STATE OF NEVADA
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
COMMUNITY SERVICES
ENVIRONMENTAL HEALTH SECTION
www.health.nv.gov/BFHS_EHS.htm

INFORMATION FOR A COTTAGE FOOD OPERATION REGISTRATION

In May 2013, the Nevada Legislature passed and Governor Sandoval signed the cottage food bill, SB206, allowing a limited amount of certain types of non-potentially hazardous foods to be prepared from a person's home, providing that person has registered as a cottage food vendor. These foods may only be sold in the private home of the registered person who prepared them, in farmer's markets, flea markets, swap meets, church bazaars, garage sales and craft fairs.

Nevada Revised Statutes (NRS) Chapter 446 was amended by SB 206 to exempt a cottage food operation from being designated as a food establishment and sets requirements for registration with the health authority, the type of food allowed, package labeling, and sale of cottage food items. The law language has been filed under Nevada Revised Statutes (NRS) Chapter 446 and is effective July 1, 2013. You can view this language by visiting the Nevada Law Library site at http://leg.state.nv.us/NRS/NRS-446.html

A cottage food operation, as allowed by NRS Chapter 446, is defined as a person who manufactures or prepares food items in a non-food establishment setting for sale directly to an end consumer. Sales are not allowed through the internet or mail and gross sales from a cottage food operation may not exceed $35,000 annually.

This guide provides information on becoming a registered cottage food operation to produce or sell cottage food in the rural counties of Nevada. *This guide does not apply to* residents of Carson City, Douglas County, Washoe County and Clark County. Residents of these areas with cottage food questions should contact:

Carson City Health and Human Services, 775-887-2190 for Carson and Douglas www.gethealthycarsoncity.org

Washoe County Health District, 775-328-2400 www.washoecounty.us/health

Southern Nevada Health District, 702-759-0588 www.southernnevadahealthdistrict.org

Cottage Food Defined

A cottage food operation, as described in NRS Chapter 446, means person who manufactures or prepares food items in his or her private home, a non-food establishment setting, for direct sale to an end customer.

Cottage food preparation takes place in a kitchen that is not inspected by a governmental entity.

A cottage food operation cannot prepare or sell food items at a permitted food establishment.

Sale of Cottage Food Products

Cottage food products can be sold:

- Directly to the customer for their consumption and not for resale
- On the cottage food operator's private property, site of manufacture, or at a farmer's market, swap meet, flea market, church bazaar, garage sale or craft fair

To remain exempted from permitting, cottage foods sold at a venue that is regulated by the health authority, such as a farmers' market or swap meet, must remain in its durable packaging with proper labeling affixed.

Samples

Food samples may be individually pre-portioned in closed, disposable containers at the cottage food operation kitchen for sample distribution at the sale site.

Open product sampling requires a temporary health permit to operate. Contact the Environmental Health Section location nearest to you if you have permitting questions, see Office Locations.

Allowed Manufactured Food Items

- Nuts and nut mixes
- Candies
- Jams, jellies, and preserves
- Vinegar and flavored vinegar **(See special food safety requirements for flavored vinegars)**
- Dry herbs and seasoning mixes
- Dried fruits
- Cereals, trail mixes, and granola
- Popcorn and popcorn balls
- Baked goods that:
    - Are not potentially hazardous
    - Do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes, fillings or frostings with low sugar content
    - Do not require time or temperature controls for food safety.

Flavored Vinegars – Special Food Safety Requirements

- Flavored vinegars must be strained or filtered prior to bottling and may not contain any flavoring components including but not limited to the following:
    - Herbs
    - Fruit rinds, berries, or pieces of other fruits used for flavoring
    - Vegetables of any kind including but not limited to peppers

  Flavored vinegar's pH is greatly affected by the addition of flavoring ingredients such as herbs, fruits and vegetables. When these components are included in the finished bottled product, the pH can continue to be affected by them and rise to levels that may cause spoilage, and endanger public health. Certain situations have been observed as well where pickled vegetables are being sold as flavored vinegar. To avoid this circumvention of the law and to protect public health, flavored vinegars are required to be free of flavoring components after final packaging and bottling. Producers of flavored vinegars are encouraged to display the flavored vinegar components through labeling, or on the exterior of the bottle, such as a dried herb sprig wrapped around the neck of the container.

