

Chapter 13

Farmer's Markets and Ancillary Food Establishments

Parts

- 13-1 Definitions
- 13-2 Farmer's Market and Permitting Requirements
- 13-3 Requirements for All Certified Producers of Farm Products
- 13-4 Requirements for Ancillary Food Establishments Associated with Farmer's Markets
- 13-5 Permit Restrictions

13-1 Definitions

Subparts

- 13-101 Applicability and Listing of Terms
- 13-102 Definitions
- 13-103 Imminent Health Hazards

13-101 Applicability and Listing of Terms

13-101.11 Interpretation and Listing of Terms

The following definitions shall apply in the interpretation and application of this Chapter.

13-102 Definitions

ANCILLARY FOOD ESTABLISHMENT means any FOOD ESTABLISHMENT which is operated in conjunction with a FARMER'S MARKET which sells or gives away FOOD other than farm PRODUCE or PROCESSED FARM PRODUCTS, which includes but is not limited to LOW and HIGH RISK ANCILLARY FOOD ESTABLISHMENTS.

COMMISSIONER means an appointee or designee of the *State of Nevada's Health Division of the Department of Health and Human Services* which enforces and administers the Regulations concerning ADULTERATED, mislabeled and MISBRANDED FOOD, drugs, devices, and cosmetics.

FARMER means any PERSON who as an owner, part owner, tenant, or sharecropper which operates a farm in the United States.

FARMER'S MARKET means a place of business where the actual PRODUCER of FARM PRODUCTS or a representative designated by the PRODUCER and possessing the PRODUCER'S PRODUCE certificates of FARM PRODUCTS can bring their products for direct sale to CONSUMERS. A minimum of one certified PRODUCER of FARM PRODUCTS, or designated representative, must be present and in compliance with these Regulations and participating for the venue to be considered, PERMITTED, and operated as a FARMER'S MARKET.

FARM PRODUCTS aka PRODUCE includes all agricultural, horticultural, viticultural, and vegetable products of the soil. The term does not include livestock and livestock products, POULTRY and POULTRY products, uncertified non-graded whole shell EGGS, FISH and FISH products, SHELLSTOCK and SHELLSTOCK products, crustaceans and crustacean products, HONEY, hay and timber products, or milk and milk products.

HIGH-RISK ANCILLARY FOOD ESTABLISHMENT means any FOOD ESTABLISHMENT at or in conjunction with a FARMER'S MARKET that sells PHF (TCS).

HONEY means the natural product of HONEY bees drawn from the nectar of flowers, transformed by the bees and stored in a HONEYcomb and later marketed in the HONEYcomb or taken from the HONEYcomb and marketed in a liquid, candied, or granulated condition.

LOW-RISK ANCILLARY FOOD ESTABLISHMENT means any FOOD ESTABLISHMENT at or associated with a FARMER'S MARKET that does not sell PHF (TCS).

NATURAL AND UNPROCESSED STATE means that a farm product is not cut, sliced, breached, shelled, canned, cooked, pickled, SEALED, PACKAGED, dried, milled, ground, or otherwise altered from its original state after being harvested.

ON-SITE means located within the confines of the FARMER'S MARKET.

PROCESSED FARM PRODUCTS means FARM PRODUCTS that are manufactured, processed or otherwise prepared, labeled, stored, and subsequently displayed for sale by FARMERS for human consumption.

PRODUCER means any PERSON engaged in the business of growing or producing any farm product.

13-103 IMMINENT HEALTH HAZARDS

13-103.11 Ceasing Operations and Reporting

- (A) Except as specified in Paragraph (B) of this Section, a PERMIT HOLDER shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD exists because of an emergency including but not limited to fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent FOOD BORNE ILLNESS outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.
- (B) A PERMIT HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD.

13-2 Farmer's Market and Permitting Requirements

Subparts

- 13-201 Responsibilities of the Farmer's Market Manager**
- 13-202 Site Location**
- 13-203 Food Handler Requirements**
- 13-204 Food Establishment Permit Requirements**

13-201 Responsibilities of the FARMER's MARKET Manager

13-201.11 The MARKET Manager

The market manager of each FARMER's MARKET shall:

- (A) Obtain and maintain a current health PERMIT to operate a FARMER's MARKET. A health PERMIT to operate a FARMER's MARKET is not transferable from PERSON to PERSON or location to location.
 - (1) The FARMER's MARKET Manager shall make written application for an FARMER's MARKET PERMIT on forms provided by the HEALTH AUTHORITY. The application for the FARMER's MARKET PERMIT shall be accompanied by payment of a fee as established by the DISTRICT BOARD OF HEALTH.
 - (2) Failure to submit a FARMER's MARKET application as required by this Section shall result in a CEASE AND DESIST ORDER being issued.
- (B) Ensure that all site requirements and support services are met.
- (C) Maintain current copies of PRODUCERS' certificates for all exempt FARMERS at the FARMER's MARKET.
- (D) Prior to operating, ensure that all FARMERS participating in non-exempt activities and ANCILLARY FOOD ESTABLISHMENTS have current health PERMITS as required.
- (E) Ensure there are no live animal venues, associated with the FARMER's MARKET, including but not limited to pony rides and petting zoos.
- (F) A market manager shall notify all exempt FARMERS and PERMITTED vendors in advance of the availability and location of potable water sources, or if potable water will not be provided.
- (G) Be present or have a designee present during market operating hours.

13-201.12 PERMIT Approval to Operate

Once all requirements for the FARMER's MARKET manager have been met, the health PERMIT for the FARMER's MARKET shall be APPROVED.

13-202 Site Location

13-202.11 Requirements

- (A) FARMER's MARKETS shall be located and operated in compliance with the AGENCY OF JURISDICTION's planning, zoning, and special event requirements and applicable local ordinances.
- (B) Outdoor FARMER's MARKETS shall be located on grass, or SMOOTH asphalt or concrete.
 - (1) FARMER's MARKETS located in parking lots or streets shall have sufficient traffic barriers and markers to clearly indicate that the area is being used for pedestrians.
 - (2) Parking lots serving FARMER's MARKETS shall be graded for adequate drainage.
 - (3) FARMER's MARKETS shall not be located where they may be adversely affected by dust, weather conditions, or vermin.
- (C) Indoor FARMER's MARKETS shall be located in a building which is in compliance with all local building and fire codes.

