

Chapter 1

Purpose and Definitions

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1-1 Purpose

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1-101 Title

1-101.11 FOOD Regulations

The provisions of the *Food Regulations Governing the Sanitation of Food Establishments* hereinafter shall be referred to as “these Regulations.”

1-102 Intent

1-102.11 FOOD Safety, Illness Prevention, and Honest Presentation

The purpose of these Regulations is to safeguard public health and provide to CONSUMERS FOOD that is safe, unADULTERATED, and honestly presented in FOOD ESTABLISHMENTS.

1-103 Scope

1-103.11 Statement

These Regulations establish definitions, set standards for management and PERSONnel, FOOD operations, EQUIPMENT and facilities, and provides for FOOD ESTABLISHMENT plan review, PERMIT issuance, inspections, employee RESTRICTIONS, and PERMIT suspension.

1-2 Definitions

Subparts

- 1-201 Applicability and Listing of Terms
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1-201 Applicability and Listing of Terms

1-201.11 Interpretation and Application of Terms

The following definitions shall apply in the interpretation and application of these Regulations.

- (A) Terms Defined: As used in these Regulations, each of the terms listed in Section 1-202 shall have the meaning stated therein. All defined terms are capitalized in these Regulations.
- (B) Definitions covering construction: Unless otherwise noted, the definitions set forth in *NRS 446.017* through *NRS 446.069* shall apply in these Regulations.

1-202 Definitions

ACCREDITED PROGRAM means a FOOD protection manager certification program that has been evaluated and listed, by an accrediting agency or the local HEALTH AUTHORITY, as conforming to national standards for organizations that certify individuals. ACCREDITED PROGRAM does not refer to training functions or educational programs.

ACTIVE MANAGERIAL CONTROL means a comprehensive FOOD safety system. It includes operators and FOOD HANDLERS who are knowledgeable about FOOD safety issues and who are responsible for controlling practices and procedures that may contribute to FOOD BORNE ILLNESS.

ADDITIVE

- (A) FOOD ADDITIVE has the meaning stated in the *Federal Food, Drug, and Cosmetic Act, 201(s)*, and *21 CFR 170.3(e) (1)*.
- (B) Color ADDITIVE means any dye, pigment, or substance that can impart color when added or applied to a FOOD.

ADULTERATED means unfit for human consumption. A FOOD shall be deemed to be ADULTERATED if:

- (A) It bears or contains any poisonous or harmful substance which may render it injurious to health unless the substance is not an added substance, and the quantity of the substance does not ordinarily render it injurious to health.
- (B) It consists wholly or in part of any diseased, filthy, putrid, contaminated, or decomposed substance, or if it is otherwise unfit for human consumption.

- (C) It has been produced, prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or rendered diseased, unwholesome, or injurious to health.
- (D) It is held in a HERMETICALLY SEALED CONTAINER that has:
 - (1) Sustained damage to the seams on the top, bottom, or side of the container.
 - (2) Sustained sharp or creasing dents to any areas other than the seams.
 - (3) Shows signs of spoilage, including but not limited to, loss of vacuum or swelling from gas production due to internal growth.
- (E) It is in whole or in part the product of a diseased animal, or an animal that has died other than by slaughter.
- (F) Its container is composed, in whole or in part, of any poisonous or harmful substance which may render the contents injurious to health.
- (G) It bears or contains any color ADDITIVE which is unsafe within the meaning of the *Federal Food, Drug and Cosmetic Act*.
- (H) Any valuable constituent has been in whole, or in part, omitted or abstracted.
- (I) Any substance has been substituted wholly or in part.
- (J) Damage or inferior quality has been concealed in any manner.
- (K) Any substance has been added, mixed, or packed to increase its bulk or weight, or reduce its quality, strength, or nutritional value, or make it appear better, or of greater value than it is.
- (L) It falls below the standard of purity, quality, strength, or nutritional value, which it purports or is represented to possess.
- (M) It is still available for sale after a date designated as “sell by”, “use by”, or “best if used by”, or other phrases clearly indicating that FOOD quality may be reduced after that label date.
- (N) Milk, or a product made from milk, is still available for retail sale after the printed date required by *NAC 584.2631*.
- (O) Infant formula that does not provide certain required nutrients, meets the quality factor requirements established by the Secretary of Health and Human Services (the Secretary) (and, by delegation, the *FDA*), and is manufactured in accordance with *Current Good Manufacturing Practices (CGMP)*, and quality control procedures established by the Secretary in *21 CFR Parts 106 and 107*.
- (P) It is confectionery and it bears or contains any non-nutritive article or substance except harmless coloring, harmless flavoring, or non-nutritive sweeteners APPROVED by the *Food and Drug Administration* for use in FOOD, harmless resinous glaze, harmless natural wax, or harmless natural gum and pectin not in excess of 0.4%, except this Section does not apply to:
 - (1) Any confectionery by reason of its containing less than 4% alcohol by weight.
 - (2) Any chewing gum by reason of its containing harmless non-nutritive chewable substances.

AGENCY OF JURISDICTION means agencies, other than the HEALTH AUTHORITY, having jurisdiction concerning FOOD processing, growing of farm products, and operation of a farmers’ market, including but not limited to the local building department, safety authority, fire marshal, business licensing, state and local health departments, federal regulatory agencies, and departments of agriculture.

ALLERGEN, for the purpose of these Regulations, means:

- (A) Milk, EGG, or FISH and including but not limited to bass, flounder, cod, and including crustacean SHELLSTOCK including but not limited to, crab, lobster or shrimp, and tree nuts including but not limited to, almonds, pecans or walnuts, wheat, peanuts, and soybeans.
- (B) A FOOD ingredient that contains protein derived from a FOOD as specified above.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) means the private, non-profit organization that administers and coordinates the U.S. voluntary standardization and conformity assessment system.

APPROVED means acceptable to the HEALTH AUTHORITY based on conformance with appropriate, accepted, or recognized industry standards, and good public health practice.

