
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)
(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; 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; 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
- 2 100,000 or more (currently Clark and Washoe Counties) or a city in a county whose
- 3 population is 100,000 or more to adopt regulations governing sidewalk vendors of
- 4 food. (NRS 446.861) **Sections 3-5** of this bill define certain terms relating to
- 5 sidewalk vendors.



6 **Section 7** of this bill requires a local board of health to: (1) develop and update
7 certain guidance documents explaining the requirements of existing regulations
8 adopted by the local board of health governing sidewalk vendors; (2) make certain
9 documents available on the Internet website of the local board of health in more
10 than one language; (3) conduct outreach regarding certain provisions of existing
11 regulations relating to sidewalk vendors; and (4) conduct workshops and
12 informational sessions relating to existing regulations governing sidewalk vendors.

13 **Section 8** of this bill requires a local board of health to establish a task force to
14 advise the local board of health on issues relating to the regulation of sidewalk
15 vendors.

16 **Section 6** of this bill limits the applicability of **sections 7-9** to a local board of
17 health in a county whose population is 100,000 or more or a city in a county whose
18 population is 100,000 or more.

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

25 **Section 9** of this bill requires a local board of health to: (1) enter into contracts
26 and other legal agreements with manufacturers of conveyances to provide for the
27 purchase of a conveyance, the design of which complies with the plans approved by
28 the local board of health, by a person seeking to operate as a sidewalk vendor; and
29 (2) establish a process to preapprove such a person and preapprove certain food
30 items sold from such a conveyance.

31 Existing law defines the term "food establishment" for the purposes of existing
32 law relating to food establishments and sets forth certain exceptions from the
33 definition. (NRS 446.020) **Section 12** of this bill exempts from the definition of
34 "food establishment" any establishment in which only whole produce or
35 prepackaged food which is not a potentially hazardous food is sold or offered or
36 displayed for sale and, as a result of this change, such an establishment is not
37 subject to the existing requirements governing food establishments.

38 Existing law provides that a cottage food operation that meets certain
39 requirements and sells certain food items, including nuts and nut mixes, candies,
40 jams, jellies and preserves and certain baked goods is not a food establishment and
41 is thus exempt from various requirements governing food establishments. (NRS
42 446.020, 446.866) **Section 4** of this bill defines "cottage food operation" for the
43 purposes of this exemption to include a natural person who operates as a sidewalk
44 vendor and sells, prepares or manufactures food items for sale from a conveyance
45 to a natural person and whose gross sales of such food items are not more than
46 \$35,000 per calendar year.

47 **Section 10** of this bill provides that a cottage food operation is not a food
48 establishment for the purposes of existing law governing food establishments if the
49 food items sold by the cottage food operation meet certain requirements, including
50 that: (1) the food item must be sold from a conveyance and require no food
51 preparation or limited food preparation on the conveyance by the natural person
52 selling the food item; and (2) the food item must be prepared on the conveyance for
53 immediate service, prepackaged by the natural person for sale from the conveyance
54 or purchased prepackaged and sold in the original packaging from the conveyance.
55 **Section 10** further sets forth the types of food items that such a cottage food
56 operation may sell.

57 **Sections 11 and 14** of this bill move and reorganize existing requirements
58 governing cottage food operations and apply such requirements to cottage food
59 operations that meet the requirements of **section 10**.



60 **Section 2** of this bill applies the definitions in **sections 3-5** to the provisions of
61 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
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this
3 act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in NRS 446.0145 to*
6 *446.069, inclusive, and sections 3, 4 and 5 of this act have the*
7 *meanings ascribed to them in those sections.*

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

11 **Sec. 4.** *“Cottage food operation” means a natural person*
12 *who:*

13 1. *Manufactures or prepares food items in his or her private*
14 *home or, if allowed by the health authority, in the kitchen of a*
15 *fraternal or social clubhouse, a school or a religious, charitable or*
16 *other nonprofit organization, for sale to a natural person for*
17 *consumption and whose gross sales of such food items are not*
18 *more than \$35,000 per calendar year; or*

19 2. *Operates as a sidewalk vendor and sells, manufactures or*
20 *prepares food items for sale from a conveyance to a natural*
21 *person for consumption and whose gross sales of such food items*
22 *are not more than \$35,000 per calendar year.*

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

27 **Sec. 6.** *The provisions of NRS 446.861 and sections 8 and 9*
28 *of this act apply only to a local board of health in a county whose*
29 *population is 100,000 or more or a city in a county whose*
30 *population is 100,000 or more.*

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

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

37 2. *Make available on the Internet website of the local board*
38 *of health all guidance documents developed pursuant to*
39 *subsection 1 and all documents necessary to apply to the local*



1 *board of health for a permit, license or other authorization. All*
2 *such documents must be clearly visible, easily accessible and*
3 *available on the Internet website of the local board of health in*
4 *more than one language.*

5 *3. Conduct outreach to:*

6 *(a) Designers and manufacturers of conveyances regarding*
7 *the plans for the design of a conveyance approved in accordance*
8 *with the regulations adopted pursuant to NRS 446.861; and*

