

CHAPTER 446 - FOOD ESTABLISHMENTS

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DEFINITIONS

NRS 446.0145 “Farm-to-fork event” defined. “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 [NRS 446.868](#).
(Added to NRS by [2013, 1404](#))

NRS 446.017 “Food” defined. “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.
[Part 1:116:1943; 1943 NCL § 5319] — (NRS A [1969, 803](#))

NRS 446.020 “Food establishment” defined.

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 where animals, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to [chapter 583](#) of NRS;
 - (f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under [chapter 584](#) of NRS;
 - (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 that produces eggs which is regulated pursuant to [chapter 583](#) of NRS;
 - (i) A cottage food operation that meets the requirements of [NRS 446.866](#) 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](#).
[Part 1:116:1943; 1943 NCL § 5319] — (NRS A [1960, 295](#); [1963, 758](#); [1969, 803, 991](#); [1973, 1164](#); [1981, 697](#); [1985, 901](#); [1991, 286](#); [1993, 1624](#); [1999, 3624](#); [2001, 1504](#); [2013, 513, 1405](#); [2015, 369, 1257](#))

NRS 446.030 “Food handler” defined.

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.

[Part 1:116:1943; 1943 NCL § 5319] — (NRS A [1969, 803](#); [2001, 1505](#); [2003, 595](#); [2007, 2175](#))

NRS 446.035 “Food processing establishment” defined. “Food processing establishment” means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

(Added to NRS by [1969, 816](#))

NRS 446.050 “Health authority” defined. “Health 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.

[Part 1:116:1943; 1943 NCL § 5319] — (NRS A [1963, 311](#), [758](#); [1969, 803](#); [1973, 1406](#); [2013, 3054](#))

NRS 446.053 “Misbranded” defined. “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.

(Added to NRS by [1969, 816](#))

NRS 446.057 “Potentially hazardous food” defined. “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 Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services has adopted a later edition of the *Food Code* for this purpose.

(Added to NRS by [2003, 594](#); A [2013, 3054](#))

NRS 446.067 “Temporary food establishment” defined. “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.

(Added to NRS by [1969, 817](#))

NRS 446.069 “Wholesome” defined. “Wholesome” means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

(Added to NRS by [1969, 817](#))

FACILITIES AND OPERATIONS

NRS 446.841 Use of sawdust on floors in retail meat, poultry and fish markets. 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 Division of Public and Behavioral Health of the Department of Health and Human Services; and

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

(Added to NRS by [1971, 151](#); A [1973, 1406](#))

NRS 446.842 Food establishments which sell alcoholic beverages for consumption on premises required to post signs concerning birth defects; exception.

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 Division of Public and Behavioral Health of the Department of Health and Human Services 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 Division of Public and Behavioral Health 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.

(Added to NRS by [2003, 1361](#))

NRS 446.846 Certain employees of food establishments required to wear hair net or other suitable covering to confine hair. The State Board of Health 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.

(Added to NRS by [1973, 1055](#))

TEMPORARY FOOD ESTABLISHMENTS

NRS 446.865 Compliance with chapter; powers of health authority. A temporary food establishment shall comply with all the provisions of this chapter which are applicable to its operation. The health 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 health authority no imminent health hazard will result.

(Added to NRS by [1963, 753](#); A [1969, 810](#))

COTTAGE FOOD OPERATIONS

NRS 446.866 Exemption from certain requirements; certain local governing bodies prevented from prohibiting cottage food operations; registration; fee; inspection.

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 [NRS 446.020](#) 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 “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 health 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 health authority by submitting such information as the health 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 health 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 health authority to establish and maintain a registry of cottage food operations.

5. The health 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 health authority in any such inspection. If, as a result of such inspection, the health 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 health authority may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the health authority to conduct the investigation.

6. 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 health 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 \$35,000 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.

(Added to NRS by [2013, 512](#); A [2015, 370](#))

FARM-TO-FORK EVENTS

NRS 446.868 Exemption from certain requirements; notice to guests.

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

(a) Any poultry and meat from a rabbit that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of [chapter 583](#) of NRS; 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.

(Added to NRS by [2013, 1404](#))

NRS 446.869 Registration; fees; inspection.

1. A farm that wishes to hold farm-to-fork events must register with the health authority by submitting such information as the health 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 health 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 health authority to establish and maintain a registry of farms holding farm-to-fork events.
3. The health authority shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of [NRS 446.868](#) and except that the health 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 health authority in any such inspection.
4. If, as a result of an inspection conducted pursuant to subsection 3, the health 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 health authority may charge and collect from the farm a fee in an amount not to exceed the actual cost of the health authority to conduct the investigation.
- (Added to NRS by [2013, 1405](#))

PROVISIONS FOR ENFORCEMENT

NRS 446.870 Prohibited acts: Operation of food establishment without valid permit issued by health authority; sale, offer or display for consideration of food prepared in private home without valid permit issued by health authority; exemptions.

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 health authority.
 2. The health authority may exempt a food establishment from the provisions of this chapter if the health 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 health authority for that purpose.
 5. A religious, charitable or other nonprofit organization may, without possessing a permit from the health 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 health authority is required unless an exemption is granted pursuant to subsection 2.
- (Added to NRS by [1963, 753](#); A [1969, 810](#); [1987, 382](#); [2001, 1505](#))

NRS 446.872 Prohibited acts: Selling flesh of diseased animal; selling container containing shellfish without approved stamp. 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 Public and Behavioral Health of the Department of Health and Human Services, is guilty of a gross misdemeanor.