APPROVED SOURCE means any FOOD for sale or consumption that is from a grower, supplier, manufacturer, processor, or any entity that is acceptable to the HEALTH AUTHORITY, based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

ASYMPTOMATIC

- (A) ASYMPTOMATIC means without obvious symptoms, not showing or producing indications of a disease or other medical condition, including but not limited to an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.
- (B) ASYMPTOMATIC includes not showing symptoms because symptoms have resolved, subsided, or never manifested.

A_w means water activity which is a measure of the free moisture in a FOOD. It is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the by symbol A_w.

BAKING INDUSTRY SANITATION STANDARDS COMMITTEE (BISSC) means the committee that develops voluntary sanitation standards for the design and construction of bakery EQUIPMENT.

BALUT means an embryo inside a fertilized EGG that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

BARBECUE means an area or facility at a FOOD ESTABLISHMENT, or other APPROVED area, other than the main area for preparing FOOD that has EQUIPMENT for cooking FOOD. An outdoor BARBECUE PERMIT is conditionally limited in that it may not be used during a dust storm, flood, an infestation of insects, vermin, or under any other circumstances where the protection of FOOD cannot be ensured.

BEVERAGE means a liquid for drinking including water.

BOTTLED DRINKING WATER means water including bottled mineral water that is SEALED in bottles, packages, or other containers, and offered for sale for human consumption.

CASING means a tubular container for sausage products made of either natural or artificial (synthetic) material.

CEASE AND DESIST ORDER means a written order issued by the HEALTH AUTHORITY which directs the responsible PERSON to immediately stop doing or allowing a specific action to occur. A CEASE AND DESIST ORDER may or may not include a direction to completely cease operations at a facility. A CEASE AND DESIST ORDER may include a timeframe to achieve compliance as long as there is not an IMMINENT HEALTH HAZARD to public health or safety.

CERTIFICATION NUMBER means a unique combination of letters and numbers located on the SHELLSTOCK Shipper's Tag, which is assigned by a SHELLSTOCK CONTROL AUTHORITY to a MOLLUSCAN SHELLSTOCK dealer according to the provisions of the *National Shellfish Sanitation Program*.

CLEANED IN PLACE (CIP)

(A) CIP means CLEANED IN PLACE by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over EQUIPMENT surfaces that require cleaning including but not limited to, the method used to clean and sanitize a frozen dessert machine.

(B) CIP does not include the cleaning of EQUIPMENT including but not limited to, band saws, slicers, or mixers which are subject to in-place manual cleaning without the use of a CIP system.

CODE OF FEDERAL REGULATIONS (CFR) means *Code of Federal Regulations*. Citations in these Regulations refer sequentially to Title, Part, and Section numbers, for example, *40 CFR 180.194* refers to *Title 40, Part 180, Section 194*.

COMMINGLE

(A) COMMINGLE means to combine SHELLSTOCK harvested on different days, or from different growing areas, as identified on the tag or label.

(B) COMMINGLE means to combine SHUCKED SHELLSTOCK from containers with different container codes or different shucking dates.

COMMINUTED

(A) COMMINUTED means reduced in size by methods including chopping, flaking, grinding, or mincing.

(B) COMMINUTED includes FISH or MEAT products which are reduced in size, and re-structured or re-formulated including but not limited to, gefilte FISH, gyros, ground beef, and sausage, and a mixture of 2 or more types of MEAT that have been reduced in size and combined including but not limited to sausages made from 2 or more MEATS.

COMMISSARY

(A) COMMISSARY means a fixed non-mobile FOOD ESTABLISHMENT for the storage and preparation of FOOD to be sold or served at or by a Portable Unit for service of FOOD, Catering Operation, Mobile FOOD Vendors, Farmers' Markets, and Annual Itinerants.

(B) A COMMISSARY may also serve as a SERVICING DEPOT for the servicing and cleaning of EQUIPMENT.

(C) A COMMISSARY shall be APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION as part of the PERMIT application and inspection process for a FOOD ESTABLISHMENT.

CONDIMENT means an enhancer, relish, or spice to enhance flavor or enjoyment including but not limited to mustard, ketchup, pickle relish, peppers, sweeteners, and creamers.

CONDITIONAL FOOD HANDLER means a prospective FOOD HANDLER to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential FOOD HANDLERS who may be suffering from a disease that can be transmitted through FOOD, and done in compliance with *Title 1 of the Americans with Disabilities Act of 1990*.

CONFIRMED DISEASE OUTBREAK means a FOOD BORNE ILLNESS in which an epidemiological analysis, followed by lab analysis, of appropriate specimens identifies caustic agents which implicates a FOOD as the cause of an illness.

CONSUMER means a PERSON who is a member of the public, takes possession of FOOD, and does not function in the capacity of an operator of a FOOD ESTABLISHMENT or FOOD PROCESSING ESTABLISHMENT, and does not offer the FOOD for resale.

CONTAMINATION means the presence of extraneous, especially infectious, material that renders a substance or preparation impure or harmful.

CORROSION-RESISTANT MATERIAL means a structural material that maintains acceptable surface cleanability characteristics under prolonged influence of the FOOD to be contacted, the normal use of cleaning compounds and sanitizing solutions and other conditions of the use environment.

COUNTER-MOUNTED EQUIPMENT means EQUIPMENT that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

CRITICAL CONTROL POINT means a point or procedure in a specific FOOD process system where loss of control may result in an unacceptable health RISK.

CRITICAL LIMIT means the maximum and/or minimum value to which a physical, biological, or chemical parameter must be controlled at a CRITICAL CONTROL POINT to minimize the RISK that the identified FOOD safety HAZARD may occur.

CRITICAL VIOLATIONS means items directly related to the protection of the public from FOOD BORNE ILLNESS or injury including but not limited to FOOD from unsafe sources, inadequate cooking, improper holding temperatures, contaminated EQUIPMENT, and poor hygienic practices.

CROSS-CONTAMINATION means the passing of bacteria, microorganisms, or other harmful substances indirectly from one surface to another through improper or unsanitary EQUIPMENT, procedures, or products.

CUT LEAFY GREENS means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.

DEMERIT means the numerical value assigned to an individual violation of these Regulations.