(D) Restroom Facilities.

(1) Outdoor FARMER'S MARKETS:

- (a) Portable toilets shall be provided, adequate in number and located in an easily accessible area, for vendors and the public.
- (b) The HEALTH AUTHORITY may approve conveniently located plumbed restroom facilities, which are available for use by the vendors and the public, if their use has been assured in writing by the facility owner.
- (c) Toilet facilities, including the toilet room and fixtures, shall be kept clean, in good repair, and free of objectionable odors.
- (d) An adequate supply of toilet tissue shall be provided at each toilet at all times. The FARMER'S MARKET manager shall maintain, ON-SITE, a surplus supply of toilet paper.
- (e) When portable toilets are used, one portable HAND WASHING SINK with running water which drains to an enclosed integral waste water tank, integral liquid soap, a disposable paper towel dispenser, and a trash receptacle shall be provided for every five portable toilets. The FARMER'S MARKET manager shall maintain, ON-SITE, a surplus supply of liquid soap and disposable paper towels.
- (f) Hand sanitizer may be mounted in the vicinity of the portable toilets for public use, however, shall not be used in place of a portable HAND WASHING SINK for FOOD HANDLERS after using the toilet.

(2) Indoor FARMER'S MARKET:

- (a) Indoor toilet facilities shall meet all local building and fire codes.
- (b) HAND WASHING SINKS plumbed with hot and cold running water, tempered by a mixing valve or combo faucet shall be available in each restroom. The FARMER'S MARKET manager shall maintain, ON-SITE, a surplus supply of liquid soap.
- (c) A HAND WASHING SINK shall be equipped to provide water at a temperature of at least $100^{\circ}\text{F}\pm 2^{\circ}$ through a mixing valve or combination faucet. A self-closing, or metering faucet shall provide a flow of water for at least 20 seconds without the need to reactivate the faucet.
- (d) A wall-hung liquid soap dispenser shall be available at each HAND WASHING SINK in the restroom and kept adequately stocked with liquid soap.
- (e) A supply of sanitary, disposable paper towels for drying hands shall be conveniently located near each HAND WASHING SINK. Shared common towels are prohibited at HAND WASHING SINKS. The FARMER'S MARKET manager shall maintain, ON-SITE, a surplus supply of disposable paper towels.
- (f) Toilet facilities, including the toilet room, sinks, and all fixtures shall be kept clean, in good repair, and free of objectionable odors.
- (g) A supply of toilet tissue shall be provided at each toilet at all times. The FARMER'S MARKET manager shall maintain, ON-SITE, a surplus supply of toilet paper.
- (h) EASILY CLEANABLE, covered receptacles with plastic trash liners shall be provided for waste materials. Such receptacles shall be emptied at least once a day and more frequently when necessary.

(E) Waste disposal:

- (1) Each market manager shall ensure there is a minimum of one waste container every 75' to hold waste that accumulates during the FARMER'S MARKET hours of operation. Individual vendors may help satisfy this requirement by providing an appropriate trash container in front of their booth.
- (2) All waste containers, used for FOOD waste, shall be constructed of durable metal or other durable materials that does not leak or absorb liquids.
- (3) All waste containers shall be of adequate size and provided with plastic trash liners.
- (4) Each waste container shall be emptied and cleaned daily or more often as needed.

- (5) All waste shall be disposed of in an APPROVED manner.
 - (6) Wash water, rinse water, or waste water generated at a FARMER'S MARKET shall be properly handled and disposed of into a public sewer system.
- (F) Lighting:
The FARMER'S MARKET manager shall ensure:
- (1) A minimum of 20 foot-candles in public areas within the perimeter of the FARMER'S MARKET.
 - (2) A minimum of 35 foot-candles, during all nighttime FOOD operations, in all FOOD handling areas. Shielding to contain broken glass shall be used for all artificial light fixtures that are located over, by, or within all FOOD handling areas.

13-203 FOOD HANDLER Requirements

13-203.11 Health Card Requirements

All PERSONS, working as FOOD HANDLERS in PERMITTED FOOD ESTABLISHMENTS at a FARMER'S MARKET, shall possess a valid FOOD HANDLER'S HEALTH CARD as issued by SNHD as specified in Chapter 2-104.11 of these Regulations.

13-203.12 Health and Disease Control

- (A) FOOD HANDLERS shall maintain a high degree of PERSONAL cleanliness and conform to good hygienic practices while working.
- (B) When the HEALTH AUTHORITY has reasonable cause to suspect the possibility of a FOOD BORNE ILLNESS transmission from any FOOD HANDLER, the HEALTH AUTHORITY shall secure a morbidity history of the suspected FOOD HANDLER or make other investigations as may be indicated and take appropriate action, including but not limited to any or all of the following:
 - (1) The immediate exclusion of the FOOD HANDLER from the establishment.
 - (2) The immediate closure of the FARMER'S booth, or ANCILLARY FOOD ESTABLISHMENT, until no further danger of disease outbreak exists and is APPROVED by the HEALTH AUTHORITY to reopen.
 - (3) Require appropriate medical and/or laboratory examination of the FOOD HANDLER, of other FOOD HANDLERS and/or of their bodily discharges.

13-204 FOOD ESTABLISHMENT PERMIT Requirements

13-204.11 Application for a PERMIT by FARMERS Involved in Non-Exempt Activities, and LOW and HIGH-RISK ANCILLARY FOOD ESTABLISHMENTS

The FOOD ESTABLISHMENT applicant shall:

- (A) Make written application for the type of PERMIT in question on forms provided by the HEALTH AUTHORITY. Information shall include, but is not limited to:
 - (1) Location.
 - (2) Day(s) of FARMER'S MARKET.
 - (3) Hours of FARMER'S MARKET.
 - (4) Contact name, address, and phone number.
 - (5) COMMISSARY location, if applicable.
- (B) Provide a sample menu or a listing of the FOOD to be handled, processed, or PACKAGED. All FOOD shall be prepared and stored in a PERMITTED FOOD ESTABLISHMENT or COMMISSARY.
- (C) Provide a description of the EQUIPMENT that will be used.
- (D) Provide any label for packaging which has been proposed for a FOOD product.
- (E) Provide a description of all the steps required to process each PHF (TCS) product to include:
 - (1) The amount of time required for each step.
 - (2) The amount of time required between each step.
 - (3) Proposed temperatures of the FOOD product.
 - (4) The amount of time to heat the FOOD product.
 - (5) The process for handling FOOD by employees of the FOOD ESTABLISHMENT.

