

CHAPTER.....

AN ACT relating to public safety; transferring the authority to regulate and permit food establishments from the Division of Public and Behavioral Health of the Department of Health and Human Services to the State Department of Agriculture; transferring the authority of the State Board of Health to adopt, amend and enforce regulations to provide for the sanitary protection of water and food supplies to the State Department of Agriculture; repealing various provisions governing food establishments; requiring, with certain exceptions, a county to pay an assessment to the Department for services relating to food establishments; revising provisions relating to cottage food operations; revising provisions relating to farm-to-fork events; revising provisions relating to the purchase or use of hemp or commodities or products made using hemp by certain persons who operate a food establishment; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides for the permitting and regulation of food establishments, cottage food operations and farm-to-fork events by the Division of Public and Behavioral Health of the Department of Health and Human Services and, in some instances, the local boards of health. (Chapter 446 of NRS) **Sections 2-13 and 16-44** of this bill transfer the authority for the permitting and regulation of food establishments, cottage food operations and farm-to-fork events from the Division to the State Department of Agriculture and the local boards of health. **Section 9** defines the term “food safety authority” to mean the officers and agents of the Department or the officers and agents of the local boards of health. **Section 77** of this bill repeals the existing provisions of law governing food establishments. **Section 74** of this bill provides that any permit issued by the Division or health authority pursuant to the repealed provisions of law shall remain effective until the expiration of the permit. **Section 75** of this bill provides that any regulation adopted by a local board of health which was previously required to be approved by the State Board of Health shall be deemed approved by the Department. **Sections 45-50, 52-60 and 63-70** of this bill make conforming changes to internal references to reflect the transfer of authority to the Department.

Existing law authorizes the State Board of Health to adopt, amend and enforce regulations to provide for the sanitary protection of water and food supplies. (NRS 439.200) Existing law further authorizes a district board of health to adopt regulations consistent with law to provide for the sanitary protection of water and food supplies. (NRS 439.366, 439.410) **Section 14** of this bill transfers the authority to adopt regulations to provide for the sanitary protection of water and food supplies from the State Board of Health to the Department. **Sections 61 and 62** of this bill require any regulations adopted by a district board of health relating to the sanitary protection of water and food supplies to be consistent with any regulations adopted by the Department.



Existing law requires each county to pay an assessment to the Division in an amount determined by the Division for the costs of services provided in that county by the Division, including services relating to food establishments. Existing law authorizes a county to request to carry out these services and receive an exemption from this assessment from the Interim Finance Committee. (NRS 439.4905) **Section 15** of this bill requires each county to pay an assessment for the costs of any services provided in the county by the Department relating to food establishments and authorizes a county to request to carry out these services and receive an exemption from the Interim Finance Committee. **Section 15** also authorizes the Department to adopt regulations as necessary to carry out the provisions of the section which, if adopted, must ensure the financial solvency of the Department in providing such services. **Section 51** of this bill authorizes the Interim Finance Committee to perform this duty during a regular or special session. **Section 75.5** of this bill requires the State Department of Agriculture to review the budget of the Department, any fee charged to a food establishment by the Division and the assessments paid to the Division for the costs of services provided to a county by the Division relating to food establishments to determine the amount of the assessments that are necessary to ensure the financial solvency of the Department in providing such services and, based on the results of the review, the Department may increase the assessments required by **section 15**. **Section 76** of this bill provides that any county which has already received such an exemption shall be deemed to have received an exemption from the assessment required by **section 15**.

Existing law exempts a cottage food operation from certain requirements governing food establishments. Existing law limits the definition of "cottage food operation" to a natural person whose gross sales of certain food items are not more than \$35,000 per year. (NRS 446.866) **Section 22** of this bill increases this limit on gross sales to \$100,000 and requires the State Department of Agriculture to adjust this amount on an annual basis based on the percentage increase in the Consumer Price Index (All Items).

Existing law exempts a farm from certain provisions governing food establishments for the purposes of holding a farm-to-fork event under certain conditions, including that any poultry and meat from a rabbit that is served at such an event is raised and prepared on the farm and is butchered and processed on the farm in accordance with certain requirements relating to the inspection of meat and poultry. (NRS 446.868) **Section 23** of this bill provides that a farm may also serve at a farm-to-fork event: (1) meat from livestock under the same circumstances; and (2) poultry, meat from livestock and meat from a rabbit if the poultry or meat is obtained from a facility that meets certain requirements of state law relating to the inspection of meat and poultry or from a facility under a federal inspection program.

Existing law authorizes a person who holds a permit to operate a food establishment and who operates a food establishment at which food is not prepared or served for immediate consumption to purchase and use hemp or a commodity or product made using hemp to manufacture or prepare and sell, offer or display food that contains an approved hemp component at the food establishment. (NRS 446.844) **Section 18** provides that a person may only purchase or use hemp or a commodity or product made using hemp that the United States Food and Drug Administration has determined to be safe or generally recognized as safe for use as an ingredient in food intended for human consumption.



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

**Section 1.** Title 51 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 44, inclusive, of this act.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Department” means the State Department of Agriculture.*

**Sec. 4.** *“Farm-to-fork event” means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of section 23 of this act.*

**Sec. 5.** *“Food” means any food, drink, confection or beverage, or any component in the preparation or manufacture thereof, intended for ultimate human consumption, stored, being prepared or manufactured, displayed, offered for sale, sold or served in a food establishment.*

**Sec. 6. 1.** *Except as otherwise limited by subsection 2, “food establishment” means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.*

**2.** *The term does not include:*

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

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

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

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



(e) Any establishment regulated under chapter 583 of NRS where animals, including, without limitation, mammals, fish and poultry, are slaughtered;

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

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

(h) A facility regulated under chapter 583 of NRS that produces eggs;

(i) A cottage food operation that meets the requirements of section 22 of this act with respect to food items as defined in that section;

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

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

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

**Sec. 7. 1. "Food handler" means any person employed in or operating a food establishment, whether that person is an employer, employee or other natural person, who handles, stores, transports, prepares, manufactures, serves or sells food, or who comes in contact with eating or cooking utensils or other equipment used in the handling, preparation, manufacture, service or sale of food.**

**2. The term does not include a person who:**

(a) Only handles, stores, transports, sells or otherwise comes in contact with food that is sealed and packaged for sale directly to the consumer;

(b) If the food is potentially hazardous food, handles the food only occasionally and incidentally to his or her responsibilities or employment, and such handling is not part of his or her regularly scheduled responsibilities or employment; or

(c) Is providing services as a cashier, salesperson, stock clerk, warehouse or dockworker, delivery person or maintenance staff or providing services in a similar position with limited food-handling responsibility.

