



## **SOUTHERN NEVADA HEALTH DISTRICT REGULATIONS GOVERNING THE SANITATION OF FOOD ESTABLISHMENTS**

WHEREAS, the Southern Nevada Health District (SNHD) has been established by the County of Clark and the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City as the public Health Authority for those entities, and pursuant to Nevada Revised Statutes (NRS) Chapter 439, has jurisdiction over all public health matters in the Health District; and

WHEREAS, the Southern Nevada District Board of Health (Board) is the governing body of the SNHD, and is authorized to adopt regulations to regulate sanitation and sanitary practices in the interest of the public health, and to protect and promote the public health and safety in the geographical area subject to the jurisdiction of the Health District and is specifically authorized to adopt regulations regarding food establishments as per **NRS 446.940(2)**; and

WHEREAS, unsanitary conditions of food establishments constitute a hazard to public health and welfare, the Board finds that the sanitation and safety of food establishments does affect the public health, and finds that it is necessary to adopt Southern Nevada Health District Regulations Governing the Sanitation and Safety of Food Establishments to promote and regulate the safe and sanitary handling of food items in a food establishment; and

WHEREAS, the Board believes that the following Regulations are designed to protect and promote the public health and safety, it does therefore publish, promulgate, and order compliance within Clark County, Nevada with the substantive and procedural requirements hereinafter set forth.

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\*Definitions – Defined words and terms are in “small caps” in the text of these Regulations to alert the reader to the fact that there is a specific meaning assigned to those words and terms, and that the meaning of a provision is to be interpreted in the defined context.



## **Appendices**

(These Appendices are provided for guidance purposes only  
and are not regulatory in nature unless citation to specific law or regulation is referenced)

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# Chapter 1

## Purpose and Definitions

### Parts

- 1-1 Purpose
- 1-2 Definitions

### 1-1 Purpose

#### Subparts

- 1-101 Title
- 1-102 Intent
- 1-103 Scope

#### 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
- 1-202 Definitions

#### 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<sub>w</sub>** 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<sub>w</sub>.

**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.

Table A. Interaction of pH and $A_w$ for control of spores in FOOD heat-treated to destroy vegetative cells and subsequently PACKAGED.			
$A_w$ Values	pH Values		
	4.6 or less	>4.6-5.0	>5.0
$\leq 0.92$	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

Table B. Interaction of pH and $A_w$ for control of vegetative cells and spores in FOOD not heat-treated or heat-treated but not PACKAGED.				
$A_w$ 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<sub>w</sub> value, or interaction of A<sub>w</sub> 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.

## Chapter 2 Management and Personnel

### Parts

- 2-1 Supervision
- 2-2 Employee Health
- 2-3 Personal Cleanliness
- 2-4 Hygienic Practices

### 2-1 Supervision

#### Subparts

- 2-101 Assignment
- 2-102 Demonstration
- 2-103 Food Protection Manager
- 2-104 Person in Charge

#### 2-101 Assignment

##### 2-101.11 Responsibility

The PERMIT HOLDER shall be the PERSON IN CHARGE, or shall designate a PERSON IN CHARGE, and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation.

#### 2-102 Demonstration

##### 2-102.11 Knowledge

The PERSON IN CHARGE shall demonstrate to the HEALTH AUTHORITY, during inspections and upon request, knowledge of FOOD BORNE ILLNESS and disease prevention, application of the HACCP principles, and the requirements of these Regulations. Except as specified in Section 8-205.11 of these Regulations, the PERSON IN CHARGE shall demonstrate this knowledge in relation to the RISKS inherent in a specific FOOD operation by one of the following criteria:

- (A) Complying with these Regulations by having no CRITICAL or MAJOR VIOLATIONS during the current inspection, or by,
- (B) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM as required by Section 2-103 of this Chapter, or by,
- (C) Responding correctly to the inspector's questions as they relate to specific FOOD operations. The areas of knowledge include but are not limited to:
  - (1) Describing the relationship between the prevention of FOOD BORNE ILLNESS DISEASE and the hygienic practices of a FOOD HANDLER.
  - (2) Explaining the responsibility of the PERSON IN CHARGE for preventing the transmission of FOOD BORNE ILLNESS DISEASE by a FOOD HANDLER who has a disease or medical condition that may cause a FOOD BORNE ILLNESS DISEASE.
  - (3) Describing the symptoms associated with diseases that are transmissible through FOOD.
  - (4) Explaining the significance of the relationship between maintaining the time and temperature of PHF (TCS) and the prevention of FOOD BORNE ILLNESS.
  - (5) Explaining the HAZARDS involved in the consumption of raw or undercooked MEAT, POULTRY, EGGS, FISH, and seafood.
  - (6) Stating the required FOOD temperatures and times for safe cooking of PHF (TCS) including MEAT, POTENTIALLY HAZARDOUS FOOD (TCS), EGGS, FISH, and seafood.
  - (7) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of PHF (TCS).
  - (8) Describing the relationship between the prevention of FOOD BORNE ILLNESS and the management and control of the following:
    - (a) CROSS-CONTAMINATION.
    - (b) Hand contact with READY-TO-EAT FOOD.
    - (c) Hand washing.
    - (d) Maintaining the FOOD ESTABLISHMENT in a clean condition and in good repair.
  - (9) Describing FOOD identified as ALLERGENS and the symptoms that an ALLERGEN could cause in a sensitive individual who has an allergic reaction.



- (10) Explaining the relationship between FOOD safety and providing EQUIPMENT that is:
  - (a) Sufficient in number and capacity.
  - (b) Properly designed, constructed, located, installed, operated, maintained, and cleaned.
- (11) Explaining correct procedures for cleaning and sanitizing UTENSILS and FOOD- CONTACT SURFACES of EQUIPMENT.
- (12) Identifying the source of water used, and measures taken to ensure that it remains protected from CONTAMINATION, including but not limited to providing protection from backflow and precluding the creation of cross connections.
- (13) Identifying POISONOUS OR TOXIC MATERIALS in the FOOD ESTABLISHMENT and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to LAW.
- (14) Identifying CRITICAL CONTROL POINTs in the operation, from purchasing through sale or service, that when not controlled may contribute to the transmission of FOOD BORNE ILLNESS, and explaining steps taken to ensure that these points are controlled in accordance with the requirements of these Regulations.
- (15) Explaining the details of how the PERSON IN CHARGE and FOOD HANDLERS comply with the HACCP PLAN if a plan is required by LAW, by these Regulations, or by an agreement between the REGULATORY AUTHORITY and the FOOD ESTABLISHMENT.
- (16) Explaining the responsibilities, rights, and authority assigned by these Regulations to the:
  - (a) FOOD HANDLER.
  - (b) CONDITIONAL FOOD HANDLER.
  - (c) PERSON IN CHARGE.
  - (d) REGULATORY AUTHORITY.
- (17) Explaining how the PERSON IN CHARGE, FOOD HANDLERS, and CONDITIONAL FOOD HANDLERS comply with reporting responsibilities and exclusions or RESTRICTIONS, of FOOD HANDLERS.

## **2-103 FOOD Protection Manager**

### **2-103.11 FOOD Protection Manager Certification.**

A PERSON IN CHARGE who demonstrates knowledge by being a FOOD Protection Manager, and is certified by a FOOD Protection Manager certification program that is evaluated and listed by a Conference for FOOD Protection recognized accrediting agency as conforming to the *Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs*, is deemed to comply with Paragraph 2-102.11(B) of this Chapter, or has submitted a manager's certification program and paid applicable fees for review and approval by the local HEALTH AUTHORITY.

## **2-104 PERSON IN CHARGE**

### **2-104.11 Duties**

The PERSON IN CHARGE shall ensure that:

- (A) FOOD ESTABLISHMENT operations are not conducted in a private home or in a room used as living or sleeping quarters as specified in Chapter 6-202.19 of these Regulations.
- (B) PERSONS unnecessary to the FOOD ESTABLISHMENT operation are not allowed in the FOOD preparation, FOOD storage, or WARE WASHING areas, except that brief visits and tours may be authorized by the PERSON IN CHARGE if steps are taken to ensure that exposed FOOD, clean EQUIPMENT, UTENSILS and LINENS, and unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES are protected from CONTAMINATION.
- (C) FOOD HANDLERS and other PERSONS including but not limited to delivery and maintenance PERSONS, and pesticide applicators entering the FOOD preparation, FOOD storage, and WARE WASHING areas comply with these Regulations.
- (D) FOOD HANDLERS are effectively cleaning their hands by routinely monitoring hand washing.
- (E) FOOD HANDLERS are visibly observing FOOD, as it is received, to determine that it is from APPROVED SOURCES, delivered at the required temperatures, protected from CONTAMINATION, unADULTERATED, and accurately presented by routinely monitoring the FOOD HANDLERS' observations and periodically evaluating FOOD upon receipt.
- (F) FOOD HANDLERS are properly cooking PHF (TCS), being particularly careful in cooking FOOD known to cause severe FOOD BORNE ILLNESS and death, including but not limited to EGGS and COMMINUTED MEATs, through daily overseeing of the FOOD HANDLERS' routine monitoring of the cooking temperatures, use of appropriate TEMPERATURE MEASURING DEVICES, which are properly scaled and calibrated, as specified in Chapter 4-302.13 of these Regulations.

- (G) FOOD HANDLERS are using proper methods to rapidly cool PHF (TCS), which are not held hot or are not for consumption within four hours, through overseeing daily the FOOD HANDLER's routine monitoring of FOOD temperatures during cooling.
- (H) CONSUMERS who order raw or partially cooked READY-TO-EAT FOOD of animal origin are informed, as specified in Chapter 3-603.11 of these Regulations, that the FOOD is not cooked sufficiently to ensure its safety.
- (I) FOOD HANDLERS are properly sanitizing cleaned multi-use EQUIPMENT and UTENSILS, before they are re-used, through routine monitoring of solution temperature, and exposure time for hot water sanitizing and chemical concentration, pH, temperature, and exposure time for chemical sanitizing.
- (J) CONSUMERS are notified as specified in Chapter 3-306.13 (D) of these Regulations, which clean TABLEWARE is to be used when they return to self-service areas including but not limited to salad bars and buffets.
- (K) Except when approval is obtained from the HEALTH AUTHORITY, as specified in Chapter 3-301.11 (A) of these Regulations, FOOD HANDLERS are preventing CROSS-CONTAMINATION of READY-TO-EAT FOOD with bare hands by properly using suitable UTENSILS including but not limited to deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.
- (L) FOOD HANDLERS are properly trained in FOOD safety as it relates to their assigned duties.
- (M) FOOD HANDLERS and CONDITIONAL FOOD HANDLERS are informed of their responsibility, in accordance with LAW, to report to the PERSON IN CHARGE information about their health and activities as they relate to diseases which are transmissible through FOOD, as specified in Section 2-201.11 (A) of this Chapter.

## **2-2 Employee Health**

### **Subpart**

#### **2-201 Responsibilities of Permit Holder, Person in Charge, Food Handlers, and Conditional Food Handlers**

#### **2-201 Responsibilities of PERMIT HOLDER, PERSON IN CHARGE, FOOD HANDLERS, and CONDITIONAL FOOD HANDLERS**

##### **2-201.11 Responsibilities and Reporting Symptoms and Diagnosis**

- (A) The PERMIT HOLDER shall require FOOD HANDLERS to report to the PERSON IN CHARGE information about their health and activities as they relate to symptoms of illness which are transmissible through FOOD. A guidance document is provided in Appendix A.
- (B) A FOOD HANDLER shall:
  - (1) Report the information in a manner that allows the PERSON IN CHARGE to reduce the RISK of FOOD BORNE disease transmission. The information should include such pertinent information as suspected exposure, date of onset and symptoms, or any observations of illness, with or without symptoms, or reportable symptoms including but not limited to:
    - (a) Vomiting.
    - (b) Diarrhea.
    - (c) Jaundice.
    - (d) Sore throat with fever.
    - (e) A lesion, containing pus, or a boil or infected wound, that is open or draining and is:
      - (i) Located on the hands or wrists. Such a lesion shall require an impermeable cover including but not limited to a bandage or finger cot, and a single-use glove worn over the impermeable cover, both of which shall be changed whenever hand washing is required.
      - (ii) On exposed portions of arms. Such a lesion shall be protected by an impermeable cover.
      - (iii) On other parts of the body. Such a lesion shall be covered by a dry, durable, tight-fitting bandage.
  - (2) Comply with directives from the HEALTH AUTHORITY regarding exclusion and/or RESTRICTION for Illness and Return to Work Criteria as specified in Chapter 8 of these Regulations.
- (C) The PERSON IN CHARGE shall take such measures to reduce the RISK of transmission of FOOD BORNE disease to include:
  - (1) Exclusion or RESTRICTION of a FOOD HANDLER with active symptoms as noted in Section 2-201.11 (B) (1) of this Chapter. In such case of exclusion, the FOOD HANDLER shall not return to work until free of symptoms.

