

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; allowing farms to hold farm-to-fork events in certain circumstances without being considered a food establishment for purposes of inspections by the health authority and other regulations; requiring such farms to register with the health authority; 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 a
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 without being
13 subject to the requirements of a food establishment provided that: (1) any rabbit
14 meat or poultry served is raised and prepared on the farm, and is butchered and
15 processed on the farm pursuant to certain permit and inspection requirements of
16 NRS; (2) other food items served are prepared from ingredients substantially
17 produced on the farm; and (3) each guest is provided with a notice which states that



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18 no inspection was conducted by a state or local health department of the farm or the
19 food to be consumed, except as to the butchering and processing of the meat or
20 poultry. **Section 3** further provides that a farm which holds more than two events in
21 any month becomes a food establishment subject to all the requirements of a food
22 establishment for the remainder of the calendar year. **Section 3.5** requires a farm
23 that wishes to hold farm-to-fork events to register with the health authority by
24 providing certain information and paying a fee. The health authority is prohibited
25 from inspecting the farm, except in certain circumstances.

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, 3.5 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.** *Except as otherwise provided in subsection 3, a*
8 *farm is not a “food establishment” for purposes of holding a farm-*
9 *to-fork event provided that:*

10 *(a) Any poultry and meat from a rabbit that is served at the*
11 *farm-to-fork event is raised and prepared on the farm and is*
12 *butchered and processed on the farm pursuant to the requirements*
13 *of chapter 583 of NRS; and*

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

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

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

28 **Sec. 3.5. 1.** *A farm that wishes to hold farm-to-fork events*
29 *must register with the health authority by submitting such*
30 *information as the health authority deems appropriate, including,*
31 *without limitation:*

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

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



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1 (c) *The address of the farm.*

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

6 3. *The health authority shall not inspect a farm that holds a*
7 *farm-to-fork event, except as otherwise provided in subsection 3 of*
8 *section 3 of this act and except that the health authority may*
9 *inspect a farm following a farm-to-fork event to investigate a food*
10 *item that may be deemed to be adulterated pursuant to NRS*
11 *585.300 to 585.360, inclusive, or an outbreak or suspected*
12 *outbreak of illness known or suspected to be caused by a*
13 *contaminated food item served at the farm-to-fork event. A farm*
14 *shall cooperate with the health authority in any such inspection.*

15 4. *If, as a result of an inspection conducted pursuant to*
16 *subsection 3, the health authority determines that the farm has*
17 *produced an adulterated food item or was the source of an*
18 *outbreak of illness caused by a contaminated food item, the health*
19 *authority may charge and collect from the farm a fee in an*
20 *amount not to exceed the actual cost of the health authority to*
21 *conduct the investigation.*

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

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

24 446.020 1. Except as otherwise limited by subsection 2,
25 “food establishment” means any place, structure, premises, vehicle
26 or vessel, or any part thereof, in which any food intended for
27 ultimate human consumption is manufactured or prepared by any
28 manner or means whatever, or in which any food is sold, offered or
29 displayed for sale or served.

30 2. The term does not include:

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

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

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

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

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



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1 (f) Dairy farms and plants which process milk and products of
2 milk or frozen desserts which are regulated under chapter 584 of
3 NRS; ~~for~~

4 (g) The premises of a wholesale dealer of alcoholic beverages
5 licensed under chapter 369 of NRS who handles only alcoholic
6 beverages which are in sealed containers ~~H~~; *or*

7 *(h) A farm for purposes of holding a farm-to-fork event.*

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