(Added to NRS by [2015, 3608](#))

NRS 446.875 Issuance of permit.

1. Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include:
 - (a) The applicant's full name and post office address.
 - (b) 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) A statement of the location and type of the proposed food establishment.
 - (d) The signature of the applicant or applicants.
 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 health 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 health 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.
- (Added to NRS by [1963, 753](#); A [1969, 811](#); [1987, 383](#))

NRS 446.877 License of any licensing authority must not be issued until permit issued by health authority; exception.

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 health 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 health authority.

[14:116:1943; 1943 NCL § 5319.13] — (NRS A [1963, 759](#); [1969, 804](#); [2011, 3593](#))

NRS 446.880 Suspension or revocation of permit; reinstatement of suspended permit; hearing.

1. Permits issued under the provisions of this chapter may be suspended temporarily by the health 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 health authority.

3. Whenever the health authority finds an insanitary or other condition in the operation of a food establishment which, in the judgment of the health authority, constitutes a substantial hazard to the public health, the health 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 health 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 health 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 health authority in the performance of the duties of the health authority, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health authority. Before taking such an action, the health 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 health authority may permanently revoke a permit after 5 days following service of the notice unless a request for a hearing is filed with the health authority by the permit holder within 5 days.

7. The hearings provided for in this section must be conducted by the health authority at a time and place designated by the health authority. Based upon the record of the hearing, the health 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 health authority.

(Added to NRS by [1963, 754](#); A [1969, 811](#); [1981, 604](#); [1985, 292](#))

NRS 446.883 Revocation of city or county business license if permit issued by health authority revoked.

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 health authority, and no new license may be issued until such person again possesses an unrevoked permit from the health authority.

2. Licensing authorities shall be notified by the health authority of the revocation of any permit.

[15:116:1943; 1943 NCL § 5319.14] — (NRS A [1969, 804](#))

NRS 446.885 Inspection of food establishment.

1. At least once every year, the health authority shall inspect each food establishment located in the State.

2. The health 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 health authority in the performance of his or her duties.

(Added to NRS by [1963, 755](#); A [1969, 812](#))

NRS 446.890 Access to food establishment; form for inspection report.

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

(Added to NRS by [1963, 755](#); A [1969, 812](#); [1981, 605](#))

NRS 446.895 Issuance of notice. Except as otherwise provided in subsection 3 of [NRS 446.880](#), whenever the health authority makes an inspection of a food establishment and discovers that any of the requirements of this chapter have been violated, the health 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 health authority within the period established in the notice for correction.

(Added to NRS by [1963, 755](#); A [1969, 813](#); [1981, 605](#))

NRS 446.900 Service of notice. Notices provided for in [NRS 446.895](#) shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the health authority.

(Added to NRS by [1963, 756](#))

NRS 446.920 Examination and condemnation of food.

1. Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food which the health 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 health authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission of the health 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 [NRS 446.895](#), 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 health 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 health 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.

(Added to NRS by [1963, 757](#); A [1969, 814](#))

NRS 446.923 Authority of health authority to require food processing establishment to have food tested in certain circumstances; requirements of such test; period for retention of records of tests; reporting of test results.

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.

(Added to NRS by [2011, 1022](#))

NRS 446.925 Food establishment outside jurisdiction of health authority. Food from food establishments outside the jurisdiction of the health authority of the State of Nevada 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 health authority may accept reports from responsible authorities in the jurisdictions where such food establishments are located.

(Added to NRS by [1963, 757](#); A [1969, 814](#))

NRS 446.930 Review of plan for construction or remodeling of food establishment. 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 layout, arrangement and construction materials of work areas and the location, size and type of fixed equipment and facilities shall be submitted to the health 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 health authorities for approval before such work is begun.

(Added to NRS by [1963, 757](#); A [1969, 814](#))

NRS 446.935 Procedure if infection of food handler is suspected.

1. When the health authority has reasonable cause to suspect the possibility of disease transmission from any food handler of a food establishment, the health 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 health 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 health 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.

(Added to NRS by [1963, 757](#); A [1969, 815](#))

NRS 446.940 Enforcement.

1. Except as provided in subsection 2, this chapter must be enforced by the health authority in accordance with regulations hereby authorized to be adopted by the State Board of Health to carry out the requirements of this chapter.

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 State Board of Health;

(b) Must be enforced by the health authority; and

(c) Supersede the regulations adopted by the State Board of Health pursuant to subsection 1.

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

(Added to NRS by [1963, 758](#); A [1969, 815](#); [1981, 606](#))

NRS 446.941 Inapplicability of certain regulations to child care facilities with limited menus.

1. Any regulation adopted by the State Board of Health or a local board of health pursuant to [NRS 446.940](#) 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.
- (Added to NRS by [2003, 594](#); A [2009, 1013](#))

NRS 446.942 Restriction on adoption of regulations concerning construction, maintenance, operation or safety of building, structure or other property. Before the State Board of Health may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the Board 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](#).

(Added to NRS by [2011, 3574](#); A [2013, 397](#))

NRS 446.943 Prosecution by district attorney. 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 State Board of Health or the local board of health adopted pursuant to this chapter.

[Part 21:116:1943; 1943 NCL § 5319.20] — (NRS A [1963, 760](#); [1969, 807](#); [1981, 606](#))

NRS 446.945 Penalties. Except as otherwise provided in [NRS 446.872](#), 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.

(Added to NRS by [1963, 758](#); A [1969, 815](#); [2015, 3608](#))