

Amendment No. 461

Senate Amendment to Senate Bill No. 295	(BDR 40-44)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 295 (§§ 7, 9).

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.



SENATE BILL NO. 295—SENATORS DOÑATE AND FLORES

MARCH 6, 2025

JOINT SPONSORS: ASSEMBLYMEMBERS GONZÁLEZ,
MOORE AND D’SILVA

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions related to food establishments. (BDR 40-44)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ ~~7-9~~ **7, 9**)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 certain local boards of health to provide certain information ~~[and outreach]~~ relating to sidewalk vendors; ~~[requiring certain local boards of health to establish a task force relating to sidewalk vendors; requiring certain local boards of health to enter into certain agreements relating to conveyances; revising provisions relating to cottage food operations to exempt sidewalk vendors who sell certain food items;]~~ **setting forth certain requirements for the regulation of sidewalk vendors by certain local boards of health and certain local zoning boards, planning commissions and local governments;** exempting an establishment that sells or offers or displays for sale certain foods from the definition of “food establishment”; revising certain requirements which certain local boards of health are required to adopt relating to sidewalk vendors who sell food; **prohibiting certain governmental bodies from limiting the types of food that may be sold by a sidewalk vendor;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires a local board of health in a county whose population is 100,000 or
- 2 more (currently Clark and Washoe Counties) or a city in a county whose population is
- 3 100,000 or more to adopt regulations governing sidewalk vendors of food. (NRS 446.861)
- 4 **Sections ~~3-5~~ **3 and 5**** of this bill define certain terms relating to sidewalk vendors.
- 5 **Section 7** of this bill requires a local board of health to: (1) develop and update certain
- 6 guidance documents explaining the requirements of existing regulations adopted by the local
- 7 board of health governing sidewalk vendors; **and** (2) make certain documents available on the
- 8 Internet website of the local board of health in more than one language. ~~§ (3) conduct~~

9 outreach regarding certain provisions of existing regulations relating to sidewalk vendors; and
 10 (4) conduct workshops and informational sessions relating to existing regulations governing
 11 sidewalk vendors.

12 ~~— Section 8 of this bill requires a local board of health to establish a task force to advise the~~
 13 ~~local board of health on issues relating to the regulation of sidewalk vendors.]~~

14 **Section 6** of this bill limits the applicability of **sections ~~[7-9] 7 and 9 of this bill~~** to a
 15 local board of health in a county whose population is 100,000 or more or a city in a county
 16 whose population is 100,000 or more.

17 **Section 13** of this bill requires a local board of health to adopt regulations governing
 18 sidewalk vendors of food, including requirements relating to: (1) the plans for the design of a
 19 **nonstationary** conveyance and the ~~[types] use of modular~~ conveyances ~~[that may be used]~~
 20 by a sidewalk vendor; (2) ~~[performing food preparation in certain kitchens; (3)]~~ the use of
 21 **certain** sinks ~~[, water tanks and water heaters.]~~ by a sidewalk vendor; and ~~[(4)] (3)~~ the storage
 22 of a conveyance in a private home.

23 **Section 10 of this bill prohibits, with certain exceptions, a local board of health from**
 24 **requiring a sidewalk vendor to prepare certain food items in a commercial grade**
 25 **kitchen.**

26 **Section 11.5 of this bill provides, with certain exceptions, that the provisions of**
 27 **existing law and sections 2-11.5 of this bill do not prohibit a local zoning board, planning**
 28 **commission or governing body of a county, city or unincorporated town from adopting**
 29 **certain ordinances and regulations that: (1) prescribe the locations where sidewalk**
 30 **vendors are allowed to operate; (2) authorize the seizure of food items, a conveyance or**
 31 **apparatus; and (3) authorize the destruction of certain food items. Sections 11.5, 14.3**
 32 **and 14.7 of this bill further prohibit, with certain exceptions, such governmental entities**
 33 **from limiting the types of food items a sidewalk vendor may sell if such food items**
 34 **comply with the regulations of a local board of health.**