- (F) Submit all information required by the provisions of this Section to be reviewed and APPROVED by the HEALTH AUTHORITY, in writing, prior to final approval and issuance of the health PERMIT.
- (G) Submit an application for a PERMIT to operate along with the required payment of a fee established by the DISTRICT BOARD OF HEALTH.
- (H) Notify the HEALTH AUTHORITY, in advance, whenever any information on the original application changes.

13-204.12 HIGH-RISK ANCILLARY FOOD ESTABLISHMENTS Requirements:

High RISK ANCILLARY FOOD ESTABLISHMENTS shall:

- (1) Submit to Plan Review properly prepared plans and specifications for review and approval, as required by Chapter 4 of these Regulations.
- (2) Be required to have a PERMITTED COMMISSARY location where FOOD is properly stored, and UTENSILS and EQUIPMENT are properly cleaned, sanitized, and stored between events.

13-204.13 Application Review

The application shall be reviewed by the HEALTH AUTHORITY and the proposed plan shall be APPROVED or denied.

- (A) If denied, the applicant shall be notified of the reason(s) for the denial. Incomplete applications shall be denied.
- (B) The HEALTH AUTHORITY may place limitations on the menu items and/or length of service/hours of operation if the FOOD ESTABLISHMENT has improvised rather than permanent facilities or EQUIPMENT for accomplishing functions including but not limited to hand washing, FOOD preparation and protection, FOOD temperature control, WARE WASHING, adequate DRINKING WATER, waste retention and disposal, and insect and rodent control.

13-204.14 Inspection by the HEALTH AUTHORITY

- (A) A health PERMIT issued by the HEALTH AUTHORITY is required for all FOOD ESTABLISHMENTS at, or associated with, a FARMER’S MARKET. This includes FARMERS participating in non-exempt activities, and LOW and HIGH-RISK ANCILLARY FOOD service operations. A PERMIT to operate shall be issued only after inspection and approval by the HEALTH AUTHORITY.
- (B) Additional inspections and reinspections shall be made to ensure compliance with these Regulations.
- (C) The HEALTH AUTHORITY may periodically inspect and place limitations on the menu items and/or length of service/hours of operation of the FOOD ESTABLISHMENT for the below listed reasons:
 - (1) If the FOOD ESTABLISHMENT has improvised rather than permanent facilities or EQUIPMENT for accomplishing functions including but not limited to hand washing, FOOD preparation and protection, FOOD temperature control, WARE WASHING, DRINKING WATER availability, waste retention and disposal, and insect and rodent control.
 - (2) If FOOD HANDLERS are observed mishandling FOOD.
- (D) The owner, manager, or PERSON IN CHARGE of each FOOD ESTABLISHMENT is responsible for any violations found at the FOOD ESTABLISHMENT.
- (E) As stated in *NRS 199.300*, it is unlawful for any PERSON to interfere with the HEALTH AUTHORITY in the performance of their duties.

13-204.15 PERMIT

- (A) It is unLAWful for any PERSON to operate a FOOD ESTABLISHMENT unless a valid PERMIT has been issued by the HEALTH AUTHORITY.
- (B) Health PERMITS, issued under the provisions of this Chapter, shall be issued annually after initial approval. These PERMITS are valid at all FARMER’S MARKETS throughout Clark County.
- (C) PERMITS are not transferable from one PERSON to another PERSON.
- (D) The current health PERMIT issued by the HEALTH AUTHORITY shall be displayed conspicuously. The PERMIT shall be removed by the HEALTH AUTHORITY when the PERMIT is suspended or the FOOD ESTABLISHMENT is closed.

13-204.16 FOOD Prohibitions

Pursuant to *NAC 446.050*, no FOOD prepared or stored in a private home may be used, stored, served, offered for sale, sold, given away, or offered to the public in a FOOD ESTABLISHMENT.

13-204.17 Access to Establishments, Inspection Records, DEMERIT Values and Scores

- (A) The HEALTH AUTHORITY, after they have properly identified themselves, shall be allowed to enter during any operational times any FOOD ESTABLISHMENT within the HEALTH AUTHORITY's jurisdiction for the purpose of making an inspection to determine compliance with these Regulations. Records of the FOOD ESTABLISHMENT shall be made available for examination to obtain pertinent information pertaining to FOOD and supplies purchased, received, or used, and PERSONS employed.
- (B) Whenever the HEALTH AUTHORITY makes an inspection of a FOOD ESTABLISHMENT, a record of the findings shall be documented on an inspection report form provided for this purpose. The HEALTH AUTHORITY shall furnish a copy of the inspection report form to the PERMIT HOLDER or PERSON IN CHARGE. The form shall summarize the requirements of these Regulations and shall set forth DEMERIT point values for each such requirement. Upon completion of an inspection, the HEALTH AUTHORITY shall total the DEMERIT point values for all requirements in violation and this total will constitute the DEMERIT score for the FOOD ESTABLISHMENT. Based upon the DEMERIT score, the FOOD ESTABLISHMENT at the FARMER's MARKET will be given a "pass" or "fail" status.

13-204.18 Issuance of Notices

- (A) Except as otherwise provided in *Subsection 3, NRS 446.880*, whenever the HEALTH AUTHORITY makes an inspection of a FOOD ESTABLISHMENT and discovers that any of the requirements of these Regulations have been violated, the PERMIT HOLDER or PERSON IN CHARGE shall be notified of the violations by means of an inspection report form or other written notice. The notice shall:
 - (1) Set forth the specific violations found, together with the DEMERIT score of the establishment.
 - (2) Establish a specific period of time for the correction of the violations.
 - (3) State that failure to comply with the requirements of any notice issued in accordance with the provisions of these Regulations may result in immediate suspension of the PERMIT.
 - (4) State that an opportunity for appeal, from any notice or inspection findings, will be provided if a written request for a hearing is filed with the HEALTH AUTHORITY within the period established in the notice of correction.

