

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 relating to sidewalk vendors; 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
- 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 and 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; and (2) make
9 certain documents available on the Internet website of the local board of health in
10 more than one language.

11 **Section 6** of this bill limits the applicability of **sections 7 and 9** of this bill to a
12 local board of health in a county whose population is 100,000 or more or a city in a
13 county whose population is 100,000 or more.

14 **Section 13** of this bill requires a local board of health to adopt regulations
15 governing sidewalk vendors of food, including requirements relating to: (1) the
16 plans for the design of a nonstationary conveyance and the use of modular
17 conveyances by a sidewalk vendor; (2) the use of certain sinks by a sidewalk
18 vendor; and (3) the storage of a conveyance in a private home.

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

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

32 **Section 9** requires a local board of health to: (1) prepare, maintain and make
33 publicly available on the Internet website of the local board of health a list of
34 nonstationary conveyances that comply with the plans approved by the local board
35 of health and a model menu of preapproved food items that may be sold by a
36 sidewalk vendor; and (2) establish a process to preapprove a person who purchases
37 a nonstationary conveyance on the list and preapprove certain food items sold from
38 such a conveyance.

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

46 **Section 2** applies the definitions in **sections 3 and 5** to the provisions of
47 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 11.5, inclusive, of
3 this 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*



1 *446.069, inclusive, and sections 3 and 5 of this act have the*
2 *meanings ascribed to them in those sections.*

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

6 **Sec. 4.** (Deleted by amendment.)

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

11 **Sec. 6.** *The provisions of NRS 446.861 and sections 7 and 9*
12 *of this act apply only to a local board of health in a county whose*
13 *population is 100,000 or more or a city in a county whose*
14 *population is 100,000 or more.*

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

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

21 2. *Make available on the Internet website of the local board*
22 *of health all guidance documents developed pursuant to*
23 *subsection 1 and all documents necessary to apply to the local*
24 *board of health for a permit, license or other authorization. All*
25 *such documents must be clearly visible, easily accessible and*
26 *available on the Internet website of the local board of health in*
27 *more than one language.*

28 **Sec. 8.** (Deleted by amendment.)

29 **Sec. 9.** 1. *A local board of health shall prepare, maintain*
30 *and make publicly available on the Internet website of the local*
31 *board of health:*

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

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

40 ↪ *The documents required to be maintained pursuant to this*
41 *subsection must be clearly visible, easily accessible and available*
42 *in more than one language.*

43 2. *The local board of health shall establish a process to*
44 *preapprove any person seeking to operate as a sidewalk vendor*
45 *who purchases a nonstationary conveyance included on the list of*



1 *nonstationary conveyances required by subsection 1 and*
2 *preapprove food items that may be sold by a sidewalk vendor.*

3 **Sec. 10. 1.** *Except as otherwise provided by federal law or*
4 *regulation and notwithstanding any other provision of state law, a*
5 *local board of health shall not require a sidewalk vendor to*
6 *prepare the following food items in a commercial grade kitchen:*

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

11 (b) *Aguas frescas that are not alcoholic;*

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

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

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

21 (f) *Paletas;*

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

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

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

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

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

43 (l) *Fresh-cut fruit which may be garnished on the conveyance*
44 *with ground chili peppers, salt, lime citric acid or shelf-stable*
45 *vinegar-based sauces or any other food items marketed for use*



1 *with fruit that are shelf-stable and purchased prepackaged from a*
2 *grocery store or other food establishment in a manner that*
3 *protects the food item from contamination during transport;*

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

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

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

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

20 *3. As used in this section, "shelf-stable" means food items*
21 *that can be safely stored at room temperature.*

22 **Sec. 11.** (Deleted by amendment.)

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

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

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

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

38 *2. A local zoning board, planning commission or governing*
39 *body of a county, city or unincorporated town shall not adopt an*
40 *ordinance or regulation limiting the types of food items that a*
41 *sidewalk vendor may sell, if such food items comply with the*
42 *regulations established by a local board of health pursuant to NRS*
43 *446.861 and 446.940.*



1 **Sec. 12.** NRS 446.020 is hereby amended to read as follows:
2 446.020 1. Except as otherwise limited by subsection 2,
3 “food establishment” means any place, structure, premises, vehicle
4 or vessel, or any part thereof, in which any food intended for
5 ultimate human consumption is manufactured or prepared by any
6 manner or means whatever, or in which any food is sold, offered or
7 displayed for sale or served.