- (2) Notifying the HEALTH AUTHORITY of a diagnosed FOOD BORNE ILLNESS that has the potential to be transmitted through FOOD, or of active symptoms in a FOOD HANDLER that has had occurrence for spread of potential pathogens to FOOD.
- (3) Following the direction of the HEALTH AUTHORITY on Exclusion or RESTRICTION of an employee diagnosed with a pathogen that has potential to be transmitted to others or through FOOD, including as required in applicable sections of *NAC 441A, Communicable Diseases*. In such case of exclusion, the FOOD HANDLER shall not be allowed to return to work until APPROVED to do so by the HEALTH AUTHORITY

## **2-3 Personal Cleanliness**

### **Subparts**

- 2-301 Hands and Arms**
- 2-302 Fingernails**
- 2-303 Jewelry**
- 2-304 Outer Clothing**

### **2-301 Hands and Arms**

#### **2-301.11 Clean Condition**

FOOD HANDLERS shall keep their hands and exposed portions of their arms clean.

#### **2-301.12 Cleaning Procedure**

- (A) Except as specified in Paragraph (D) of this Section, FOOD HANDLERS shall use an APPROVED cleaning compound to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms, for at least 15 seconds, in a HAND WASHING SINK that is equipped as specified in Chapter 5-202.12 of these Regulations.
- (B) FOOD HANDLERS shall use the following cleaning procedure, in the order stated, to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms.
  - (1) Rinse under clean, running, warm water.
  - (2) Apply an amount of APPROVED cleaning compound.
  - (3) Rub together vigorously for at least 15 seconds while:
    - (a) Paying particular attention to removing soil from underneath the fingernails.
    - (b) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers.
  - (4) Thoroughly rinse under clean, running, warm water.
  - (5) Immediately follow the cleaning procedure with thorough drying using a method as specified in Chapter 5-202.12 (I)-(J) of these Regulations.
- (C) To avoid re-contaminating hands or surrogate prosthetic devices, FOOD HANDLERS may use disposable paper towels, or similar clean barriers, when touching surfaces including but not limited to manually operated faucet handles on a HAND WASHING SINK or the handle of a restroom door.
- (D) If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, an automatic HAND WASHING SINK, using clean warm water, may be used by FOOD HANDLERS to clean their hands or surrogate prosthetic devices.

#### **2-301.13 When to Wash**

FOOD HANDLERS shall clean their hands and exposed portions of their arms as specified in Chapter 2-301.12 of these Regulations immediately before engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES and:

- (A) After touching bare human body parts other than clean hands and clean exposed portions of arms.
- (B) After using the toilet room.
- (C) After caring for or handling SERVICE ANIMALS or aquatic animals as specified in Chapter 2-403.11 (B) of these Regulations.
- (D) Except as specified in Chapter 2-401.11 (B) of these Regulations, after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
- (E) After handling soiled EQUIPMENT or UTENSILS.
- (F) During FOOD preparation as often as necessary to remove soil and CONTAMINATION, and to prevent CROSS-CONTAMINATION when changing tasks.
- (G) When switching between working with raw FOOD and working with READY-TO-EAT FOOD.
- (H) When using gloves for working with FOOD, hands shall be washed:
  - (1) Before donning gloves for working with FOOD.

- (2) After removing gloves when handling raw animal products.
- (I) After engaging in other activities that contaminate the hands.
- (J) Other standard operating procedures may be submitted for consideration by the HEALTH AUTHORITY.

**2-301.14 Where to Wash**

FOOD HANDLERS shall clean their hands in a HAND WASHING SINK or APPROVED automatic HAND WASHING SINK. Employees shall not clean their hands in a WARE WASHING sink used for FOOD preparation, in a service sink, or in a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

**2-301.15 Hand Antiseptics**

- (A) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:
  - (1) Comply with one of the following:
    - (a) Be an APPROVED drug that is listed in the FDA publication *Approved Drug Products with Therapeutic Equivalence Evaluations* as an APPROVED drug based on safety and effectiveness.
    - (b) Have active antimicrobial ingredients which are listed in the FDA monograph for *OTC Health-Care Antiseptic Drug Products* as an antiseptic hand wash and,
  - (2) Comply with one of the following:
    - (a) Have components which are exempted from the requirement of being listed in federal FOOD ADDITIVE regulations as specified in *21CFR 170.39, Threshold of Regulation for Substances Used in Food-Contact Articles*.
    - (b) Comply with and be listed in one of the following:
      - (i) *21 CFR 178, Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers* as regulated for use as a FOOD ADDITIVE with conditions of safe use.
      - (ii) *21 CFR 182, Substances Generally Recognized as Safe, 21 CFR 184, Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186, Indirect Food Substances Affirmed as Generally Recognized as Safe for Use in Contact with Food*.
  - (3) Be applied only to hands that are cleaned as specified in Section 2-301.12 of this Chapter.
- (B) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Paragraph (A) (2) of this Section, its use shall:
  - (1) Require thorough hand rinsing in clean water, before hand contact with FOOD, or before the donning of gloves.
  - (2) Be limited to situations that involve no direct contact with FOOD by bare hands.
- (C) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/L chlorine.

**2-302 Fingernails**

**2-302.11 Maintenance**

- (A) FOOD HANDLERS shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (B) Unless wearing intact gloves, in good repair, a FOOD HANDLER shall not wear fingernail polish or artificial fingernails when working with exposed FOOD.

**2-303 Jewelry**

**2-303.11 Prohibition**

Except for a plain ring, such as a wedding band, FOOD HANDLERS while preparing or handling FOOD, shall not wear jewelry including medical information jewelry, on their arms and hands.

**2-304 Outer Clothing**

**2-304.11 Clean Condition**

FOOD HANDLERS shall wear clean outer clothing to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINENS, SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES. Employee aprons shall not be worn into toilet facilities.

**2-4 Hygienic Practices**

**Subparts**

**2-401 Food Contamination Prevention**

<b>2-402 Hair Restraints</b> <b>2-403 Animals</b> <b>2-404 Food Handler Employment Requirements</b>
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**2-401 FOOD CONTAMINATION Prevention****2-401.11 Eating, Drinking, or Using Tobacco**

- (A) Except as specified in Paragraph (B) of this Section, an employee shall eat or drink only in designated areas where CONTAMINATION of exposed FOOD, clean EQUIPMENT, UTENSILS, LINENS, unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES does not occur.
- (B) A FOOD HANDLER may drink from a closed BEVERAGE container if the container is handled to prevent CONTAMINATION of:
  - (1) The employee's hands.
  - (2) The container.
  - (3) Exposed FOOD, clean EQUIPMENT, UTENSILS, LINEN, or unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

**2-401.12 Discharges From the Eyes, Nose, and Mouth**

FOOD HANDLERS experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed FOOD, clean EQUIPMENT, UTENSILS, LINEN, or unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

**2-402 Hair Restraints****2-402.11 Effectiveness**

- (A) Except as provided in Paragraph (B) of this Section, FOOD HANDLERS shall wear hair restraints including but not limited to hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed FOOD, clean EQUIPMENT, UTENSILS, and LINENS, unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.
- (B) This Section does not apply to FOOD HANDLERS, including but not limited to counter staff, baristas, and bartenders who only serve BEVERAGES and wrapped or PACKAGED FOOD, hostesses, and wait staff if they present a minimal RISK of contaminating exposed FOOD, clean EQUIPMENT, UTENSILS, and LINENS, unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

**2-403 Animals****2-403.11 Handling Prohibition**

- (A) Except as specified in Paragraph (B) of this Section, FOOD HANDLERS may not care for or handle animals that may be present including but not limited to patrol dogs, SERVICE ANIMALS, or pets that are allowed as specified in Chapter 6-501.21 of these Regulations.
- (B) FOOD HANDLERS with SERVICE ANIMALS may handle or care for their SERVICE ANIMALS. FOOD HANDLERS may handle or care for FISH in aquariums or MOLLUSCAN SHELLSTOCK or crustacea in display tanks if they wash their hands as specified in Chapter 2-301.12 and 2-301.14 (C) of these Regulations.

**2-404. FOOD HANDLER Employment Requirements****2-404.11 Health Cards**

- (A) Before a PERSON begins employment in a FOOD ESTABLISHMENT, application shall be made for a FOOD HANDLER HEALTH CARD issued by the Southern Nevada Health District (SNHD). All applicable requirements shall be completed within the timeframes designated by SNHD Health Cards Department.
- (B) A PERSON employed as FOOD HANDLER in a PERMITTED FOOD ESTABLISHMENT shall possess a current FOOD HANDLER HEALTH CARD issued by SNHD. The issued FOOD HANDLER HEALTH CARD shall be maintained at their work station, or on their PERSON, and be available for review by the HEALTH AUTHORITY.



# Chapter 3

## Food

### Parts

- 3-1 Characteristics
- 3-2 Sources, Specifications, and Records
- 3-3 Protection from Contamination After Receiving
- 3-4 Destruction of Organisms of Public Health Concern
- 3-5 Limitation of Growth of Organisms of Public Health Concern
- 3-6 Food Identity, Presentation, and On-Premises Labeling
- 3-7 Contaminated Food
- 3-8 Special Requirements for Highly Susceptible Populations

### 3-1 Characteristics

#### Subparts

- 3-101 Condition

#### 3-101 Condition

##### 3-101.11 Safe, UNADULTERATED, and Honestly Presented

All FOOD in a FOOD ESTABLISHMENT shall be wholesome, free from spoilage, adulteration, and misbranding.

### 3-2 Sources, Specifications, and Records

#### Subparts

- 3-201 Sources
- 3-202 Specifications for Receiving
- 3-203 Original Containers and Records

#### 3-201 Sources

##### 3-201.11 Compliance with FOOD LAW

- (A) FOOD shall be obtained from an APPROVED SOURCE.
- (B) FOOD prepared in a private home may not be used or offered for human consumption in a FOOD ESTABLISHMENT. This section does not apply to employee “pot lucks.”
- (C) Wild mushrooms shall be either:
  - (1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the local HEALTH AUTHORITY or AGENCY OF JURISDICTION that has jurisdiction over the operation or,
  - (2) In PACKAGED form and the product of a FOOD PROCESSING ESTABLISHMENT, regulated by the local HEALTH AUTHORITY or AGENCY OF JURISDICTION that has jurisdiction over the ESTABLISHMENT.
- (D) PACKAGED FOOD shall be labeled as specified in LAW, including *21 CFR, 101 Food Labeling, 9 CFR 317, Labeling, Marking Devices, and Containers*, and *9 CFR 381, Subpart N, Labeling and Containers*, and as specified in Paragraphs 3-202.17 and 3-202.18 of this Chapter. PACKAGED FOOD sold for off PREMISE consumption in Clark County, Nevada, shall be exempt from nutritional labeling.
- (E) FISH, other than MOLLUSCAN SHELLSTOCK that are intended for consumption in their raw form, may be offered for sale or service if they are obtained from a supplier that freezes the FISH as specified in Paragraph 3-402.11 of this Chapter, or frozen on the PREMISES as specified in Paragraph 3-402.11 of this Chapter, and records are retained as specified in Paragraph 3-402.12 of this Chapter.
- (F) MEAT and POULTRY for retail sale that is not a READY-TO-EAT FOOD, and is in a PACKAGED form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in LAW, including *9 CFR 317.2 (1)* and *9 CFR 381.125 (b)*.
- (G) EGGs for retail sale, which have not been specifically treated to destroy all viable *Salmonellae*, shall be labeled to include safe handling instructions as specified in LAW, including *21 CFR 101.17 (h)*.

##### 3-201.12 FOOD in HERMETICALLY SEALED CONTAINER

FOOD in a HERMETICALLY SEALED CONTAINER shall be obtained from a FOOD PROCESSING ESTABLISHMENT that is regulated by the HEALTH AUTHORITY or AGENCY OF JURISDICTION over the ESTABLISHMENT.

### **3-201.13 Fluid Milk and Milk Products**

Fluid milk and milk products:

- (A) Shall be obtained from sources that comply with GRADE A STANDARDS as specified in *NAC 584*.
- (B) Shall bear a date established by the bottler as the date upon which, in order to ensure quality, the milk or product is to be removed from the shelf or otherwise withdrawn from sale to the consumer.

### **3-201.14 Treated, PRE-PACKAGED JUICE shall:**

- (A) Be obtained from a processor with a HACCP system as specified in *21 CFR, Part 120*.
- (B) Be obtained PASTEURIZED or otherwise treated to attain a 5-log reduction of the most resistant micro-organism of public health significance as specified in *21 CFR, Part 120.24 Process Controls*.
- (C) This section does not apply to fresh squeezed JUICES from a PERMITTED facility within a given location owned by PERMITTEE.

### **3-201.15 FISH**

- (A) FISH that are received for sale or service shall be:
  - (1) Commercially and legally caught or harvested.
  - (2) APPROVED for sale or service.
- (B) MOLLUSCAN SHELLSTOCK that are recreationally caught may not be received by a PERMITTED FOOD ESTABLISHMENT for sale or service.

### **3-201.16 MOLLUSCAN SHELLSTOCK**

- (A) MOLLUSCAN SHELLSTOCK shall be obtained from sources according to LAW and shall meet the requirements specified in the *U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, and National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish*.
- (B) MOLLUSCAN SHELLSTOCK, received in interstate commerce, shall be from sources listed in the *Interstate Certified Shellfish Shippers list* (<http://www.cfsan.fda.gov/ear/shellfi.html>).