13-204.19 Status of FOOD ESTABLISHMENTS at FARMER's MARKETS

Health PERMIT requirements are as follows:

- (A) Certified PRODUCERS of FARM PRODUCTS are exempt from health PERMITTING when sampling is limited to whole intact fruits or vegetables and no PROCESSED FARM PRODUCTS are sold.
- (B) Certified PRODUCERS of FARM PRODUCTS who offer samples of a farm product, other than FARM PRODUCTS that are whole and intact, or who sell PROCESSED FARM PRODUCTS at a FARMER's MARKET, shall obtain a health PERMIT prior to operation. These FOOD ESTABLISHMENTS will be subject to inspection by the HEALTH AUTHORITY. A pass/fail status will be determined by the HEALTH AUTHORITY. Failure to provide information concerning FARM PRODUCTS obtained from APPROVED SOURCES, or FARM PRODUCTS that are determined to be unwholesome or ADULTERATED, will result in immediate suspension of the health PERMIT. A PERMIT will not initially be issued if the score is greater than 10 DEMERITS. Any CRITICAL or MAJOR VIOLATIONS shall be corrected before a PERMIT is issued. When such periodic routine operational inspections take place for these FOOD ESTABLISHMENTS, a passing score is a DEMERIT score ranging from 0 to 15. During an inspection of these FOOD ESTABLISHMENTS, the facility shall fail the inspection when more than 15 DEMERITS are found. At that time, these FOOD ESTABLISHMENTS' PERMIT will be suspended and a closure fee assessed. These FOOD ESTABLISHMENTS will not be allowed to reopen until all violations are corrected, a closure fee has been paid, or documented arrangements have been made for payment of the closure fee, and a reinspection is conducted, and a passing score is received. A passing score is 15 DEMERITS with no repeat CRITICAL or MAJOR VIOLATIONS. Any FOOD ESTABLISHMENT which demonstrates a pattern of repeatedly failing inspections shall be subject to health PERMIT revocation.

- (C) HIGH-RISK and LOW-RISK ANCILLARY FOOD ESTABLISHMENTS shall be deemed to pass its initial PERMITTING inspection with a DEMERIT score of 10 DEMERITS or less. A PERMIT will not be issued if the score is greater than 10 DEMERITS. Any CRITICAL or MAJOR VIOLATIONS shall be corrected before a PERMIT is issued. When such periodic routine operational inspections take place, for the HIGH-RISK and LOW-RISK ANCILLARY FOOD ESTABLISHMENTS, a passing score is a DEMERIT score ranging from 0 to 15. During an inspection of a HIGH-RISK and/or LOW-RISK ANCILLARY FOOD ESTABLISHMENT, it shall be deemed to fail when more than 15 DEMERITS are found. At that time, the HIGH-RISK and LOW-RISK ANCILLARY FOOD ESTABLISHMENTS' PERMIT will be suspended and a closure fee assessed. The HIGH-RISK and LOW-RISK ANCILLARY FOOD ESTABLISHMENTS will not be allowed to reopen until all violations are corrected, a closure fee has been paid, or documented arrangements have been made for payment of the closure fee, and a reinspection is conducted, and a passing score is received. A passing score is 15 DEMERITS with no repeat CRITICAL or MAJOR VIOLATIONS.
- (D) Whenever the HEALTH AUTHORITY finds an unsanitary or other condition in the operation of a FOOD ESTABLISHMENT which in its judgment constitutes an IMMINENT HEALTH HAZARD to the public's health, the HEALTH AUTHORITY may without warning, notice or hearing, issue a written order to the PERMIT HOLDER or PERSON IN CHARGE citing the condition, specifying the corrective action, and compliance time frame within which the corrective action shall be taken. The order may state that the PERMIT is immediately suspended and all FOOD operations shall be immediately discontinued. Any PERSON to whom such an order is issued shall comply with it immediately. Upon written petition to the HEALTH AUTHORITY, the PERSON shall be afforded a hearing as soon as possible.
- (E) Health PERMITS shall be revoked for any IMMINENT HEALTH HAZARDS, or repeated violations of any of the requirements of this chapter, or for interference with the HEALTH AUTHORITY in the performance of their duties. The PERMIT may be permanently revoked after an opportunity for a hearing has been provided by the HEALTH AUTHORITY. Before taking such an action, the HEALTH AUTHORITY shall notify the PERMIT HOLDER in writing stating the reasons for which the PERMIT may be suspended for cause pending its revocation or a hearing.
- (1) The HEALTH AUTHORITY may permanently revoke a PERMIT five days following initial service of the notice unless a request for a hearing is filed with the HEALTH AUTHORITY by the PERMIT HOLDER within those five days.
 - (2) The hearings provided for in this chapter shall be conducted by the HEALTH AUTHORITY at a designated time and place. Based upon the record of the hearing, the HEALTH AUTHORITY shall make a finding and may sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the PERMIT HOLDER by the HEALTH AUTHORITY.

13-204.20 Examination and Condemnation of FOOD

As specified in *NRS 446.920*:

- (A) FOOD may be examined, or sampled by the HEALTH AUTHORITY, as often as may be necessary to determine freedom from adulteration or misbranding. The HEALTH AUTHORITY may, upon written notice to the owner or PERSON IN CHARGE, place a hold order on any FOOD which is determined or has probable cause to believe to be unwholesome or otherwise ADULTERATED or MISBRANDED.
- (B) Under a hold order, FOOD shall be allowed to be suitably stored. It shall be unLAWful for any PERSON to remove or alter a hold order, notice, or tag placed on FOOD by the HEALTH AUTHORITY. The FOOD and/or the containers shall not be re-labeled, re-packed, re-processed, altered, disposed of, or destroyed without approval of the HEALTH AUTHORITY, except by order of a court of competent jurisdiction.
- (C) After the owner or PERSON IN CHARGE has had a hearing, as specified in *NRS 446.895*, and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within 10 business days, the HEALTH AUTHORITY may vacate the hold order, or may by written order direct the owner or PERSON IN CHARGE of the

FOOD, which was placed under the hold order, to denature or destroy such FOOD or to bring it into compliance with the provisions of these Regulations. Such order of the HEALTH AUTHORITY to denature or destroy such FOOD, or bring it into compliance with the provisions of these Regulations, shall be stayed if the order is appealed to a court of competent jurisdiction within three days.

