

**PROPOSED REGULATION OF THE
DIRECTOR OF THE STATE DEPARTMENT OF
AGRICULTURE**

LCB FILE NO. R171-26I

**The following document is the initial draft regulation
proposed by the agency submitted on 08/11/2026**

**ADOPTED REGULATION OF THE
NEVADA DEPARTMENT OF AGRICULTURE**

LCB FILE NO. Rxxx-xx

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-469, NRS 439.200 and 446.940.

A REGULATION relating to cottage food operating; revising provisions related to the processing of cottage food operations NRS 580.60 (Effective through June 30, 2027) to NRS 585.700 (Effective July 1, 2027)

Section 1. Chapter 580 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to TBD, inclusive, of this regulation

Section 2. *“Domestic Residence” means a single-family dwelling or an area within a rental unit where a single person or family resides. A domestic residence does not include any group or communal residential setting or within any type of structure, or outbuilding, garage, shed, barn or other similar structure.*

Section 3. *“Home kitchen” means a kitchen designed and intended for use by the residents of a home but that is also used by a resident for the production of cottage food products. It may*

contain one or more stoves or ovens, which may be a double oven, designed for residential use. It shall not include commercial types of equipment typically used for large wholesale manufacturing.

Section 4. *A “Process Authority” means an expert in food safety (e.g., thermal processing, acidification, water active and pH) who validates that a food product is not potentially hazardous,*

Sections 5. *Requirements*

- 1. A cottage food operation must comply with the requirements of this chapter which are applicable to its operation.*
- 2. The Department may impose additional requirements or restrictions when needed to protect against substantial health hazards and prevent foodborne illnesses.*
- 3. A cottage food operation registration issued pursuant to this section is not transferable from person to person or from place to place.*
- 4. A cottage food operator must be over 18 years of age.*
- 5. A cottage food operator must be a Nevada Resident.*
- 6. Food products must be safe for consumption as per NAC 446.103.*
- 7. A cottage food operator must pay all applicable fees.*

Section 6. *Approval of food products, application*

Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include:

- (a) The applicant's full name and post office address. An applicant may include on the application an electronic mail address by which the health authority may communicate with the applicant and send any inspection report form or other notice.*
- (b) A statement whether the applicant is a natural person, the name of the partners, together with their addresses.*
- (c) Location of preparation and primary sales locations*
- (d) Use of special processes, including but not limited to vacuum packaging of shelf-stable food products.*
- (e) the food product list, ingredient list, allergen list and food preparation procedures.*

Section 7. *Approved source*

- 1. Foods produced with ingredients or additives that are prohibited or are not Generally Recognized as Safe (GRAS) by the United States Food and Drug Administration are considered adulterated foods and may not be sold.*
- 2. Submittal of a Nevada Department of Agriculture Producers Certificate for certain vegetable products used in cottage items.*

Section 8. *Potable Water*

- 1. All food products must be made with potable water as per NAC 446.0245.*
- 2. It is recommended that water be tested to ensure safety of the food products.*

Section 9. *Packaging*

Food-safe packaging must comply with FDA regulations, primarily under 21 CFR Parts 170-199, ensuring materials are safe for their intended use and do not introduce poisonous or harmful substances.

Section 10. *Labels*

Labels must be in conformance with NRS 446.866, and

- 1. Must bear the date the food was produced.*
- 2. The regulatory statement must be printed in a least 10-point type in a color that provides a clear contrast to the background.*
- 3. Hand printed labels are acceptable if they are legible, written in durable permanent ink.*
- 4. A cottage food business may request from the Department a permit number or unique identification number to use on the label as an alternative to a physical address. If a permit number or unique identification number is used on the label, it must also*

include the name and phone number of the cottage food operator.

5. *Foods not properly labeled will be considered misbranded or adulterated.*

Section 11. *Enforcement*

1. *A permit may be suspended or revoked by the Department for a violation of this part. Any food facility or cottage food operation for which the permit has been suspended shall close and remain closed until the registration has been reinstated.*
2. *Whenever the Department finds that a cottage food operation is not in compliance with the requirements of this part, a written notice to comply shall be issued to the registration holder.*
 - (a) *If the permit holder fails to comply, the Department shall be issued to the permit holder a notice setting for the acts or omissions with which the permit holder is charged, informing him or her of the right to a hearing, if requested to show cause why the registration was suspended or revoked.*
 - (b) *A written request for a hearing shall be made by the registrant within 15 calendar days after receipt of the notice. A failure to request a hearing within 15 calendar*

days after receipt of the notice shall be deemed a waiver of the right to a hearing.

(c) When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this 15-day period to expedite the permit suspension or revocation process. The hearing shall be held as soon as reasonably practicable after receipt of the request. The hearing officer may postpone any hearing date, if circumstances warrant the action.

(d) Notice of Decision. The hearing officer shall issue a notice of decision to the permit holder within 15 days of the hearing. In the event of a suspension or revocation the notice shall specify the acts or omissions with which the permit holder is charged and shall state the terms of the suspension or that the permit has been revoked.

3. The Department must issue a stop sale, seize, or hold order for any food suspected of causing a foodborne illness.

Section 10. *Serious or Repeated Violations*

4. The Department may suspend a permit for repeated violations for the production of foods not approved by law.

5. *The Department may revoke a permit for two or more substantiated complaints regarding the sales of foods not approved by law.*
6. *The Department may issue a fine for violations involving unapproved cottage food items.*

Section 11. *Lab Testing*

1. *A cottage food operator may use a food process authority to confirm they are safe shelf-stable and meet regulatory requirements as a non-potentially hazardous food.*
2. *A signed Process Authority Letter/Report must be submitted to verify a food is Non-Potentially Hazardous. This documentation must include scientific justification, such as pH and water activity (a_w), lab results, product formulation analysis, and a review of the production process to confirm the product is shelf- stable.*
3. *Alternations in the recipe or production method will require a new verification from a process authority.*
4. *The fess for this testing will be paid for by the operator.*

Section 12. *Prohibitions*

1. *An operator must not sell a cottage food product with the intent for the cottage food product to be used as an ingredient to make other products sold at a retail establishment.*

2. *Not prepare a cottage food product for sale to a consumer, if the individual does not have a current registrations with the Department.*
3. *A person with a contagious illness shall not work in or prepare food sold by a cottage food operation.*

Section. Fees

This section does not exempt a cottage food operation from any state or federal tax law, rule, regulation, or certificate that applies to all cottage food operations.

<Insert approved fees?