35 **Section 9** ~~[of this bill]~~ requires a local board of health to: (1) ~~[enter into contracts and~~
 36 ~~other legal agreements with manufacturers of conveyances to provide for the purchase of a~~
 37 ~~conveyance, the design of which complies]~~ **prepare, maintain and make publicly available**
 38 **on the Internet website of the local board of health a list of nonstationary conveyances**
 39 **that comply with the plans approved by the local board of health ~~[, by a person seeking to~~**
 40 **operate as] **and a model menu of preapproved food items that may be sold by** a sidewalk
 41 vendor; and (2) establish a process to preapprove ~~[such]~~ a person **who purchases a**
 42 **nonstationary conveyance on the list** and preapprove certain food items sold from such a
 43 conveyance.**

44 Existing law defines the term “food establishment” for the purposes of existing law
 45 relating to food establishments and sets forth certain exceptions from the definition. (NRS
 46 446.020) **Section 12** of this bill exempts from the definition of “food establishment” any
 47 establishment in which only whole produce or **commercially** prepackaged food which is not a
 48 potentially hazardous food is sold or offered or displayed for sale and, as a result of this
 49 change, such an establishment is not subject to the existing requirements governing food
 50 establishments.

51 ~~[Existing law provides that a cottage food operation that meets certain requirements and~~
 52 ~~sells certain food items, including nuts and nut mixes, candies, jams, jellies and preserves and~~
 53 ~~certain baked goods is not a food establishment and is thus exempt from various requirements~~
 54 ~~governing food establishments. (NRS 446.020, 446.866) Section 4 of this bill defines “cottage~~
 55 ~~food operation” for the purposes of this exemption to include a natural person who operates as~~
 56 ~~a sidewalk vendor and sells, prepares or manufactures food items for sale from a conveyance~~
 57 ~~to a natural person and whose gross sales of such food items are not more than \$35,000 per~~
 58 ~~calendar year.~~

59 ~~— Section 10 of this bill provides that a cottage food operation is not a food establishment~~
 60 ~~for the purposes of existing law governing food establishments if the food items sold by the~~
 61 ~~cottage food operation meet certain requirements, including that: (1) the food item must be~~
 62 ~~sold from a conveyance and require no food preparation or limited food preparation on the~~
 63 ~~conveyance by the natural person selling the food item; and (2) the food item must be~~
 64 ~~prepared on the conveyance for immediate service, prepackaged by the natural person for sale~~
 65 ~~from the conveyance or purchased prepackaged and sold in the original packaging from the~~
 66 ~~conveyance. Section 10 further sets forth the types of food items that such a cottage food~~
 67 ~~operation may sell.~~

68 ~~Sections 11 and 14 of this bill move and reorganize existing requirements governing~~
 69 ~~cottage food operations and apply such requirements to cottage food operations that meet the~~
 70 ~~requirements of section 10.~~

71 **Section 2** ~~[of this bill]~~ applies the definitions in ~~sections 3-5~~ **3 and 5** to the provisions
 72 of existing law relating to food establishments.

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

1 **Section 1.** Chapter 446 of NRS is hereby amended by adding thereto the
 2 provisions set forth as sections 2 to ~~11.1~~ **11.5**, inclusive, of this act.

3 **Sec. 2.** *As used in this chapter, unless the context otherwise requires, the*
 4 *words and terms defined in NRS 446.0145 to 446.069, inclusive, and sections 3* ~~f~~
 5 ~~4 and 5 of this act have the meanings ascribed to them in those sections.~~

6 **Sec. 3.** *“Conveyance” includes, without limitation, a pushcart, stand,*
 7 *display, pedal-driven cart, wagon, showcase or rack.*

8 **Sec. 4.** ~~“Cottage food operation” means a natural person who:~~
 9 ~~1. Manufactures or prepares food items in his or her private home or, if~~
 10 ~~allowed by the health authority, in the kitchen of a fraternal or social clubhouse,~~
 11 ~~a school or a religious, charitable or other nonprofit organization, for sale to a~~
 12 ~~natural person for consumption and whose gross sales of such food items are not~~
 13 ~~more than \$35,000 per calendar year; or~~