DISCLOSURE means a written statement that clearly identifies the animal-derived FOOD which is, or can be ordered to be served raw, undercooked, or without otherwise being processed to eliminate pathogens.

DISTRICT BOARD OF HEALTH

The DISTRICT BOARD OF HEALTH of Southern Nevada consists of two representatives of the Board of County Commissioners, two representatives of the governing body of the largest incorporated city in the county, one representative of the governing body of each other city in the county, five at-large members, including two physicians, one registered nurse, one environmental specialist, and one member of a business/industry regulated by the HEALTH AUTHORITY

DOWNGRADE means to post a lower letter grade at a PERMITTED FOOD ESTABLISHMENT.

DRINKING WATER

- (A) DRINKING WATER means water that meets criteria as specified in *40 CFR 141, National Primary Drinking Water Regulations*.
- (B) DRINKING WATER is traditionally known as potable water.
- (C) DRINKING WATER includes the term water except where the term used connotes that the water is not potable, including but not limited to boiler water, mop water, rain water, waste water, and non-DRINKING WATER.

DRY STORAGE AREA means a room or area designated for the storage of PACKAGED or containerized bulk FOOD that is not a POTENTIALLY HAZARD FOOD (PHF) TIME /TEMPERATURE CONTROL FOR SAFETY (TCS) and dry goods including but not limited to SINGLE-SERVICE ARTICLES.

EASILY CLEANABLE

- (A) EASILY CLEANABLE means a characteristic of a surface that:
 - (1) Allows effective removal of soil by normal cleaning methods.
 - (2) Is dependent on the material, design, construction, and installation of the surface.
 - (3) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents, or other contaminants into FOOD based on the surface's APPROVED placement, purpose, and use.
- (B) EASILY CLEANABLE includes a tiered application of the criteria that qualify the surface as EASILY CLEANABLE as specified in Paragraph A of this definition to different situations in which varying degrees of cleanability are required including but not limited to:

- (1) The appropriateness of stainless steel for a FOOD preparation surface, as opposed to the lack of need for stainless steel to be used for floors or tables for CONSUMER dining.
- (2) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the CONSUMER dining area.

EASILY MOVEABLE

- (A) EASILY MOVEABLE means portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of EQUIPMENT for cleaning.
- (B) Having no utility connection, a utility connection that disconnects quickly or a flexible utility connection line of sufficient length to allow the EQUIPMENT to be moved for cleaning of the EQUIPMENT and cleaning of the adjacent area.

EGG means

- (A) The shell EGG of avian species including but not limited to chicken, duck, goose, guinea fowl, quail, RATITES, or turkey.
- (B) EGG does not include:
 - (1) A BALUT.
 - (2) The EGG of reptile species including but not limited to alligator.
 - (3) An EGG PRODUCT.

EGG PRODUCT

- (A) EGG PRODUCT means all, or a portion, of the contents found inside EGGS separated from the shell and PASTEURIZED in a FOOD PROCESSING ESTABLISHMENT, with or without added ingredients intended for human consumption including but not limited to dried, frozen, or liquid EGGS.
- (B) EGG PRODUCT does not include FOOD which contains EGGS only in a relatively small proportion including but not limited to cake mixes.

ENTEROHEMORRHAGIC ESCHERICHIA COLI (EHEC) means *E.coli* which cause hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with *E.coli* that has the capacity to produce Shiga toxins and to cause attacking and effacing lesions in the intestine. EHEC is a subset of SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* (STEC), whose members produce additional virulence factors. Infections with EHEC may be ASYMPTOMATIC but are classically associated with bloody diarrhea (hemorrhagic colitis), and hemolytic uremic syndrome (HUS), or thrombotic thrombocytopenic purpura (TTP). Examples of serotypes of EHEC include: *E.coli* 0157:H7, *E.coli* 0157:NM, *E.coli* 026:H11, *E. coli* 0145:NM, *E.coli* 103.H2, or *E.coli* 011:NM. Also see shiga toxin producing *E.coli*.

EQUIPMENT

- (A) EQUIPMENT means an article that is used in the operation of a FOOD ESTABLISHMENT including but not limited to a freezer, grinder, hood, ice maker, MEAT block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINE, or WARE WASHING machine.
- (B) EQUIPMENT does not include apparatuses used for handling or storing large quantities of PACKAGED FOOD that is received from a supplier in a case or over wrapped lot, including but not limited to hand trucks, forklifts, dollies, pallets, racks, and skids.

EXCLUDE means to prevent a PERSON from working as an employee in a FOOD ESTABLISHMENT or entering a FOOD ESTABLISHMENT as an employee.

FISH means:

- (A) A fresh or saltwater finfish, crustacean and other forms of aquatic life, other than birds or mammals, and including but not limited to alligator, frog, aquatic turtle, jellyfish, sea cucumber, sea urchin, and the roe of such animals, and mollusks, if such animal life is intended for human consumption.
- (B) FISH includes an edible human FOOD product derived in whole or in part from FISH, including FISH that have been processed in any manner.

FOOD means a raw, cooked or processed edible substance, ice, BEVERAGE or an ingredient used, or intended for use or for sale, in whole or in part for human consumption, or chewing gum.

FOOD-CONTACT SURFACE means surfaces of EQUIPMENT and UTENSILS with which FOOD normally comes in contact, and the surfaces with which FOOD may drain back onto surfaces normally in contact with FOOD.

FOOD BORNE DISEASE OUTBREAK means the occurrence of two or more cases of the same or a similar illness resulting from the ingestion of a common FOOD or FOOD from a common source.

FOOD BORNE ILLNESS means adverse health effects resulting from the ingestion of contaminated or ADULTERATED FOOD or water.