9 *(b) Owners and operators of commercial grade kitchens to*
10 *raise awareness of the opportunity to be approved as a food*
11 *preparation space for sidewalk vendors in accordance with the*
12 *regulations adopted pursuant to NRS 446.861.*

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

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

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

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

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

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

31 *(d) Make recommendations to the local board of health*
32 *relating to emerging challenges facing sidewalk vendors.*

33 **Sec. 9. 1.** *A local board of health shall enter into contracts*
34 *or other legal agreements with manufacturers of conveyances to*
35 *provide for the purchase of a conveyance that complies with the*
36 *plans approved by the local board of health pursuant to paragraph*
37 *(d) of subsection 1 of NRS 446.861 by a person seeking to operate*
38 *as a sidewalk vendor and which includes, without limitation, food*
39 *items that have been preapproved by the local board of health*
40 *pursuant to subsection 2 for sale on the conveyance.*

41 *2. The local board of health shall establish a process to*
42 *preapprove any person seeking to operate as a sidewalk vendor*
43 *who purchases a conveyance from a manufacturer pursuant to*
44 *subsection 1 and preapprove food items that may be sold by a*
45 *sidewalk vendor.*



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

7 (a) *Each such food item is:*

8 (1) *Sold from a conveyance of the natural person who*
9 *manufactures, prepares or sells the food item directly to a*
10 *consumer;*

11 (2) *Sold to a natural person for his or her consumption and*
12 *not for resale;*

13 (3) *Affixed with a label which complies with the federal*
14 *labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R.*
15 *Part 317 and 21 C.F.R. Part 101, if applicable;*

16 (4) *Labeled with "MADE IN A COTTAGE FOOD*
17 *OPERATION THAT IS NOT SUBJECT TO GOVERNMENT*
18 *FOOD SAFETY INSPECTION" printed prominently on the label*
19 *for the food item, if any; and*

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

23 (b) *Each such food item is:*

24 (1) *Prepared on the conveyance for immediate service;*

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

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

34 2. *A cottage food operation that meets the requirements of*
35 *subsection 1 may sell the following food items:*

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

40 (b) *Agua frescas that are not alcoholic;*

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

44 (d) *Corn on the cob which may be garnished on the*
45 *conveyance with crumbled cojita or parmesan cheese or with*



1 *mayonnaise or margarine spread purchased from a grocery store*
2 *within the previous 7 days;*

3 (e) *Chicharones;*

4 (f) *Paletas;*

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

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

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

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

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

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

29 (m) *Fresh-cut fruit which may be combined with sweetened*
30 *cream, condensed milk, evaporated milk or any other dairy-based*
31 *sauce if such dairy items are purchased prepackaged from a*
32 *grocery store or other food establishment in a manner that*
33 *protects the food item from contamination during transport and*
34 *used not more than 24 hours after the time of purchase;*

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

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



1 (p) *Baked goods consisting of a custard-base made from milk,*
2 *eggs, sugar and other flavorings;*

3 (q) *Baked goods which are prepackaged from a grocery store*
4 *or other food establishment in a manner that protects the food*
5 *item from contamination during transport, display, sale and*
6 *acquisition by consumers; and*

7 (r) *Baked goods packaged by the natural person that do not*
8 *require time or temperature controls for food safety.*

9 3. *As used in this section, "limited food preparation":*

10 (a) *Means food preparation that is limited to the:*

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

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

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

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

20 (5) *Slicing and chopping of produce; and*

21 (6) *Juicing or preparing of beverages for immediate*
22 *service.*

23 (b) *Does not include the:*

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

25 (2) *Thawing of food items;*

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

27 (4) *Grinding of raw ingredients or potentially hazardous*
28 *food items;*

29 (5) *Washing of food items;*

30 (6) *Cooking of potentially hazardous food items for later*
31 *use; or*

32 (7) *Handling, manufacturing, freezing, processing or*
33 *packaging of milk, milk products or products resembling milk*
34 *products that are regulated under the provisions of chapter 584 of*
35 *NRS.*

36 **Sec. 11. 1.** *No local zoning board, planning commission or*
37 *governing body of an unincorporated town, incorporated city or*
38 *county may adopt any ordinance or other regulation that prohibits*
39 *a natural person from preparing food items in a cottage food*
40 *operation that meets the requirements of NRS 446.866 or section*
41 *10 of this act.*

42 2. *Each natural person who wishes to conduct a cottage food*
43 *operation that meets the requirements of NRS 446.866 or section*
44 *10 of this act must, before selling any food item, register the*
45 *cottage food operation with the health authority by submitting*



1 *such information as the health authority deems appropriate,*
2 *including, without limitation:*

