

AMENDMENTS TO LB304

Introduced by Agriculture.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 81-2,239, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5           81-2,239 Sections 81-2,239 to 81-2,292 and section 3 of this act and  
6 the provisions of the Food Code and the Current Good Manufacturing  
7 Practice In Manufacturing, Packing, or Holding Human Food adopted by  
8 reference in sections 81-2,257.01 and 81-2,259, shall be known and may be  
9 cited as the Nebraska Pure Food Act.

10          Sec. 2. Section 81-2,245.01, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:

12          81-2,245.01 Food establishment shall mean an operation that stores,  
13 prepares, packages, serves, sells, vends, delivers, or otherwise provides  
14 food for human consumption. The term does not include:

15           (1) An establishment or vending machine operation that offers only  
16 prepackaged soft drinks, carbonated or noncarbonated; canned or bottled  
17 fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato  
18 or corn chips; pretzels; cheese puffs and curls; crackers; popped  
19 popcorn; nuts and edible seeds; and cookies, cakes, pies, and other  
20 pastries, that are not time/temperature control for safety foods;

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

23           (3) A food processing plant;

24           (4) A salvage operation;

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

1 home;

2 (6) A private home or other area where food that is not time/  
3 temperature control for safety food is prepared for ~~:(a) For~~ sale or  
4 service at a religious, charitable, or fraternal organization's bake sale  
5 or similar function;~~or~~

6 (7) A private home or other area where food that is not time/  
7 temperature control for safety food is prepared ~~(b)~~ for sale directly to  
8 the consumer including, but not limited to, at a farmers market, fair,  
9 festival, craft show, or other public event or for pick up at or delivery  
10 from such private home or other area, if: the

11 (a) The consumer is informed by a clearly visible notification  
12 placard at the sale location that the food was prepared in a kitchen that  
13 is not subject to regulation and inspection by the regulatory authority  
14 and may contain allergens. For sales conducted at a farmers market, fair,  
15 festival, craft show, or other public event, such notification shall be  
16 at the sale location. For sales conducted for pick up at or deliver from  
17 a private home or other area, such notification shall be at such private  
18 home or other area, on the producer's web site if one exists, and in any  
19 print, radio, television, or Internet advertisement for such sales;

20 (b) The name and address of the producer is provided to the consumer  
21 on the package or container label;

22 (c) Product delivery is made directly from the producer to the  
23 actual customer in a person-to-person transaction or by United States  
24 mail or a commercial mail delivery service;

25 (d) The producer follows any food safety and handling guidelines for  
26 sale at a farmers market, fair, festival, craft show, or other public  
27 event required by the county, city, or village where the food is sold;

28 (e) Prior to conducting any food sales, the producer, other than one  
29 selling directly to the consumer at a farmers market, has successfully  
30 completed (i) a nationally accredited food safety and handling education  
31 course that covers topics such as food safety issues, regulations, and

1 techniques to maintain a food-safe environment or (ii) a certified food  
2 safety and handling training course offered at a culinary school or as  
3 required by a county, city, or village to obtain a food handler permit;

4 (f) The producer, if using private well water to produce food sold  
5 under this subdivision (7), has had such well water tested for  
6 contamination by nitrates or bacteria prior to conducting any food  
7 production and sales; and

8 (g) The producer complies with section 3 of this act;

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

17 (9) (8) The location where food prepared by a caterer is served so  
18 long as the caterer only minimally handles the food at the serving  
19 location;

20 (10) (9) Educational institutions, health care facilities, nursing  
21 homes, and governmental organizations which are inspected by a state  
22 agency or a political subdivision other than the regulatory authority for  
23 sanitation in the food preparation areas;

24 (11) (10) A pharmacy as defined in section 71-425 if the pharmacy  
25 only sells prepackaged pharmaceutical, medicinal, or health supplement  
26 foods that are not time/temperature control for safety or foods described  
27 in subdivision (1) of this section; and

28 (12) (11) An establishment which is not a commercial food  
29 establishment and which sells only commercially packaged foods that are  
30 not time/temperature control for safety foods.

31 Sec. 3. A producer of food described in subdivision (7) of section

1 81-2,245.01 shall register with the department prior to conducting any  
2 sales of food. The registration shall be made on forms prescribed by the  
3 department and include (1) the name, address, and telephone number of the  
4 producer, (2) the type of food safety and handling education or training  
5 course taken and the date of its successful completion, and (3) proof of  
6 private well water testing pursuant to subdivision (7)(f) of section  
7 81-2,245.01, if applicable. This section shall not apply to a producer of  
8 food selling directly to the consumer at a farmers market.

9       Sec. 4. Original sections 81-2,239 and 81-2,245.01, Revised Statutes  
10 Cumulative Supplement, 2018, are repealed.