FOOD ESTABLISHMENT

- (A) **FOOD ESTABLISHMENT** means an operation at a particular location that stores, prepares, packages, serves, vends, or otherwise provides FOOD for human consumption which:
 - (1) Includes but is not limited to a restaurant, satellite or catered feeding location, catering operation if the operation provides FOOD directly to a CONSUMER, market, vending location, a conveyance used to transport people, or an institution.
 - (2) Includes an operator that relinquishes possession of FOOD to a CONSUMER, directly or indirectly, through a delivery service including but not limited to home delivery of grocery orders, restaurant take-out orders, or service that is provided by common carriers.
- (B) **FOOD ESTABLISHMENT** includes:
 - (1) An element of the operation, or a separate preparation facility, that supplies a vending location, or a satellite feeding location, unless the vending or feeding location is PERMITTED by the applicable REGULATORY AUTHORITY.
 - (2) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location where consumption is on or off the PREMISES.
- (C) **FOOD ESTABLISHMENT** does not include:
 - (1) An establishment that offers meets the exemption requirements pursuant to *NRS 446.870* and is subject to the requirements of *NAC 446.042*.
 - (2) Private homes, unless the FOOD prepared or manufactured in the home is sold, offered or displayed for sale, or for compensation or contractual consideration of any kind.
 - (3) Fraternal or social clubhouses at which attendance is limited to members of the club.
 - (4) VEHICLES operated by common carriers engaged in interstate commerce.
 - (5) Any establishment in which religious, charitable, and other non-profit organizations sell FOOD occasionally to raise money, or in which charitable organizations receive salvaged FOOD in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell FOOD to members of the general public.
 - (6) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture.
 - (7) Dairy farms and plants which process milk and products of milk, or frozen desserts, which are regulated in *NRS Chapter 584*.
 - (8) The PREMISES of a wholesale dealer of alcoholic BEVERAGES licensed in *NRS Chapter 369* and who handles only alcoholic BEVERAGES which are in SEALED containers.

FOOD GRADE means products which are considered safe for use with FOOD by the *Food and Drug Administration*. Federal government regulations regarding FOOD GRADE products can be found in *21 CFR, Parts 170-189 Additives*, and *Parts 70-82 Color Additives*.

FOOD HANDLER means

- (A) Any PERSON employed in or operating a FOOD ESTABLISHMENT, including but not limited to an employer, the PERMIT HOLDER, a PERSON IN CHARGE, a PERSON having supervisory or managerial duties, a PERSON on the payroll, a family member, a volunteer, a PERSON performing work under contractual agreement, an employee or other natural PERSON who handles, stores, transports, prepares, manufactures, serves, or sells FOOD, or who comes in contact with eating or cooking UTENSILS or other EQUIPMENT used in the handling, preparation, manufacture, service, or sale of FOOD, or any other PERSON working in a FOOD ESTABLISHMENT.
- (B) The term does not include a PERSON who only handles FOOD that is permanently SEALED or PACKAGED for sale directly to the CONSUMER and who, if the FOOD is POTENTIALLY HAZARDOUS, handles the FOOD only occasionally or incidentally outside the normal and usual course and scope of his responsibilities or employment.
- (C) Temporary trainers, guest chefs and other PERSONnel working at a FOOD ESTABLISHMENT less than 14 days are exempt from obtaining health cards.

FOOD HANDLER HEALTH CARD means a document issued by the HEALTH AUTHORITY after obtaining a Hepatitis A immunization and attending a required course on FOOD safety.

FOOD PROCESSING ESTABLISHMENT means a commercial operation that manufactures, packages, labels, or stores FOOD for human consumption, but does not provide FOOD directly to a CONSUMER, including any establishment that cans FOOD, or packages FOOD in packaging with a modified atmosphere, or processes vitamins, FOOD supplements, FOOD ADDITIVES, spices, tea, coffee, salsa, jelly or jam, CONDIMENTS, or candy.

FOOD ZONE means surfaces of EQUIPMENT and UTENSILS with which FOOD normally comes in contact, and the surfaces with which FOOD may come in contact and drain back onto surfaces normally in contact with FOOD.

FROZEN FOOD means a FOOD maintained at a temperature at which all moisture therein is in a solid state.

GAME ANIMAL means:

- (A) Animals that are the products of FOOD that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in as specified in *9 CFR 301.2 Definitions*, or as POULTRY or FISH.
- (B) GAME ANIMAL includes mammals including but not limited to reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and non-aquatic reptiles including but not limited to land snakes.
- (C) GAME ANIMAL does not include RATITES.

GENERAL USE PESTICIDE means a pesticide that is not classified by EPA for RESTRICTED use as specified in *40 CFR 152.175, Pesticides Classified for Restricted Use*.

GRADE A STANDARDS means the requirements for compliance stated in the *United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance* for certain fluid and dry milk and milk products.

HAND WASHING SINK means:

- (A) A lavatory, a basin, a vessel for washing, a wash basin, or a PLUMBING FIXTURE specifically plumbed and placed for hygienic practices use, and designed for the washing hands.
- (B) HAND WASHING SINK includes an automatic hand washing facility.

HAZARD means a biological, chemical, or physical property that may cause an unacceptable CONSUMER health RISK.

HAZARD ANALYSIS AND CRITICAL CONTROL POINT (HACCP) PLAN means a written document that delineates the formal procedures for following the HACCP principles developed by the *National Advisory Committee on Microbiological Criteria for Food*.

HEALTH AUTHORITY means the officers and agents of the Health District of Southern Nevada, or the officers and agents of the local Board of Health.

HEALTH PRACTITIONER means a physician licensed to practice medicine, or if allowed by LAW, a nurse practitioner, physician assistant, or other PERSON certified to act as a medical professional.

HEARING OFFICER means an individual selected by the Southern Nevada District Board of Health from qualified applicants to the Health District. Such individual(s) shall not be employees of any entity which is PERMITTED or regulated by the Environmental Health Division. The HEARING OFFICER(s) will be an independent contractor who serves at the pleasure of the Southern Nevada District Board of Health, paid in accordance with a fee schedule APPROVED by the Southern Nevada District Board of Health.

HERMETICALLY SEALED CONTAINER means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned FOOD, to maintain the commercial sterility of its contents after processing.

HIGH-RISK FOOD – See definition of POTENTIALLY HAZARDOUS FOOD (TCS).

HIGHLY SUSCEPTIBLE POPULATION means PERSONS who are more likely than other people in the general population to experience FOOD BORNE ILLNESS because they are:

- (A) Immunocompromised, pre-school age children, or older adults.
- (B) Obtaining FOOD at a facility that provides services including but not limited to custodial care, health care, or assisted living, including but not limited to a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services including but not limited to a senior center.

