bill repeals an existing provision governing cottage food operations made redundant by **section 16**. **Section 14** revises the definition of "cottage food operation" to apply to a natural person who manufactures or prepares food items in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a food item, for sale and whose gross sales of such food items are not more than \$100,000 per calendar year. **Section 15** revises the definition of "food item" to include, certain food items.

Additionally, **section 16** authorizes a cottage food operation to: (1) sell food items via a transaction by telephone or via the Internet; and (2) fulfill a transaction in person, by mail or through a food delivery service platform. **Section 26** of this bill makes a cottage food operation a "food dispensing establishment," thereby applying the provisions governing the food delivery service platforms to the delivery of food items from a cottage food operation. **Section 16** authorizes the Department to charge certain fees for the issuance and renewal of a license to conduct a cottage food operation. **Section 16** further requires the Department to maintain a registry of each person who holds an active license to conduct a cottage food operation. **Section 19** of this bill requires the Director of the Department to adopt certain regulations governing cottage food operations.

Section 19.5 of this bill: (1) prohibits certain entities from adopting an ordinance or other regulation that prohibits a person from preparing food in a cottage operation; and (2) provides that the provisions of **sections 12-19.5** do not



prohibit certain entities from regulating the time, place or manner of a cottage food operation, provided that such regulations do not unreasonably restrict or prohibit a person from conducting a cottage food operation.

Section 23 of this bill revises the definition of "food establishment" to reflect the reorganization of provisions governing cottage food operations.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 8, 9, 17 and 18** enact such procedures as applicable to an applicant for a license to conduct a cottage cosmetics operation and an applicant for a license to conduct a cottage food operation in order to comply with federal law.

Existing law provides that the penalty for a violation of any provision of existing law relating to agricultural products and seeds is a civil penalty of not more than \$500 for each violation. (NRS 587.900) This penalty applies to **sections 12-19.5** of this bill.

Existing law exempts a farm from certain provisions governing food establishments for the purposes of holding a farm-to-fork event under certain conditions. (NRS 446.868) **Section 24** of this bill authorizes a farm holding such an event to serve certain food items provided that: (1) any livestock or game animal that is served at the event is butchered and processed on the farm in accordance with certain provisions of law or was inspected and approved under a certain inspection program; and (2) certain other food items served at the farm-to-fork event are sourced from certain facilities or was inspected and approved under a certain inspection program. **Section 24** also exempts: (1) a farm from certain provisions governing food establishments provided that the farm holds four events or less in a month; and (2) a farm that holds more than four events during a harvest or holiday season from such provisions. **Section 25** of this bill prohibits the Department from charging a fee for the registration of a farm to hold farm-to-fork events when the annual revenue of the farm for the preceding calendar year was less than \$100,000.

Existing law sets forth certain requirements for a craft food operation in which a person manufactures or prepares acidified foods in certain kitchens and whose gross sales of such foods are not more than \$35,000 per calendar year and authorizes the Department to adopt certain regulations governing such operations. (NRS 587.691-587.699) **Section 21.2** of this bill increases the amount of gross sales that a craft food operation may have to not more than \$100,000 per calendar year.

Section 21.4 of this bill authorizes a craft food operation to sell acidified foods in a transaction by telephone or via the Internet and requires that the sale be fulfilled in person. **Section 21.6** of this bill eliminates the requirements that an acidified food be produced by a person who: (1) maintains a log and supporting documentation concerning the canning date for each batch of acidified foods produced by the person; and (2) uses only certain canning recipes. **Section 21.8** of this bill eliminates the authority of the Department to charge a fee to a person who produces acidified food for a course of training and an examination.



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

Section 1. Chapter 585 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19.5, inclusive of this act.

Sec. 2. *As used in sections 2 to 11.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Cosmetic” means:*

1. Bath preparations, including, without limitation, oils, tablets, salts, bubble baths and bath capsules;

2. Fragrance preparations, including, without limitation, colognes, perfumes and powders;

3. Noncoloring hair preparations, including, without limitation, conditioners, rinses and shampoos;

4. Personal cleanliness preparations, including, without limitation, bath soaps, body washes and deodorants; and

5. Skin care preparations for the body and hands, including, without limitation, lotions, salves, balms and skin fresheners.