**Sec. 8. "Food processing establishment" means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.**

**Sec. 9. "Food safety authority" means the officers and agents of the Department or the officers and agents of the local boards of health.**



**Sec. 10.** *“Misbranded” means the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, which is false or misleading or which violates any applicable state or local labeling requirements.*

**Sec. 11.** *“Potentially hazardous food” has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the Food Code published by the Food and Drug Administration of the United States Department of Health and Human Services, unless the Department has adopted a later edition of the Food Code for this purpose.*

**Sec. 12.** *“Temporary food establishment” means any food establishment which operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, celebration or similar transitory gathering.*

**Sec. 13.** *“Wholesome” means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.*

**Sec. 14.** *The Department may adopt regulations:*

- 1. Necessary to carry out the provisions of this chapter; and*
- 2. To provide for the sanitary protection of water and food supplies.*

**Sec. 15.** *1. Unless an exemption is approved pursuant to subsection 3, each county shall pay an assessment to the Department, in an amount determined by the Department, for the costs of services provided in that county by the Department pursuant to this chapter and any regulations adopted pursuant thereto, regardless of whether the county has a local health authority.*

*2. Each county shall pay the assessment to the Department in quarterly installments that are due on the first day of the first month of each calendar quarter.*

*3. A county may submit a proposal to the Governor for the county to carry out the services that would otherwise be provided by the Department pursuant to this chapter and any regulations adopted pursuant thereto. If the Governor approves the proposal, the Governor shall submit a recommendation to the Interim Finance Committee to exempt the county from the assessment required pursuant to subsection 1. The Interim Finance Committee, upon receiving the recommendation from the Governor, shall consider the proposal and determine whether to approve the exemption. In considering whether to approve the exemption, the Interim Finance Committee shall consider, among other things, the best interests of the State, the effect of the*



*exemption and the intent of the Legislature in requiring the assessment to be paid by each county.*

*4. An exemption that is approved by the Interim Finance Committee pursuant to subsection 3 must not become effective until at least 6 months after that approval.*

*5. A county that receives approval pursuant to subsection 3 to carry out the services that would otherwise be provided by the Department pursuant to this chapter and any regulations adopted pursuant thereto shall carry out those services in the manner set forth in those chapters and regulations.*

*6. The Department may adopt such regulations as necessary to carry out the provisions of this section. Any regulation adopted pursuant to this subsection must ensure the financial solvency of the Department in the provision of services pursuant to this chapter and any regulations adopted pursuant thereto.*

**Sec. 16.** *A food establishment engaged in the cutting and packaging of meat, poultry or fish for retail sale may use sawdust on the floors in that area of such establishment not visited by the public if:*

*1. Such sawdust is treated in a manner approved by the Department; and*

*2. The floors are cleaned and fresh sawdust is used daily.*

**Sec. 17.** *1. Except as otherwise provided in subsection 5, each food establishment in which alcoholic beverages are sold by the drink for consumption on the premises shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The conspicuous location described in this subsection may include, without limitation, a women's restroom that is located within the establishment.*

*2. Each sign required by subsection 1 must be not less than 8 1/2 by 11 inches in size and must contain a notice in boldface type that is clearly legible and, except as otherwise provided in paragraph (a) of subsection 4, in substantially the following form:*

**HEALTH WARNING**

*Drinking wine, beer and other alcoholic beverages during pregnancy can cause birth defects.*

**¡ADVERTENCIA!**

*El consumo de vino, cerveza y otras bebidas alcohólicas durante el embarazo puede causar defectos físicos y/o mentales en el feto.*



3. *The letters in the words “HEALTH WARNING” and “¡ADVERTENCIA!” in the sign must be written in not less than 40-point type, and the letters in all other words in the sign must be written in not less than 30-point type.*

4. *The Department may:*

(a) *Provide by regulation for one or more alternative forms for the language of the warning to be included on the signs required by subsection 1 to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in subsection 2.*

(b) *Solicit and accept the donation of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Department shall distribute the signs upon request to food establishments that are required to post the signs.*

5. *A food establishment is not required to post the sign otherwise required by this section if the food establishment provides to its patrons a food or drink menu that contains a notice, in boldface type that is clearly legible and not less than the size of the type used for the items on the menu, in substantially the same form and language as is set forth in subsection 2 or authorized pursuant to paragraph (a) of subsection 4.*

6. *As used in this section, “alcoholic beverage” means:*

(a) *Beer, ale, porter, stout and other similar fermented beverages, including, without limitation, sake and similar products, of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.*

(b) *Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of one-half of 1 percent or more of alcohol by volume.*

(c) *Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including, without limitation, all dilutions and mixtures thereof from whatever process produced.*

**Sec. 18.** *1. A person who holds a permit issued pursuant to section 26 of this act and who operates a food establishment at which food is not prepared or served for immediate consumption may:*

(a) *Purchase hemp or a commodity or product made using hemp from a grower or handler registered by the Department pursuant to chapter 557 of NRS;*



(b) Use hemp or a commodity or product made using hemp to manufacture or prepare food that contains an approved hemp component at the food establishment; and

(c) In compliance with the provisions of NRS 439.532, sell, offer or display for sale food that contains an approved hemp component at the food establishment.

↳ Any hemp or commodity or product made using hemp purchased or used pursuant to this subsection must have been determined to be safe or generally recognized as safe for use as an ingredient in food intended for human consumption by the United States Food and Drug Administration.

2. As used in this section:

(a) "Approved hemp component" means any component of hemp that the United States Food and Drug Administration has determined to be safe or generally recognized as safe for use as an ingredient in food intended for human consumption.

(b) "Hemp" has the meaning ascribed to it in NRS 557.160.

**Sec. 19.** The Department shall adopt reasonable rules and regulations requiring that any person employed in the preparation or service of food or beverages to patrons on the premises of a food establishment, or who comes in contact with eating or cooking utensils used for such service, whose hair length exceeds specified limits shall wear a hair net, cap or other suitable covering which confines the hair while such person is engaged in the performance of his or her duties. Such rules and regulations shall specify the minimum hair length to which such requirement applies.