IMMINENT HEALTH HAZARD means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

- (A) The nature, severity, and duration of the anticipated injury, illness, or disease.
- (B) The number of potential injuries and illnesses to public's health.

INJECTED means manipulating MEAT to which a solution has been introduced into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping".

JUICE means:

- (A) The aqueous liquid expressed or extracted from 1 or more fruits or vegetables, purees of the edible portions of 1 or more fruits or vegetables, or any concentrates of such liquid or puree.
- (B) JUICE does not include, for purposes of HACCP, liquids, purees, or concentrates which are not used as BEVERAGES or ingredients of BEVERAGES.

KITCHENWARE means FOOD preparation and storage UTENSILS.

LAUNDER means the washing and sanitizing of LINEN.

LAW means applicable local, state, and federal statutes, regulations and ordinances.

LINEN means fabric items including but not limited to cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

LOW-RISK FOOD means FOOD that presents very low RISK of causing FOOD BORNE ILLNESS when handled in specific ways as APPROVED by the HEALTH AUTHORITY. Examples include, but are not limited to:

- (A) Open containers of PASTEURIZED or ULTRA-PASTEURIZED milk or similar liquid dairy products which are maintained at 41°F±2° or lower, to be steamed for immediate use in espresso-type BEVERAGES.
- (B) ULTRA-PASTEURIZED half-and-half, or similar coffee creamers in single serving HERMETICALLY SEALED CONTAINERS.
- (C) PRE-PACKAGED ice cream bars, and other frozen dairy products which are served without the need for a dipper well.
- (D) Commercially PACKAGED hot dogs heated for warm holding shall be held at no less than 135°F±2° until served.
- (E) Nuts, high-sugar candy, HONEY, cookies, bread, beef jerky, un-sliced melons, and intact raw fruit.

MEAT means the flesh of animals used as FOOD including the dressed flesh of cattle, swine, sheep, goats, and other edible animals except FISH, POULTRY and wild GAME ANIMALS as specified in Chapter 3-201.17 of these Regulations.

MAJOR VIOLATIONS means items that would provide an intervention to possibly eliminate a risk factor or critical violation if left unaddressed may lead to a situation detrimental to public health.

MECHANICALLY TENDERIZED means

- (A) Manipulating MEAT with deep penetration by processes which may be referred to as “blade tenderizing,” “jaccarding,” “pinning,” “needling,” or using blades, pins, needles or any mechanical device.
- (B) **MECHANICALLY TENDERIZED** does not include processes by which solutions are INJECTED into MEAT.

mg/L means milligrams per liter, which is the metric equivalent of parts per million (ppm).

MISBRANDED means the presence of any written, printed, or graphic matter, upon or accompanying FOOD, or containers of FOOD which is false or misleading.

MOLLUSCAN SHELLSTOCK means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

NATIONAL AUTOMATIC MERCHANDISING ASSOCIATION (NAMA) means a national trade association of the FOOD and refreshment vending, coffee service, and FOOD service management industries.

NATIONAL SANITATION FOUNDATION (NSF) means an independent, not-for-profit organization that offers programs and services to augment and support the work of regulatory officials. This includes the development of public health standards, certification of products as conforming to those standards, and education and training in all areas of environmental health, including air, water, and FOOD safety.

NEVADA ADMINISTRATIVE CODE (NAC) means the codified administrative regulations of the executive branch.

NEVADA REVISED STATUTES (NRS) means the current codified LAWS of the State of Nevada.

NON FOOD-CONTACT SURFACE means all exposed surfaces other than FOOD and SPLASH ZONES.

PACKAGED means:

- (A) Bottled, canned, cartoned, securely bagged, or securely wrapped, whether PACKAGED in a PERMITTED FOOD ESTABLISHMENT or a PERMITTED FOOD PROCESSING ESTABLISHMENT.
- (B) PACKAGED does not include a wrapper, carry-out box, or other non-durable container used to containerize FOOD with the purpose of facilitating FOOD protection during service or receipt of the FOOD by the CONSUMER.

PASTEURIZED means heat treated to kill vegetative (non-spore) cells of pathogens in FOOD such as JUICE, honey, milk and other dairy products.

PERMIT means the document issued by the appropriate REGULATORY AUTHORITY that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

PERMIT HOLDER means the entity that:

- (A) Is legally responsible for the operation of the FOOD ESTABLISHMENT including but not limited to the owner, the owner’s agent, or other PERSON.
- (B) Possesses a valid PERMIT to operate a FOOD ESTABLISHMENT.

PERSON means an association, a corporation, individual, partnership, limited liability company, or other legal entity, government, governmental subdivision, or agency.

PERSON IN CHARGE means the individual present at a FOOD ESTABLISHMENT who is responsible for its operation at the time of inspection.

PERSONAL CARE ITEMS means:

(A) Items or substances that may be poisonous, toxic, or a source of CONTAMINATION, and are used to maintain or enhance a PERSON's health, hygienic practices or appearance.

(B) PERSONAL CARE ITEMS include but are not limited to medicines, first aid supplies, cosmetics, toiletries, toothpaste and mouthwash.

pH means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a liquid. Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value of pure distilled water is 7, which is considered neutral.

PHYSICAL FACILITIES means the structure and interior surfaces of a FOOD ESTABLISHMENT including but not limited to soap and towel dispensers, and attachments including but not limited to light fixtures, and heating or air conditioning system vents.

PLUMBING FIXTURE means a receptacle or device of a water system that:

(A) Is permanently or temporarily connected to the water distribution system of the PREMISES and demands a supply of water from the system.

(B) Discharges used water, waste materials or SEWAGE directly or indirectly to the drainage system of the PREMISES.

PLUMBING SYSTEM means the water supply and distribution pipes, PLUMBING FIXTURES and traps, soil, waste and vent pipes, sanitary and storm sewers, and building drains including their respective connections, devices and appurtenances within the PREMISES and water-treating EQUIPMENT.

