

ASSEMBLY BILL NO. 200—ASSEMBLYMEN HARDY, GRADY,  
CARLTON, HICKEY, OSCARSON; KIRNER, LIVERMORE AND  
WHEELER

MARCH 4, 2013

JOINT SPONSORS: SENATORS HARDY; AND CEGAVSKE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to food establishments.  
(BDR 40-129)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to food establishments; revising the definition of  
“food establishment” for purposes of provisions  
regulating such establishments; and providing other  
matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires a person to obtain a permit to operate a food  
2 establishment and to comply with various other requirements in the operation of the  
3 food establishment. (NRS 446.870) Existing law defines the term “food  
4 establishment” for those purposes and specifically excludes certain entities from the  
5 definition, including private homes where the food that is prepared or manufactured  
6 in the home is not provided for compensation or other consideration of any kind.  
7 (NRS 446.020)  
8 **Section 5** of this bill adds to the list of entities that are excluded from the  
9 definition of “food establishment” a farm holding a farm-to-fork event. **Section 2** of  
10 this bill defines the term “farm-to-fork event” as an event where prepared food  
11 from a farm is provided for immediate consumption by paying guests at the farm.  
12 **Section 3** of this bill authorizes a farm to hold a farm-to-fork event provided that:  
13 (1) any meat or poultry served is raised and prepared on the farm, and is butchered  
14 and processed on the farm pursuant to certain permit and inspection requirements  
15 of NRS; (2) other food items served are prepared from ingredients substantially  
16 produced on the farm; and (3) each guest is provided with and acknowledges  
17 receipt of a notice which states that no inspection was conducted by a state or local  
18 health department of the farm or the food to be consumed, except as to the  
19 butchering and processing of the meat or poultry. **Section 5** also adds to the list of



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20 entities that are excluded from the definition of “food establishment” a farm that  
21 manufactures or prepares certain food items for sale or which offers or displays for  
22 sale or serves those food items under certain circumstances. **Section 4** of this bill  
23 specifies which food items qualify a farm for that exemption.

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

1       **Section 1.** Chapter 446 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3       **Sec. 2.** *“Farm-to-fork event” means an event organized on a*  
4 *farm where prepared food is provided for immediate consumption*  
5 *to paying guests and that meets the requirements of section 3 of*  
6 *this act.*

7       **Sec. 3.** *1. A farm is not a “food establishment” for*  
8 *purposes of holding a farm-to-fork event provided that:*

9       *(a) Any poultry and meat, including, without limitation, meat*  
10 *from a rabbit, that is served at the farm-to-fork event is raised and*  
11 *prepared on the farm and is butchered and processed on the farm*  
12 *pursuant to the requirements of chapter 583 of NRS; and*

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

17       *2. A farm which holds a farm-to-fork event pursuant to this*  
18 *section shall:*

19       *(a) Before a guest consumes any food, provide each guest with*  
20 *a notice which states that no inspection was conducted by a state*  
21 *or local health department of the farm or the food to be consumed,*  
22 *except as otherwise provided in subsection 1; and*

23       *(b) Obtain from each guest a signed acknowledgment of*  
24 *receipt of the notice.*

25       **Sec. 4.** *1. A farm which manufactures or prepares a food*  
26 *item by any manner or means whatever for sale, or which offers or*  
27 *displays a food item for sale, is not a “food establishment”*  
28 *pursuant to paragraph (h) of subsection 2 of NRS 446.020 if each*  
29 *such food item is:*

30       *(a) Made substantially from ingredients that were grown or*  
31 *produced on the farm;*

32       *(b) Sold at the farm or at a farmers’ market licensed pursuant*  
33 *to chapter 244 or 268 of NRS;*

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

36       *(d) Affixed with a label which complies with the federal*  
37 *labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R.*



1 *Part 317 and 21 C.F.R. Part 101 and which has been approved by*  
2 *the health authority if the food item is sold at a farmers' market;*

3 (e) *Labeled with "NOT FOR RESALE - PROCESSED AND*  
4 *PREPARED IN A FACILITY WHICH DOES NOT HAVE A*  
5 *PERMIT AND WHICH HAS NOT BEEN INSPECTED BY A*  
6 *STATE OR COUNTY HEALTH AUTHORITY" printed*  
7 *prominently on the label for the food item;*

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

11 (g) *Prepared and processed without the use of any special*  
12 *process, including, without limitation:*

13 (1) *Preservation by means of smoking, curing, dehydration*  
14 *or the addition of preservatives;*

15 (2) *Reduced oxygen packaging, including, without*  
16 *limitation, the cook-chill or sous vide processes; or*

17 (3) *Pressure canning of food with a pH of less than 4.2.*

18 2. *As used in this section:*

19 (a) *"Farm" means land:*

20 (1) *Used for an agricultural purpose, including, without*  
21 *limitation, the production of crops and the on-site storage,*  
22 *preparation and sale of agricultural products principally produced*  
23 *on the land; and*

24 (2) *From which \$10,000 or more of agricultural products*  
25 *are produced and sold each year.*

26 (b) *"Food item" means:*

27 (1) *Nuts and nut mixes;*

28 (2) *Candies;*

29 (3) *Jams, jellies and preserves;*

30 (4) *Vinegar and flavored vinegar;*

31 (5) *Dry herbs and seasoning mixes; or*

32 (6) *Baked goods that:*

33 (I) *Are not potentially hazardous foods;*

34 (II) *Do not contain cream, uncooked egg, custard,*  
35 *meringue or cream cheese frosting or garnishes, fillings or*  
36 *frostings with low sugar content; and*

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

39 **Sec. 5.** NRS 446.020 is hereby amended to read as follows:

40 446.020 1. Except as otherwise limited by subsection 2,  
41 "food establishment" means any place, structure, premises, vehicle  
42 or vessel, or any part thereof, in which any food intended for  
43 ultimate human consumption is manufactured or prepared by any  
44 manner or means whatever, or in which any food is sold, offered or  
45 displayed for sale or served.



1 2. The term does not include:

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

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

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

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

14 (e) Any establishment where animals are slaughtered which is  
15 regulated and inspected by the State Department of Agriculture;

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

18 NRS; ~~for~~

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

22 *(h) A farm that meets the requirements of section 4 of this act*  
23 *with respect to food items as defined in that section; or*

24 *(i) A farm for purposes of holding a farm-to-fork event.*

25 **Sec. 6.** This act becomes effective on July 1, 2013.