- (D) When not on a hold order by the HEALTH AUTHORITY, the PERSON IN CHARGE may voluntarily dispose of FOOD believed to be unwholesome or otherwise ADULTERATED or MISBRANDED.

13-204.21 Service of Notices:

The HEALTH AUTHORITY shall properly serve notice by any or all of the below methods:

- (A) Delivering it to the FOOD ESTABLISHMENT owner.
- (B) Delivering it to the PERSON IN CHARGE of the FOOD ESTABLISHMENT.
- (C) Sending it by registered or certified mail, return receipt requested, to the last known address of the FOOD ESTABLISHMENT owner. The HEALTH AUTHORITY shall file a copy of the notice in the records of the FOOD ESTABLISHMENT's file.

13-3 Requirements for all Certified Producers of Farm Products

Subparts

- 13-301 General Requirements**
- 13-302 Sampling of Farm Products**
- 13-303 Processed Farm Products**

13-301 General Requirements

13-301.11 Certified PRODUCERS

- (A) The FARMER shall possess a current PRODUCERS' certificate or certificates for all FARM PRODUCTS being offered for sale. All certificates, licenses and PERMITS, for which he is selling FARM PRODUCTS, shall be posted in a conspicuous location at each point of sale.
 - (1) A FARMER, who produces FARM PRODUCTS, may designate another FARMER or representative to sell their FARM PRODUCTS at a FARMER's MARKET provided that the designated PERSON possesses a copy of the original FARMER's Agricultural Certificate.
 - (2) A FARMER may sell for an unlimited number of other FARMERS at a FARMERS market provided that copies of all FARMER's agricultural certificates are maintained onsite and available for review by the HEALTH AUTHORITY upon request.
- (B) FARMERS are exempt from associated PERMIT fees, as specified in *NRS 576.128*, as long as the FARMER sells only FARM PRODUCTS in their NATURAL AND UNPROCESSED STATE. The HEALTH AUTHORITY reserves the right to conduct surveys to verify exempt status.
- (C) The FARMER shall store, handle, and display PRODUCE in a manner which does not allow adulteration, or create a public health HAZARD or nuisance.
 - (1) FARMERS shall provide and use clean waterproof tarps, or standard pallets, for storing their FARM PRODUCTS on grass, graded SMOOTH asphalt or concrete graded to drain.
 - (2) FARM PRODUCTS shall not be stored in any area exposed to run-on or run-off of water or SEWAGE.
 - (3) All FOOD shall be stored within the immediate area of the PERMITTEE's operation, an APPROVED FOOD ESTABLISHMENT, or a clean enclosed VEHICLE in a manner that prevents CONTAMINATION from any source.

13-302 Sampling of FARM PRODUCTS

13-302.11 Certified PRODUCERS

- (A) FARMERS who prepare and offer samples of FARM PRODUCTS for which they hold PRODUCER's certificates, except for whole, intact fruits or vegetables shall apply for, and obtain, a health PERMIT from the HEALTH AUTHORITY prior to operation.
 - (1) In addition to the general requirements for all certified PRODUCERS, the FARMERS who sample shall comply with the requirements in this Section and applicable sections of Section 13-401 of this Chapter.
- (B) Sample preparation requirements:
 - (1) The preparation of samples is limited to the peeling, cutting, or portioning of FARM PRODUCTS.
 - (2) Raw FARM PRODUCTS shall be thoroughly rinsed with potable running water at the booth under a gravity fed water dispenser with a spigot labeled "PRODUCE only." A drain bucket or similar device shall be placed under the water dispenser to contain runoff.

13-303 PROCESSED FARM PRODUCTS

13-303.11 PERMIT Requirements

FARMERS who sell PROCESSED FARM PRODUCTS shall apply for, and obtain, a health PERMIT from the HEALTH AUTHORITY prior to operation.

- (A) Farm kitchens in which PROCESSED FARM PRODUCTS are manufactured, prepared, PACKAGED, and labeled shall possess a valid health PERMIT from the local AGENCY OF JURISDICTION. Such PERMIT shall be provided to the HEALTH AUTHORITY and displayed conspicuously at the point of sale.
- (B) FARMERS who use another FOOD ESTABLISHMENT to manufacture, prepare, package, and label their FARM PRODUCTS shall have a current copy of the health PERMIT of the manufacturer whose FOOD is being sold. Such PERMIT shall be provided to the HEALTH AUTHORITY and displayed conspicuously at the point of sale.
- (C) In addition to the general requirements for all certified PRODUCERS, the FARMERS who sell PROCESSED FARM PRODUCTS shall comply with the requirements of this Section and applicable sections of Section 13-401 of this Chapter.

13-303.12 APPROVED SOURCE

All FOOD ingredients used in manufacture, preparation, and packaging shall be obtained from APPROVED SOURCES that comply with federal, state, and local LAWS.

13-303.13 Labeling Requirements:

PROCESSED FARM PRODUCTS shall not be MISBRANDED and shall be labeled in accordance with Chapter 3-601 and 3-602 of these Regulations.

13-4 Requirements for Ancillary Food Establishments Associated with Farmer's Markets

Subparts

13-401 General Operating Requirements for Ancillary Food Establishments

13-402 Additional Requirements for High-Risk Ancillary Food Establishments

13-401 General Operating Requirements for ANCILLARY FOOD ESTABLISHMENTS

13-401.11 Compliance

The FOOD ESTABLISHMENT shall comply with the requirements specified in this Chapter and may be subject to other Sections and Chapters of these Regulations.

- (A) The HEALTH AUTHORITY may impose additional requirements to protect the public from potential HAZARDS related to the operation of such establishments.
- (B) The HEALTH AUTHORITY may RESTRICT FOOD menu items or may prohibit the sale of any POTENTIALLY HAZARDOUS FOOD (TCS) which may put the public at RISK of disease or injury.

13-401.12 PERSON IN CHARGE

Each FOOD ESTABLISHMENT shall have a designated PERSON IN CHARGE responsible for knowledge of, and compliance with, these Regulations. The PERSON IN CHARGE shall be ON-SITE and accessible during all hours of operation of the FOOD ESTABLISHMENT. Facilities without a PERSON IN CHARGE shall not be APPROVED to open.