**Sec. 20.** 1. A local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more shall adopt regulations pursuant to section 40 of this act regulating sidewalk vendors of food which must, without limitation:

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

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

(c) Establish procedures for a person seeking to operate as a sidewalk vendor who does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States to obtain any



*certification required by the local board of health as a food handler; and*

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

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

**Sec. 21.** *A temporary food establishment shall comply with all the provisions of this chapter which are applicable to its operation. The food safety authority may:*

*1. Augment such requirements when needed to assure the service of safe food.*

*2. Prohibit the sale of certain potentially hazardous food.*

*3. Modify specific requirements for physical facilities when in the opinion of the food safety authority no imminent health hazard will result.*

**Sec. 22.** *1. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (i) of subsection 2 of section 6 of this act if each such food item is:*

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

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

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

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



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

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

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

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

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

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

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

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

*6. Beginning with Fiscal Year 2026-2027, the amount of gross sales of a cottage food operation specified in paragraph (a)*



*of subsection 7 must be adjusted for each fiscal year by the Department by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor from July 2025 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall publish the adjusted amount on the Internet website of the Department on or before September 30 of each year.*

*7. As used in this section:*

*(a) "Cottage food operation" means a natural person who manufactures or prepares food items in his or her private home or, if allowed by the food safety authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption and whose gross sales of such food items are not more than \$100,000, as adjusted pursuant to subsection 6, per calendar year.*

*(b) "Food item" means:*

- (1) Nuts and nut mixes;*
- (2) Candies;*
- (3) Jams, jellies and preserves;*
- (4) Vinegar and flavored vinegar;*
- (5) Dry herbs and seasoning mixes;*
- (6) Dried fruits;*
- (7) Cereals, trail mixes and granola;*
- (8) Popcorn and popcorn balls; or*
- (9) Baked goods that:*

*(I) Are not potentially hazardous foods;*

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

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

**Sec. 23. 1.** *Except as otherwise provided in subsection 3, a farm is not a "food establishment" for the purposes of holding a farm-to-fork event provided that:*

*(a) Any poultry, meat from livestock and meat from a rabbit that is served at the farm-to-fork event is:*

*(1) Raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; or*

*(2) Obtained from and processed in a facility pursuant to the requirements of chapter 583 of NRS or a facility that is*



*inspected and approved under an inspection program administered by the United States Department of Agriculture; and*

*(b) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.*

*2. A farm which holds a farm-to-fork event shall, before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1.*

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

**Sec. 24.** *1. A farm that wishes to hold farm-to-fork events must register with the food safety authority by submitting such information as the food safety authority deems appropriate, including, without limitation:*

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

*(b) The name under which the farm operates; and*

*(c) The address of the farm.*

*2. The food safety authority may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the food safety authority to establish and maintain a registry of farms holding farm-to-fork events.*

*3. The food safety authority shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of section 23 of this act and except that the food safety authority may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the food safety authority in any such inspection.*

*4. If, as a result of an inspection conducted pursuant to subsection 3, the food safety authority determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the food safety authority may charge and collect from the farm a fee in an*



*amount not to exceed the actual cost of the food safety authority to conduct the investigation.*

**Sec. 25. 1.** *Except as otherwise provided in this section, it is unlawful for any person to operate a food establishment unless the person possesses a valid permit issued to him or her by the food safety authority.*

*2. The food safety authority may exempt a food establishment from the provisions of this chapter if the food safety authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health.*

*3. Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the provisions of this chapter, unless it is given to a food establishment.*

*4. Except as otherwise provided in subsection 5, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him or her by the food safety authority for that purpose.*

*5. A religious, charitable or other nonprofit organization may, without possessing a permit from the food safety authority, sell food occasionally to raise money, whether or not the food was prepared in a private home, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the food safety authority is required unless an exemption is granted pursuant to subsection 2.*

**Sec. 26. 1.** *Any person desiring to operate a food establishment must make written application for a permit on forms provided by the food safety authority. The application must:*

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

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

*(c) Include a statement of the location and type of the proposed food establishment.*

*(d) Include the signature of the applicant or applicants.*

*(e) Be accompanied by a fee prescribed by the food safety authority.*



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

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

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

5. *A permit issued pursuant to this section:*

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

(b) *Must be posted in every food establishment.*

**Sec. 27.** 1. *Except as otherwise provided in subsection 2, no license under any license ordinance of any licensing authority may be issued for the operation of a food establishment to any person owning or operating such food establishment unless the permit required by this chapter has first been granted by the food safety authority.*

2. *A board of county commissioners or the city council or other governing body of an incorporated city, whether organized under general law or special charter, may issue a license to operate a food establishment to any person owning or operating the food establishment contingent upon the person's obtaining the permit required by this chapter from the food safety authority.*

**Sec. 28.** 1. *Permits issued under the provisions of this chapter may be suspended temporarily by the food safety authority for failure of the holder to comply with the requirements of this chapter.*

2. *Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator must be notified in writing that the permit is, upon service of the notice, immediately suspended or that the establishment is downgraded if that is the case. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed by him or her with the food safety authority.*

3. *Whenever the food safety authority finds an insanitary or other condition in the operation of a food establishment which, in the judgment of the food safety authority, constitutes a substantial*



*hazard to the public health, the food safety authority may, without warning, notice or hearing, issue a written order to the permit holder or operator citing the condition, specifying the corrective action to be taken and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written petition to the food safety authority, the person must be afforded a hearing as soon as possible.*

*4. Any person whose permit has been suspended may, at any time, make application for a reinspection for reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in the opinion of the applicant the conditions causing suspension of the permit have been corrected, the food safety authority shall make a reinspection. If the applicant is complying with the requirements of this chapter, the permit must be reinstated.*

*5. For serious or repeated violations of any of the requirements of this chapter or for interference with the food safety authority in the performance of the duties of the food safety authority, the permit may be permanently revoked after an opportunity for a hearing has been provided by the food safety authority. Before taking such an action, the food safety authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.*

*6. The food safety authority may permanently revoke a permit after 5 days following service of the notice unless a request for a hearing is filed with the food safety authority by the permit holder within 5 days.*

*7. The hearings provided for in this section must be conducted by the food safety authority at a time and place designated by the food safety authority. Based upon the record of the hearing, the food safety authority shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder by the food safety authority.*

**Sec. 29. 1.** *A license to operate a food establishment issued by any licensing authority to a person owning or operating such*



*food establishment shall be revoked when such person's permit has been revoked by the food safety authority, and no new license may be issued until such person again possesses an unrevoked permit from the food safety authority.*

*2. Licensing authorities shall be notified by the food safety authority of the revocation of any permit.*

**Sec. 30.** *1. At least once every year, the food safety authority shall inspect each food establishment located in the State.*

*2. The food safety authority shall make as many additional inspections and reinspections as are necessary for the enforcement of this chapter.*