14 ~~2. Operates as a sidewalk vendor and sells, manufactures or prepares food~~
 15 ~~items for sale from a conveyance to a natural person for consumption and whose~~
 16 ~~gross sales of such food items are not more than \$35,000 per calendar year.]~~
 17 **(Deleted by amendment.)**

18 **Sec. 5.** *“Sidewalk vendor” means a person who sells food upon a public*
 19 *sidewalk or other pedestrian path from a conveyance. The term includes a*
 20 *nonstationary sidewalk vendor and a stationary sidewalk vendor.*

21 **Sec. 6.** *The provisions of NRS 446.861 and sections 8* ~~7~~ **7** *and 9 of this act*
 22 *apply only to a local board of health in a county whose population is 100,000 or*
 23 *more or a city in a county whose population is 100,000 or more.*

24 **Sec. 7.** A local board of health shall:

25 1. *Develop and update guidance documents which explain any*
 26 *requirements adopted in accordance with NRS 446.861 governing sidewalk*
 27 *vendors, including, without limitation, the process for a person to apply to the*
 28 *local board of health for a permit, license or other authorization.*

29 2. *Make available on the Internet website of the local board of health all*
 30 *guidance documents developed pursuant to subsection 1 and all documents*
 31 *necessary to apply to the local board of health for a permit, license or other*
 32 *authorization. All such documents must be clearly visible, easily accessible and*
 33 *available on the Internet website of the local board of health in more than one*
 34 *language.*

35 ~~3. Conduct outreach to:~~

36 ~~(a) Designers and manufacturers of conveyances regarding the plans for the~~
 37 ~~design of a conveyance approved in accordance with the regulations adopted~~
 38 ~~pursuant to NRS 446.861; and~~

39 ~~(b) Owners and operators of commercial grade kitchens to raise awareness~~
 40 ~~of the opportunity to be approved as a food preparation space for sidewalk~~
 41 ~~vendors in accordance with the regulations adopted pursuant to NRS 446.861.~~

~~4. Conduct workshops and informational sessions in the county or city, as applicable, to provide information and guidance on existing regulations governing sidewalk vendors.~~

Sec. 8. ~~1. A local board of health shall establish a task force composed of representatives of community organizations and sidewalk vendors to advise the local board of health on issues relating to the regulation of sidewalk vendors.~~

~~2. The local board of health may require a task force established pursuant to subsection 1 to:~~

~~(a) Monitor the implementation of regulations adopted by the local board of health relating to sidewalk vendors and assess the impact of such regulations on public health and sidewalk vendors;~~

~~(b) Review and recommend updates to the guidance documents developed by the local board of health pursuant to section 7 of this act;~~

~~(c) Review information relating to best practices for sidewalk vendors and make recommendations to the local board of health regarding such best practices; or~~

~~(d) Make recommendations to the local board of health relating to emerging challenges facing sidewalk vendors.~~ **(Deleted by amendment.)**

Sec. 9. **1.** A local board of health shall enter into contracts or other legal agreements with manufacturers of conveyances to provide for the purchase of a conveyance that complies; prepare, maintain and make publicly available on the Internet website of the local board of health:

(a) A list of nonstationary conveyances that comply with the plans approved by the local board of health pursuant to paragraph (d) of subsection 1 of NRS 446.861 by a person seeking to operate as a sidewalk vendor and which includes, without limitation, food items that have been preapproved by the local board of health pursuant to subsection 2 for sale on the conveyance; and

(b) A model menu of preapproved food items that may be sold by a sidewalk vendor.

↳ The documents required to be maintained pursuant to this subsection must be clearly visible, easily accessible and available in more than one language.

2. The local board of health shall establish a process to preapprove any person seeking to operate as a sidewalk vendor who purchases a nonstationary conveyance [from a manufacturer pursuant to] included on the list of nonstationary conveyances required by subsection 1 and preapprove food items that may be sold by a sidewalk vendor.