Before Sale

Before selling foods, the cottage food operator must:

- Register the cottage food operation with the state health authority.

- Determine the type of durable **packaging** that will be used to protect the food items from contamination during transport, display, sale and purchase by consumers
- Design **labeling** for the food product, according to the regulations below

Cottage Food Product Labeling Guidelines and Requirements

NRS Chapter 446 includes labeling requirements of food prepared by cottage food operations. Food packaging must be affixed with labeling that prominently reads: "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION."

All required labeling information should be printed prominently and conspicuously in English. Print size should be no smaller than one-sixteenth of an inch based on the lower case letter "o" and must include the following:

1. Statement of identity - the common, usual name or descriptive identity of the packaged food item

2. Net quantity of contents - net weight in ounces, pounds, or grams, or net content in fluid ounces pints or liters, or number of pieces

3. Ingredient statement - a list of all ingredients, in descending order of predominance by weight. This includes listing all ingredients of an ingredient that in itself contains two or more ingredients

4. The name and physical address where the product was manufactured, packaged or distributed

5. Declaration of any food allergen contained in the food, unless the food source is already part of the common or usual name of the product or clearly identified in the ingredient list

- Major food allergens include milk, eggs, fish, crustacean or bivalve shellfish, tree nuts, wheat, peanuts and soybeans and any ingredient that contains protein derived from any one of these ingredients or additives

- Allergen information must be included in one of two ways:
    - In parentheses following the name of the ingredient, for example: lecithin (soy), flour (wheat), and whey (milk); or
    - Immediately after or next to the list of ingredients in a "contains" statement. Example: Contains wheat, milk and soy

Farmers Market or Other Venue Manager Responsibilities

1. Ask the cottage food operator for proof of registration before allowing them to operate.
2. Ensure the food for sale is limited to the above list, packaged and labeled per the requirements of NRS Chapter 446.
3. Do not allow open sampling unless the cottage food operator has proof of a current temporary health permit issued by the health authority with jurisdiction over your location.
4. Inform the health authority that you are hosting cottage food operation(s) at your event.

   If you have any questions contact the Environmental Health Office nearest to you. http://health.nv.gov/FaR_Locations.htm .

Cottage Food Kitchen Sanitation and Food Safety Guidelines

1. The preparation, packaging and handling of cottage foods should take place separately from other domestic activities, such as family meal preparation, dishwashing, clothes washing, kitchen cleaning or guest entertainment. No infants, small children or pets should be present in the kitchen during cottage food preparation or packaging operations.
    - Do not allow smoking during a cottage food operation.
    - Do not allow anyone with a contagious illness to work in the cottage food operation while ill.
    - Wash hands and exposed portions of arms before any food preparation or packaging.
    - Minimize bare hand contact of foods by using utensils, single-use gloves, bakery papers or tongs, especially when preparing and packaging ready-to-eat foods.

2. Keep all kitchen equipment and utensils used to produce cottage food products clean and in good condition.
    - Wash, rinse and sanitize all food contact surfaces, equipment and utensils before each use.
    - Ensure water used during the preparation of cottage food products meets potable drinking water standards.
    - Keep all food preparation and food and equipment storage areas free of rodents and insects.

3. Keep all food that is manufactured, produced, prepared, packed, stored, transported, and kept for sale free from adulteration and spoilage.
    - Get ingredients from approved sources.
    - Protect food from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination.
    - Prevent cross contamination of foods and ingredients with raw animal products and chemicals.
    - Prepackage all food to protect it from contamination during transport, display, sale and purchase by consumers.

Cottage Food Vendor Registration Process

In order to operate a cottage food operation, Nevada Revised Statutes (NRS) Chapter 446 requires that the cottage food operation register with the health authority. The health authority may require any information deemed necessary and appropriate for the registration process.