*3. It is unlawful for any person to interfere with the food safety authority in the performance of his or her duties.*

**Sec. 31.** *1. The food safety authority, after he or she has properly identified himself or herself, must be permitted to enter, at any reasonable time, any food establishment within the State for the purpose of making any inspection to determine compliance with this chapter. The food safety authority must be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.*

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

**Sec. 32.** *Except as otherwise provided in subsection 3 of section 28 of this act, whenever the food safety authority makes an inspection of a food establishment and discovers that any of the requirements of this chapter have been violated, the food safety authority shall notify the permit holder or operator of the violations by means of an inspection report form or other written notice. The notice must:*

*1. Set forth the specific violations found;*

*2. Establish a specific and reasonable time for the correction of those violations;*

*3. In the case of temporary food establishments, state that the violations must be corrected within a specified period which must not be more than 24 hours. Failure to comply with the notice results in immediate suspension of the permit;*



4. *State that failure to comply with the requirements of any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the permit or in downgrading of the establishment; and*

5. *State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the food safety authority within the period established in the notice for correction.*

**Sec. 33.** *1. Notices provided for in section 32 of this act shall be deemed to have been properly served when the original of the inspection report form or other notice has been:*

*(a) Delivered personally to the permit holder or person in charge;*

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

*(c) Except for any notice required pursuant to section 28 of this act, sent to the electronic mail address, if any, provided by the permit holder to the food safety authority.*

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

**Sec. 34.** *Any person who knowingly sells any flesh of any diseased animal or any container containing shellfish, if the container does not have an approved stamp authorized by the Division of Animal Industry of the Department, is guilty of a gross misdemeanor.*

**Sec. 35.** *1. Food may be examined or sampled by the food safety authority as often as may be necessary to determine freedom from adulteration or misbranding. The food safety authority may, upon written notice to the owner or person in charge, place a hold order on any food which the food safety authority determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.*

2. *Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the food safety authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission of the food safety authority, except by order of a court of competent jurisdiction.*

3. *After the owner or person in charge has had a hearing as provided for in section 32 of this act, and on the basis of evidence produced at such hearing, or on the basis of his or her*



*examination in the event a written request for a hearing is not received within 10 days, the food safety authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this chapter. Such order of the food safety authority to denature or destroy such food or bring it into compliance with the provisions of this chapter shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.*

**Sec. 36. 1.** *Except as otherwise provided in this subsection, whenever the food safety authority determines there are reasonable grounds to suspect that the food processed or otherwise prepared by a food processing establishment may constitute a substantial health hazard, the food safety authority may require that the food processing establishment have its food tested for the presence of contaminants typically associated with the suspected health hazard. When carrying out the provisions of this subsection, the food safety authority shall comply with the Federal Food Safety Modernization Act, 21 U.S.C. §§ 2201 et seq., and any regulations adopted pursuant thereto. The provisions of this subsection do not apply to the extent that a food processing establishment is under investigation for the same purpose pursuant to federal law.*

*2. If the food safety authority requires pursuant to subsection 1 that the food processed or otherwise prepared by a food processing establishment be tested:*

*(a) The food processing establishment:*

*(1) Is responsible for the cost of the testing; and*

*(2) May perform such testing itself or cause the testing to be performed by a third party.*

*(b) The testing must be conducted in a manner that is consistent with nationally recognized laboratory standards.*

*3. Records of the results of any tests conducted pursuant to this section must be retained by the food processing establishment to which the tests pertain for a period of not less than 2 years. The food processing establishment shall, upon request, make those records available to the food safety authority for its review.*

*4. If the testing required pursuant to subsection 1 indicates that the food processed or otherwise prepared by a food processing establishment is contaminated, the person or entity that conducted the testing shall, within 24 hours after obtaining the test results, report those test results to the food safety authority.*



**Sec. 37.** *Food from food establishments outside the jurisdiction of the Department may be sold within the State of Nevada if such food establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the food safety authority may accept reports from responsible authorities in the jurisdictions where such food establishments are located.*

**Sec. 38.** *If, after April 18, 1963, a food establishment is constructed or extensively remodeled, or if an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling or alteration showing the layout, arrangement and construction materials of work areas and the location, size and type of fixed equipment and facilities shall be submitted to the food safety authority for approval before such work is begun. Where full-time city, county or district health departments exist, such plans and specifications shall be submitted to such food safety authorities for approval before such work is begun.*

**Sec. 39. 1.** *When the food safety authority has reasonable cause to suspect the possibility of disease transmission from any food handler of a food establishment, the food safety authority shall secure a morbidity history of the suspected food handler, or make such other investigation as may be indicated, and take appropriate action.*

**2.** *The food safety authority may require any or all of the following measures:*

**(a)** *The immediate exclusion of the food handler from all food establishments.*

**(b)** *The immediate closure of the food establishment concerned until, in the opinion of the food safety authority, no further danger of disease outbreak exists.*

**(c)** *Restriction of the food handler's services to some area of the establishment where there would be no danger of transmitting disease.*

**(d)** *Adequate medical and laboratory examinations of:*

**(1)** *The food handler and his or her body discharges; and*

**(2)** *Other food handlers and their body discharges.*

**Sec. 40. 1.** *Except as provided in subsection 2, this chapter must be enforced by the food safety authority in accordance with any regulations adopted by the Department pursuant to section 14 of this act.*



2. A local board of health may adopt such regulations as it may deem necessary to carry out the requirements of this chapter. Such regulations:

- (a) Become effective when approved by the Department;
- (b) Must be enforced by the food safety authority; and
- (c) Supersede the regulations adopted by the Department pursuant to subsection 1.

3. All sheriffs, constables, police officers, marshals and other peace officers shall render such services and assistance to the food safety authority in regard to enforcement as the food safety authority may request.

**Sec. 41.** 1. Any regulation adopted by the Department or a local board of health pursuant to section 40 of this act that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment does not apply to any child care facility that limits its menu to:

(a) Food that does not constitute a potential or actual hazard to the public health; and

(b) Potentially hazardous food that has been:

(1) Commercially prepared and precooked; or

(2) Pasteurized,

↳ regardless of whether the child care facility includes a kindergarten.

2. As used in this section:

(a) "Child care facility" includes:

(1) A child care facility licensed pursuant to chapter 432A of NRS; or

(2) A child care facility licensed by a city or county.

(b) "Kindergarten" means a program of education for children who are 5 and 6 years of age which is:

(1) Licensed to operate as such pursuant to chapter 394 of NRS or which is exempt from licensure pursuant to NRS 394.211; and

(2) Located on the premises of a child care facility.