Sec. 10. **1.** ~~[In addition to the provisions of NRS 446.866, a cottage food operation that meets the requirements of this section and which manufactures, prepares or sells a food item by any manner or means or which offers or displays such a food item for sale is not a food establishment pursuant to paragraph (i) of subsection 2 of NRS 446.020 if:~~

~~(a) Each such food item is:~~

~~1) Sold from a conveyance of the natural person who manufactures, prepares or sells the food item directly to a consumer;~~

~~2) Sold to a natural person for his or her consumption and not for resale;~~

~~3) 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, if applicable;~~

~~4) 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, if any; and~~

~~(5) Requires no food preparation or limited food preparation on the conveyance by the natural person who sells the food item; and~~

~~(b) Each such food item is:~~

~~(1) Prepared on the conveyance for immediate service;~~

~~(2) Purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers and sold in the original packaging from the conveyance; or~~

~~(3) Prepackaged by the natural person in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers and sold in such packaging from the conveyance.~~

~~2. A cottage food operation that meets the requirements of subsection 1 may sell~~ Except as otherwise provided by federal law or regulation and notwithstanding any other provision of state law, a local board of health shall not require a sidewalk vendor to prepare the following food items ~~to~~ in a commercial grade kitchen:

(a) Subject to any requirements of NRS 584.099 to 584.107, inclusive, shaved ice which may include a supplemental fruit-based or artificially-flavored syrup added to the shaved ice on the conveyance;

(b) Aguas frescas that are not alcoholic;

(c) Corn chips or potato chips which may include, without limitation, any supplemental seasonings, flavorings or food additives;

(d) Corn on the cob which may be garnished on the conveyance with crumbled ~~cojita or~~ parmesan cheese or with mayonnaise or margarine spread that contains shelf-stable ingredients and was purchased from a grocery store within the previous 7 days;

(e) ~~Chicharonos;~~ Any wheat based snack that is deep-fried or baked and made from wheat flour, cornstarch, baking soda and salt;

(f) Paletas;

(g) Coffee that is non-alcoholic and which may include, without limitation, sweeteners, powdered milk, flavorings or spices;

(h) Juice that is non-alcoholic and prepared mechanically or manually by pressing, squeezing, blending or juicing and may include, without limitation, sweeteners, spices and natural flavorings;

(i) Candy lollipops which may include, without limitation, flavorings, color additives or other ingredients, including, without limitation, chocolate, fruit extracts, dairy or gelatin;

(j) Subject to any requirements of NRS 584.099 to 584.107, inclusive, frozen or semi-frozen ice treats which may be garnished on the conveyance with seasonings and shelf-stable vinegar-based sauces;

~~(k) Cueritos if such food item is purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers and is sold not more than 24 hours after the time of purchase;~~

~~(l) Nachos consisting of corn-based tortilla chips and topped with ingredients which may include, without limitation, shelf-stable pickled vegetables or shelf-stable nacho cheese purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport and melted on the conveyance and may not include meat;~~

~~(m) (l) Fresh-cut fruit which may be ~~combined with sweetened cream, condensed milk, evaporated milk or any other dairy based sauce if such dairy items~~ garnished on the conveyance with ground chili peppers, salt, lime citric~~

acid or shelf-stable vinegar-based sauces or any other food items marketed for use with fruit that are shelf-stable and purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport and used not more than 24 hours after the time of purchase;

~~—(n) ;~~
(m) Dry snack foods, including, without limitation, potato chips, corn chips or peanuts, which are purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport and to which liquid condiments primarily made using chili peppers may be added to the snack food on the conveyance;

~~—(o) Hot dogs and corn dogs which are safe to eat without additional cooking or preparation and are purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport and which may be garnished with condiments or seasonings;~~

~~—(p) Baked goods consisting of a custard base made from milk, eggs, sugar and other flavorings;~~

~~—(q) ;~~
(n) Baked goods which are shelf-stable and prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers; and

~~—(r) Baked goods packaged by the natural person that do not require time or temperature controls for food safety.;~~

(o) Any other food item that does not require time or food controls for food safety.