Sec. 4. *“Cottage cosmetics operation”:*

1. Means a natural person:

(a) Who manufactures or prepares cosmetics in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a cosmetic, for sale to a natural person; and

(b) Whose gross sales of such cosmetics are not more than \$100,000 per year.

2. The term does not include an operation that engages in the manufacturing or processing of any of the products described in 21 U.S.C. § 364h(b).

Sec. 5. *“Department” means the State Department of Agriculture.*

Sec. 6. *“Director” means the Director of the Department.*

Sec. 7. *1. A person shall not conduct a cottage cosmetics operation unless the person holds a license issued pursuant to subsection 2.*

2. A natural person who wishes to obtain a license to conduct a cottage cosmetics operation must submit to the Department an application on a form prescribed by the Director. The application must include, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage cosmetics operation; and



(b) If the cottage cosmetics operation sells cosmetics under a name other than the name of the natural person who conducts the cottage cosmetics operation, the name under which the cottage cosmetics operation sells cosmetics.

3. The Department may charge a fee for the issuance or renewal of a license to conduct a cottage cosmetics operation pursuant to subsection 2 in an amount not to exceed the actual cost of the Department to issue or renew a license and maintain the registry required by subsection 6.

4. The Department may inspect a cottage cosmetics operation only to investigate a cosmetic that may be deemed to be adulterated or misbranded pursuant to NRS 585.500 and 585.510, or an outbreak or suspected outbreak of illness known or suspected to be caused by an adulterated cosmetic. The cottage cosmetics operation shall cooperate with the Department in any such inspection. If, as a result of such an inspection, the Department determines that the cottage cosmetics operation has produced an adulterated or misbranded cosmetic or was the source of an outbreak caused by a contaminated cosmetic, the Department may charge and collect from the cottage cosmetics operation a fee in an amount that does not exceed the actual cost of the Department to conduct the investigation.

5. The Department shall maintain a registry of each natural person who holds an active license to conduct a cottage cosmetics operation. The registry must include, without limitation, the name under which the cottage cosmetics operation sells cosmetics.

Sec. 8. 1. In addition to any other requirements set forth in sections 2 to 11.5, inclusive, of this act, an applicant for a license or the renewal of a license to conduct a cottage cosmetics operation shall:

(a) Include the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of the applicant in the application submitted to the Department pursuant to section 7 of this act.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.



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3. A license to conduct a cottage cosmetics operation may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 9. 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed to conduct a cottage cosmetics operation, the Department shall deem the license of that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 10. The Director shall adopt regulations to carry out the provisions of sections 2 to 11.5, inclusive, of this act, including, without limitation, regulations prescribing requirements for a person to obtain a license to conduct a cottage cosmetics operation.

Sec. 11. The Director may, after notice and an opportunity for a hearing, impose a civil penalty of not more than \$500 for each violation of sections 2 to 11.5, inclusive, of this act.



Sec. 11.5. 1. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt an ordinance or other regulation that prohibits a natural person from operating a cottage cosmetics operation.

2. Nothing in the provisions of sections 2 to 11.5, inclusive, of this act, shall be construed to prohibit a local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county from adopting an ordinance or regulation that regulates the time, place or manner of a cottage cosmetics operation, provided that such an ordinance or regulation does not unreasonably restrict or prohibit a natural person from conducting a cottage cosmetics operation.

Sec. 12. As used in sections 12 to 19.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 14 and 15 of this act have the meanings ascribed to them in those sections.

Sec. 13. (Deleted by amendment.)

Sec. 14. "Cottage food operation" means a natural person:

1. Who manufactures or prepares food items in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a food item, for sale to a natural person for consumption; and

2. Whose gross sales of such food items are not more than \$100,000 per calendar year.

Sec. 15. "Food item" means:

1. Nuts and nut mixes;

2. Candies;

3. Jams, jellies and preserves;

4. Dry herbs, seasoning mixes and teas;

5. Dried fruits and vegetables;

6. Cereals, trail mixes and granola;

7. Popcorn and popcorn balls; or

8. Baked goods that:

(a) Are not potentially hazardous foods;

(b) Do not contain cream, uncooked egg, custard meringue or cream cheese frosting or garnishes; and

(c) Do not require time or temperature controls for food safety.