**Sec. 42.** Before the Department may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the Department shall consult with the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section for the purposes of subsection 9 of NRS 341.100.

**Sec. 43.** The district attorney of each county shall prosecute any person who violates any provision of this chapter or any



*provision of the regulations of the Department or the local board of health adopted pursuant to this chapter.*

**Sec. 44.** *Except as otherwise provided in section 34 of this act, any person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.*

**Sec. 45.** NRS 583.040 is hereby amended to read as follows:

583.040 1. It shall be unlawful for any person, firm or corporation to sell within this State, or to possess with the intent to sell within this State, for human food, the carcass or parts of the carcass of any animal which has been slaughtered, or is prepared, handled or kept under insanitary conditions, or any primal cut of meat which is not stamped with an approved stamp authorized by the Department.

2. Insanitary conditions shall be deemed to exist in any slaughterhouse that does not comply with the provisions of ~~chapter 446 of NRS.~~ *sections 2 to 44, inclusive, of this act.*

3. Any person, firm or corporation violating any of the provisions of this section is subject to a civil penalty pursuant to NRS 583.700.

**Sec. 46.** NRS 585.310 is hereby amended to read as follows:

585.310 1. Except as otherwise provided in subsection 2, a food shall be deemed to be adulterated:

(a) If any valuable constituent has been in whole or in part omitted or abstracted therefrom;

(b) If any substance has been substituted wholly or in part therefor;

(c) If damage or inferiority has been concealed in any manner; or

(d) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

2. A food shall not be deemed to be adulterated solely because it contains an approved hemp component.

3. As used in this section, “approved hemp component” has the meaning ascribed to it in ~~NRS 446.844.~~ *section 18 of this act.*

**Sec. 47.** NRS 587.693 is hereby amended to read as follows:

587.693 “Craft food operation” means a natural person who manufactures or prepares acidified foods in his or her private home or, if allowed by the ~~health~~ *food safety* authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for



consumption, and whose gross sales of such foods are not more than \$35,000 per calendar year.

**Sec. 48.** NRS 587.694 is hereby amended to read as follows:

587.694 ~~["Health]~~ **"Food safety** authority" ~~["means the officers and agents of the Division of Public and Behavioral Health of the Department of Health and Human Services, or the officers and agents of the local boards of health.]"~~ **has the meaning ascribed to it in section 9 of this act.**

**Sec. 49.** NRS 587.6945 is hereby amended to read as follows:

587.6945 1. A craft food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (j) of subsection 2 of ~~[NRS 446.020]~~ **section 6 of this act** if each such food item is:

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

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

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

(d) Labeled with:

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

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

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

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

2. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may



adopt any ordinance or other regulation that prohibits a natural person from preparing food in a craft food operation.

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

**Sec. 50.** NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in subsection 3, smoking in any form is prohibited within indoor places of employment including, but not limited to, the following:

- (a) Child care facilities;
- (b) Movie theatres;
- (c) Video arcades;
- (d) Government buildings and public places;
- (e) Malls and retail establishments;
- (f) All areas of grocery stores; and
- (g) All indoor areas within restaurants.

2. Without exception, smoking in any form is prohibited within school buildings and on school property.

3. Smoking is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Completely enclosed areas with stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering;

(c) Age-restricted stand-alone bars, taverns and saloons;

(d) Strip clubs or brothels;

(e) Retail tobacco stores;

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products; and

(g) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility.

4. A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a stand-alone bar, tavern or saloon where smoking is allowed pursuant to



this section. A person who violates the provisions of this subsection is guilty of a misdemeanor.

5. If a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon violates the provisions of subsection 4, the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty of:

- (a) For the first offense, \$1,000.
- (b) For a second or subsequent offense, \$2,000.

6. In any prosecution or other proceeding for a violation of the provisions of subsection 4 or 5, it is no excuse for a supervisor, employee, age-restricted bar, tavern or saloon, or stand-alone bar, tavern or saloon alleged to have committed the violation to plead that a supervisor or employee believed that the person who was permitted to loiter was 21 years of age or older.

7. In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

8. Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local smoking control measures that meet or exceed the minimum applicable standards set forth in this section.

9. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

10. Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

11. No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

12. For the purposes of this section, the following terms have the following definitions:

(a) "Age-restricted stand-alone bar, tavern or saloon" means an establishment:



(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which patrons under 21 years of age are prohibited at all times from entering the premises; and

(4) That must be located within:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplace where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, which may include, without limitation, a strip mall or an airport, provided that indoor windows must remain closed at all times and doors must remain closed when not actively in use.

(b) “Casino” means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word ‘casino’ as part of its proper name.

(c) “Child care facility” has the meaning ascribed to it in NRS 441A.030.

(d) “Completely enclosed area” means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(e) “Government building” means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(f) “Health authority” has the meaning ascribed to it in NRS 202.2485.

(g) “Incidental food service or sales” means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of ~~[NRS 446.870.]~~ *section 25 of this act.*

(h) “Place of employment” means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work



areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

(i) “Public places” means any enclosed areas to which the public is invited or in which the public is permitted.

(j) “Restaurant” means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

(k) “Retail tobacco store” means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(l) “School building” means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(m) “School property” means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(n) “Smoking” means inhaling, exhaling, burning or carrying any liquid or heated cigar, cigarette or pipe or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. The term includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, and the use of any oral smoking device. As used in this paragraph, “electronic smoking device”:

(1) Means any product containing or delivering nicotine, a product made or derived from tobacco or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor or aerosol from the product.

(2) Includes any component part of a product described in subparagraph (1), regardless of whether the component part is sold separately.

(3) Does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 352 et seq.

(o) “Stand-alone bar, tavern or saloon” means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;



(3) In which smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section; and

(4) That must be housed in either:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

(p) "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

13. Any statute or regulation inconsistent with this section is null and void.

14. The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

**Sec. 51.** NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353.3375, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 433.732, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650 **and section 15 of this act.** In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim



Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

**Sec. 52.** NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, ~~446~~ 447 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.



(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

**Sec. 53.** NRS 244.35486 is hereby amended to read as follows:

244.35486 1. In addition to the provisions of NRS 244.35485, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors may:



(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to ~~NRS 446.861~~ **section 20 of this act.**

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 244.337 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the board of county commissioners, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the board of county commissioners of:

(I) Except as otherwise provided in NRS 244.35484, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or park or recreational facility owned by the county; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a county that:



(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

**Sec. 54.** NRS 244.35487 is hereby amended to read as follows:

244.35487 1. In accordance with an ordinance adopted pursuant to NRS 244.35481 to 244.35488, inclusive, a board of county commissioners or its designee may:

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to ~~NRS 446.861~~ *section 20 of this act*.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a board of county commissioners or its designee may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to NRS 244.35484.