2. Nothing in this section shall be construed to prohibit a local board of health from requiring a sidewalk vendor to dispose of food items at the end of a business day or provide disposable utensils to customers.

3. As used in this section, “limited food preparation”:

~~—(a) Means food preparation that is limited to the:~~

~~(1) Heating, frying, baking, roasting, popping, shaving of ice, blending or boiling of a food item;~~

~~(2) Assembly of a food item that is not prepackaged;~~

~~(3) Dispensing or portioning of a food item for immediate service to a customer that has been temperature controlled until immediately before dispensing or portioning;~~

~~(4) Holding, portioning and dispensing a food item prepared by another food establishment or a catering operation or prepackaged by another food establishment;~~

~~(5) Slicing and chopping of produce; and~~

~~(6) Juicing or preparing of beverages for immediate service.~~

~~(b) Does not include the:~~

~~(1) Slicing and chopping of food items other than produce;~~

~~(2) Thawing of food items;~~

~~(3) Cooling of cooked, potentially hazardous food items;~~

~~(4) Grinding of raw ingredients or potentially hazardous food items;~~

~~(5) Washing of food items;~~

~~(6) Cooking of potentially hazardous food items for later use; or~~

~~(7) Handling, manufacturing, freezing, processing or packaging of milk, milk products or products resembling milk products that are regulated under the provisions of chapter 584 of NRS.) “shelf-stable” means food items that can be safely stored at room temperature.~~

Sec. 11. [1. 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 items in a cottage food operation that meets the requirements of NRS 446.866 or section 10 of this act.~~

~~2. Each natural person who wishes to conduct a cottage food operation that meets the requirements of NRS 446.866 or section 10 of this act 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.~~

~~3. The health authority may charge a fee for the registration of a cottage food operation pursuant to subsection 2 in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of cottage food operations.~~

~~4. The health authority may inspect a cottage food operation that meets the requirements of NRS 446.866 or section 10 of this act 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.] (Deleted by amendment.)~~

Sec. 11.5. 1. Except as otherwise provided in this section and NRS 244.35484 and 268.097994, nothing in NRS 446.861 and sections 2 to 11.5, inclusive, of this act, shall be construed to prohibit a local zoning board, planning commission or governing body of a county, city or unincorporated town from adopting any ordinance or other regulation that protects public health and safety or regulates the time, place or manner in which sidewalk vendors operate, including, without limitation:

(a) Prescribing the locations where sidewalk vendors are allowed to operate;

(b) Authorizing the seizure of food items, a conveyance or apparatus for the purpose of protecting public health and safety; or

(c) Authorizing the destruction of food items that are not safe for human consumption.

2. A local zoning board, planning commission or governing body of a county, city or unincorporated town shall not adopt an ordinance or regulation limiting the types of food items that a sidewalk vendor may sell, if such food items comply with the regulations established by a local board of health pursuant to NRS 446.861 and 446.940.

Sec. 12. 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:

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

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

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

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

12 (e) Any establishment where animals, including, without limitation, mammals,
 13 fish and poultry, are slaughtered which is regulated pursuant to chapter 583 of
 14 NRS;

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

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

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

22 (i) A cottage food operation that meets the requirements of NRS 446.866 ~~for~~
 23 ~~section 10 of this act~~ with respect to food items as defined in ~~[that section:]~~ *NRS*
 24 *446.866*;

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

27 (k) A farm for purposes of holding a farm-to-fork event ~~[;]~~ *or*

28 *(l) Any establishment in which only whole produce or a commercially*
 29 *prepackaged food item which is not a potentially hazardous food item is sold or*
 30 *offered or displayed for sale.*

31 3. As used in this section, "poultry" has the meaning ascribed to it in NRS
 32 583.405.

