

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 431

Introduced by Karpisek, 32.

Read first time January 22, 2013

Committee: Agriculture

A BILL

1 FOR AN ACT relating to the Nebraska Pure Food Act; to amend section
2 81-2,245.01, Reissue Revised Statutes of Nebraska; to
3 change the definition of food establishment; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-2,245.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 81-2,245.01 Food establishment shall mean an operation
4 that stores, prepares, packages, serves, sells, vends, or otherwise
5 provides food for human consumption. The term does not include:

6 (1) An establishment or vending machine operation that
7 offers only prepackaged soft drinks, carbonated or noncarbonated;
8 canned or bottled fruit and vegetable juices; prepackaged ice; candy;
9 chewing gum; potato or corn chips; pretzels; cheese puffs and curls;
10 crackers; popped popcorn; nuts and edible seeds; and cookies, cakes,
11 pies, and other pastries, that are not potentially hazardous foods;

12 (2) A produce stand that only offers whole, uncut fresh
13 fruits and vegetables;

14 (3) A food processing plant;

15 (4) A salvage operation;

16 (5) A private home where food is prepared or served for
17 personal use, a small day care in the home, or a hunting lodge, guest
18 ranch, or other operation where no more than ten paying guests eat
19 meals in the home;

20 (6) A private home or other area where food that is not
21 potentially hazardous food is prepared: (a) For sale or service at a
22 religious, charitable, or fraternal organization's bake sale or
23 similar function; or (b) for sale directly to the consumer at a
24 farmers market if the consumer is informed by a clearly visible
25 placard at the sale location that the food was prepared in a kitchen

1 that is not subject to regulation and inspection by the regulatory
2 authority;

3 (7) A private home or other area where food is prepared
4 for distribution at a fundraising event for a charitable purpose if
5 the consumer is informed by a clearly visible placard at the serving
6 location that the food was prepared in a kitchen that is not subject
7 to regulation and inspection by the regulatory authority. This
8 subdivision does not apply to a caterer or other establishment
9 providing food for the event if the caterer or establishment receives
10 compensation for providing the food;

11 (8) A private home or other area where less than five
12 game animals are processed, stored, or sold;

13 ~~(8)-(9)~~ The location where food prepared by a caterer is
14 served so long as the caterer only minimally handles the food at the
15 serving location;

16 ~~(9)-(10)~~ Educational institutions, health care
17 facilities, nursing homes, and governmental organizations which are
18 inspected by a state agency or a political subdivision other than the
19 regulatory authority for sanitation in the food preparation areas;

20 ~~(10)~~ (11) A pharmacy as defined in section 71-425 if the
21 pharmacy only sells prepackaged pharmaceutical, medicinal, or health
22 supplement foods that are not potentially hazardous or foods
23 described in subdivision (1) of this section; and

24 ~~(11)-(12)~~ An establishment which is not a commercial food
25 establishment and which sells only commercially packaged foods that

1 are not potentially hazardous foods.

2 Sec. 2. Original section 81-2,245.01, Reissue Revised

3 Statutes of Nebraska, is repealed.