**Sec. 55.** NRS 244.369 is hereby amended to read as follows:

244.369 1. Subject to the limitations contained in subsection 2, any board of county commissioners may by ordinance require that any food handler, as defined in ~~NRS 446.030~~ *section 7 of this act*, submit to physical examination as a prerequisite to engaging in or continuing to engage in such occupation.



2. Any ordinance enacted pursuant to the provisions of subsection 1 shall provide that no food handler is required to pay in excess of \$5 for any or all required physical examinations in any 2-year period.

**Sec. 56.** NRS 268.097996 is hereby amended to read as follows:

268.097996 1. In addition to the provisions of NRS 268.097995, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors may:

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to ~~NRS 446.861~~ *section 20 of this act*.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 268.092 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the city council or other governing body of an incorporated city, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the city council or other governing body of an incorporated city of:

(I) Except as otherwise provided in NRS 268.097994, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;



(III) A school, child care facility, community center, polling place, religious institution or place of worship or a park or recreational facility owned by the city; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a city that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

**Sec. 57.** NRS 268.097997 is hereby amended to read as follows:

268.097997 1. In accordance with an ordinance adopted pursuant to NRS 268.097991 to 268.097998, inclusive, a city council or other governing body of an incorporated city, or a designee of the city council or other governing body, may:

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to ~~NRS 446.861.~~ ***section 20 of this act.***

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a city council or other



governing body of an incorporated city, or a designee of the city council or other governing body, may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to NRS 268.097994.

**Sec. 58.** NRS 341.100 is hereby amended to read as follows:

341.100 1. The Administrator and the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator of the Public Works - Professional Services Section; and

(b) A Deputy Administrator of the Buildings and Grounds Section.

↳ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works - Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator must:

(a) Have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and experience in management, public administration or public policy; or

(b) Be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator of the:

(a) Public Works - Professional Services Section must be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.



(b) Public Works - Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

- (a) Serve as the Secretary of the Board.
- (b) Manage the daily affairs of the Division.
- (c) Represent the Board and the Division before the Legislature.
- (d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) Select architects, engineers and contractors.

(f) Accept completed projects.

(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section shall:

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and

(b) Consult with an agency or official that is considering adoption of a regulation described in NRS ~~[446.942,]~~ 449.345, 455C.115, 461.173 or 477.0325 *or section 42 of this act* and



provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

**Sec. 59.** NRS 426.700 is hereby amended to read as follows:

426.700 A licensee operating a vending facility under the provisions of NRS 426.630 to 426.715, inclusive, is subject to:

1. The provisions of any and all laws and ordinances applying within the territory within which the vending facility is located, including those requiring a license or permit for the conduct of such business or any particular aspect thereof.

2. The provisions of ~~chapter 446 of NRS.~~ *sections 2 to 44, inclusive, of this act.*

**Sec. 60.** NRS 439.200 is hereby amended to read as follows:

439.200 1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

- (a) To define and control dangerous communicable diseases.
- (b) To prevent and control nuisances.
- (c) To regulate sanitation and sanitary practices in the interests of the public health.
- (d) ~~To provide for the sanitary protection of water and food supplies.~~

~~(e)~~ To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of NRS 444.440 to 444.620, inclusive, 444.650, 445A.170 to 445A.955, inclusive, and chapter 445B of NRS.

~~(f)~~ (e) To protect and promote the public health generally.

~~(g)~~ (f) To carry out all other purposes of this chapter.

2. Except as otherwise provided in NRS 444.650, those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and

(b) The variance, if granted, would not:

- (1) Cause substantial detriment to the public welfare; or
- (2) Impair substantially the purpose of that regulation.



4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

**Sec. 61.** NRS 439.366 is hereby amended to read as follows:

439.366 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district.

3. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) ~~Provide~~ *Consistent with any regulations adopted by the State Department of Agriculture pursuant to section 14 of this act, provide* for the sanitary protection of water and food supplies;

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district; and

(e) Improve the quality of health care services for members of minority groups and medically underserved populations.

4. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon;

(b) State each address at which the text of the proposal may be inspected and copied; and

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the board for such purpose.

5. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board of health shall set a time and place for an oral public hearing, but if no one



appears who will be directly affected by the proposal and requests an oral hearing, the district board of health may proceed immediately to act upon any written submissions. The district board of health shall consider fully all written and oral submissions respecting the proposal.

6. The district board of health shall file a copy of all of its adopted regulations with the county clerk.

**Sec. 62.** NRS 439.410 is hereby amended to read as follows:

439.410 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district, except in matters concerning emergency medical services pursuant to the provisions of chapter 450B of NRS.

3. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) ~~Provide~~ *Consistent with any regulations adopted by the State Department of Agriculture pursuant to section 14 of this act, provide* for the sanitary protection of water and food supplies; and

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district.

4. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon.

(b) State each address at which the text of the proposal may be inspected and copied.

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the district board for such purpose.

5. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation.



With respect to substantive regulations, the district board shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board may proceed immediately to act upon any written submissions. The district board shall consider fully all written and oral submissions respecting the proposal.

6. Each district board of health shall file a copy of all of its adopted regulations with the county clerk of each county in which it has jurisdiction.

**Sec. 63.** NRS 439.4905 is hereby amended to read as follows:

439.4905 1. Unless an exemption is approved pursuant to subsection 3, each county shall pay an assessment to the Division, in an amount determined by the Division, for the costs of services provided in that county by the Division or by the Chief Medical Officer, including, without limitation, services provided pursuant to this chapter and chapters 441A, 444 ~~[-,446]~~ and 583 of NRS and the regulations adopted pursuant to those chapters, regardless of whether the county has a local health authority.

2. Each county shall pay the assessment to the Division in quarterly installments that are due on the first day of the first month of each calendar quarter.

3. A county may submit a proposal to the Governor for the county to carry out the services that would otherwise be provided by the Division or the Chief Medical Officer pursuant to this chapter and chapters 441A, 444 ~~[-,446]~~ and 583 of NRS and the regulations adopted pursuant to those chapters. If the Governor approves the proposal, the Governor shall submit a recommendation to the Interim Finance Committee to exempt the county from the assessment required pursuant to subsection 1. The Interim Finance Committee, upon receiving the recommendation from the Governor, shall consider the proposal and determine whether to approve the exemption. In considering whether to approve the exemption, the Interim Finance Committee shall consider, among other things, the best interests of the State, the effect of the exemption and the intent of the Legislature in requiring the assessment to be paid by each county.