### **3-201.17 GAME ANIMALS**

MEAT or products from recreationally caught animals shall not be received for sale or service to a customer.

## **3-202 Specifications for Receiving**

### **3-202.11 Temperature**

- (A) Refrigerated PHF (TCS) shall be received at a temperature of  $41^{\circ}\text{F}\pm 2^{\circ}$  or below, except that milk and live MOLLUSCAN SHELLSTOCK may be received at  $45^{\circ}\text{F}\pm 2^{\circ}$ .
- (B) Cooked PHF (TCS) received hot shall be maintained at a temperature of  $135^{\circ}\text{F}\pm 2^{\circ}$  or above.
- (C) A FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING ESTABLISHMENT shall be received frozen.
- (D) Upon receipt, PHF (TCS) shall be free of evidence of temperature abuse including but not limited to:
  - (1) Discoloration.
  - (2) Excessive ice crystals.
  - (3) Collapsed carton.
  - (4) Odor.
  - (5) Misshapen from thawing and refreezing.
  - (6) Abnormal texture.
  - (7) Sliminess.

### **3-202.12 ADDITIVES**

FOOD shall not contain unAPPROVED FOOD ADDITIVES or ADDITIVES that exceed amounts specified in *21 CFR 170-180* relating to FOOD ADDITIVES, generally recognized as safe, or prior sanctioned substances that exceed amounts specified in *21 CFR 181-186*, substances that exceed amounts specified in *9 CFR Subpart C, Section 424.21(b), Food Ingredients and Sources of Radiation or Pesticide Residues* that exceed amounts specified in *40 CFR 180 Tolerances for Pesticides Chemicals in Food and Exceptions*.

### **3-202.13 EGGS**

EGGS shall be received clean and sound and may not exceed the RESTRICTED EGG tolerances for U.S. CONSUMER Grade B as specified in *United States Standards, Grades, and Weight classes for Shell Eggs, AMS 56.200 et seq.*, administered by the *Agricultural Marketing Service of USDA*. Raw fresh whole shell EGGS shall be received in refrigerated EQUIPMENT that maintains an ambient air temperature of  $45^{\circ}\pm 2^{\circ}$  or less.

### **3-202.14 EGGS and Milk Products, PASTEURIZED**

- (A) EGG PRODUCTS shall be obtained PASTEURIZED.
- (B) Fluid and dry milk and milk products shall:
  - (1) Be obtained PASTEURIZED.

- (2) Comply with GRADE A STANDARDS as specified in LAW.
- (C) Frozen milk products, including but not limited to ice cream, shall be obtained PASTEURIZED as specified in *21 CFR 135 Frozen Desserts*.
- (D) Cheese shall be obtained PASTEURIZED unless processed by alternative procedures as specified in the CFR's including but not limited to *21 CFR 133 Cheeses and Related Cheese Products* for curing certain cheese varieties.

**3-205.15 Package Integrity**

FOOD packages shall be in good condition and protect the integrity of the contents so that the FOOD is not exposed to adulteration or potential contaminants.

**3-202.16 Ice**

Ice, for use as a FOOD or a cooling medium, shall be made from DRINKING WATER. Ice produced in Clark County, and PACKAGED for off- PREMISES consumption, shall have labeling that provides for trace- back to the point of production. Existing facilities currently packaging ice for off-premise consumption shall have one year from the adoption of these regulations to develop and submit labels to the HEALTH AUTHORITY for review and approval.

**3-202.17 SHUCKED SHELLSTOCK Packaging and Identification**

- (A) Raw SHUCKED SHELLSTOCK shall be obtained in non-returnable packages which bear a legible label or tag that identifies:
  - (1) The name, address, and CERTIFICATION NUMBER of the shucker-packer or the re-packer of the MOLLUSCAN SHELLSTOCK.
  - (2) The "sell by" date for packages with a capacity of less than 1.89 L (½ gallon) or the date shucked for packages with a capacity of 1.89 L (½ gallon) or more.
- (B) A package of raw SHUCKED SHELLSTOCK that does not bear a label, or which bears a label that does not contain all the information specified in Paragraph A of this Section, shall be subject to a hold order as allowed by LAW, or seizure and destruction, as specified in *21 CFR Subpart D Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d) Molluscan Shellfish*.

**3-202.18 SHELLSTOCK Identification**

SHELLSTOCK shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and by each dealer that deperurates, ships, or re-ships the SHELLSTOCK as specified in the *National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish* (<http://www.cfsan.fda.gov/~ear/nsspoc.html>).

- (A) Fresh and frozen SHELLSTOCK, including but not limited to oysters, clams, or mussels, shall be packed in non-returnable packages that are labeled with the name and address of the original processor or the PERSON who re-packed them, and the interstate CERTIFICATION NUMBER.
- (B) Each container of un-SHUCKED SHELLSTOCK, including but not limited to oysters, clams, or mussels, shall be identified by a tag attached to the container stating the name and address of the original harvester, dealer, or processor, the kind and quantity of SHELLSTOCK in the container, and the interstate CERTIFICATION NUMBER issued by the State or by a foreign agency.

**3-202.19 SHELLSTOCK Condition**

When received by a FOOD ESTABLISHMENT, SHELLSTOCK shall be reasonably free of mud, dead SHELLSTOCK, and SHELLSTOCK with broken shells. Dead SHELLSTOCK or SHELLSTOCK with badly broken shells shall be discarded.

**3-203 Original Containers and Records**

**3-203.11 Maintaining SHELLSTOCK Identification**

- (A) SHELLSTOCK tags shall remain attached to the container in which the SHELLSTOCK was received by the FOOD ESTABLISHMENT until the container is empty or remain with the product while in storage.
- (B) Tags or labels, from SHELLSTOCK that have been sold or served, shall be maintained for a minimum of 90 calendar days from the date that is recorded on the tag or label. A record keeping system that keeps the tags or labels in chronological order, correlated to the date when or dates during, which the SHELLSTOCK are sold or served shall be maintained.
- (C) If SHELLSTOCK is removed from its tagged or labeled container:
  - (1) The source identification shall be preserved by using a record keeping system as specified in Paragraph B of this Section.
  - (2) The SHELLSTOCK shall not be COMMINGLED with SHELLSTOCK from another container, unless and until, being ordered by the CONSUMER.

**3-3 Protection From Contamination after Receiving**



## Subparts

- 3-301 Preventing Contamination by Employees**
- 3-302 Preventing Food and Ingredient Contamination**
- 3-303 Preventing Contamination from Ice used as a Coolant**
- 3-304 Preventing Contamination from Equipment, Utensils, and Linen**
- 3-305 Preventing Contamination from the Premises**
- 3-306 Preventing Contamination by Consumers**
- 3-307 Preventing Contamination from Other Sources**

### **3-301 Preventing CONTAMINATION by Employees**

#### **3-301.11 Preventing CONTAMINATION from Hands**

- (A) Except when washing fruits and vegetables, FOOD HANDLERS shall eliminate bare-hand contact with READY-TO-EAT FOOD by:
- (1) Using a suitable UTENSIL including but not limited to deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.
  - (2) Providing an alternative operational procedure APPROVED by the HEALTH AUTHORITY. A guidance document is provided in Appendix K.
- (B) FOOD HANDLERS shall minimize bare hand and arm contact with open FOOD.
- (C) FOOD HANDLERS, not serving a HIGHLY SUSCEPTIBLE POPULATION, may contact exposed READY-TO-EAT FOOD with their bare hands, if:
- (1) The PERMIT HOLDER obtains prior approval from the HEALTH AUTHORITY.
  - (2) Written procedures are maintained in the FOOD ESTABLISHMENT and made available to the HEALTH AUTHORITY upon request.
  - (3) Documentation that hands of FOOD HANDLERS are washed, before FOOD preparation and as necessary to prevent CROSS-CONTAMINATION, during all hours of operation when the specific READY-TO-EAT FOOD is prepared, as specified in Chapter 2-301.11, Chapter 2-301.12, Chapter 2-301.13, Chapter 2-301.14, and Chapter 2-310.15 of these Regulations.

### **3-302 Preventing FOOD and Ingredient CONTAMINATION**

#### **3-302.11 PACKAGED and UnPACKAGED FOOD, Separation, Packaging and Segregation**

FOOD shall be protected from CROSS-CONTAMINATION during storage, preparation, holding, and display by separating raw animal FOOD from READY-TO-EAT FOOD including, but not limited to, sushi and MOLLUSCAN SHELLSTOCK, by methods including but not limited to:

- (A) Using separate EQUIPMENT for each type of FOOD.
- (B) Storing or holding each type of FOOD in EQUIPMENT so that CROSS-CONTAMINATION of one type with another is prevented. A guidance document is provided in Appendix B.
- (C) Preparing each type of FOOD at different times or in separate areas.
- (D) Cleaning and sanitizing EQUIPMENT and UTENSILS after preparing raw animal FOOD and before preparing READY-TO-EAT FOOD.
- (E) Cleaning and removing visible soil from HERMETICALLY SEALED CONTAINERS of FOOD before opening.
- (F) Separating damaged, spoiled, or recalled FOOD from FOOD that is to be consumed.
- (G) Separating unwashed fruits and vegetables from READY-TO-EAT FOOD.
- (H) Frozen, commercially processed and PACKAGED raw animal FOOD may be stored or displayed with or above frozen, commercially processed and PACKAGED, READY-TO-EAT FOOD.

#### **3-302.12 FOOD Storage Containers Identified with Common Name of FOOD**

Except for containers holding FOOD that can be readily and unmistakably recognized including but not limited to dry pasta, working containers holding FOOD, or FOOD ingredients that are removed from their original packages for use in the FOOD ESTABLISHMENT, including but not limited to cooking oil, flour, herbs, potato flakes, salt, spices, and sugar shall be identified, in English, with the common name of the FOOD. Other applicable languages may be used in addition to the English name.

#### **3-302.13 PASTEURIZED EGGS, Substitute for Raw Shell EGGS for Certain Recipes**

PASTEURIZED EGGS or EGG PRODUCTS shall be substituted for raw shell EGGS in the preparation of FOOD including but not limited to Caesar salad, Hollandaise or Béarnaise sauce, mayonnaise, meringue, EGGnog, ice cream, and EGG-fortified BEVERAGES that are not cooked unless:

- (A) A management system is in place, and documented, to ensure that FOOD is discarded if not served or dispensed within three hours after preparation.
- (B) A CONSUMER advisory is included on the menu as specified in Paragraph 3-401.11 (C) of this Chapter.

### **3-302.14 Protection from UnAPPROVED ADDITIVES**

- (A) As specified in Paragraph 3-202.12 of this Chapter, FOOD shall be protected from CONTAMINATION that may result from the addition of:
  - (1) Unsafe or unAPPROVED FOOD or color ADDITIVES.
  - (2) Unsafe or unAPPROVED levels of APPROVED FOOD and color ADDITIVES.
- (B) A FOOD HANDLER shall not apply sulfiting agents to fresh fruits and vegetables that are intended for raw consumption.

### **3-303 Preventing CONTAMINATION from Ice Used as a Coolant**

#### **3-303.11 Ice Used as Exterior Coolant; Prohibited as Ingredient**

After use as a medium for cooling, the exterior surfaces of FOOD including but not limited to melons or FISH, and PACKAGED FOOD including but not limited to canned or bottled BEVERAGES, cooling coils, tubes of EQUIPMENT, and ice shall not be used as FOOD.

#### **3-303.12 Storage or Display of FOOD in Contact with Water or Ice**

- (A) If FOOD is not subject to the entry of water, because of the nature of its packaging, wrapping, container, or position in the ice, PACKAGED FOOD may be stored in direct contact with ice.
- (B) UNPACKAGED FOOD may not be stored in direct contact with ice that is not self draining, except that
  - (1) Whole raw fruits or vegetables, cut raw vegetables including but not limited to celery or carrot sticks, cut potatoes, and tofu may be immersed in water or covered with ice.
  - (2) Raw chicken and raw FISH, that are received immersed in water or covered with ice in shipping containers, may remain in that condition while in storage awaiting preparation, display, service, or sale.

### **3-304 Preventing CONTAMINATION from EQUIPMENT, UTENSILS, and LINENS**

#### **3-304.11 FOOD Contact with EQUIPMENT and UTENSILS**

FOOD shall only contact surfaces of EQUIPMENT and UTENSILS that are properly cleaned and sanitized.

#### **3-304.12 In-Use UTENSILS, Between-Use Storage**

During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored:

- (A) In PHF (TCS) with their handles above the top of the FOOD and the container.
- (B) In FOOD that is not PHF (TCS) with their clean handles above the top of the FOOD, within containers or EQUIPMENT that can be closed, including but not limited to bins of sugar, flour, or cinnamon.
- (C) On a clean FOOD-CONTACT SURFACE, including but not limited to a portion of a FOOD preparation table or cooking EQUIPMENT, which has been properly cleaned and sanitized at an APPROVED frequency.
- (D) In water running at sufficient velocity to flush particulates to the drain, if used with moist FOOD including but not limited to ice cream or mashed potatoes.
- (E) In a clean, protected location if the UTENSILS including but not limited to ice scoops are used only with a FOOD that is not PHF (TCS).
- (F) In a container of water, if the water is maintained at a temperature of  $41^{\circ}\text{F}\pm 2^{\circ}$  or below, or at  $135^{\circ}\text{F}\pm 2^{\circ}$  or above, and the UTENSILS and container are cleaned at least every four hours, or more often if necessary to preclude accumulation of FOOD residue.