POISONOUS OR TOXIC MATERIALS means substances which are not intended for ingestion and are included in four categories.

(A) Cleaning and sanitizing agents, and agents including but not limited to caustics, acids, drying agents, polishes, and other chemicals.

(B) Pesticides, except sanitizers, including but not limited to insecticides, fungicides, and rodenticides.

(C) Substances necessary for the operation and maintenance of the establishment including but not limited to non-FOOD GRADE lubricants and PERSONAL CARE ITEMS that may be deleterious to health.

(D) Substances which are not necessary for the operation and maintenance of the FOOD ESTABLISHMENT and are on the PREMISES for retail sale, including but not limited to petroleum products and paints.

POTENTIALLY HAZARDOUS FOOD (PHF) (TCS) means:

(A) FOOD that requires (TCS) to limit pathogenic microorganism growth or toxin formation.

(B) POTENTIALLY HAZARDOUS FOOD (TCS) includes;

(1) An animal FOOD that is raw or heat-treated, a plant FOOD that is heat-treated or consists of raw seed sprouts, cut melons, CUT LEAFY GREENS, cut tomatoes or mixtures of cut tomatoes which are not modified in a way so that they are unable to support pathogenic microbial growth or toxin formation, or garlic-in-oil mixtures which are not modified in a way that results in mixtures that do not support pathogenic microbial growth or toxin formation and,

(2) Except as specified in Paragraph (C) (4) of this Chapter, a FOOD that because of the interaction of its A_w and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition.

A_w Values	pH Values		
	4.6 or less	>4.6-5.0	>5.0
≤ 0.92	Non-PHF*/Non TCS FOOD**	Non-PHF /Non TCS FOOD	Non-PHF /Non TCS FOOD
>0.92-.95	Non-PHF /Non TCS FOOD	Non-PHF /Non TCS FOOD	PA***
>0.95	Non-PHF /Non TCS FOOD	PA	PA

A_w Values	pH Values			
	<4.2	4.2 – 4.6	>4.6 – 5.0	>5.0
<0.88	Non-PHF */Non TCS FOOD**	Non-PHF /Non TCS FOOD	Non-PHF /Non TCS FOOD	Non-PHF/Non TCS FOOD

0.88 – 0.90	Non-PHF /Non TCS FOOD	Non-PHF /Non TCS FOOD	Non- PHF /Non TCS FOOD	PA***
>0.90 – 0.92	Non-PHF /Non TCS FOOD	Non-PHF /Non TCS FOOD	PA	PA
>0.92	Non-PHF /Non TCS FOOD	PA	PA	PA
Tables A & B: *PHF means POTENTIALLY HAZARDOUS FOOD, ** TCS FOOD means TIME/TEMPERATURE CONTROL FOR FOOD SAFETY, ***PA means PRODUCT ASSESSMENT required				

- (C) POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR FOOD SAFETY {TCS}) does not include:
- (1) An air-cooled hard-boiled EGG with shell intact or an EGG with shell intact that is not hard-boiled, but has been PASTEURIZED to destroy all viable salmonellae.
 - (2) A FOOD in an unopened HERMETICALLY SEALED CONTAINER that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution.
 - (3) A FOOD that because of its pH or A_w value, or interaction of A_w and pH values, is designated as a non- PHF/non-TCS FOOD in Table A or B of this definition.
 - (4) A FOOD that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms which are reasonably likely to occur in that FOOD is precluded due to:
 - (a) Intrinsic factors including added substances or natural constituents of the FOOD including but not limited to preservatives, antimicrobials, humectants, acidulants, or nutrients.
 - (b) Extrinsic factors including environmental or operational factors that affect the FOOD including but not limited to packaging, modified atmosphere REDUCED OXYGEN PACKAGING, shelf life and use, or temperature range of storage and use.
 - (5) A FOOD that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Paragraphs (C) (1-4) of this definition even though the FOOD may contain a pathogenic microorganism or a chemical or physical contaminant at a level sufficient to cause illness or injury.

POULTRY means:

- (A) Any domesticated bird, chicken, turkey, duck, goose, guinea fowl, RATITE, or squab, whether live or dead, as defined in *9 CFR 381.1 Poultry Inspection Regulations, Definitions*.
- (B) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in *9 CFR 362.1 Voluntary Poultry Inspection Regulations, Definitions*.

PREMISES means:

- (A) The physical facility, its contents and the contiguous land or property under the control of the PERMIT HOLDER or,
- (B) The physical facility, its contents and the land or property not described in Paragraph (A) of this definition if the facilities and contents are under the control of the PERMIT HOLDER and may impact FOOD ESTABLISHMENT PERSONNEL, facilities or operation, and the PERMITTED FOOD ESTABLISHMENT is only one component of a larger operation including but not limited to a health care facility, hotel, motel, school, recreational camp, or prison.

PRE-PACKAGED means PACKAGED by one PERMITTED FOOD ESTABLISHMENT, for delivery and sale by another PERMITTED FOOD ESTABLISHMENT.

PRIMAL CUT means one of the basic major cuts into which carcasses and sides of MEAT are separated, including but not limited to beef round, pork loin, lamb flank, or veal breast.

PUBLIC WATER SYSTEM has the meaning stated in *40 CFR 141 National Primary Drinking Water Regulations*.

RATITE means a flightless bird including but not limited to an emu, ostrich or rhea.

READY-TO-EAT FOOD

- (A) READY-TO-EAT FOOD means FOOD that:
 - (1) Is in a form that is edible without additional preparation to achieve FOOD safety, as specified in Chapter 3-401.11, Chapter 3-401.12, or Chapter 3-402.11 of these Regulations.
 - (2) Is a raw or partially cooked animal FOOD and the CONSUMER is advised as specified in Chapter 3-401.11 (C) of these Regulations.