Sec. 16. 1. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (i) of subsection 2 of NRS 446.020 if each such food item is:

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells



1 the food item directly to a consumer, including, without limitation,
2 a farmers' market licensed pursuant to chapter 244 or 268 of
3 NRS, flea market, swap meet, church bazaar, garage sale or craft
4 fair, by means of an in-person transaction or a transaction by
5 telephone or via the Internet. A sale made pursuant to this
6 paragraph may be fulfilled in person, by mail or through a food
7 delivery service platform, as defined in NRS 597.7627.

8 (b) Sold to a natural person for his or her consumption and
9 not for resale.

10 (c) Affixed with a label which complies with the federal
11 labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R.
12 Part 317 and 21 C.F.R. Part 101.

13 (d) Labeled with "MADE IN A COTTAGE FOOD
14 OPERATION THAT IS NOT SUBJECT TO GOVERNMENT
15 FOOD SAFETY INSPECTION" printed prominently on the label
16 for the food item.

17 (e) Prepackaged in a manner that protects the food item from
18 contamination during transport, display, sale and acquisition by
19 consumers.

20 (f) Prepared and processed in the kitchen of the private home
21 of the natural person who manufactures or prepares the food item
22 or, if allowed by the Department, in a kitchen that is not otherwise
23 required by law to be inspected for the purposes of preparing a
24 food item.

25 2. A person shall not conduct a cottage food operation unless
26 the person holds a license issued pursuant to subsection 3.

27 3. A natural person who wishes to obtain a license to conduct
28 a cottage food operation must submit to the Department an
29 application on a form prescribed by the Director. The application
30 must include, without limitation:

31 (a) The name, address and contact information of the natural
32 person conducting the cottage food operation; and

33 (b) If the cottage cosmetics operation sells food items under a
34 name other than the name of the natural person who conducts the
35 cottage food operation, the name under which the cottage food
36 operation sells food items.

37 4. The Department may charge a fee for the issuance or
38 renewal of a license to conduct a cottage food operation pursuant
39 to subsection 3 in an amount not to exceed the actual cost of the
40 Department to issue and renew a license and maintain the registry
41 required by subsection 6.

42 5. The Department may inspect a cottage food operation only
43 to investigate a food item that may be deemed to be adulterated or
44 misbranded pursuant to NRS 585.300 to 585.360, inclusive, or an
45 outbreak or suspected outbreak of illness known or suspected to be



caused by a contaminated food item. The cottage food operation shall cooperate with the Department in any such inspection. If, as a result of such inspection, the Department determines that the cottage food operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Department may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the Department to conduct the investigation.

6. The Department shall maintain a registry of each natural person who holds an active license to conduct a cottage food operation. The registry must include, without limitation, the name under which the cottage food operation sells food items.

Sec. 17. 1. In addition to any other requirements set forth in sections 12 to 19.5, inclusive, of this act, an applicant for a license or the renewal of a license to conduct a cottage food operation shall:

(a) Include the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of the applicant in the application submitted to the Department pursuant to section 16 of this act.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license to conduct a cottage food operation may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed



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pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 18. 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed to conduct a cottage food operation, the Department shall deem the license of that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 19. The Director shall adopt regulations necessary to carry out the provisions of sections 12 to 19.5, inclusive, of this act, including, without limitation, regulations prescribing requirements for a person to obtain a license to conduct a cottage food operation.

Sec. 19.5. 1. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt an ordinance or other regulation that prohibits a natural person from operating a cottage food operation.

2. Nothing in the provisions of sections 12 to 19.5, inclusive, of this act, shall be construed to prohibit a local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county from adopting an ordinance or regulation that regulates the time, place or manner of a cottage food operation, provided that such an ordinance or regulation does not unreasonably restrict or prohibit a natural person from conducting a cottage food operation.

Sec. 20. NRS 585.245 is hereby amended to read as follows:
585.245 1. The Commissioner shall adopt regulations for the licensing of every person who manufactures, compounds, processes or packages drugs, devices or cosmetics in a factory, warehouse, laboratory or other location in this State. The regulations must set forth the requirements for issuance and renewal of a license. Only a



1 person who complies with the requirements of this chapter is
2 entitled to a license. A license is not transferable from person to
3 person or from place to place. The regulations must prescribe the
4 length of term for which a license is issued and must set forth
5 grounds and procedures for the revocation, suspension or
6 nonrenewal of a license.