#### **3-304.13 Use Limitations, LINEN and Napkins**

LINEN and napkins may not be used in contact with FOOD unless they are used to line or cover a container for the service of FOOD, and the LINEN and napkins are replaced each time the container is refilled for a new CONSUMER.

#### **3-304.14 Use Limitations; Wiping Cloths**

- (A) Cloths that are in use for wiping FOOD spills shall be used for no other purpose, and shall be used:
  - (1) Dry; only to be used for wiping FOOD spills from TABLEWARE and carry-out containers.
  - (2) Wet; only to be used for wiping spills from FOOD-CONTACT and NON FOOD-CONTACT SURFACES of EQUIPMENT, and stored in a chemical sanitizer at a concentration of 50-100 ppm chlorine, or at the manufacturer's recommended strengths for all approved sanitizers within the water temperature and water hardness limits as specified by the manufacturer.
- (B) Cloths used for the absorption of grease shall be used for no other purpose, and shall be changed at least every four hours or more often if necessary.

- (C) Dry or wet cloths that are used with raw animal FOOD shall be kept separate from cloths used for other purposes.
- (D) Wet cloths used with raw animal FOOD shall be kept in a separate sanitizing solution at a concentration as specified by manufacturer's instructions.
- (E) Wet wiping cloths used with a freshly made sanitizing solution, and dry wiping cloths shall be free of FOOD debris and visible soil.
- (F) In-use wiping cloths shall be maintained at the sanitizer concentrations as specified in Paragraph (A) (2) of this Section.
- (G) Wiping cloths shall be LAUNDERed, or removed from service, daily.
- (H) A WAIVER documenting an alternative operational procedure for wiping cloth usage may be submitted to the HEALTH AUTHORITY for consideration.

**3-304.15 Use Limitations; Gloves**

- (A) If used, single-use gloves shall be used for only one task including but not limited to working with READY-TO-EAT FOOD or with raw animal FOOD. They shall be used for no other task or purpose and shall be discarded when damaged or soiled, or when interruptions occur in the operation.
- (B) Except as specified in Paragraph (C) of this Section, slash-resistant gloves, which are used to protect the hands during operations requiring cutting, shall be used in direct contact only with FOOD that is subsequently cooked, including but not limited to FROZEN FOOD or a PRIMAL CUT of MEAT as specified in Section 3-4 of this Chapter.
- (C) Slash-resistant gloves may be used with READY-TO-EAT FOOD that will not be subsequently cooked, if the slash-resistant gloves have a SMOOTH, durable, and non-absorbent outer surface, or if the slash-resistant gloves are covered with a SMOOTH, durable, non-absorbent glove, or with a single-use glove.
- (D) Cloth gloves, which may be a source of CROSS-CONTAMINATION, shall not be used in direct contact with FOOD, unless the FOOD such as FROZEN FOOD or a PRIMAL CUT of MEAT is subsequently cooked to the required temperature. Cloth gloves are to be properly LAUNDERed or discarded at the end of each shift.

**3-304.16 Using Clean TABLEWARE for Second Portions and Refills**

- (A) Except for refilling a CONSUMER's drinking cup or container, without contact between the pouring UTENSIL and the lip-contact of the drinking cup or container, FOOD HANDLERS may not use TABLEWARE, including SINGLE-SERVICE ARTICLES, soiled by the CONSUMER to provide second portions or refills.
- (B) Self-service CONSUMERS shall not be allowed to use soiled TABLEWARE, including SINGLE-SERVICE ARTICLES, to obtain additional FOOD from the display and/or the serving EQUIPMENT.
- (C) Drinking cups and containers may be re-used by self-service CONSUMERS, if the refilling is a CONTAMINATION-free process, as specified in Chapter 4-409.11 of these Regulations.

**3-304.17 Refilling Returnables**

- (A) Except as specified in Paragraph (D) of this Section, a take-home FOOD container returned to a FOOD ESTABLISHMENT shall not be refilled with a PHF (TCS).
- (B) Except as specified in Paragraph (C) of this Section, a take-home FOOD container refilled with FOOD that is not PHF (TCS) shall be cleaned as specified in Chapter 4-409.11 of these Regulations.
- (C) PERSONAL take-out BEVERAGE containers including but not limited to thermally insulated bottles, non-spill coffee cups, and promotional BEVERAGE glasses, may be refilled by FOOD HANDLERS or the CONSUMER if refilling is a CONTAMINATION-free process as specified in Chapter 4-409.11 of these Regulations.
- (D) In order to refill returnable containers with a PHF (TCS), the following criteria must be met:
  - (1) Returnable containers to be refilled with a PHF (TCS) shall meet all requirements as specified in Chapter 4-301.11 (A) of these Regulations.
  - (2) The product contact surfaces of the returnable container shall be effectively cleaned and sanitized before each use and shall be re-sanitized whenever any non-sanitized product has contaminated it.

**3-305 Preventing CONTAMINATION from the PREMISES**

**3-305.11 FOOD Storage**

- (A) Except as specified in Paragraphs (B) and (C) of this Section, FOOD shall be protected from CONTAMINATION by storing the FOOD:
  - (1) In a clean, dry location.
  - (2) Where it is not exposed to splash, dust, or other CONTAMINATION.
  - (3) At least 15 cm (6") above the floor.
- (B) FOOD in packages and working containers may be stored less than 15 cm (6") above the floor, on case lot handling EQUIPMENT including but not limited to dollies, pallets, racks, and skids designed to be moved by hand or by conveniently available apparatuses, including but not limited to hand trucks and forklifts.

- (C) Pressurized BEVERAGE containers, cased FOOD in waterproof containers, including but not limited to commercially SEALED bottles or cans, including liquor and milk containers in plastic crates, may be stored on a floor that is clean and does not expose the containers to floor moisture.

### **3-305.12 FOOD Storage Prohibited Areas**

FOOD shall not be stored:

- (A) In locker rooms.
- (B) In toilet rooms.
- (C) In dressing rooms.
- (D) In garbage rooms.
- (E) In mechanical rooms.
- (F) Under sewer lines that are not shielded to intercept potential drips.
- (G) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water may condense.
- (H) Under open stairwells containing steps which are not fully enclosed with backs and sides to prevent debris from falling onto the items stored below the open stairwell.
- (I) Under or next to other sources of CONTAMINATION.
- (J) In unAPPROVED exterior storage locations.

### **3-305.13 FOOD Preparation**

During preparation unPACKAGED FOOD shall be protected from environmental sources of CONTAMINATION.

### **3-306 Preventing CONTAMINATION by CONSUMERS**

#### **3-306.11 FOOD Display**

FOOD on display shall be protected from CONTAMINATION by the use of packaging, counter service line, or salad bar FOOD/sneeze guards, display cases, or other effective means except that such protection is not required for nuts in the shell, and whole raw fruits and vegetables that are intended for hulling, peeling, or washing by the CONSUMER before consumption.

#### **3-306.12 CONDIMENT Protection**

CONDIMENTS shall be protected from CONTAMINATION by being kept in dispensers that are designed to provide protection including but not limited to protected FOOD displays provided with proper UTENSILS, original containers designed for dispensing, or individual packages or portions. Commercially PACKAGED CONDIMENT containers are for single-service and shall not be refilled.

#### **3-306.13 CONSUMER Self-Service Operations**

- (A) Raw unPACKAGED animal FOOD including but not limited to beef, lamb, pork, POULTRY, and FISH shall not be offered for CONSUMER self-service. This does not apply to:
  - (1) CONSUMER self-service of READY-TO-EAT FOOD at buffets or salad bars that serve FOOD including but not limited to sushi or raw SHELLSTOCK.
  - (2) Ready-to-cook FOOD in individual portions, for immediate cooking and consumption on the PREMISES, including but not limited to CONSUMER-cooked MEAT, or CONSUMER selected ingredients for Mongolian BARBECUE.
  - (3) Raw, frozen, shell-on shrimp or lobster.
- (B) CONSUMER self-service operations for READY-TO-EAT FOOD shall be provided with suitable UTENSILS or effective dispensing methods that protect the FOOD from CONTAMINATION.
- (C) CONSUMER self-service operations including but not limited to buffets and salad bars shall be monitored by FOOD HANDLERS trained in safe FOOD handling procedures.
- (D) A sign shall be conspicuously posted to notify CONSUMERS to use a clean plate each time they serve themselves. The sign must also state that no eating is allowed while self-serving FOOD and that CONSUMERS shall only use the UTENSILS provided for handling the FOOD.

#### **3-306.14 Returned FOOD and RE-SERVICE of FOOD**

After being served or sold, and in the possession of a CONSUMER, FOOD that is unused or returned by the CONSUMER may not be offered as FOOD for human consumption, except a container of FOOD that is non-POTENTIALLY HAZARDOUS may be transferred from one CONSUMER to another if:

- (A) The FOOD is dispensed so that it is protected from CONTAMINATION, and the container including but not limited to a narrow-neck bottle containing ketchup, steak sauce, or wine is closed between uses.
- (B) The FOOD including but not limited to crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

**3-307 Preventing CONTAMINATION from Other Sources**

**3-307.11 Miscellaneous Sources of CONTAMINATION**

FOOD shall not be prepared or stored in unAPPROVED areas of the FOOD ESTABLISHMENT. FOOD shall be protected from CONTAMINATION that may result from a factor or source not specified in Sections 3-301 through 3-306 of this Chapter including but not limited to infant or child care in or through FOOD preparation areas, storage of employee clothing and personal effects, and FOOD preparation in dining rooms.

**3-4 Destruction of Organisms of Public Health Concern**

**Subparts**

- 3-401 Cooking**
- 3-402 Freezing**
- 3-403 Reheating**
- 3-404 Other Methods**

**3-401 Cooking**

**3-401.11 Raw Animal FOOD** – This Section mirrors the Food Code

(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 and BALUTS 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, COMMINUTED commercially raised GAME ANIMALS and RATITES 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) Raw animal FOOD not listed above shall be cooked to the required temperature as specified by the current FOOD code.

(D) 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.”

**3-401.12 Microwave Cooking**

Raw animal FOOD cooked in a microwave oven shall be:

- (A) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution.
- (B) Covered to retain surface moisture.
- (C) Heated to a temperature of at least 165°F±2° in all parts of the FOOD.
- (D) Allowed to stand covered for two minutes after cooking to obtain temperature equilibrium.

**3-401.13 Plant FOOD Cooking for Hot Holding**

Fruits and vegetables cooked for hot holding shall be cooked to a temperature of 135°F±2°.

### **3-402 Freezing**

#### **3-402.11 Parasite Destruction**

- (A) Except as specified in Paragraph B of this Section, before service or sale in READY-TO-EAT form, raw, raw-marinated, partially cooked, or marinated partially cooked FISH shall be:
- (1) Frozen solid and stored at a temperature of -4°F±2° or below for a minimum of 168 hours (seven days) in a freezer.
  - (2) Frozen solid at -31°F±2° or below until solid and stored at -31°F±2° or below for a minimum of 15 hours.
  - (3) Frozen solid at -31°F±2° or below until solid and stored at -4°F±2° or below for a minimum of 24 hours.
- (B) Paragraph (A) of this Section does not apply to:
- (1) MOLLUSCAN SHELLSTOCK.
  - (2) Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus altanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern).
  - (3) Aquaculture-raised FISH including but not limited to salmon if:
    - (a) Raised in open water or in net-pens.
    - (b) Raised in land-based operations including but not limited to ponds or tanks.
    - (c) Fed formulated feed, including but not limited to pellets, which contain no live parasites infective to the aquacultured FISH.

#### **3-402.12 Records; Creation and Retention**

- (A) Except as specified in Paragraph 3-402.11 (B) of this Chapter, raw, raw-marinated, partially cooked, or marinated partially cooked FISH, that are served or sold in READY-TO-EAT form, the PERSON IN CHARGE shall record the freezing temperature and time to which the FISH were subjected, and shall retain the records at the FOOD ESTABLISHMENT for 90 calendar days beyond the time of service or sale of the FISH.
- (B) If the FISH are frozen solid by a supplier, a written agreement or statement from the supplier stipulating that the FISH supplied were frozen solid to a temperature, and for a time as specified in Chapter 3-402.11 of this Chapter, may substitute for the records as specified in Paragraph (A) of this Section.
- (C) If raw, raw-marinated, partially cooked, or marinated partially cooked FISH are served or sold in READY-TO-EAT form, and the FISH were raised and fed as specified in Paragraph 3-402.11 (B) (3) of this Chapter, a written agreement or statement from the supplier or aquaculturist stipulating that the FISH were raised and fed as specified in Paragraph 3-402.11 (B) (3) of this Chapter, shall be obtained by the PERSON IN CHARGE and retained at the FOOD ESTABLISHMENT for 90 calendar days beyond the time of service or sale of the FISH.

