

Exemptions

Please call our office at (775) 684-5280, or your local field office, if you have questions about qualifying for an exemption.

Exemption from regulation requirements	Exemption from a permit (with local approval)
<p>Sec. 423. NAC 446.042 Exemption from requirements; revocation of exemption is hereby amended to read as follows:</p> <ol style="list-style-type: none"> 1. For a food establishment to be exempted pursuant to the provisions of this chapter, it must: <ol style="list-style-type: none"> a. Provide restroom facilities for its employees that meet the requirements of this chapter. b. Not serve, sell, give away, display or store potentially hazardous food (time/temperature control for safety food). c. Store all food to be sold or offered for sale within the establishment. d. Ensure that the display or storage of food meets the requirements of this chapter. e. Ensure that food is not consumed on the premises. f. Not offer seating to the public. g. Ensure that the primary business of the establishment is not related to food and that the portion of the establishment that is related to food does not occupy more than 25 percent of the total area of the establishment. 2. The food sold or offered for sale by a food establishment that has been exempted pursuant to the provisions of NRS 446.870 may include: <ol style="list-style-type: none"> a. Commercially canned or bottled beverages; b. Coffee or coffee beans; c. Prepackaged snacks and candies; d. Prepackaged food supplements such as spices, teas and herbs; and e. Whole fruits and vegetables in a natural and unprocessed state, provided that documentation can be presented which indicates that the produce was grown by a “certified grower” from the state in which it originated or is from an approved source. 3. The handling of food, including cooking food, opening containers of bulk food and repackaging or processing food of any kind, is not allowed within such an establishment. 4. If a food establishment fails to comply with the requirements of this section, the health authority shall revoke the exemption and close the portion of the establishment that sells food. A food establishment that has had its exempt status revoked must obtain a permit pursuant to the provisions of NRS 446.875 before resuming any operation of a food establishment. 	<p>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.</p> <ol style="list-style-type: none"> 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. <u>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.</u> <p>(Added to NRS by 1963, 753; A 1969, 810; <u>1987, 382; 2001, 1505</u>)</p>
	<p><i>Operators selling these items may be exempt from the permit requirements of NRS Chapter 446 but they must meet the other provisions of the rules and must obtain a written exemption from the Division of public and Behavioral Health prior to operating.</i></p>
Fees	Fees
Sect 451 NAC 446.830 For a food establishment that has been exempted: \$50.00 (If required by local authority)	Sect 451 NAC 446.830 For a food establishment that has been exempted: \$50.00