

Senate Bill No. 210–Committee on  
Health and Human Services

CHAPTER.....

AN ACT relating to food establishments; allowing a health authority to require the testing of food processed or otherwise prepared by a food processing establishment under certain circumstances; requiring records of the test results to be maintained and the results to be reported if contamination is indicated; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law sets forth provisions governing the regulation of food establishments, including, without limitation, establishments that manufacture or process food intended for human consumption. (Chapter 446 of NRS) Existing law also requires that such provisions be enforced by the officers and agents of the Health Division of the Department of Health and Human Services and the officers and agents of the local boards of health. (NRS 446.050, 446.940) This bill authorizes the health authority, under certain circumstances, to require that the food processed or otherwise prepared in such establishments be tested for the presence of certain contaminants. The bill further requires that the cost of the testing be paid by the establishments and requires that the testing be conducted in accordance with nationally recognized laboratory standards. Finally, this bill requires records of the results of any tests to be retained for at least 2 years and requires timely reporting to the health authority if the testing indicates contamination.

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

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

**Section 1.** Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in this subsection, whenever the health 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 health 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 health 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 health 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 health authority for its review.*

*4. If 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 health authority.*

**Secs. 2 and 3.** (Deleted by amendment.)

**Sec. 4.** This act becomes effective on July 1, 2011.