8 2. The term does not include:

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

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

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

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

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

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

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

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

32 (i) A cottage food operation that meets the requirements of NRS
33 446.866 with respect to food items as defined in ~~[that section;]~~
34 **NRS 446.866;**

35 (j) A craft food operation that meets the requirements of NRS
36 587.6945 with respect to food items as defined in that section; ~~[or]~~

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

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

41 3. As used in this section, “poultry” has the meaning ascribed
42 to it in NRS 583.405.

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

44 446.861 1. ~~[A]~~ ***Except as otherwise provided in sections 10***
45 ***and 11.5 of this act, a*** local board of health ~~[in a county whose~~



1 ~~population is 100,000 or more or a city in a county whose~~
2 ~~population is 100,000 or more]~~ shall adopt regulations pursuant to
3 NRS 446.940 regulating sidewalk vendors of food which must,
4 without limitation:

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

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

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

17 (d) *For a conveyance:*

18 *(1) Approve plans for the design of a nonstationary*
19 *conveyance and establish an expedited process for a person*
20 *seeking to operate as a sidewalk vendor who uses such a*
21 *nonstationary conveyance to skip any requirements in the process*
22 *established pursuant to paragraph (a) that requires the review of*
23 *the plans for the design of the nonstationary conveyance; and*

24 *(2) Authorize the use of modular conveyances, conveyances*
25 *that can be disassembled for transportation and cleaning and*
26 *conveyances that include equipment fastened to a cart that is not*
27 *permanently welded to the conveyance.*

28 *(e) Authorize the use of a stand-alone sink or a sink in a*
29 *nearby facility by a sidewalk vendor to satisfy requirements*
30 *adopted by the local board of health for handwashing and*
31 *warewashing, provided that such a sink is not more than 10 feet*
32 *away from the conveyance.*

33 *(f) Authorize the storage of not more than two conveyances in*
34 *a private home. Such regulations may impose reasonable*
35 *restrictions, including, without limitation, requiring that*
36 *conveyances be stored in accordance with any other law or*
37 *ordinance governing storage, health and safety in a private home.*

38 *(g) Include any other regulation determined to be necessary by*
39 *the Task Force on Safe Sidewalk Vending pursuant to*
40 *NRS 225.610.*

41 2. ~~[As used in this section, "sidewalk vendor" means a person~~
42 ~~who sells food upon a public sidewalk or other pedestrian path from a~~
43 ~~conveyance, including, without limitation, a pushcart, stand,~~
44 ~~display, pedal driven cart, wagon, showcase or rack. The term~~
45 ~~includes a nonstationary sidewalk vendor and a stationary sidewalk~~



1 ~~vendor.]~~ *A local board of health may adopt regulations pursuant*
2 *to NRS 446.940 requiring that a sidewalk vendor possess a*
3 *certificate as a food handler or as a food manager.*

4 *3. The terms used in any regulations adopted pursuant to this*
5 *section must be the same as those used in this section and must be*
6 *consistent with those used in any other regulation adopted by a*
7 *local board of health relating to sidewalk vendors.*

8 **Sec. 14.** (Deleted by amendment.)

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

11 244.35483 1. A board of county commissioners may adopt an
12 ordinance regulating sidewalk vendors in accordance with the
13 requirements of NRS 244.35481 to 244.35488, inclusive.

14 2. Except as otherwise provided in NRS 244.35481 to
15 244.35488, inclusive, a board of county commissioners shall not:

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

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

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

23 3. A board of county commissioners that does not adopt an
24 ordinance that complies or substantially complies with NRS
25 244.35481 to 244.35488, inclusive, shall not cite, fine or prosecute a
26 sidewalk vendor for a violation of any rule or regulation that is
27 inconsistent with the provisions of NRS 244.35481 to 244.35488,
28 inclusive.

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

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

35 268.097993 1. A city council or other governing body of an
36 incorporated city may adopt an ordinance regulating sidewalk
37 vendors in accordance with the requirements of NRS 268.097991 to
38 268.097998, inclusive.

39 2. Except as otherwise provided in NRS 268.097991 to
40 268.097998, inclusive, a city council or other governing body of an
41 incorporated city shall not:

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

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



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

4 3. A city council or other governing body of an incorporated
5 city that does not adopt an ordinance that complies or substantially
6 complies with NRS 268.097991 to 268.097998, inclusive, shall not
7 cite, fine or prosecute a sidewalk vendor for a violation of any rule
8 or regulation that is inconsistent with the provisions of NRS
9 268.097991 to 268.097998, inclusive.

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

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

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