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

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

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

13 4. *The health authority may inspect a cottage food operation*
14 *that meets the requirements of NRS 446.866 or section 10 of this*
15 *act only to investigate a food item that may be deemed to be*
16 *adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an*
17 *outbreak or suspected outbreak of illness known or suspected to be*
18 *caused by a contaminated food item. The cottage food operation*
19 *shall cooperate with the health authority in any such inspection.*
20 *If, as a result of such inspection, the health authority determines*
21 *that the cottage food operation has produced an adulterated food*
22 *item or was the source of an outbreak of illness caused by a*
23 *contaminated food item, the health authority may charge and*
24 *collect from the cottage food operation a fee in an amount that*
25 *does not exceed the actual cost of the health authority to conduct*
26 *the investigation.*

27 **Sec. 12.** NRS 446.020 is hereby amended to read as follows:

28 446.020 1. Except as otherwise limited by subsection 2,
29 “food establishment” means any place, structure, premises, vehicle
30 or vessel, or any part thereof, in which any food intended for
31 ultimate human consumption is manufactured or prepared by any
32 manner or means whatever, or in which any food is sold, offered or
33 displayed for sale or served.

34 2. The term does not include:

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

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

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

42 (d) Any establishment in which religious, charitable and other
43 nonprofit organizations sell food occasionally to raise money or in
44 which charitable organizations receive salvaged food in bulk



1 quantities for free distribution, unless the establishment is open on a
2 regular basis to sell food to members of the general public;

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

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

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

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

14 (i) A cottage food operation that meets the requirements of NRS
15 446.866 *or section 10 of this act* with respect to food items as
16 defined in ~~[that section;]~~ *NRS 446.866;*

17 (j) A craft food operation that meets the requirements of NRS
18 587.6945 with respect to food items as defined in that section; ~~[or]~~

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

20 *(l) Any establishment in which only whole produce or a*
21 *prepackaged food item which is not a potentially hazardous food*
22 *item is sold or offered or displayed for sale.*

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

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

26 446.861 1. ~~[A]~~ *Except as otherwise provided in sections 10*
27 *and 11 of this act, a* local board of health ~~[in a county whose~~
28 ~~population is 100,000 or more or a city in a county whose~~
29 ~~population is 100,000 or more]~~ shall adopt regulations pursuant to
30 NRS 446.940 regulating sidewalk vendors of food which must,
31 without limitation:

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

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

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

44 (d) *For a conveyance:*



1 (1) Approve plans for the design of a conveyance and
2 establish an expedited process for a person seeking to operate as a
3 sidewalk vendor who uses such a conveyance to skip any
4 requirements in the process established pursuant to paragraph (a)
5 that requires the review of the plans for the design of the
6 conveyance; and

7 (2) Authorize the use of modular conveyances, conveyances
8 that can be disassembled for transportation and cleaning and
9 conveyances that include equipment fastened to a cart that is not
10 permanently welded to the conveyance.

11 (e) For food preparation:

12 (1) Authorize the use of kitchens in food establishments,
13 such as restaurants for food preparation, by a sidewalk vendor.
14 Such regulations may not prohibit the use of such kitchens for
15 food preparation by more than one sidewalk vendor, regardless of
16 the ownership of the food establishment or sidewalk vendor;

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

21 (3) Establish a process to approve home kitchens for use by
22 a sidewalk vendor for food preparation and issue a permit for such
23 purposes.

24 (f) For sinks, water tanks and water heaters:

25 (1) Authorize the use of a stand-alone sink or a sink in a
26 nearby facility by a sidewalk vendor to satisfy requirements
27 adopted by the local board of health for handwashing and
28 warewashing; and

29 (2) Exempt any sidewalk vendor who is not handling raw
30 meat or potentially hazardous food from any requirements adopted
31 by the local board of health relating to sinks, water tanks and
32 water heaters.

33 (g) Authorize the storage of not more than two conveyances in
34 a private home.

35 (h) Include any other regulation determined to be necessary by
36 the Task Force on Safe Sidewalk Vending pursuant to
37 NRS 225.610.

38 2. ~~[As used in this section, "sidewalk vendor" means a person~~
39 ~~who sells food upon a public sidewalk or other pedestrian path from~~
40 ~~a conveyance, including, without limitation, a pushcart, stand,~~
41 ~~display, pedal driven cart, wagon, showcase or rack. The term~~
42 ~~includes a nonstationary sidewalk vendor and a stationary sidewalk~~
43 ~~vendor.] The terms used in any regulations adopted pursuant to~~
44 ~~subsection 1 must be the same as those used in this section and~~



1 *must be consistent with those used in any other regulation adopted*
2 *by a local board of health relating to sidewalk vendors.*

3 **Sec. 14.** NRS 446.866 is hereby amended to read as follows:

4 446.866 1. A cottage food operation which manufactures or
5 prepares a food item by any manner or means whatever for sale, or
6 which offers or displays a food item for sale, is not a “food
7 establishment” pursuant to paragraph (i) of subsection 2 of NRS
8 446.020 if each such food item is:

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

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

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

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

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

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

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

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

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



1 ~~—(b) If the cottage food operation sells food items under a name~~
2 ~~other than the name of the natural person who conducts the cottage~~
3 ~~food operation, the name under which the cottage food operation~~
4 ~~sells food items.~~

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

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

21 ~~—6.] As used in this section:~~

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

29 (b) “Food item” means:

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



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

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