#### **3-402.13 Preparation for Immediate Service**

Cooked and refrigerated FOOD which is prepared for immediate service in response to an individual CONSUMER order, including but not limited to a roast beef sandwich *au jus*, may be served at any temperature.

### **3-403 Reheating**

#### **3-403.11 Reheating for Hot Holding**

- (A) Except as specified in Paragraphs (B), (C), and (E) of this Section, 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.
- (B) Except as specified in Paragraph (C) of this Section, PHF (TCS) that is reheated in a microwave oven for hot holding, shall be heated so that all parts of the FOOD reach a temperature of at least 165°F±2°. The FOOD shall be rotated or stirred, covered, and allowed to stand covered for two minutes after reheating.
- (C) 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 having jurisdiction over the ESTABLISHMENT, shall be heated to a temperature of at least 135°F±2° for hot holding.
- (D) Reheating for hot holding, as specified in Paragraphs (A), (B), and (C) of this Section, shall be done rapidly with the time the FOOD is between the temperature specified in Paragraphs (A), (B), and (C) of this Section not to exceed two hours.
- (E) Remaining unsliced portions of MEAT roasts, that are cooked as specified in Paragraph 3-401.11 (B) of this Chapter, may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified in Paragraph 3-401.11 (B) of this Chapter.

### **3-404 Other Methods**

### 3-404.11 Treating JUICE

JUICE processed and PACKAGED in a FOOD ESTABLISHMENT shall be:

- (A) Treated under a HACCP PLAN as specified in Chapter 4-101.14 and Chapter 4-101.15 of these Regulations or as APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION.
- (B) Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance shall be labeled as:
  - (1) Specified in Paragraph 3-602.11 of this Chapter.
  - (2) Specified in *21 CFR 101.17 (g) of Food Labeling, Warning, Notice, and Safe Handling Statements*. JUICES that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens shall be labeled as follows: "WARNING: This product has not been PASTEURIZED and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and PERSONS with weakened immune systems."

## 3-5 Limitation of Growth of Organisms of Public Health Concern

### Subparts

#### 3-501 Temperature and Time Control

#### 3-502 Specialized Processing Methods

### 3-501 Temperature and Time Control

#### 3-501.11 FROZEN FOOD

Stored FROZEN FOOD shall be maintained frozen solid.

#### 3-501.12 POTENTIALLY HAZARDOUS FOOD (TCS), SLACKING

Frozen PHF (TCS) that is slacked to moderate shall be held:

- (A) Under refrigeration that maintains the FOOD temperature at  $41^{\circ}\text{F}\pm 2^{\circ}$ , or below.
- (B) At any temperature if the FOOD remains frozen.

#### 3-501.13 Thawing

FROZEN PHF (TCS) shall be thawed by one of the following methods:

- (A) Under refrigeration or conditions that maintain the FOOD temperature at  $41^{\circ}\text{F}\pm 2^{\circ}$  or below.
- (B) Completely submerged under running water having sufficient velocity to agitate and float off loose particles in an overflow without allowing thawed portions of FOOD to rise above  $41^{\circ}\text{F}\pm 2^{\circ}$  for more than four hours.
- (C) In a microwave oven, if the FOOD will be immediately transferred to a convention cooking process, as part of a continuous operation or where the entire uninterrupted cooking process takes place in the microwave oven.
- (D) Under conditions that do not allow any portion of the FOOD to be above  $41^{\circ}\text{F}\pm 2^{\circ}$  for more than four hours, with temperature logs verifying compliance.
- (E) As part of the conventional cooking process.

#### 3-501.14 Cooling

- (A) Any hot FOOD may be cooled at ambient air temperature until it drops to  $135^{\circ}\text{F}\pm 2^{\circ}$ .
- (B) Cooked PHF (TCS) shall be cooled:
  - (1) Within two hours from  $135^{\circ}\text{F}\pm 2^{\circ}$  to  $70^{\circ}\text{F}\pm 2^{\circ}$  and,
  - (2) Within four hours from  $70^{\circ}\text{F}\pm 2^{\circ}$  to  $41^{\circ}\text{F}\pm 2^{\circ}$ .
- (C) If prepared from ingredients at ambient temperature PHF (TCS) shall be cooled within four hours to  $41^{\circ}\text{F}\pm 2^{\circ}$ , or below. READY-TO-EAT PHF (TCS) shall be prepared from chilled ingredients.
- (D) Raw fresh whole shell EGGS shall be received and stored in refrigerated EQUIPMENT that maintains an ambient air temperature of  $45^{\circ}\pm 2^{\circ}$  or less.
- (E) Cut leafy greens shall be received and stored in refrigerated EQUIPMENT that maintains an ambient air temperature of  $41^{\circ}\pm 2^{\circ}$  or less.

#### 3-501.15 Cooling Methods

- (A) Cooling shall be accomplished in accordance with the time and temperature criteria specified in Section 3-501.14 of this Chapter, by using one or more of the following methods depending on the type of FOOD being cooled:
  - (1) Placing the FOOD in shallow pans or trays.
  - (2) Separating the FOOD into smaller or thinner portions.
  - (3) Using rapid cooling EQUIPMENT such as blast chillers.
  - (4) Stirring the FOOD in a container placed in an ice-water bath.
  - (5) Using containers that facilitate heat transfer.
  - (6) Adding ice as an ingredient.



- (7) Other effective methods as APPROVED by the HEALTH AUTHORITY.
- (B) If placed in cooling or cold holding EQUIPMENT, FOOD containers in which FOOD is being cooled shall be:
  - (1) Arranged in the EQUIPMENT to provide maximum heat transfer through the container walls.
  - (2) Loosely covered or uncovered if protected from overhead CONTAMINATION, as specified in Paragraph 3-305.11 (A) (2) of this Chapter, during the cooling period to facilitate heat transfer from the surface of the FOOD.

**3-501.16 POTENTIALLY HAZARDOUS FOOD (TCS), Hot and Cold Holding**

Except during preparation, cooking, or cooling, or when time is used as the means of public health control, PHF (TCS) shall be maintained at 135°F±2° or above, or at 41°F±2° or below, except:

- (A) Roast beef that is properly cooked or reheated shall be maintained at 130°F±2° or above for 112 minutes.
- (B) FOOD that is cooked or served within 72 hours after the time when its temperature is between 41°F±2° to 45°F±2°. FOOD shall be labeled with the appropriate date and time.
- (C) Cut melons shall be maintained at 41°F±2° or below.
- (D) Reduced oxygen PACKAGED raw FOOD shall be maintained at 41°F±2°, or below. Fresh FISH is prohibited from REDUCED OXYGEN PACKAGING.

**3-501.17 READY-TO-EAT POTENTIALLY HAZARDOUS FOOD (TCS)**

(A) Except when packaging FOOD using a REDUCED OXYGEN PACKAGING method, as specified in Paragraph 3-502.12 of this Chapter, and except as specified in Paragraphs (D) and (E) of this Section, refrigerated READY-TO-EAT, PHF (TCS) prepared and held in a FOOD ESTABLISHMENT for more than 24 hours, shall be clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded within a maximum of seven days from preparation, if held at 41°F±2° or below. The day of preparation shall be counted as day one.

(B) Except as specified in Paragraphs (D), (E), and (F) of this Section, refrigerated READY-TO-EAT, PHF (TCS) prepared and PACKAGED by a FOOD PROCESSING ESTABLISHMENT shall be clearly marked to show the date and time when the original container was opened in a FOOD ESTABLISHMENT, and if the FOOD is held for more than 24 hours, to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold or discarded, based on the temperature and time combinations, as specified in Paragraph (A) of this Section. The day or date the original container was opened in the FOOD ESTABLISHMENT shall be counted as day one, with a discard date of day seven, except that the day or date marked by the FOOD ESTABLISHMENT shall not exceed a manufacturer's "use-by" date, if the manufacturer determined the "use-by" date based on FOOD safety.

(C) A refrigerated, READY-TO-EAT PHF (TCS) ingredient or a portion of a refrigerated, READY-TO-EAT PHF (TCS) that is subsequently combined with additional ingredients or portions of FOOD shall retain the date marking of the earliest prepared or first prepared ingredient.

(D) A date marking system that meets the requirements stated in Paragraphs (A) and (B) of this Section may include:

- (1) Using a method APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. for refrigerated, READY-TO-EAT PHF (TCS) that is frequently re-wrapped including but not limited to luncheon MEAT, or a roast, or for which date marking is impractical including but not limited to soft-serve mix, or milk in a dispensing machine.
- (2) Marking the container with the date or day of preparation, with a procedure to discard the FOOD on or before the last date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded as specified in Paragraph (A) of this Section.
- (3) Marking the date or day when the original container is opened in a FOOD ESTABLISHMENT, with a procedure to discard the FOOD on or before the last date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded as specified in Paragraph (B) of this Section.
- (4) Using calendar dates, days of the week, color-coded markings, or other effective marking methods provided that the marking system is disclosed to the HEALTH AUTHORITY upon request.

(E) Paragraphs (A) and (B) of this Section do not apply to individual meal portions served or re-PACKAGED for sale from a bulk container upon request by the CONSUMER.

(F) Paragraph (B) of this Section does not apply to the following FOOD prepared and PACKAGED by a FOOD PROCESSING ESTABLISHMENT and inspected by the HEALTH AUTHORITY or other REGULATORY AUTHORITY:



- (1) Deli salads including but not limited to ham salad, seafood salad, chicken salad, EGG salad, pasta salad, potato salad, and macaroni salad manufactured in accordance with *21 CFR 110, Current Good Manufacturing Practice in Packing or Holding Human Food*.
- (2) Hard cheeses containing not more than 39% moisture, as defined in *21 CFR 133, Cheeses and Related Cheese Products Such as Cheddar, Gruyere, Parmesan, Reggiano, and Romano*.
- (3) Semi-soft cheese containing more than 39% moisture, but no more than 50% moisture, as defined in *21 CFR 133, Cheeses and Related Cheese Products, Such as Blue, Edam, Gorgonzola, Gouda, and Monterey Jack*.
- (4) Cultured dairy products as defined in *21 CFR 131, Milk and Cream, Such as Yogurt, Sour Cream and Buttermilk*.
- (5) Preserved FISH products including but not limited to pickled herring, dried or salted cod, and other acidified FISH products as defined in *21 CFR 114, Acidified Food*.
- (6) Shelf stable dry fermented sausages including but not limited to pepperoni and Genoa salami that are not labeled "Keep Refrigerated" as specified in *9 CFR 317, Labeling, Marking Devices, and Containers*, and which retain the original CASING on the product.
- (7) Shelf stable salt-cured products including but not limited to prosciutto and Parma (ham) that are not labeled "Keep Refrigerated" as specified in *9 CFR 317, Labeling, Marking Devices, and Container*.

**3-501.18 READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TCS), Disposition**

FOOD as specified in Paragraph 3-501.17 (A) of this Chapter shall be discarded if it:

- (A) Exceeds either the temperature and time combinations as specified in Section 3-501.17 (A) of this Chapter, excluding any time that the product remains frozen.
- (B) Is in a container or package that does not bear a date or day.
- (C) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Paragraph 3-501.17 (A) of this Chapter.

**3-501.19 Time as a Public Health Control**

- (A) If time only is used as the means of public health control for a working supply of PHF (TCS) before cooking, or for READY-TO-EAT PHF (TCS) that is displayed or held for service for immediate consumption:
  - (1) Written procedures, using time as a means of public health control, shall be maintained in the FOOD ESTABLISHMENT and made available to the HEALTH AUTHORITY upon request. These procedures shall include:
    - (a) Methods of compliance with Paragraphs (B) (1), (B) (2), and (B) (3) or Paragraphs (C) (1), (C) (2), (C) (3), (C) (4), and (C) (5) of this Section
    - (b) Methods of compliance with Paragraph 3-501.14 of this Chapter for FOOD that is prepared, cooked, and refrigerated before time is used as a means of public health control.
- (B) If time only, rather than time in conjunction with temperature control up to a maximum of four hours, is used as the means of public health control:
  - (1) The FOOD shall have an initial temperature of 41°F±2° or below when removed from cold holding temperature control or 135°F±2° or above when removed from hot holding temperature control.
  - (2) The FOOD shall be marked, or otherwise identified, to indicate the time that is four hours past the time when the FOOD is removed from temperature control.
  - (3) The FOOD shall be cooked and served, or served if READY-TO-EAT, or discarded within four hours from the time when the FOOD was removed from temperature control.
  - (4) The FOOD shall be discarded if it is in unmarked containers or packages, or marked to exceed a four-hour limit.
- (C) If time only, rather than time in conjunction with temperature control up to a maximum of six hours, is used as the means of public health control:
  - (1) The FOOD shall have an initial temperature of 41°F±2° or below when removed from temperature control and the FOOD temperature may not exceed 70°F±2° within a six-hour maximum time period.
  - (2) The FOOD shall be monitored to ensure that the warmest portion of the FOOD does not exceed 70°F±2° during the six-hour period, unless an ambient air temperature is maintained that ensures that the FOOD shall not exceed 70°F±2° during the six-hour hold period.
  - (3) The FOOD shall be marked or otherwise identified to indicate:
    - (a) The time when the FOOD is removed from 41°F±2° or below cold holding temperature control.