- (3) Is prepared in accordance with a WAIVER that is granted as specified in Chapter 4-101.13 of these Regulations.
 - (4) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.
- (B) READY-TO-EAT FOOD includes:
- (1) Raw animal FOOD that is cooked as specified in Chapter 3-401.11 or Chapter 3-401.12, or frozen as specified in Chapter 3-402.11 of these Regulations.
 - (2) Raw fruits and vegetables which are thoroughly washed to remove soil and other contaminants.
 - (3) Fruits and vegetables which are cooked and held for hot holding, as specified in Chapter 3-401.13 of these Regulations.
 - (4) All POTENTIALLY HAZARDOUS FOOD (TCS) that is cooked to the temperature in the time required for the specific FOOD as specified in Chapter 3-401 of these Regulations, and cooled as specified in Chapter 3-501.14 of these Regulations.
 - (5) Plant FOOD for which further washing, cooking, or other processing is not required for FOOD safety, and from which rinds, peels, husks, or shells, if naturally present are removed.
 - (6) Substances derived from plants including but not limited to spices, seasonings, and sugar.
 - (7) A bakery item including but not limited to bread, cakes, pies, fillings, or icing for which further cooking is not required for FOOD safety.
 - (8) The following products which are produced in accordance with *USDA* guidelines and have received a lethal treatment for pathogens; dry fermented sausages, including but not limited to dry salami or pepperoni, salt-cured MEAT and POULTRY products, including but not limited to prosciutto ham, and dried MEAT and POULTRY products, including but not limited to jerky or beef sticks.
 - (9) FOOD manufactured as specified in *21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.*

REDUCED OXYGEN PACKAGING

- (A) REDUCED OXYGEN PACKAGING means:
- (1) Packaging in which oxygen is removed or displaced and replaced by another gas or combination of gases or in which the oxygen content is controlled to a level that is normally found in the atmosphere (approximately 21% at sea level).
 - (2) A process as specified in Paragraph (A) (1) of this definition that involves a FOOD for which the HAZARDS *Clostridium botulinum* or *Listeria monocytogenes* require control in the final PACKAGED form.
- (B) REDUCED OXYGEN PACKAGING includes:
- (1) Vacuum packaging, in which air is removed from a package of FOOD and the package is hermetically SEALED so that a vacuum remains inside the package.
 - (2) Modified atmosphere packaging in which the atmosphere of a package of FOOD is modified so that its composition is different from air but the atmosphere may change over time due to permeability of the packaging material or to the respiration of the FOOD. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or increase in the proportion of other gases including but not limited to carbon dioxide or nitrogen.
 - (3) Controlled atmosphere packaging, in which the atmosphere of a package of FOOD is modified so that until the package is opened, its composition is different from air and continuous control of that atmosphere is maintained including but not limited to using oxygen scavengers or a combination of total replacement of oxygen, non-respiring FOOD and impermeable packaging material,
 - (4) Cook-chill packaging in which cooked FOOD is hot filled into impermeable plastic bags from which the air has been expelled, and are then heat SEALED or crimp closed. The bagged FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.
 - (5) *Sous vide* packaging in which raw or partially cooked FOOD is placed in a hermetically SEALED, impermeable bag, cooked in the bag, rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

REFUSE means solid waste not carried by water through the SEWAGE system.

REGULATORY AUTHORITY means the local, state or federal enforcement body or authorized representative having jurisdiction over the FOOD ESTABLISHMENT.

REMINDER means a written statement concerning the health RISK of consuming animal FOOD raw, undercooked or without otherwise being processed to eliminate pathogens.

RE-SERVICE means the transfer to another PERSON of FOOD that is unused and returned by a CONSUMER after being served or sold and in the possession of the CONSUMER.

RESTRICT means to limit the activities of a FOOD HANDLER to avoid the RISK of transmitting a disease that is transmissible through FOOD and to ensure the FOOD HANDLER does not work with exposed FOOD, clean EQUIPMENT, UTENSILS, LINEN, or unwrapped SINGLE-SERVICE ARTICLES or SINGLE-USE ARTICLES.

RESTRICTED EGG means any check, dirty EGG, incubator reject, inedible, leaker or loss as specified in 9 CFR 590.

RESTRICTED USE PESTICIDE means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 *Pesticides Classified for Restricted Use*, and that is limited to use by or under the direct supervision of a certified applicator.

RISK means the likelihood that an adverse health effect will occur within a population as a result of a HAZARD in a FOOD.

SAFE MATERIAL means:

- (A) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any FOOD.
- (B) An ADDITIVE that is used as specified in *Section 409 or 706 of the Federal Food, Drug and Cosmetic Act*.
- (C) Other materials which are not ADDITIVES and are used in conformity with applicable regulations of the *Food and Drug Administration*.

SANITIZATION means the application of cumulative heat or chemicals on cleaned FOOD-CONTACT SURFACES that, when evaluated for efficacy, is sufficient to yield a 5 log reduction, which is equal to 99.999% reduction of representative test pathogens of public health importance.

SEALED means free of cracks or other openings that allow the entry or passage of moisture.

SERVICE ANIMAL means an animal including but not limited to a guide dog, signal dog, or other animal specifically trained to provide assistance to an individual with a disability.

SERVICING DEPOT means a facility APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. for cleaning, disposing of liquid and solid wastes, and refilling of water tanks of a PERMITTED PORTABLE UNIT for service of FOOD, catering operation, mobile FOOD vendors AND FARMERS' MARKETS. A SERVICING DEPOT may be a large mobile unit if it has been APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION and meets the requirements of these Regulations. If FOOD is to be stored, the facility shall be designated as a COMMISSARY, not a SERVICING DEPOT.

SEWAGE means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

- (A) BLACK WATER means liquid and solid human body waste and the carriage water generated through toilet use.
- (B) GREY WATER means the waste water, not including BLACK WATER, from residential, commercial and industrial use including but not limited to sink drainage or washing machine discharges.

SHELLFISH CONTROL AUTHORITY means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of MOLLUSCAN SHELLSTOCK harvesters and all dealers engaged in Interstate commerce.

SHELLSTOCK means raw, in-shell MOLLUSCAN SHELLSTOCK.

SHIGA TOXIN-PRODUCING ESCHERICHIA COLI (STEC) means any *E.coli* capable of producing Shiga toxins (also called verocytotoxins or Shiga-like toxins). Examples of serotypes of STEC include both *E. coli*, 0157 and *non-E.coli* 0157. See ENTEROHEMORRHAGIC ESCHERICHIA COLI.