4. An exemption that is approved by the Interim Finance Committee pursuant to subsection 3 must not become effective until at least 6 months after that approval.

5. A county that receives approval pursuant to subsection 3 to carry out the services that would otherwise be provided by the Division or the Chief Medical Officer pursuant to this chapter and chapters 441A, 444 ~~[-,446]~~ and 583 of NRS and the regulations



adopted pursuant to those chapters shall carry out those services in the manner set forth in those chapters and regulations.

6. The Division may adopt such regulations as necessary to carry out the provisions of this section.

**Sec. 64.** NRS 439.532 is hereby amended to read as follows:

439.532 1. Unless federal law or regulation otherwise requires, a person shall not sell or offer to sell any commodity or product containing hemp which is intended for human consumption or any other commodity or product that purports to contain cannabidiol with a THC concentration that does not exceed the maximum THC concentration established by federal law for hemp unless such a commodity or product:

(a) Has been tested by an independent testing laboratory and meets the standards established by regulation of the Department pursuant to subsection 3; and

(b) Is labeled in accordance with the regulations adopted by the Department pursuant to subsection 3.

2. A person who produces or offers for sale a commodity or product described in subsection 1 may submit such a commodity or product to a cannabis independent testing laboratory for testing pursuant to this section and a cannabis independent testing laboratory may perform such testing.

3. The Department shall adopt regulations requiring the testing and labeling of any commodity or product described in subsection 1. Such regulations must:

(a) Set forth protocols and procedures for the testing of the commodities and products described in subsection 1;

(b) Identify contaminants of the commodities and products described in subsection 1 which are foods that contain an approved hemp component, as defined in ~~NRS 446.844,~~ *section 18 of this act*, and prescribe tolerances for such contaminants; and

(c) Require that any commodity or product described in subsection 1 is labeled in a manner that is not false or misleading in accordance with the applicable provisions of ~~chapters 446~~ *sections 2 to 44, inclusive, of this act* and *chapter 585* of NRS.

4. As used in this section:

(a) "Cannabis independent testing laboratory" has the meaning ascribed to it in NRS 678A.115.

(b) "Food" has the meaning ascribed to it in ~~NRS 446.017,~~ *section 5 of this act*.

(c) "Hemp" has the meaning ascribed to it in NRS 557.160.



(d) “Intended for human consumption” means intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.

(e) “THC” has the meaning ascribed to it in NRS 453.139.

**Sec. 65.** NRS 444.350 is hereby amended to read as follows:

444.350 1. Any construction, alteration or change in the use of a building or other structure in this State must be in compliance with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials in the form most recently adopted by that Association, unless the State Public Works Board posts a notice of disapproval of any amendment to the Code pursuant to subsection 5.

2. Any city or county may adopt such modifications as are deemed reasonably necessary because of its geographic, topographic or climatic conditions. Any city or county desiring to make changes to the Uniform Plumbing Code must, before its adoption, submit the Code with the proposed amendments to the State Public Works Board.

3. No city or county may allow the use of any solder or flux that contains more than 0.2 percent lead or allow the use of any pipe or pipe fitting that contains more than 8 percent lead in the installation or repair of a public water system or any residence or facility connected to a public water system. As used in this subsection, “public water system” has the meaning ascribed to it in NRS 445A.840.

4. A facility used by members of the public whose construction or renovation begins on or after January 1, 1994, must provide on its premises a sufficient number of water closets and urinals to comply with the minimum standards set forth in the Uniform Plumbing Code. As used in this subsection, “facility used by members of the public” means any motion picture house, theater, concert hall, community hall, sports arena, stadium, ski resort or other permanent place of exhibition or entertaining to which members of the public are invited or which is intended for public use. The term does not include:

(a) A hotel as defined in NRS 447.010.

(b) A food establishment as defined in ~~NRS 446.020.~~ *section 6 of this act.*

(c) A children’s camp as defined in NRS 444.220.

(d) A historic structure as defined in NRS 244A.6825.

(e) A public or private school.

(f) A convention hall.



5. The Chair of the State Public Works Board or the Chair's designee shall review each amendment to the Uniform Plumbing Code and approve or disapprove of the amendment for use in Nevada. If the Chair does not post a notice of disapproval within 30 days after an amendment is published, the amendment shall be deemed approved for this State.

6. As used in this section, unless the context otherwise requires, "convention hall" means a facility which incorporates both space for exhibitions and a substantial number of smaller spaces for meetings, and which is primarily for use by trade shows, public shows, conventions or related activities.

**Sec. 66.** NRS 557.190 is hereby amended to read as follows:

557.190 The provisions of this chapter do not apply to:

1. A person who purchases, for the purpose of resale, hemp or a commodity or product made using hemp which was not grown or processed by the person;

2. A person who transports hemp or a commodity or product made using hemp which was not grown or processed by the person; or

3. A person described in ~~NRS 446.844~~ *section 18 of this act* who, for the purpose of engaging in any of the activities set forth in ~~NRS 446.844~~ *section 18 of this act*, purchases or handles hemp or a commodity or product made using hemp which was not grown or processed by the person,

↳ if such a person reasonably believes the hemp or commodity or product made using hemp was grown or processed in compliance with the provisions of this chapter.

**Sec. 67.** NRS 576.128 is hereby amended to read as follows:

576.128 1. The Department shall adopt regulations pursuant to which a person who is an actual producer of farm products other than any livestock, livestock product or poultry must obtain certification as an actual producer of farm products. The regulations may include provisions for the certification by reciprocity of a person who holds a similar certification from another jurisdiction where the requirements for that certification are substantially equal to the requirements in this state.

2. The Department may impose fees for the certification of a person as an actual producer of farm products specified in subsection 1 and any inspections necessary for that certification. The fees must be set in an amount which approximates the cost to the Department of performing those services and activities.

3. A person who obtains certification pursuant to this section is exempt from any:



(a) Tax or other fee imposed pursuant to NRS 244.335, 266.355, subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175, relating to the issuance of any license to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products specified in subsection 1 for which the person has obtained certification pursuant to this section.

(b) Fee imposed for:

(1) The issuance of a permit pursuant to the provisions of ~~[chapter 446 of NRS]~~ *sections 2 to 44, inclusive, of this act* to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products specified in subsection 1 for which the person has obtained certification pursuant to this section; or

(2) Any inspection conducted pursuant to the provisions of ~~[chapter 446 of NRS]~~ *sections 2 to 44, inclusive, of this act* relating to such a sale or offer to sell.