13-401.13 FOOD Source

- (A) All FOOD shall be obtained from an APPROVED SOURCE acceptable to the HEALTH AUTHORITY. Home canned FOOD is prohibited.
- (B) No preparation or storage of FOOD shall occur at a private residence or anywhere other than at a PERMITTED FOOD ESTABLISHMENT.
 - (1) Written documentation from the PERMITTED FOOD ESTABLISHMENT/COMMISSARY, granting storage at their locations, shall be provided to the HEALTH AUTHORITY.
 - (2) In the absence of a PERMITTED FOOD ESTABLISHMENT, same day receipts for all FOOD shall be available ON-SITE for review by the HEALTH AUTHORITY upon request.
- (C) Ice, which is intended for human consumption or cooling purposes, shall be obtained from an APPROVED SOURCE.

13-401.14 FOOD Preparation

All FOOD handling and preparation shall take place within the ANCILLARY FOOD ESTABLISHMENT unless prepared at a permanent FOOD ESTABLISHMENT having a current PERMIT.

13-401.15 FOOD Protection and Storage

- (A) During transport and storage, all FOOD shall be protected from CONTAMINATION, and held within required safe temperatures, as set forth in these Regulations.

- (B) All FOOD, FOOD-CONTACT SURFACES, and SINGLE-SERVICE ARTICLES shall be stored at least 6" off the ground.
- (C) All FOOD shall be covered or shielded to protect from dust, dirt, insects, vermin, patrons, and other sources of CONTAMINATION.
- (D) Animals are prohibited in FOOD preparation and storage areas.
- (E) CONDIMENTS shall be dispensed in single-service type packaging, or from commercially PACKAGED squeeze bottles, shakers, or dispensers APPROVED by the HEALTH AUTHORITY.
- (F) Samples shall be dispensed by means that prevent patrons from contaminating other samples. Sampling methods may include:
 - (1) Individually wrapped portions.
 - (2) Tongs.
 - (3) Toothpicks.
 - (4) Units that dispense one sample at a time.
 - (5) Separation by use of deli paper or cups.
 - (6) A FOOD HANDLER dispensing a sample into the patron's hands by use of a gloved hand or UTENSILS.
 - (7) Other methods as APPROVED by the HEALTH AUTHORITY.
- (G) FOOD dispensing UTENSILS shall be stored in a manner that protects UTENSILS and FOOD from CONTAMINATION. Storage methods may include:
 - (1) UTENSILS in the FOOD with their handles above the top of the FOOD container.
 - (2) On a clean, dry, EASILY CLEANABLE surface.
 - (3) In a clean, dry container.
- (H) Ice, intended for use in BEVERAGES, shall be stored separately from ice used for all other purposes, and shall be dispensed by an APPROVED scoop with a handle, as specified in Paragraph (G) of this Section.
- (I) Ice used to maintain cold FOOD at 41° F±2°, or below, shall not subsequently be used as drinking ice. Ice used for cold-holding purposes:
 - (1) Shall not come in direct contact with FOOD.
 - (2) Shall have adequate drainage to prevent the pooling of water.
 - (3) Shall not be used for human consumption.
- (J) Chemicals shall be stored separate and below all FOOD and FOOD EQUIPMENT.
 - (1) Only those POISONOUS OR TOXIC MATERIALS necessary for maintaining the establishment, cleaning and sanitizing EQUIPMENT and UTENSILS, and controlling vermin may be present at a FARMER'S MARKET.
 - (2) Containers of POISONOUS OR TOXIC MATERIALS shall be prominently and distinctly labeled for easy identification of the contents.
 - (3) POISONOUS OR TOXIC MATERIALS may not be used in a way that contaminates FOOD, EQUIPMENT, UTENSILS, or that constitutes a HAZARD to employees, or other PERSONS, or in any manner other than in full compliance with the manufacturer's labeling.
 - (4) These chemicals shall be stored in a manner that prevents inadvertent spillage, or mixing that may create a safety or health concern, or possibly contaminate any FOOD or FOOD product surface.
- (K) To protect FOOD from CONTAMINATION, FOOD preparation and cooking EQUIPMENT shall not be stored in areas accessible to the public.
- (L) All open FOOD preparation, storage, and display surfaces shall be SMOOTH and EASILY CLEANABLE.

13-401.16 Hygienic Practices Requirements and Associated EQUIPMENT

- (A) A HAND WASHING SINK shall be readily accessible within the FOOD ESTABLISHMENT, and not more than 10' away from the FOOD preparation area. The HAND WASHING SINK shall be in place, properly equipped, and ready for use prior to any open FOOD handling. Each ANCILLARY FOOD ESTABLISHMENT that handles open FOOD shall have an operable HAND WASHING SINK at its place of business, properly equipped, and ready for use prior to any open FOOD handling. A HAND WASHING SINK is not required if the only FOOD items offered are commercially PRE-PACKAGED FOOD and BEVERAGES that are dispensed in their original unopened containers, without sampling. All facilities requiring a HAND WASHING SINK shall have, at a minimum:
 - (1) A portable HAND WASHING SINK provided with tempered, 90°F±2°-110°F±2°, running water which drains to an enclosed integral waste water tank, or if a portable or plumbed HAND WASHING SINK is not available, a container with a hands-free pressurized flow of tempered water into a wash basin. Such hand washing set-ups must have a sufficient amount of hot water generating or holding capacity of no less than 5 gallons of potable water.

