

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; providing a similar exemption from requirements applicable to a food establishment for certain farms which manufacture or prepare certain food items for sale or which offer or display such food items under certain circumstances; 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.



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12 **Section 3** of this bill authorizes a farm to hold a farm-to-fork event provided that:
13 (1) any rabbit meat or poultry served is raised and prepared on the farm, and is
14 butchered and processed on the farm pursuant to certain permit and inspection
15 requirements of NRS; (2) other food items served are prepared from ingredients
16 substantially produced on the farm; and (3) each guest is provided with and
17 acknowledges receipt of a notice which states that no inspection was conducted by
18 a state or local health department of the farm or the food to be consumed, except as
19 to the butchering and processing of the meat or poultry. **Section 3.5** requires a farm
20 that wishes to hold farm-to-fork events to register with the health authority by
21 providing certain information and paying a fee. The health authority is prohibited
22 from inspecting the farm, except in certain circumstances. **Section 5** also adds to
23 the list of entities that are excluded from the definition of “food establishment” a
24 farm that manufactures or prepares certain food items for sale or which offers or
25 displays for sale or serves those food items under certain circumstances. **Section 4**
26 of this bill specifies which food items qualify a farm for that exemption.

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.** *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 from a rabbit that is served at the*
10 *farm-to-fork event is raised and prepared on the farm and is*
11 *butchered and processed on the farm pursuant to the requirements*
12 *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 shall:*

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

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

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



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

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

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

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

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

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

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

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

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

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

35 (d) *Affixed with a label which complies with the federal*
36 *labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R.*
37 *Part 317 and 21 C.F.R. Part 101 and which has been approved by*
38 *the health authority if the food item is sold at a farmers' market;*

39 (e) **Labeled with "NOT FOR RESALE - PROCESSED AND**
40 **PREPARED IN A FACILITY WHICH DOES NOT HAVE A**
41 **PERMIT AND WHICH HAS NOT BEEN INSPECTED BY A**
42 **STATE OR COUNTY HEALTH AUTHORITY" printed**
43 **prominently on the label for the food item; and**



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1 *(f) Prepackaged in a manner that protects the food item from*
2 *contamination during transport, display, sale and acquisition by*
3 *consumers.*

4 **2. As used in this section:**

5 *(a) "Farm" means land used for an agricultural purpose,*
6 *including, without limitation, the production of crops and the on-*
7 *site storage, preparation and sale of agricultural products*
8 *principally produced on the land.*

9 *(b) "Food item" means any food that is not potentially*
10 *hazardous, does not require time or temperature controls for*
11 *safety and has a pH of 4.6 or less.*

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

13 446.020 1. Except as otherwise limited by subsection 2,
14 "food establishment" means any place, structure, premises, vehicle
15 or vessel, or any part thereof, in which any food intended for
16 ultimate human consumption is manufactured or prepared by any
17 manner or means whatever, or in which any food is sold, offered or
18 displayed for sale or served.

19 2. The term does not include:

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

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

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

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

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

34 (f) Dairy farms and plants which process milk and products of
35 milk or frozen desserts which are regulated under chapter 584 of
36 NRS; ~~††~~

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

40 *(h) A farm that meets the requirements of section 4 of this act*
41 *with respect to a food item as defined in that section; or*

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

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