7 2. A valid license is required for the manufacturing,
8 compounding, processing or packaging of drugs, devices or
9 cosmetics in any factory, warehouse, laboratory or other location in
10 this State. Licensed pharmacies compounding or packaging
11 prescriptions are exempt from this provision.

12 3. The Commissioner shall establish and collect fees for the
13 purpose of paying the costs of inspecting, testing and other functions
14 required under the provisions of this chapter with respect to any
15 drug, device or cosmetic. Failure to pay any fee imposed pursuant to
16 this subsection is a ground for revocation, suspension or nonrenewal
17 of a license. All such fees collected by the Commissioner must be
18 deposited with the State Treasurer for credit to the State General
19 Fund.

20 4. As a condition for entertaining the application of any
21 applicant for any license authorized under this chapter, and as a
22 further condition for the issuance of any such license, the
23 Commissioner or the Commissioner's authorized agent is entitled to
24 free access at all reasonable hours to any factory, warehouse or
25 other location in which drugs, devices or cosmetics are
26 manufactured, compounded, processed or packaged or held for
27 introduction into commerce, and may enter any vehicle being used
28 to transport or hold such drugs, devices or cosmetics in commerce,
29 for the purposes of:

30 (a) Inspecting the factory, warehouse, other location or vehicle
31 to determine whether any of the provisions of this chapter is being
32 violated; and

33 (b) Securing samples or specimens of any drug, device or
34 cosmetic after paying or offering to pay therefor.

35 5. The Commissioner shall make, or cause to be made,
36 examinations of samples and specimens secured under the
37 provisions of this section to determine whether any of the provisions
38 of this chapter is being violated.

39 ***6. A cottage cosmetics operation subject to the requirements***
40 ***of sections 2 to 11.5, inclusive, of this act, is exempt from the***
41 ***provisions of this section.***

42 **Sec. 21.** NRS 585.550 is hereby amended to read as follows:

43 585.550 1. A person who manufactures, compounds,
44 processes or packages any drug in a factory, warehouse, laboratory
45 or other location in this state without a license required by NRS



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585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~1A~~ *Except as otherwise provided in section 11 of this act, a person who violates any other provision of this chapter is guilty of a gross misdemeanor.*

Sec. 21.2. NRS 587.693 is hereby amended to read as follows:

587.693 “Craft food operation” means a natural person who manufactures or prepares acidified foods in his or her private home or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption, and whose gross sales of such foods are not more than ~~[\$35,000]~~ *\$100,000* per calendar year.

Sec. 21.4. NRS 587.6945 is hereby amended to read as follows:

587.6945 1. A craft food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a “food establishment” pursuant to paragraph (j) of subsection 2 of NRS 446.020 if each such food item is:

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers’ market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction ~~[that does not involve selling the food item]~~ *or a transaction* by telephone or via the Internet . ~~1A~~ *A sale made pursuant to this paragraph must be fulfilled in person.*

(b) Sold to a natural person for his or her consumption and not for resale . ~~1A~~

(c) 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 . ~~1A~~

(d) Labeled with:

(1) The date the food item was produced . ~~1A; and~~

(2) “MADE IN A CRAFT FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION” printed prominently on the label for the food item . ~~1A~~

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers . ~~1A; and~~

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if



1 allowed by the health authority, in the kitchen of a fraternal or social
2 clubhouse, a school or a religious, charitable or other nonprofit
3 organization.

4 2. No local zoning board, planning commission or governing
5 body of an unincorporated town, incorporated city or county may
6 adopt any ordinance or other regulation that prohibits a natural
7 person from preparing food in a craft food operation.

8 3. As used in this section, “food item” means acidified foods
9 produced by a person who meets the requirements of NRS 587.695
10 to 587.699, inclusive.