- (b) The time that is six hours past the time when the FOOD was removed from cold holding temperature control.
- (4) The FOOD shall be:
  - (a) Discarded if the temperature of the FOOD at any time during the six-hour period exceeds 70°F±2°.
  - (b) Cooked and served, served if READY-TO-EAT, or discarded within a maximum of six hours from the time when the FOOD is removed from 41°F±2° or below cold holding temperature control.
- (5) A FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION shall not use time as a means of public health control for raw EGGS.

### **3-502 Specialized Processing Methods**

#### **3-502.11 WAIVER Requirements**

A FOOD ESTABLISHMENT shall obtain a WAIVER from the HEALTH AUTHORITY as specified in Chapter 4-101.13 of these Regulations prior to:

- (A) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement.
- (B) Curing FOOD.
- (C) Using FOOD ADDITIVES or adding components:
  - (1) As a method of FOOD preservation rather than as a method of flavor enhancement.
  - (2) To render a FOOD so that it is not PHF (TCS).
  - (3) Except the addition of vinegar to Sushi Rice as specified in the guidance document provided in Appendix D.
- (D) Packaging FOOD using a REDUCED OXYGEN PACKAGING method, except where the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* are controlled as specified in Section 3-502.12 of this Chapter.
- (E) Operating a MOLLUSCAN SHELLSTOCK life-support system display tank used to store or display SHELLSTOCK that are offered for human consumption.
- (F) Custom processing animals that are for PERSONAL use as FOOD and not for sale or service in a FOOD ESTABLISHMENT.
- (G) Preparing FOOD by another method that is determined by the HEALTH AUTHORITY to require a WAIVER.
- (H) Sprouting of seeds or beans.
- (I) Existing facilities currently utilizing any method as specified in A-I of this Section shall submit the required WAIVER, HACCP PLAN, all supporting information and pay applicable fees to the HEALTH AUTHORITY within two years of approval of these Regulations.

#### **3-502.12 REDUCED OXYGEN PACKAGING Without a WAIVER Criteria**

Except for a FOOD ESTABLISHMENT, that obtains a WAIVER as specified in Section 3-502.11 of this Chapter, a FOOD ESTABLISHMENT that packages PHF (TCS) using a REDUCED OXYGEN PACKAGING method shall control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*, by;

- (A) A FOOD ESTABLISHMENT that packages PHF (TCS) using a REDUCED OXYGEN PACKAGING method shall have a HACCP PLAN that contains the information specified in Chapter 4-101.14 and Chapter 4-101.15 of these Regulations and that:
  - (1) Identifies the FOOD to be PACKAGED.
  - (2) The PACKAGED FOOD shall be maintained at 41°F±2° or below and shall meet at least one of the following criteria:
    - (a) Has an A<sub>w</sub> of 0.91 or less.
    - (b) Has a pH of 4.6 or below.
    - (c) Is a MEAT or POULTRY product, cured at a FOOD PROCESSING ESTABLISHMENT regulated by the USDA using substances specified in 9 CFR 424.21, *Use of Food Ingredients and Sources of Radiation*, and is received in an intact package.
    - (d) Is a FOOD with a high level of competing organisms including but not limited to raw MEAT or raw POULTRY or raw vegetables.
  - (3) Describes how the package shall be prominently and conspicuously labeled on the principal display panel in bold type, on a contrasting background, with instructions to:
    - (a) Maintain the FOOD at 41°F±2° or below.
    - (b) Discard the FOOD if within 14 calendar days of its packaging if it is not served for on-premise consumption, or consumed if served or sold for off-PREMISES consumption.

- (4) Limits the refrigerated shelf life to no more than 14 calendar days, from packaging to consumption, except the time the product is maintained frozen or the original manufacturer's "sell-by" or "use by" date, whichever occurs first.
  - (5) Includes operational procedures that:
    - (a) Prohibit bare hand contact with FOOD.
    - (b) Identify a designated work area and the method by which:
      - (i) Physical barriers or methods of separation of raw FOOD and READY-TO-EAT FOOD minimize CROSS-CONTAMINATION.
      - (ii) Access to the processing EQUIPMENT is limited to responsible trained PERSONnel familiar with the potential HAZARDS of the operation.
    - (c) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES.
  - (6) Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the:
    - (a) Concepts required for safe operations.
    - (b) EQUIPMENT and facilities.
    - (c) Procedures as specified in Paragraph (A) (5) of this Section and Chapter 4-101.15 (D) of these Regulations.
- (B) Existing facilities currently utilizing any method as specified in Paragraph A of this Section shall submit the required HACCP PLAN, all supporting information, and pay applicable fees to the REGULATORY AUTHORITY within two years of approval of these regulations.

**3-502.13 REDUCED OXYGEN PACKAGING Requiring a WAIVER**

A FOOD ESTABLISHMENT shall obtain a WAIVER as specified in Section 3-502.11 of this Chapter, if the FOOD ESTABLISHMENT packages PHF (TCS) using a REDUCED OXYGEN PACKAGING method listed below:

- (A) FOOD ESTABLISHMENTS that package FOOD using a cook-chill or *sous vide* process shall obtain a WAIVER provided:
  - (1) The FOOD ESTABLISHMENT implements a HACCP PLAN that contains the information as specified in Chapter 4-101.14 of these Regulations.
  - (2) The FOOD is:
    - (a) Prepared and consumed on the PREMISES, or prepared and consumed off the PREMISES, within the same business entity with no distribution or sale of the bagged product to another business entity or to the CONSUMER.
    - (b) Cooked to heat all parts of the FOOD to a temperature and for a time as specified in Paragraph 3-401.11 of this Chapter.
    - (c) Protected from CONTAMINATION after cooking as specified Section 3-3 of this Chapter.
    - (d) Placed in a package or bag with an oxygen barrier before cooking, or placed in a package or bag immediately after cooking, and before temperature drops below 135°F±2°. A guidance document is provided in Appendix L.
    - (e) Cooled to 41°F±2° in the package or bag as specified in Paragraph 3-501.14 of this Chapter, and subsequently:
      - (i) Cooled to 34°F±2° or below within 48 hours of reaching 41°F±2°, and held at 34°F±2° and consumed or discarded within 30 days after the date of preparation and packaging;
      - (ii) If removed from a storage unit that maintains a 34°F±2° FOOD temperature, held at 41°F±2° or below for no more than 72 hours before consumption;
      - (iii) Cooled to 38°F±2° or less within 24 hours of reaching 41°F±2° and held there for no more than 72 hours from packaging, at which time the FOOD must be consumed or discarded; or
      - (iv) Held frozen with no shelf life RESTRICTION while frozen until consumed or used.
    - (f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature, and is visually examined for proper operation twice daily.
    - (g) Ensure that required times and temperatures are met and monitored during transportation if the product is transported off-site to a satellite location of the same business entity, and equipped with verifiable electronic monitoring devices.
    - (h) Labeled with the product name and the date PACKAGED.
  - (3) The records to confirm that cooling and cold holding refrigeration time/temperature parameters are as required by the HACCP PLAN, and that these records are maintained and made available to the HEALTH AUTHORITY upon request and held for six months.

- (4) Written operational procedures as specified in Paragraph (B) (5) of this Section, and a training program as specified in Paragraph (B) (6) of this Section.
- (B) A FOOD ESTABLISHMENT that packages cheese using a REDUCED OXYGEN PACKAGING method shall obtain a WAIVER if it:
  - (1) Limits the cheeses PACKAGED to those that are commercially manufactured in a FOOD PROCESSING ESTABLISHMENT with no ingredients added in the FOOD ESTABLISHMENT and that meet *21 CFR 133.15 Standards of Identity Hard Cheeses*, *CFR 133.169 Standards of Identity Pasteurized Process Cheese*, or *CFR 133.187 Standards of Identity Semi-Soft Cheeses*.
  - (2) Has a HACCP PLAN that contains the information specified in Chapter 4-101.15 (D) of these Regulations.
  - (3) Identifies the FOOD to be PACKAGED.
  - (4) Describes how the package shall be prominently and conspicuously labeled on the principal display panel in bold type, on a contrasting background, with instructions to:
    - (a) Maintain the FOOD at 41°F±2° or below
  - (5) Includes operational procedures that:
    - (a) Prohibit bare hand contact with FOOD.
    - (b) Identify a designated work area and the method by which:
      - (i) Physical barriers or methods of separation of raw FOOD and READY-TO-EAT FOOD minimize CROSS-CONTAMINATION.
      - (ii) Access to the processing EQUIPMENT is limited to responsible trained PERSONnel familiar with the potential HAZARDS of the operation.
    - (c) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES.
  - (6) Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the:
    - (a) Concepts required for safe operations.
    - (b) EQUIPMENT and facilities.
    - (c) Procedures as specified in Paragraph (A) (5) of this Section and Chapter 4-101.15 (D) of these Regulations.
  - (7) Labels the package on the principal display panel with a “sell by” or “use by” date, whichever occurs first.
  - (8) Discards the reduced oxygen PACKAGED cheese if it is not sold for off-PREMISES consumption or consumed within 30 calendar days of its packaging.
- (C) A FOOD ESTABLISHMENT that packages FISH using a REDUCED OXYGEN PACKAGING method shall:
  - (1) Implement a HACCP PLAN that contains the information as specified in Chapter 4-101.14 of these Regulations.
  - (2) Provide written validation of the HACCP PLAN and process from a Processing Authority which utilizes the *National Advisory Committee on Microbiological Criteria for Foods (NACMCF)* protocols for inoculation studies for *Clostridium botulinum* and *Listeria monocytogenes*.
  - (3) Ensure that FISH be maintained FROZEN until thawed and prepared for consumption. Before thawing, the package must be opened and shall be held at 41°F±2° or below for no more than 72 hours before consumption or product shall be discarded.
  - (4) Except that FISH that is frozen before, during and after REDUCED OXYGEN PACKAGING shall require submission of a HACCP PLAN for review and approval by the HEALTH AUTHORITY, but shall not require a WAIVER.
  - (5) Except for fresh FISH that is REDUCED OXYGEN PACKAGED solely for the cooking process, for individual orders for immediate service to a customer, shall be exempt from HACCP requirements. A written validation of the operational procedures must be obtained from a Processing Authority and be made available upon request of the HEALTH AUTHORITY.
- (D) Existing facilities currently utilizing any method as specified in Paragraph (A-C) of this Section shall submit the required WAIVER, all supporting information, and pay applicable fees to the REGULATORY AUTHORITY within six months of approval of these regulations.

### **3-6 Food Identity, Presentation, and On-Premises Labeling**

#### **Subparts**

**3-601 Accurate Representation**

**3-602 Labeling**

## 3-603 Consumer Advisory

### 3-601 Accurate Representation

#### 3-601.11 Standards of Identity

PACKAGED FOOD shall comply with standard of identity requirements in applicable Nevada LAW and Federal Regulations, and *NAC 583, NAC, 584, 21 CFR 131-169, and 9 CFR 319, Definitions and Standards of Identity or Composition*, and the general requirements of *21 CFR 130, Food Standards General, and 9 CFR Subpart A-General*.

#### 3-601.12 Honestly Presented

- (A) FOOD shall be offered for human consumption in a way that does not mislead or misinform the CONSUMER.
- (B) FOOD or color ADDITIVES, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of FOOD.

### 3-602 Labeling

#### 3-602.11 FOOD Labeling

- (A) FOOD PACKAGED in a FOOD ESTABLISHMENT, for off-PREMISE consumption within Clark County, shall be labeled in English, and as specified in LAW, including *21 CFR 101 Food Labeling, and 9 CFR 317 Labeling, Marking Devices and Containers*. A guidance document is provided in Appendix E.
- (B) Packages of FOOD, prepared within Clark County including processed FOOD, dietary supplements, and packages of FOOD re-PACKAGED from bulk that are for sale in a FOOD ESTABLISHMENT, for off-PREMISE consumption, shall have a label reviewed and APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION.. Any fees required shall be paid in full before any label may be used or the PACKAGED FOOD may be sold.
- (C) Label information shall include, in English:
  - (1) The common name of the FOOD or absent a common name, an adequately descriptive identity statement.
  - (2) A list of ingredients, if made from two or more ingredients, in descending order by weight, including a listing of artificial color, flavor, and/or chemical preservative if present.
  - (3) An accurate declaration of the quantity of the contents.
  - (4) The name and place of business specifying where the product was manufactured, PACKAGED, or distributed.
  - (5) The name of the FOOD source for each FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient.
  - (6) Except as exempted in the *Federal Food, Drug and Cosmetic Act 403 (Q) (3)-(5), Nutrition Labeling* as specified in *21 CFR 101 Food Labeling* and *9 CFR 317 Subpart B Nutrition Labeling*, PACKAGED FOOD sold for off PREMISE consumption in Clark County, Nevada, shall be exempt from nutritional labeling.
  - (7) READY-TO-EAT, PHF (TCS) prepared and PACKAGED for off-PREMISE consumption shall be labeled with a “use by” date as required in Paragraph 3-501.17 or Paragraph 3.502.12 of this Chapter.
  - (8) If canthaxanthin is used as a color ADDITIVE, with any salmonid FISH, its presence shall be declared in the list of ingredients on both bulk and retail container labels, and by written advisories on a counter card or on the menu.
- (D) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled, in English, with the following information in plain view of the CONSUMER:
  - (1) The manufacturer’s or processor’s label that was provided with the FOOD, or
  - (2) A poster, card, sign, or other method of notification that includes the information specified in Paragraph (C) (1), (2), and (5) of this Section.
- (E) Bulk unPACKAGED FOOD including but not limited to bakery products and unPACKAGED FOOD that are portioned to CONSUMER specification, need not be labeled if:
  - (1) No health nutrition content or other claim is made.
  - (2) There is no state or local LAWS requiring labeling.
  - (3) The bulk FOOD is manufactured or prepared on the PREMISES of the FOOD ESTABLISHMENT, or at another FOOD ESTABLISHMENT or a FOOD PROCESSING ESTABLISHMENT that is owned by the same PERSON, which is regulated by the HEALTH AUTHORITY or AGENCY OF JURISDICTION.