33 **Sec. 13.** NRS 446.861 is hereby amended to read as follows:

34 446.861 1. ~~[A]~~ *Except as otherwise provided in sections 10 and ~~[11]~~ 11.5*
 35 *of this act, a* local board of health ~~[in a county whose population is 100,000 or~~
 36 ~~more or a city in a county whose population is 100,000 or more]~~ shall adopt
 37 regulations pursuant to NRS 446.940 regulating sidewalk vendors of food which
 38 must, without limitation:

39 (a) Establish a process for a person to apply to the local board of health for a
 40 permit, license or other authorization to operate as a sidewalk vendor. ~~[;]~~

41 (b) Provide for a person applying for a permit, license or other authorization
 42 for sidewalk vending to pay any fees required by the local board of health using a
 43 payment plan. ~~[;]~~

44 (c) Establish procedures for a person seeking to operate as a sidewalk vendor
 45 who does not have a driver's license or identification card issued by this State or
 46 another state, the District of Columbia or any territory of the United States to obtain
 47 any certification required by the local board of health as a food handler. ~~[; and]~~

48 (d) *For a conveyance:*

49 *(1) Approve plans for the design of a nonstationary conveyance and*
 50 *establish an expedited process for a person seeking to operate as a sidewalk*
 51 *vendor who uses such a nonstationary conveyance to skip any requirements in*
 52 *the process established pursuant to paragraph (a) that requires the review of the*
 53 *plans for the design of the nonstationary conveyance; and*

1 (2) Authorize the use of modular conveyances, conveyances that can be
 2 dissembled for transportation and cleaning and conveyances that include
 3 equipment fastened to a cart that is not permanently welded to the conveyance.

4 (e) ~~For food preparation:~~

5 ~~(1) Authorize the use of kitchens in food establishments, such as~~
 6 ~~restaurants for food preparation, by a sidewalk vendor. Such regulations may not~~
 7 ~~prohibit the use of such kitchens for food preparation by more than one sidewalk~~
 8 ~~vendor, regardless of the ownership of the food establishment or sidewalk vendor;~~

9 ~~(2) Establish a process to approve commercial grade kitchens found in~~
 10 ~~community spaces, including, without limitation, churches, schools, libraries and~~
 11 ~~community centers, for use by a sidewalk vendor for food preparation; and~~

12 ~~(3) Establish a process to approve home kitchens for use by a sidewalk~~
 13 ~~vendor for food preparation and issue a permit for such purposes.~~

14 ~~(f) For sinks, water tanks and water heaters:~~

15 ~~(1) Authorize the use of a stand-alone sink or a sink in a nearby facility~~
 16 ~~by a sidewalk vendor to satisfy requirements adopted by the local board of health~~
 17 ~~for handwashing and warewashing; and~~

18 ~~(2) Exempt any sidewalk vendor who is not handling raw meat or~~
 19 ~~potentially hazardous food from any requirements adopted by the local board of~~
 20 ~~health relating to sinks, water tanks and water heaters; , provided that such a~~
 21 ~~sink is not more than 10 feet away from the conveyance.~~

22 ~~(g) (f) Authorize the storage of not more than two conveyances in a private~~
 23 ~~home. Such regulations may impose reasonable restrictions, including, without~~
 24 ~~limitation, requiring that conveyances be stored in accordance with any other law~~
 25 ~~or ordinance governing storage, health and safety in a private home.~~

26 ~~(h) (g) Include any other regulation determined to be necessary by the Task~~
 27 ~~Force on Safe Sidewalk Vending pursuant to NRS 225.610.~~

28 2. ~~[As used in this section, "sidewalk vendor" means a person who sells food~~
 29 ~~upon a public sidewalk or other pedestrian path from a conveyance, including,~~
 30 ~~without limitation, a pushcart, stand, display, pedal driven cart, wagon, showcase or~~
 31 ~~rack. The term includes a nonstationary sidewalk vendor and a stationary sidewalk~~
 32 ~~vendor.] A local board of health may adopt regulations pursuant to NRS 446.940~~
 33 ~~requiring that a sidewalk vendor possess a certificate as a food handler or as a~~
 34 ~~food manger.~~