An application must be completed as part of this process. The application must be submitted to the health authority and will be reviewed. You may either email the electronic version as the instructions on the top of the form specify or you can print the manual version off, complete it manually and return it in person or by mail to the Environmental Health office nearest your town or in your town. Our rural office locations can be found at http://health.nv.gov/FaR_Locations.htm You will be notified of your successful registration.

Although food safety information is available on our web site for cottage food operation applicants, it is highly recommended that applicants further educate themselves about safe food handling principles and practices. According to SB206, a cottage food operation may be held financially responsible for the cost of the complaint and/or foodborne illness investigation, if found to be valid. A list of food safety trainers is available on our website at http://health.nv.gov/PDFs/BFHS/FoodSafetyTrainingCourseOptionsNevada.pdf.

The health authority will evaluate the registration application package submitted for compliance with the following items as required by NRS Chapter 446.866:

- The food is to be 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 by means of an in-person transaction that does not involve selling the food item by telephone or via the Internet:
    - This means that the food may be sold directly to the consumer from your home or from a licensed farmers' market, licensed flea market or swap meet, church bazaar, garage sale or craft fair, provided it is done in person.
    - This does not allow for selling food items via the Internet or over the phone. A cottage food vendor may advertise on the internet, but all sales to customers are required by statute to take place directly to the consumer (i.e. face-to-face transaction).
- The food is to be sold to a natural person for his or her consumption and not for resale:
    - This prohibits any kind of wholesale manufacturing or secondary sale of cottage food products – for example, making cookies for retail sale at a market or grocery store is prohibited.
- The food to be sold is affixed with a label which complies with the federal labeling requirements:
    - This requires that food packaged for sale by the operator to the consumer must meet the same requirements as commercially-packaged foods.
- The food to be sold is 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:
    - This requires an additional consumer warning that the cottage food operation and the food prepared by the cottage food operation, is not subject to government inspection or oversight.
- The food to be sold is prepackaged in a manner that protects the food item from contamination during transport, display, sale, and acquisition by consumers:
    - This section requires the foods to be protected by some type of packaging, particularly when the food will be transported to a location other than the home for sale. The type of packaging will vary depending on the product and location of sale, for instance:
        - Wedding cakes sold from the cottage food operation for home pick-up or delivery to the home of the consumer may be protected by a disposable cardboard cake box, affixed with the appropriate label.
        - Packages of cookies or candy being transported for sale at a farmer's market must be durably packaged and labeled for individual sale.
    - Foods once packaged for sale to the consumer may not be repackaged at the point of sale, and packages may not be opened for sampling without obtaining a temporary food permit. However, food samples may be pre-portioned in closed disposable containers at

the cottage food operation for free distribution at the sale site to be opened and accessed by the customer.

- The food to be sold is prepared and processed in the kitchen of the private home of the 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:

- The food to be sold must be limited to:

  - Nuts and nut mixes
  - Candies
  - Jams, jellies, and preserves
  - Vinegar and flavored vinegar not containing flavoring components
  - Dry herbs and seasoning mixes
  - Dried fruits
  - Cereals, trail mixes, and granola
  - Popcorn and popcorn balls
  - Baked goods that:
    - Are not potentially hazardous foods
    - Do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes, fillings or frostings with low sugar content
    - Do not require time or temperature controls for food safety

  - Once successfully registered and entered into the registration database, a formal letter will be sent advising the applicant that the cottage food operation is registered.
  - If a complaint regarding illness, injury or adulterated food is received, an investigation will be conducted and a determination made as to the validity of the complaint.
  - If a complaint is confirmed or if a full epidemiological investigation is conducted due to a foodborne illness compliant, the actual cost to the public for the inspection or investigation will be calculated and charged to the cottage food operation.

RESOURCES

Senate Bill 206 http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB206_EN.pdf

Nevada Revised Statutes Chapter 446-Food Establishments http://www.leg.state.nv.us/NRS/NRS-446.html

State of Nevada Environmental Health Office Locations http://health.nv.gov/FaR_Locations.htm

Food Safety Training Options in Nevada
http://health.nv.gov/PDFs/BFHS/FoodSafetyTrainingCourseOptionsNevada.pdf