#### 3-602-12 Other Forms of Information

- (A) If required by LAW, CONSUMER warnings shall be provided.

- (B) Dating information concerning FOOD provided by a FOOD ESTABLISHMENT or manufacturer shall not be concealed or altered.

**3-603 CONSUMER Advisory**

A guidance document is provided in Appendix F.

**3-603.11 Consumption of Animal FOOD that is Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens**

- (A) Except as specified in Paragraph 3-801.11 (D) of this Chapter, if an animal FOOD including but not limited to beef, EGGS, FISH, lamb, milk, pork, POULTRY, or SHELLSTOCK is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS of the significantly increased RISK of FOOD BORNE ILLNESS from consuming such FOOD. This information shall be provided to CONSUMERS by way of a DISCLOSURE and REMINDER as specified in Paragraphs (B) and (C) of this Section, by using brochures, deli case advisories or menu advisories, label statements, table tents, placards, or other effective written means.
- (B) DISCLOSURE shall include:
- (1) A description of the animal derived FOOD including but not limited to oysters on the half shell (raw oysters), raw EGG Caesar salad, and hamburgers which may be cooked to order.
  - (2) Identification of the animal derived FOOD, marked by an asterisk, directing CONSUMERS to a footnote which states the items that are served raw or undercooked, or that may contain raw or undercooked ingredients.
- (C) REMINDER shall include asterisking the animal derived FOOD, requiring DISCLOSURE to a footnote that states:
- (1) Written information regarding the safety of these items is available upon request.
  - (2) Consuming raw or undercooked MEAT, POULTRY, seafood, SHELLSTOCK, or EGGS may increase your RISK of FOOD BORNE ILLNESS.
  - (3) Consuming raw or undercooked MEAT, POULTRY, seafood, SHELLSTOCK, or EGGS may increase your RISK of FOOD BORNE ILLNESS, especially in case of certain medical conditions.

**3-7 Contaminated Food**

**Subpart**

**3-701 Disposition**

**3-701 Disposition**

**3-701.11 Discarding Unsafe, ADULTERATED or Contaminated FOOD**

The PERSON IN CHARGE shall ensure that:

- (A) FOOD that is unwholesome, spoiled, ADULTERATED, or contaminated shall be discarded.
- (B) FOOD that is not from an APPROVED SOURCE shall be discarded or placed on hold for final disposition by the HEALTH AUTHORITY.
- (C) READY-TO-EAT FOOD that may have been contaminated by a FOOD HANDLER, who has been RESTRICTED or EXCLUDED, shall be discarded. Ready to eat FOOD prepared with bare hands following an APPROVED operational procedure as per Chapter 3-301.11 (A) (2) shall not be discarded.
- (D) FOOD that is contaminated by FOOD HANDLERS, CONSUMERS, or other PERSONS through contact with their bare hands, or bodily discharges, including but not limited to nasal or oral discharges, or by other means shall be discarded.
- (E) FOOD that has been returned by a CONSUMER shall be discarded unless it is in unopened, tamper-evident commercial wrapping or packaging.
- (F) FOOD that is MISBRANDED shall be discarded or removed from sale until properly labeled.

**3-8 Special Requirements for Highly Susceptible Populations**

**Subpart**

**3-801 Additional Safeguards**

**3-801 Additional Safeguards**

**3-801.11 PASTEURIZED FOOD, Prohibited RE-SERVICE, and Prohibited FOOD**

In a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

- (A) The following criteria shall apply to JUICE:
- (1) For the purposes of this Paragraph only, children who are age 9 or under, and who receive FOOD in a school, day care setting, or similar facility that provides custodial care are defined as HIGHLY SUSCEPTIBLE POPULATIONS.
  - (2) PRE-PACKAGED JUICE, or PRE-PACKAGED BEVERAGE containing JUICE, that bears a warning label as specified in *21 CFR 101.17 (G) Food Labeling, Warning, Notice, and Safe Handling Statements*, JUICE that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a PACKAGED JUICE or BEVERAGE containing JUICE, that bears a warning label as specified in Paragraph 3-404.11 (B) of this Chapter shall not be served or offered for sale.
  - (3) UNPACKAGED JUICE that is prepared on the PREMISES, for service or sale in a READY-TO-EAT form, shall be processed under a HACCP PLAN that contains the information specified in Chapter 4-101.15 (B) and (D) of these Regulations, and as specified in *21 CFR Part 120 Hazard Analysis and Critical Control Point Plan (HACCP) Systems, Subpart B Pathogen Reduction, 120.24 Process Controls*.
- (B) PASTEURIZED EGGS or EGG PRODUCTS shall be substituted for raw EGGS in the preparation of:
- (1) FOOD including but not limited to Caesar salad, Hollandaise or Béarnaise sauce, mayonnaise, meringue, EGGnog, ice cream, and EGG-fortified BEVERAGES.
  - (2) Recipes in which more than one EGG is broken and the EGGS are combined except as specified in Paragraph F of this Section.
- (C) The following FOOD shall not be served or offered for sale in a READY-TO-EAT form:
- (1) Raw animal FOOD including but not limited to raw FISH, raw marinated FISH, raw MOLLUSCAN SHELLSTOCK, and steak tartar.
  - (2) A partially cooked animal FOOD including but not limited to lightly cooked FISH, rare MEAT, soft-cooked EGGS that are made from raw EGGS, and meringue.
  - (3) Raw seed sprouts.
- (D) As specified in Paragraph 3-301.11 (A) of this Chapter, FOOD HANDLERS shall not make bare hand contact with READY-TO-EAT FOOD.
- (E) Time only, as the means of public health control, as specified in Paragraph 3-501.19 (C) (5) of this Chapter shall not be used for raw EGGS.
- (F) Paragraph (B) (2) of this Section does not apply if:
- (1) The raw EGGS are combined immediately before cooking for one CONSUMER serving at a single meal, cooked as specified in Paragraph 3-401.11 (A) (1) (f) of this Chapter and served immediately including but not limited to an omelet, soufflé, or scrambled EGGS.
  - (2) The raw EGGS are combined as an ingredient immediately before baking, and the EGGS are thoroughly cooked to a READY-TO-EAT form including but not limited to a cake, muffin, or bread.
  - (3) The preparation of the FOOD is conducted under a HACCP PLAN that:
    - (a) Identified the FOOD to be prepared.
    - (b) Prohibits contact of READY-TO-EAT FOOD with bare hands.
    - (c) Includes specifications and practices that ensure:
      - (i) *Salmonella enteritidis* growth is controlled before and after cooking.
      - (ii) *Salmonella enteritidis* is destroyed by cooking the EGGS according to the temperature and time as specified in Paragraph 3-401.11 (A) (1) (e) of this Chapter.
    - (d) Contains the information as specified in Chapter 4-101.14 of these Regulations, including procedures that:
      - (i) Control CROSS-CONTAMINATION of READY-TO-EAT FOOD with raw EGGS.
      - (ii) Ensure proper cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES.
    - (e) Describes how the FOOD HANDLER, responsible for the preparation of the FOOD is trained to ensure full understanding of the procedures to be used.
- (G) Except as specified in Paragraph (H) of this Section, FOOD may be re-served as specified in Paragraph 3-306.14 of this Chapter.
- (H) FOOD may not be re-served under the following conditions:
- (1) Any FOOD served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation shall not be re-served to others.

- (2) Packages of FOOD from any patients, clients, or other CONSUMERS shall not be re-served to PERSONS in a protective environment isolation.



# Chapter 4

## Equipment, Utensils, and Linen

### Parts

- 4-1 Plan Submission and Approval
- 4-2 Equipment
- 4-3 Utensils and Devices for Measuring or Testing
- 4-4 Cleaning and Sanitizing
- 4-5 Laundering
- 4-6 Protection of Clean Items

### 4-1 Plan Submission and Approval

#### Subparts

- 4-101 Facility and Operating Plans
- 4-102 Construction Inspection and Approval
- 4-103 Uncategorized Food Establishment

#### 4-101 Facility and Operating Plans

##### 4-101.11 When Plans are Required

A PERMIT applicant or PERMIT HOLDER shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval as specified in *NRS 446.930* prior to:

- (A) The construction of a FOOD ESTABLISHMENT.
- (B) The conversion of an existing structure for use as a FOOD ESTABLISHMENT.
- (C) The remodeling of a FOOD ESTABLISHMENT, if the HEALTH AUTHORITY determines that plans and specifications are necessary to ensure compliance with these Regulations.

##### 4-101.12 Contents of the Plans and Specifications

The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT with a HACCP PLAN, shall include as required by the HEALTH AUTHORITY based on the type of operation, the type of FOOD preparation and FOOD prepared. This information can be accessed at SNHD's Website. The below information is required to demonstrate compliance with these Regulations.

- (A) Intended menu.
- (B) Anticipated volume of FOOD to be stored, prepared, and sold or served.
- (C) Proposed layout, mechanical schematics, construction materials, and finish schedules.
- (D) Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.
- (E) Standard operating procedures that demonstrate compliance with these Regulations may be required by Plan Review.
- (F) A declaration stating exempt or non-exempt status, as specified in the *Nevada Clean Indoor Air Act, NRS 202.2483*, shall be submitted at the time of application along with a copy of the appropriate gaming or business license.
- (G) Other information that may be required by the HEALTH AUTHORITY for the proper review of the proposed construction, conversion, or modification, including procedures for operating a FOOD ESTABLISHMENT.
- (H) A statement signed by the applicant declaring exempt or non-exempt status of the facility as specified in the *Nevada Clean Indoor Air Act, NRS 202.2483*.

##### 4-101.13 WAIVER Modifications

The HEALTH AUTHORITY may grant a WAIVER by modifying the requirements of these Regulations, if in the opinion of the HEALTH AUTHORITY a health HAZARD or nuisance will not result from the WAIVER. During the WAIVER process, the HEALTH AUTHORITY may impose conditions upon the WAIVER. If a WAIVER is granted, the HEALTH AUTHORITY shall retain the information in its records for the FOOD ESTABLISHMENT. Failure to meet conditions of the WAIVER may result in immediate revocation of the WAIVER.

##### 4-101.14 When a HACCP PLAN is Required

- (A) Prior to implementing a HACCP PLAN required by the HEALTH AUTHORITY, a PERMIT applicant or PERMIT HOLDER shall pay applicable fees and submit to the HEALTH AUTHORITY for approval a properly prepared HACCP PLAN as specified in Section 4-101.15 of this Chapter and the relevant provisions of these Regulations if:
  - (1) Submission of a HACCP PLAN is required according to LAW.
  - (2) A WAIVER is required as specified in Chapter 3-502.11 of these Regulations.

- (3) The HEALTH AUTHORITY determines that a FOOD preparation or processing method requires a WAIVER based on a plan submitted as specified in Section 4-101.13 of this Chapter, an inspectional finding, or a WAIVER request.
- (B) A FOOD ESTABLISHMENT packages PHF (TCS) using a REDUCED OXYGEN PACKAGING method as specified in Chapter 3-502.13 of these Regulations.

**4-101.15 Contents of HACCP PLAN**

For a FOOD ESTABLISHMENT that is required to have a HACCP PLAN, as specified in Section 4-101.13 of this Chapter, the plan shall include:

- (A) A categorization of the types of PHF (TCS) that are specified in the menus including but not limited to soups, sauces, salads, and bulk solid FOOD including but not limited to MEAT roasts, or other FOOD that is specified by the HEALTH AUTHORITY.
- (B) A flow diagram by specific FOOD, or FOOD category type, identifying CRITICAL CONTROL POINTs and providing information on:
  - (1) Ingredients, materials, and EQUIPMENT used in the preparation of that FOOD or FOOD category.
  - (2) Formulations or recipes which incorporate methods and procedural controls that address the FOOD safety concerns.
- (C) The FOOD HANDLER and supervisory training plan that addresses the FOOD safety concerns.
- (D) The standard operating procedures under the plan, which shall clearly identify:
  - (1) Each CRITICAL CONTROL POINT.
  - (2) The CRITICAL LIMITs for each CRITICAL CONTROL POINT.
  - (3) The method and frequency of monitoring and controlling each CRITICAL CONTROL POINT by the FOOD HANDLER designated by the PERSON IN CHARGE.
  - (4) The method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD HANDLER is following standard operating procedures and monitoring CRITICAL CONTROL POINTs.
  - (5) Action to be taken by the PERSON IN CHARGE if the CRITICAL LIMITs for each CRITICAL CONTROL POINT is not met.
  - (6) Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly adhered to, operated, and managed.