35 3. ~~The terms used in any regulations adopted pursuant to [subsection 1] this~~
 36 ~~section must be the same as those used in this section and must be consistent with~~
 37 ~~those used in any other regulation adopted by a local board of health relating to~~
 38 ~~sidewalk vendors.~~

39 **Sec. 14.** ~~[NRS 446.866 is hereby amended to read as follows:~~

40 ~~446.866 1. A cottage food operation which manufactures or prepares a food~~
 41 ~~item by any manner or means whatever for sale, or which offers or displays a food~~
 42 ~~item for sale, is not a "food establishment" pursuant to paragraph (i) of subsection 2~~
 43 ~~of NRS 446.020 if each such food item is:~~

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

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

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

1 ~~— (d) Labeled with “MADE IN A COTTAGE FOOD OPERATION THAT IS~~
2 ~~NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION” printed~~
3 ~~prominently on the label for the food item;~~

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

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

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

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

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

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

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

26 ~~— 5. The health authority may inspect a cottage food operation only to~~
27 ~~investigate a food item that may be deemed to be adulterated pursuant to NRS~~
28 ~~585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness~~
29 ~~known or suspected to be caused by a contaminated food item. The cottage food~~
30 ~~operation shall cooperate with the health authority in any such inspection. If, as a~~
31 ~~result of such inspection, the health authority determines that the cottage food~~
32 ~~operation has produced an adulterated food item or was the source of an outbreak of~~
33 ~~illness caused by a contaminated food item, the health authority may charge and~~
34 ~~collect from the cottage food operation a fee in an amount that does not exceed the~~
35 ~~actual cost of the health authority to conduct the investigation.~~

36 ~~— 6.] As used in this section:~~

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

42 ~~— (b) “Food item” means:~~

43 ~~— (1) Nuts and nut mixes;~~

44 ~~— (2) Candies;~~

45 ~~— (3) Jams, jellies and preserves;~~

46 ~~— (4) Vinegar and flavored vinegar;~~

47 ~~— (5) Dry herbs and seasoning mixes;~~

48 ~~— (6) Dried fruits;~~

49 ~~— (7) Cereals, trail mixes and granola;~~

50 ~~— (8) Popcorn and popcorn balls; or~~

51 ~~— (9) Baked goods that:~~

52 ~~— (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.]~~
(Deleted by amendment.)

Sec. 14.3. NRS 244.35483 is hereby amended to read as follows:

244.35483 1. A board of county commissioners may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of NRS 244.35481 to 244.35488, inclusive.

2. Except as otherwise provided in NRS 244.35481 to 244.35488, inclusive, a board of county commissioners shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

(c) Limit the types of food that a sidewalk vendor may sell if such food items comply with the regulations established by a local board of health pursuant to NRS 446.861 and 446.940.

3. A board of county commissioners that does not adopt an ordinance that complies or substantially complies with NRS 244.35481 to 244.35488, inclusive, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of NRS 244.35481 to 244.35488, inclusive.

4. If a board of county commissioners adopts an ordinance pursuant to this section, the board of county commissioners shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 14.7. NRS 268.097993 is hereby amended to read as follows:

268.097993 1. A city council or other governing body of an incorporated city may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of NRS 268.097991 to 268.097998, inclusive.

2. Except as otherwise provided in NRS 268.097991 to 268.097998, inclusive, a city council or other governing body of an incorporated city shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

(c) Limit the types of food that a sidewalk vendor may sell if such food items comply with the regulations established by a local board of health pursuant to NRS 446.861 and 446.940.

3. A city council or other governing body of an incorporated city that does not adopt an ordinance that complies or substantially complies with NRS 268.097991 to 268.097998, inclusive, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of NRS 268.097991 to 268.097998, inclusive.

4. If a city council or other governing body of an incorporated city adopts an ordinance pursuant to this section, the city council or other governing body shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 15. Any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.