SHUCKED SHELLSTOCK means MOLLUSCAN SHELLSTOCK with one or both shells removed.

SINGLE-SERVICE AND SINGLE-USE ARTICLES means TABLEWARE, carry-out UTENSILS and other items including but not limited to bags, containers, placemats, stirrers, straws, toothpicks, and wrappers which are designed and constructed to be used once and discarded. SINGLE-USE ARTICLES including but not limited to wax paper, butcher paper, plastic wrap, formed aluminum FOOD containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and #10 or other cans which do not meet the materials, durability, strength, and cleanability as specified in Chapter 4-201.11, Chapter 4-401.11, and Chapter 4-402.11 of these Regulations for multi-use UTENSILS.

SLACKING means the process of moderating the temperature of a FROZEN FOOD including but not limited to allowing the FOOD to gradually increase from a temperature of $-10^{\circ}\text{F}\pm 2^{\circ}$ to $25^{\circ}\text{F}\pm 2^{\circ}$ in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-FOOD processing of these items including but not limited to shrimp.

SMOOTH means:

- (A) A FOOD-CONTACT SURFACE having a surface free of pits and inclusions with cleanability equal to or exceeding that of 100 grit, #3 stainless steel.
- (B) A non-FOOD-CONTACT SURFACE or EQUIPMENT having a surface equal to that of commercial grade hot-rolled steel free of visible scale.
- (C) A floor, wall or ceiling having an even surface with no roughness or projections which render it difficult to clean.

SPLASH ZONE means any surface, other than a FOOD ZONE, subject to routine splash, spillage, or other FOOD soiling during normal use.

TABLEWARE means eating, drinking and serving UTENSILS for table use including but not limited to flatware, forks, knives and spoons; hollowware including but not limited to bowls, cups, serving dishes, tumblers, and plates.

TEMPERATURE MEASURING DEVICE means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of FOOD, air, or water.

TEMPORARY FOOD ESTABLISHMENT means a FOOD ESTABLISHMENT that operates for a period of no more than 14 consecutive days in conjunction with a SPECIAL EVENT.

TEMPORARY HEALTH CARD means cards issued to FOOD HANDLERS who have received their Hepatitis "A" vaccination but have not completed the FOOD HANDLERS training course. TEMPORARY HEALTH CARDS are valid for 30 days from the date of application.

TIME /TEMPERATURE CONTROL FOR SAFETY (TCS) means a FOOD that requires TIME/TEMPERATURE CONTROL FOR SAFETY to limit pathogenic microorganism growth or toxin formation.

UHT means a heat treatment for FOOD products such as but not limited to; JUICE, milk and other dairy products, referring to Ultra-High Temperature or Ultra-Pasteurization that renders the treated products essentially sterile.

UL means *Underwriters Laboratory* which is an independent, not-for-profit product-safety testing and certification organization.

UL/EPH means *Underwriters Laboratory's* environmental and public health certification classification for FOOD service EQUIPMENT.

ULTRA-PASTEURIZED means a heat treatment for milk and other dairy products using a process called Ultra-High Temperature processing or Ultra Pasteurization that renders the treated products essentially sterile.

UNCATEGORIZED FOOD ESTABLISHMENT means a FOOD ESTABLISHMENT that, by virtue of the unusual or special nature of design or operation, cannot comply with certain structural and/or operational requirements of these Regulations.

U.S. FOOD AND DRUG ADMINISTRATION (FDA)

U.S. DEPARTMENT OF AGRICULTURE (USDA)

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

UTENSIL means a FOOD-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD including but not limited to KITCHENWARE or TABLEWARE that is multi-use, SINGLE-SERVICE ARTICLES or SINGLE-USE ARTICLES including but not limited to gloves used in contact with FOOD, temperature sensing probes of FOOD TEMPERATURE MEASURING DEVICES, and probe-type price or identification tags used in contact with FOOD.

VARIANCE means a written document mean a written document APPROVED by the Southern Nevada Health District's Board of Health in compliance with the requirements of *NAC 439-200* through *NAC 439.280*, upon demonstration of exceptional and undue hardship to the PERSON requesting the VARIANCE, which authorizes a modification or deviation from the requirement of a regulation and would not cause substantial detriment to the public welfare or impair substantially the purpose of the regulation.

VEHICLE means any device that transports any PERSON and goods upon a highway, except devices moved by human power.

VENDING MACHINE:

- (A) A self-service device that upon insertion of a coin, paper currency, token, card, key, or optional manual operation dispenses unit servings of FOOD, in bulk or in packages, without the necessity of replenishing the device between each vending operation.

(B) The term **VENDING MACHINE** does not include any device which dispenses only nuts, popcorn, ball gum, hard candy, **PRE-PACKAGED** candy, cookies, crackers, or similar snacks, **PRE-PACKAGED BEVERAGES** which are not **POTENTIALLY HAZARDOUS FOOD (TCS)**, or **PRE-PACKAGED** ice.

VENDING MACHINE LOCATION means the room, enclosure, space, or area where one or more **VENDING MACHINES** are installed and operated and includes the storage areas and areas on the **PREMISES** which are used to service and maintain the **VENDING MACHINES**.

WAIVER means a written agreement between the **HEALTH AUTHORITY** and a **PERMIT HOLDER** that authorizes a modification of one or more requirements of these Regulations, if in the opinion of the **HEALTH AUTHORITY**, a health **HAZARD** or nuisance will not result from the modification. Supporting documents of a **WAIVER** may include but is not limited to, operational plans, **HACCP PLANS**, scientific challenge studies, monitoring logs, validation studies from certified processing authorities, and labeling.

WARE WASHING means the cleaning and sanitizing of **UTENSILS** and **FOOD-CONTACT SURFACES** of **EQUIPMENT**.

WHOLE-MUSCLE INTACT BEEF means whole muscle beef that is not an **IMMINENT HEALTH HAZARD**, **MECHANICALLY TENDERIZED**, reconstructed, or scored and marinated, from which beef steaks may be cut.