- (2) Liquid hand soap, in a pump dispenser, as well as single-use paper towels dispensed in a sanitary manner, shall be available at the HAND WASHING SINK.
- (3) Waste water from the hand washing process shall drain into a designated container large enough, but no less than 5-gallon capacity, to prevent splash or overflow. The waste water container shall be emptied as needed into a sanitary sewer.
- (4) A waste receptacle shall be located near the HAND WASHING SINK for disposal of paper towels.
- (5) Hand sanitizers and single-service gloves may be used, but are not a substitute for hand washing.
- (B) As a minimum, FOOD service workers shall wash their hands:
 - (1) Before entering FOOD preparation and FOOD service areas.
 - (2) Immediately before engaging in any FOOD preparation.
 - (3) Before and after glove use, if gloves are used.
 - (4) After smoking, eating, handling raw FOOD, or using the toilet.
 - (5) As often as necessary to remove soil and CONTAMINATION and to prevent CROSS-CONTAMINATION
- (C) Unless prior operational procedures are APPROVED by the HEALTH AUTHORITY, FOOD HANDLERS shall eliminate bare hand contact with READY-TO-EAT FOOD and minimize bare hand contact with other open FOOD by suitable means including but not limited to deli paper, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT. The use of single-use gloves or UTENSILS is not a substitute for required hand washing. A guidance document is provided in Appendix K.
- (D) Eating in the FOOD ESTABLISHMENT shall be RESTRICTED to designated areas away from all FOOD preparation and storage areas.
 - (1) FOOD HANDLERS' BEVERAGES shall be in a closed container, with a spout or straw, and stored away from FOOD and FOOD-CONTACT SURFACES.
- (E) All FOOD HANDLERS shall wear clean clothing or provide an adequate supply of clean aprons when handling open FOOD.
- (F) Any PERSON not directly involved in the operation of a FOOD ESTABLISHMENT shall be RESTRICTED from FOOD preparation and FOOD service areas.

13-401.17 Cleaning and Sanitizing of UTENSILS and EQUIPMENT

- (A) An APPROVED sanitizing solution, in a labeled container, shall be available prior to any open FOOD handling.
 - (1) APPROVED sanitizer solutions in water include 50-100 ppm chlorine (bleach), or at a concentration specified by the manufacturer, quaternary ammonium compound applied at a concentration specified by the manufacturer, or 12.5 ppm iodine, or at a concentration specified by the manufacturer,
 - (2) Appropriate test strips shall be available and used to measure the concentration of the sanitizer.
 - (3) Clean wiping cloths shall be used for frequent sanitizing of FOOD-CONTACT SURFACES and EQUIPMENT, and shall be stored in the sanitizing solution when not in use.
- (B) EQUIPMENT and UTENSILS shall be washed, rinsed, and sanitized at least once every four hours, or replaced after four hours.
 - (1) When available ON-SITE, a three-compartment sink or a commercial dishwashing machine plumbed with hot and cold water shall be used to wash, rinse, and sanitize FOOD service UTENSILS and EQUIPMENT.
 - (2) As a minimum, a WARE WASHING facility shall have:
 - (a) 3 basins, large enough for ½ immersion of the largest EQUIPMENT and UTENSILS.
 - (b) An adequate supply of potable water.
 - (c) An APPROVED disposal system for waste water.
 - (3) Sequence for manual WARE WASHING shall be to:
 - (a) Wash in the first basin with a clean solution of detergent and water, with a minimum temperature of 110°F±2°.
 - (b) Rinse in the second basin filled with clean water.
 - (c) Sanitize in the third basin by immersion for a minimum of one minute, or as directed by the manufacturer, in an APPROVED sanitizing solution.
 - (d) Air dry in a sanitary manner.
 - (e) Change water solutions as necessary and as specified in this Section.
- (C) FOOD ESTABLISHMENTS, lacking ON-SITE WARE WASHING capability, shall maintain a sufficient supply of clean and sanitized UTENSILS and/or EQUIPMENT to provide for the required replacement at least every four hours.

- (1) Soiled UTENSILS/EQUIPMENT shall be properly segregated so as not to cross-contaminate FOOD, or clean FOOD-CONTACT SURFACES, until transported to a PERMITTED FOOD ESTABLISHMENT/COMMISSARY for proper cleaning and sanitizing.

(D) Clean UTENSILS shall be stored in a sanitary manner.

13-401.18 FOOD ESTABLISHMENT General Site Requirements

- (A) The FOOD ESTABLISHMENT shall be constructed and located to minimize the RISK of FOOD CONTAMINATION from external sources including but not limited to SEWAGE, flooding, dust, insects, and vermin.
- (B) The floor, ground, or ground cover shall be maintained to minimize CONTAMINATION from dust, insects, and water, and be graded to drain away from the FOOD ESTABLISHMENT.
- (C) Where a temporary structure is provided it shall be constructed in a manner to prevent CONTAMINATION of FOOD, and FOOD-CONTACT SURFACES.
- (D) Heating and cooking and storage EQUIPMENT shall be located in an area inaccessible to the public.

13-401.19 Water Supply

An adequate supply of potable water shall be available for cooking purposes, hand washing, and cleaning and sanitizing of EQUIPMENT, UTENSILS, and FOOD-CONTACT SURFACES. A public water supply shall be protected with the appropriate backflow prevention device.

13-401.20 Waste Water

Waste water shall not be dumped onto the ground surface, into waterways, or into storm drains.

- (A) Locations with a potable water fixture under pressure shall be drained into a permanent sanitary sewer.
- (B) Locations without a potable water fixture under pressure shall collect all waste water in water tight containers adequately sized for the type of operation. Waste water from containers shall be disposed directly into a sanitary sewer.

13-401.21 Solid Waste

- (A) Solid waste generated at a FOOD ESTABLISHMENT shall be disposed in a manner to prevent excessive accumulation.
- (B) Each vendor shall provide a waste container(s) at their booth/stand.

13-401.22 Lighting

- (A) A minimal lighting level of 35 foot-candles, of natural or artificial light, shall be provided on all work surfaces in FOOD handling areas.
- (B) Shielding to contain broken glass shall be used for all artificial lighting fixtures that are located over all FOOD handling and FOOD storage areas.

13-402 Additional Requirements for High- RISK ANCILLARY FOOD ESTABLISHMENTS

13-402.11 FOOD Preparation for HIGH-RISK FOODS

- (A) POTENTIALLY HAZARDOUS FOOD (TCS), served at the FOOD ESTABLISHMENT, shall be prepared and served on the same day and shall not be held for service on any subsequent day.
- (B) FROZEN FOOD shall be thawed by one of the following APPROVED methods:
 - (1) Under refrigeration.
 - (2) In an ice chest, provided the FOOD is maintained at 40° F±2° or colder.
 - (3) As part of the cooking process.

13-402.12 CROSS-CONTAMINATION from Raw Animal Products

FOOD shall be protected from CROSS-CONTAMINATION by keeping raw animal products away from READY-TO-EAT FOOD during transportation, storage, preparation, holding, and display.