11 **Sec. 21.6.** NRS 587.695 is hereby amended to read as follows:

12 587.695 For the purposes of a craft food operation, an acidified
13 food must be produced by a person who:

14 1. Complies with the requirements of NRS 587.6945;

15 2. Is registered pursuant to NRS 587.696;

16 3. Maintains a log and supporting documentation for not less
17 than 5 years which must include:

18 (a) The name of each acidified food produced;

19 (b) The recipe for each acidified food produced, including,
20 without limitation, the ingredients and the process used in
21 preparation of the acidified food; *and*

22 (c) ~~The canning date of each batch produced; and~~

23 ~~—(d)—~~ The results of the pH test for each batch produced; *and*

24 4. For the purposes of paragraph ~~((d))~~ (c) of subsection 3, uses
25 a pH test meter that meets the requirements of the regulations
26 adopted by the State Department of Agriculture. ~~—; and~~

27 ~~—5. Uses only canning recipes that have been approved by, or~~
28 ~~included in publications approved by, the State Department of~~
29 ~~Agriculture.]~~

30 **Sec. 21.8.** NRS 587.696 is hereby amended to read as follows:

31 587.696 1. The Department shall register a person who
32 produces acidified foods if the person:

33 (a) Completes a course of training in basic food safety and the
34 preparation and canning of acidified foods which has been approved
35 by the Department;

36 (b) Passes an examination on the preparation of acidified foods
37 which has been approved by the Department;

38 (c) Pays the registration fee prescribed by the Department; and

39 (d) Provides the Department with such information as the
40 Department deems appropriate, including, without limitation:

41 (1) The name, address and contact information of the natural
42 person who is producing the acidified foods; and

43 (2) If the acidified foods are sold under a name other than
44 that of the natural person who produces the acidified foods, the
45 name under which the natural person sells the acidified foods.



2. A registration that is issued or otherwise recorded pursuant to subsection 1 is valid for 3 years after the date of initial registration and may be renewed pursuant to the provisions of subsection 3.

3. The Department shall renew a registration that is issued or otherwise recorded pursuant to subsection 1 every 3 years if the person:

(a) Provides proof satisfactory to the Department that the person has complied with the requirements of NRS 587.695;

(b) Completes a course of training in basic food safety and the preparation and canning of acidified foods which has been approved by the Department;

(c) Passes an examination on the preparation of acidified foods which has been approved by the Department;

(d) Pays the renewal fee prescribed by the Department; and

(e) Provides the Department with any such information as the Department deems appropriate.

4. The Department shall provide to each person registered to produce acidified foods pursuant to this section:

(a) Periodic updates on, without limitation, the testing and preparation of acidified foods; and

(b) Information about workshops or other training opportunities related to the safe production of acidified foods.

5. The Department may inspect the premises of a person registered to produce acidified foods pursuant to this section only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The producer of acidified foods shall cooperate with the Department in any such inspection. If, as a result of such an inspection, the Department determines that the producer of acidified foods has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Department may charge and collect from the producer of acidified foods a fee in an amount that does not exceed the actual cost to the Department to conduct the investigation.

6. The Department may charge a reasonable fee for:

(a) Registration pursuant to subsection 1;

(b) Renewal of a registration pursuant to subsection 3; **and**

~~(c) A course of training pursuant to subsections 1 and 3;~~

~~—(d) An examination pursuant to subsections 1 and 3; and~~

~~—(e) An investigation conducted pursuant to subsection 5.~~



Sec. 22. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this section and NRS 446.868 and 446.869, unless the context otherwise requires, "Department" means the State Department of Agriculture.

Sec. 23. 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, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to chapter 583 of NRS;

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

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

(h) A facility that produces eggs which is regulated pursuant to chapter 583 of NRS;

(i) A cottage food operation that meets the requirements of ~~NRS 446.866~~ **section 16 of this act** with respect to food items as defined in ~~that~~ **section 15 of this act**;

(j) A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section; or

(k) A farm for purposes of holding a farm-to-fork event.