**Sec. 68.** NRS 597.7629 is hereby amended to read as follows:

597.7629 1. “Food dispensing establishment” means a food establishment that prepares and serves food intended for immediate consumption. The term includes, without limitation, a restaurant. The term does not include a convenience store or a grocery store.

2. As used in this section:

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

(b) “Food establishment” has the meaning ascribed to it in ~~[NRS 446.020.]~~ *section 6 of this act.*

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

**Sec. 69.** NRS 678B.290 is hereby amended to read as follows:

678B.290 1. The Board shall establish standards for and certify one or more cannabis independent testing laboratories to:

(a) Test cannabis for adult use and adult-use cannabis products that are to be sold in this State;

(b) Test cannabis for medical use and medical cannabis products that are to be sold in this State; and

(c) In addition to the testing described in paragraph (a) or (b), test commodities or products containing hemp, as defined in NRS 557.160, or cannabidiol which are intended for human or animal consumption and sold by a cannabis establishment or a person described in ~~[NRS 446.844.]~~ *section 18 of this act.*

2. Such a cannabis independent testing laboratory must be able to:



(a) Determine accurately, with respect to cannabis or cannabis products that are sold or will be sold at cannabis sales facilities in this State:

- (1) The concentration therein of THC and cannabidiol.
- (2) The presence and identification of microbes, molds and fungi.
- (3) The composition of the tested material.
- (4) The presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.

(b) Demonstrate the validity and accuracy of the methods used by the cannabis independent testing laboratory to test cannabis and cannabis products.

3. To obtain a license to operate a cannabis independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 678B.210 or 678B.250, as applicable.

(b) Pay the fees required pursuant to NRS 678B.390.

(c) Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure by an impartial organization that operates in accordance with standard ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.

**Sec. 70.** NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis with the words “THIS PRODUCT CONTAINS CANNABIS” in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.



(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

(h) Are labeled with:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the cannabis product;

(3) A list of all major food allergens in the cannabis product;

and

(4) Any other information the Board may require by regulation.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(c) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(d) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.



5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Convey to each purchaser of cannabis or cannabis products the following information in a manner prescribed by the Board:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the ~~health~~ *food safety* authority, as defined in ~~NRS 446.050,~~ *section 9 of this act*, where a cannabis production facility, cannabis sales facility or cannabis consumption lounge which sells edible cannabis products is located requires persons who handle



food at a food establishment to obtain certification, the cannabis production facility, cannabis sales facility or cannabis consumption lounge shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or



(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as “free” or “donated” without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) “Keep out of reach of children”; and

(2) “For use only by adults 21 years of age and older.”

(f) Shall ensure that all advertising by the cannabis establishment contains:

(1) The name of the cannabis establishment; and

(2) Except as otherwise provided in subsection 12, the adult-use cannabis establishment license number or medical cannabis establishment license number of the cannabis establishment or any other unique identifier assigned to the cannabis establishment by the Board.

12. A cannabis establishment that holds more than one license may satisfy the requirement set forth in subparagraph (2) of paragraph (f) of subsection 11 if the cannabis establishment includes in all advertising conducted by the cannabis establishment:

(a) Any one of the adult-use cannabis establishment license numbers or medical cannabis establishment license numbers of the cannabis establishment; or

(b) Any one unique identifier assigned to the cannabis establishment by the Board.

13. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.



14. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

15. To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to NRS 678D.480, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.

16. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 14 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

17. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

**Sec. 71.** The Director of the Department of Health and Human Services shall coordinate with the Director of the State Department of Agriculture to transfer employees whose primary duties relate to food establishments pursuant to chapter 446 of NRS to the State Department of Agriculture.

**Sec. 72.** 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to



which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

**Sec. 73.** The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

**Sec. 74.** Notwithstanding the amendatory provisions of this act, any person who, on June 30, 2025, holds a permit issued by the Division of Public and Behavioral Health of the Department of Health and Human Services or a local health authority pursuant to NRS 446.875, as that section existed on June 30, 2025, is not required to obtain a permit from the State Department of Agriculture or other food safety authority pursuant to section 26 of this act until the expiration of the permit issued pursuant to NRS 446.875, as that section existed on June 30, 2025.

**Sec. 75.** Notwithstanding the amendatory provisions of this act, any regulation adopted by a local board of health pursuant to NRS 446.940, as that section existed on June 30, 2025, shall be deemed to be approved by the State Department of Agriculture pursuant to section 40 of this act.

**Sec. 75.5.** Notwithstanding the amendatory provisions of this act, the State Department of Agriculture shall review the budget of the Department, any fee charged to a food establishment pursuant to chapter 446 of NRS, as that chapter existed on June 30, 2025, and the assessments charged pursuant to NRS 439.4905, as that section existed on June 30, 2025, to each county for services provided by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 446 of NRS and any regulations adopted pursuant thereto to determine the amount of the assessments that are necessary to ensure the financial solvency of the State Department of Agriculture in providing all such services pursuant to sections 2 to 44, inclusive, of this act and any



regulations adopted pursuant thereto. Based on the results of the review conducted pursuant to this section, the State Department of Agriculture may increase the assessments charged pursuant to section 15 of this act.

**Sec. 76.** Notwithstanding the amendatory provisions of this act, if a county has received an exemption from the Interim Finance Committee pursuant to NRS 439.4905, as that section existed on June 30, 2025, for the county to carry out the services that would otherwise be provided by the Division of Public and Behavioral Health of the Department of Health and Human Services or the Chief Medical Officer pursuant to chapter 446 of NRS and the regulations adopted pursuant thereto, the county shall be deemed to be exempt from the assessment required to be paid to the State Department of Agriculture pursuant to section 15 of this act for any service provided by the State Department of Agriculture pursuant to sections 2 to 44, inclusive, of this act and any regulations adopted pursuant thereto.

**Sec. 77.** NRS 446.0145, 446.017, 446.020, 446.030, 446.035, 446.050, 446.053, 446.057, 446.067, 446.069, 446.841, 446.842, 446.844, 446.846, 446.861, 446.865, 446.866, 446.868, 446.869, 446.870, 446.872, 446.875, 446.877, 446.880, 446.883, 446.885, 446.890, 446.895, 446.900, 446.920, 446.923, 446.925, 446.930, 446.935, 446.940, 446.941, 446.942, 446.943 and 446.945 are hereby repealed.

**Sec. 78.** This act becomes effective on July 1, 2025.