- (A) The same ice chest may not be used for the storage of both raw animal products and READY-TO-EAT FOOD.
- (B) EQUIPMENT and UTENSILS shall be thoroughly cleaned and sanitized between being used for raw animal products and READY-TO-EAT FOOD.
- (C) When WARE WASHING facilities are not available, an adequate supply of clearly identified EQUIPMENT and UTENSILS shall be provided for use on raw animal products.

13-402.13 FOOD Cooking, and Holding and Service EQUIPMENT

- (A) All FOOD cooking, and holding and service EQUIPMENT shall be constructed of non-toxic materials, including but not limited to, specifications in Chapter 4-201.11 of these Regulations, and maintained clean, in good repair, and in such condition as not to present a RISK to public health.

- (B) The HEALTH AUTHORITY shall RESTRICT FOOD at an event if adequate facilities are not available and functioning properly to maintain FOOD at required temperatures.
- (C) An appropriately sized calibrated stem thermometer, with a range of 0-220°F±2°, shall be available and used to monitor the temperature of POTENTIALLY HAZARDOUS FOOD (TCS).
- (D) Adequate EQUIPMENT shall be provided to maintain hot FOOD at a temperature of 135°F±2°, or above, during storage, display, and service. APPROVED EQUIPMENT includes, but is not limited to, steam tables, hot boxes, grills, and chafing dishes.
- (E) Adequate EQUIPMENT shall be provided to maintain cold FOOD at a temperature of 41°F±2°, or below, during storage, display and service. In cold storage units, a thermometer or temperature gauge, accurate to ±2°F, shall be conspicuously placed in the warmest area. APPROVED EQUIPMENT includes but is not limited to mechanical refrigeration units and ice chests with a drain.
- (F) Stored FROZEN FOOD shall be maintained frozen solid.

13-402.14 Cooking, Reheating and Hot Holding of PHF (TCS)

- (A) Unless requested by a customer, and unless a CONSUMER advisory is properly posted, raw animal FOOD including but not limited to EGGS, FISH, MEAT, POULTRY, and FOOD containing these raw animal FOOD shall be cooked to heat all parts of the FOOD to a temperature and for the time as listed below:
 - (1) Raw animal FOOD, including but not limited to POULTRY, BALUTS and wild GAME ANIMALS, shall be cooked to at least 165°F±2° for at least 15 seconds, except:
 - (a) COMMINUTED and ground MEAT including but not limited to hamburger, shall be cooked to at least 155°F±2° for at least 15 seconds.
 - (b) COMMINUTED FISH products, commercially raised GAME ANIMALS, RATITES and pork shall be cooked to at least 155°F±2° for at least 15 seconds.
 - (c) INJECTED and MECHANICALLY TENDERIZED MEAT, shall be cooked to at least 155°F±2° for at least 15 seconds.
 - (d) Raw EGGS, not cooked for immediate use, shall be cooked to at least 155°F±2° for at least 15 seconds.
 - (e) Raw EGGS, cooked for immediate service, shall be cooked to at least 145°F±2° for at least 15 seconds.
 - (f) FISH, seafood, and MEAT including commercially raised GAME ANIMALS, shall be cooked to at least 145°F±2° for at least 15 seconds.
 - (2) Stuffed FOOD shall be cooked to at least 165°F±2° for at least 15 seconds.
- (B) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts, including but not limited to ham, shall be cooked in a pre-heated oven and to an internal temperature of 145°F±2°, or held at 130°F±2° for at least 112 minutes, or to a temperature as provided in the guidance document provided in Appendix C.
- (C) If raw or undercooked FOOD of animal origin is offered in a READY-TO-EAT form as a deli menu, or other item, or as a raw ingredient in another READY-TO-EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS by brochures, labels, table tents, placards, deli case or menu advisories, or other effective written means of the significantly increased RISK associated with consumption by certain vulnerable CONSUMERS. Such FOOD shall be marked by an asterisk or described on the menu. This Section does not apply to APPROVED smoked or cured animal FOOD. The following language will satisfy the CONSUMER advisory requirement:

Thoroughly cooking FOOD of animal origin, including but not limited to beef, EGGS, FISH, lamb, milk, POULTRY, or SHELLSTOCK reduces the RISK of FOOD BORNE ILLNESS. Young children, the elderly, and individuals with certain health conditions may be at a higher RISK if these FOODS are consumed raw or undercooked.
- (D) POTENTIALLY HAZARDOUS FOOD shall be held at 135°F±2° or above.
- (E) PHF (TCS) that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 165°F±2° for 15 seconds.
- (F) Reheating for hot holding shall be done rapidly with the time the FOOD is between the temperatures of 41°F±2° and 135°F±2° not to exceed two hours.
- (G) READY-TO-EAT FOOD taken from a commercially processed, HERMETICALLY SEALED CONTAINER, or from an intact package from a FOOD PROCESSING ESTABLISHMENT that is inspected by the HEALTH AUTHORITY

or AGENCY OF JURISDICTION of the ESTABLISHMENT, shall be heated to a temperature of at least 135°F±2° for hot holding.

13-5 Permit Restrictions

Subparts

13-501 Exclusions

13-501 Exclusions

13-501.11 Prohibitions

The below items are prohibited from being offered and/or sold at a FARMER'S MARKET:

- (A) Milk, milk products, REDUCED OXYGEN PACKAGING products, raw FISH, and raw SHELLSTOCK.
- (B) Leftover FOOD products.
- (C) Non-dairy creaming, whitening, or whipping agents that are reconstituted on the PREMISES.
- (D) Any FOOD products returned by a customer.
- (E) PACKAGED ice.
- (F) Re-use of metal cans, or other such FOOD containers, for the purpose of cooking, preparing, or storing FOOD.
- (G) Dumping wash water, rinse water, or waste water onto the ground.
- (H) Rinsing of FOOD and UTENSILS in HAND WASHING SINKS.
- (I) Any PHF (TCS) /FARM PRODUCTS, displayed for exhibit purposes, shall not be sold.
- (J) FOOD products from a foreign country.
- (K) FOOD prepared or processed at an unAPPROVED SOURCE.
- (L) Uncertified non-graded whole shell EGGS.
- (M) Common cloth towels used for hand washing.