3. As used in this section, "poultry" has the meaning ascribed to it in NRS 583.405.



Sec. 24. NRS 446.868 is hereby amended to read as follows:

446.868 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; ~~land~~

(b) *Any livestock or game animal that is served at the farm-to-fork event is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS or was inspected and approved under an inspection program administered by the United States Department of Agriculture; and*

(c) 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 ~~or~~ *or sourced from a facility that satisfies the requirements of chapter 583 of NRS or was inspected and approved under an inspection program administered by the United States Department of Agriculture.*

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

3. ~~[A]~~ *Except as otherwise provided in subsection 4, a farm which holds more than ~~two~~ four events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year subject to all of the requirements of this chapter and any regulations adopted pursuant thereto concerning food establishments.*

4. *The Director of the Department may provide an exemption from the requirements of subsection 3 to a farm which holds more than four events during a harvest or holiday season.*

5. *As used in this section:*

(a) *“Game animal” means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule or other equine, or as poultry or fish. The term includes mammals, including, without limitation, reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria or muskrat, and nonaquatic reptiles such as land snakes.*

(b) *“Livestock” has the meaning ascribed to it in NRS 583.325.*



Sec. 25. NRS 446.869 is hereby amended to read as follows:

1. A farm that wishes to hold farm-to-fork events must register with the ~~health authority~~ **Department** by submitting such information as the ~~health authority~~ **Department** deems appropriate, including, without limitation:

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

(b) The name under which the farm operates; ~~land~~

(c) The address of the farm ~~{};~~ **and**

(d) The annual revenue of the farm for the immediately preceding calendar year.

2. ~~The health authority~~ **Except as otherwise provided in this subsection, the Department** may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the ~~health authority~~ **Department** to establish and maintain ~~the~~ **registry** ~~of farms holding farm-to-fork events.~~ **required pursuant to subsection 5. The Department shall not charge a fee for the registration of a farm when the annual revenue of the farm for the immediately preceding calendar year was less than \$100,000.**

3. The ~~health authority~~ **Department** shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of NRS 446.868 and except that the ~~health authority~~ **Department** may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the ~~health authority~~ **Department** in any such inspection.

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

5. The Department shall maintain a registry of farms holding farm-to-fork events that are registered with the Department pursuant to subsection 1. The registry must include, without limitation, the name under which the farm operates.

Sec. 26. NRS 597.7629 is hereby amended to read as follows:

597.7629 1. "Food dispensing establishment" means a food establishment **or a cottage food operation** that prepares and serves food intended for immediate consumption. The term includes,



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without limitation, a restaurant. The term does not include a convenience store or a grocery store.

2. As used in this section:

(a) “Convenience store” has the meaning ascribed to it in NRS 597.225.

(b) *“Cottage food operation” has the meaning ascribed to it in section 14 of this act.*

(c) “Food establishment” has the meaning ascribed to it in NRS 446.020.

~~(c)~~ (d) “Grocery store” has the meaning ascribed to it in NRS 597.225.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 446.866 is hereby repealed.

Sec. 29. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 28, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2027, for all other purposes.

3. Sections 8, 9, 17 and 18 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

446.866 Exemption from certain requirements; certain local governing bodies prevented from prohibiting cottage food operations; registration; fee; inspection.

446.866 1. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a “food establishment” pursuant to paragraph (i) of subsection 2 of NRS 446.020 if each such food item is:



(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction that does not involve selling the food item by telephone or via the Internet;

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

(c) 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;

(d) Labeled with "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item;

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

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.

2. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing food in a cottage food operation.

3. Each natural person who wishes to conduct a cottage food operation must, before selling any food item, register the cottage food operation with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage food operation; and

(b) If the cottage food operation sells food items under a name other than the name of the natural person who conducts the cottage food operation, the name under which the cottage food operation sells food items.

4. The health authority may charge a fee for the registration of a cottage food operation pursuant to subsection 3 in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of cottage food operations.



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5. The health authority may inspect a cottage food operation only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The cottage food operation shall cooperate with the health authority in any such inspection. If, as a result of such inspection, the health authority determines that the cottage food operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the health authority to conduct the investigation.

6. As used in this section:

(a) “Cottage food operation” means a natural person who manufactures or prepares food items in his or her private home or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption and whose gross sales of such food items are not more than \$35,000 per calendar year.

(b) “Food item” means:

- (1) Nuts and nut mixes;
- (2) Candies;
- (3) Jams, jellies and preserves;
- (4) Vinegar and flavored vinegar;
- (5) Dry herbs and seasoning mixes;
- (6) Dried fruits;
- (7) Cereals, trail mixes and granola;
- (8) Popcorn and popcorn balls; or
- (9) Baked goods that:
 - (I) Are not potentially hazardous foods;
 - (II) Do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes; and
 - (III) Do not require time or temperature controls for food safety.

