

CHAPTER.....

AN ACT relating to food establishments; exempting a licensed child care facility from certain regulations applicable to a food establishment, regardless of whether the child care facility includes a kindergarten; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law exempts licensed child care facilities from certain regulations adopted by the State Board of Health or a local board of health governing standards for the construction of a food establishment and the equipment required in a food establishment. (NRS 446.941) This bill provides that a licensed child care facility is exempt from such regulations, regardless of whether the child care facility includes a kindergarten.

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

- Section 1.** NRS 446.941 is hereby amended to read as follows:
- 446.941 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 ~~shall~~ *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 ~~is~~,
- ↪ regardless of whether the child care facility includes a kindergarten.*
2. As used in this section ~~is~~ *“child”* :
- (a) *“Child care facility”* includes:
    - ~~(a)~~ (1) A child care facility licensed pursuant to chapter 432A of NRS; or
    - ~~(b)~~ (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.*



**Sec. 2.** This act becomes effective on July 1, 2009.

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