**4-102 Construction Inspection and Approval**

**4-102.11 Pre-Operational Inspections**

The HEALTH AUTHORITY shall conduct one or more pre-operational inspections to verify that the FOOD ESTABLISHMENT is constructed and equipped in accordance with the APPROVED plans and APPROVED modifications of those plans, and that established standard operating procedures as specified in Section 4-101.12 (E) of this Chapter are followed and are in compliance with these Regulations.

**4-103 UNCATEGORIZED FOOD ESTABLISHMENT**

**4-103.11 Requirements**

UNCATEGORIZED FOOD ESTABLISHMENTs may deviate from certain structural and/or operational requirements of these Regulations, upon approval of the HEALTH AUTHORITY if:

- (A) The design, construction, and operation are within the limits of sound engineering and SANITIZATION practices, and as long as there is no public health or safety HAZARD to employees or customers.
  - (1) The deviation is necessary because of the limitations of the proposed unique design or business plan.
  - (2) Such design and operational deviations or special conditions are provided to the HEALTH AUTHORITY in writing, and the HEALTH AUTHORITY approves the plan.
  - (3) The operating PERMIT issued for an UNCATEGORIZED FOOD ESTABLISHMENT must denote that such PERMIT is constrained and limited to the APPROVED design and operational plans, and that any deviation may result in immediate suspension of the health PERMIT.
  - (4) The HEALTH AUTHORITY shall require such measures as it deems necessary to ensure the health and safety of the public including but not limited to, Standard Operating Procedures (SOPs), a HACCP PLAN, monitoring logs, WAIVERS, and/or VARIANCES.
- (B) Modification of any existing restaurant into a stand-alone bar, tavern or saloon with a physically segregated restaurant under the same roof or in the same building must be first APPROVED by the HEALTH AUTHORITY through the HEALTH AUTHORITY’s plan review process. For this section, “physically segregated” means:
  - (1) Smoking and nonsmoking areas must be separated by a complete partition or by solid doors which fit tightly, close automatically and remain closed except during use.

- (2) Separate entrances to the non-smoking FOOD ESTABLISHMENT and areas where smoking is allowed, either from outside the establishments or accessible via a non-smoking foyer or corridor.
- (3) Non-smoking access to restrooms shared in common between non-smoking FOOD ESTABLISHMENTS and areas where smoking is allowed.
- (4) To prevent smoke infiltration into the restaurant, the ventilation system for the stand-alone bar, tavern or saloon must be independent from the restaurant ventilation system.
- (5) Food sales within the stand-alone bar is RESTRICTED to incidental FOOD-service items such as peanuts, popcorn, chips, pretzels or any other incidental FOOD items that are exempt from FOOD licensing requirements pursuant to *Subsection 2 of NRS 446.870*.

## **4-2 Equipment**

### **Subparts**

- 4-201 Materials, Design, and Construction for Approvals of Equipment for Sanitation**
- 4-202 Equipment Design and Capacities for Functionality**
- 4-203 Equipment Location and Installation**
- 4-204 Equipment Maintenance, Repair, and/or Replacement**

### **4-201 Materials, Design, and Construction for Approvals of EQUIPMENT for Sanitation**

#### **4-201.11 General Design and Construction of EQUIPMENT**

- (A) EQUIPMENT shall be designed and constructed to be durable and to maintain its characteristics under normal use conditions.
- (B) FOOD-CONTACT SURFACES of EQUIPMENT, except cooking oil storage tanks, distribution lines for cooking oils, or BEVERAGE syrup lines or tubes shall be:
  - (1) Finished to have SMOOTH, EASILY CLEANABLE surfaces.
  - (2) Free of rough welds or joints, breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections.
  - (3) Free of "V" type threads, and sharp internal angles, corners, and crevices.
  - (4) Accessible, without requiring disassembly by use of power tools or specialized hand tools, for cleaning and inspection.
  - (5) Made of materials that do not allow the migration of harmful substances or impart colors, odors, or tastes to FOOD, and that are:
    - (a) Safe.
    - (b) Non-absorbent and made of CORROSION-RESISTANT MATERIAL.
    - (c) Durable and of sufficient weight and thickness to withstand repeated WARE WASHING.
    - (d) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.
- (C) NON FOOD-CONTACT SURFACES of EQUIPMENT that are exposed to splash, spillage, or other FOOD soiling, or that require frequent cleaning shall be constructed of a CORROSION-RESISTANT MATERIAL, and be SMOOTH and non-absorbent.
- (D) All NON FOOD-CONTACT SURFACES of EQUIPMENT shall be free of unnecessary ledges, projections and crevices, and be designed and constructed to allow easy cleaning and to facilitate maintenance.

#### **4-201.12 Standards for Sanitation**

EQUIPMENT used in a Clark County FOOD ESTABLISHMENT shall meet or exceed the standards for sanitation established by the *AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)*, the *Baking Industry Sanitation Standards Committee (BISSC)* and/or the *National Sanitation Foundation International (NSF)*, including *NSF/ANSI Install Standards* except that standards for construction of EQUIPMENT required to be present in a FOOD ESTABLISHMENT may not apply to a child care facility with a limited menu as specified in *NRS 446.941*.

#### **4-201.13 Third Party Certifications for Sanitation**

EQUIPMENT that is not factory certified as meeting *ANSI* or *BISSC* standards, but for which *ANSI* or *BISSC* Standards exist, must be examined at the expense of the FOOD ESTABLISHMENT by one of the following testing services before being APPROVED for use:

- (A) *National Sanitation Foundation (NSF)*, Ann Arbor, Michigan
- (B) *Underwriters Laboratory, Classified Inc. (UL/EPH) Classified*, Northbrook, Illinois.
- (C) *Intertek Testing Services (ETL Sanitation)*, Cortland, New York.
- (D) Other entities APPROVED by *ANSI* or *BISSC*.

#### **4-201.14 EQUIPMENT in Categories Not Covered by Sanitation Standards**

As per *NAC 446.275* EQUIPMENT in categories not covered by *ANSI* or *BISSC* Sanitation Standards, including but not limited to some Tandori and pizza ovens, candy processing, commercial manufacturing, BARBECUE, and MOBILE VENDOR EQUIPMENT shall:

- (A) Comply with all general design and construction criteria as specified in Section 4-201.11 of this Chapter.
- (B) Be used only with written approval by the HEALTH AUTHORITY. Additional information may be required for approval, which may include but not be limited to:
  - (1) Requirements for laboratory or field testing as a basis for approval.
  - (2) Specific use limitations based on identified RISK factors.
  - (3) Written proof of approval by a governmental agency, including but not limited to the *FDA* or *USDA*.

**4-201.15 Limited Uses of Materials Not Compliant with *ANSI* or *BISSC* Standards**

EQUIPMENT with materials that do not comply with general *ANSI* or *BISSC* standards may be used in a FOOD ESTABLISHMENT only for the following limited uses:

- (A) Cast iron may be used in EQUIPMENT only:
  - (1) As a surface for cooking, then serving and,
  - (2) If maintained clean and in a rust-free condition.
- (B) Lead may be present in a FOOD-CONTACT SURFACE only in:
  - (1) Pewter alloys containing less than 0.05% lead.
  - (2) Solder and flux containing less than 0.2% lead.
- (C) Copper and copper alloys, including but not limited to brass:
  - (1) Shall not be used for a fitting or tubing installed between a carbonator and a testable backflow prevention device or assembly.
  - (2) May **not** be used as a FOOD-CONTACT SURFACE for highly acidic FOOD including but not limited to vinegar, fruit JUICE, or wine.
  - (3) May be used in contact with beer brewing ingredients in the pre-fermentation and fermentation steps of brewing beer in a brew pub or microbrewery.
- (D) Galvanized metal:
  - (1) Shall not be used for EQUIPMENT FOOD-CONTACT SURFACES involving contact with highly acidic FOOD including but not limited to vinegar, fruit JUICE, or wine.
  - (2) Ventilation hood canopies shall not be used in any new or re-modeled FOOD service areas.
  - (3) In existing hood systems, which includes the back flashes and filters, shall be replaced with APPROVED, non-galvanized materials when any of their components are:
    - (a) In disrepair.
    - (b) Damaged or not protected by an intact zinc coating.
    - (c) Corroded or rusted.
    - (d) Illegally modified.
- (E) Wood and wood wicker shall not be used as a FOOD-CONTACT SURFACE of EQUIPMENT except that:
  - (1) Hard maple, or an equivalently hard close-grained wood, maintained SMOOTH and easily cleanable, may be used for:
    - (a) Cutting blocks and bakers' tables.
    - (b) Large spatulas for use at a bakery oven or pizza oven.
    - (c) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230°F±2°, or above.
    - (d) Bamboo steamer baskets used for cooking shall be SMOOTH and easily cleanable and maintained clean. Single service liners shall be placed between the basket and FOOD.
    - (e) Traditional ethnic UTENSILS including but not limited to sushi mixing bowls and tortilla presses, which are maintained and used as specified by manufacturer instructions. Round soft wood or coated wood cutting blocks are prohibited.
  - (2) Untreated wooden shipping containers in which whole, uncut raw fruits and vegetables, or nuts in the shell were received may be used for storage until the FOOD is used.
  - (3) Wooden containers, either untreated or treated with an APPROVED wood preservative, may be used for storage of whole, uncut raw FOOD, which requires removal of rinds, peels, husks, or shells before consumption.
- (F) Glass sensors, or stems of FOOD TEMPERATURE MEASURING DEVICES, may be used only when they are encased in a shatterproof coating, including but not limited to candy thermometers.
- (G) Polyvinyl chloride (PVC) in a FOOD ESTABLISHMENT is APPROVED for use only when meeting *NSF/ANSI Standard 14*.

#### **4-201.16 CIP EQUIPMENT**

CIP EQUIPMENT shall meet the characteristics specified in Section 4-201.11 (B) of this Chapter, and shall be designed and constructed so that:

- (A) Cleaning and sanitizing solutions circulate through, and contact all, fixed interior FOOD-CONTACT SURFACES.
- (B) The system is self-draining, or capable of being completely drained of cleaning and sanitizing solutions.
- (C) Units which cannot be disassembled for cleaning, access points are present to allow inspection to ensure that all interior FOOD-CONTACT SURFACES are effectively cleaned.

#### **4-201.17 Hot Oil Filtering EQUIPMENT**

Hot oil filtering EQUIPMENT shall meet the characteristics specified in Section 4-201.11 of this Chapter or shall be readily accessible for filter replacement and cleaning of the filter. This requirement does not apply to Section 4-201.11 (B) (3), to Sections 4-201.12, and 4-201.13 of this Chapter.

#### **4-201.18 Can Openers**

Cutting or piercing parts of can openers shall be readily removable or replaceable.

#### **4-201.19 EQUIPMENT Compartments that are Subject to Moisture Accumulation**

EQUIPMENT compartments that are subject to moisture accumulation due to conditions including but not limited to condensation, FOOD or BEVERAGE drip, or water from melting ice shall be sloped to an outlet that allows complete and continuous draining.

#### **4-202 EQUIPMENT Design and Capacities for Functionality**

##### **4-202.11 EQUIPMENT for Cooling, Heating, and/or Holding Temperature Controlled FOOD**

- (A) EQUIPMENT for cooling and heating FOOD, and/or holding cold and hot FOOD, shall be sufficient in number and capacity to ensure FOOD temperatures as specified in Chapter 3 of these Regulations.
- (B) Cold or hot holding EQUIPMENT used for PHF (TCS) shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE located to allow easy viewing of its temperature display. This Section does not apply to EQUIPMENT for which the placement of a TEMPERATURE MEASURING DEVICE is not a practical means for measuring the ambient air surrounding the FOOD because of the design, type, and use of the EQUIPMENT including but not limited to calrod units, heat lamps, cold plates, bain maries, steam tables, insulated FOOD transport containers, and salad bars.
- (C) A TEMPERATURE MEASURING DEVICE in FOOD EQUIPMENT shall:
  - (1) Have its sensor located to measure the air temperature or a simulated product temperature in:
    - (a) The warmest part of a mechanically refrigerated unit.
    - (b) The coolest part of a hot FOOD storage unit.
  - (2) Be accurate to  $\pm 2^{\circ}\text{F}$  in the intended range of use for monitoring the temperature of FOOD.
  - (3) Be designed to be easily readable.

##### **4-202.12 Three-Compartment Sinks**

- (A) A three-compartment sink shall be installed in an area that has been APPROVED by the HEALTH AUTHORITY in each FOOD ESTABLISHMENT in which WARE WASHING and sanitizing of UTENSILS is required, and shall:
  - (1) Have an integral, self-draining drain board on each end.
  - (2) Be indirectly plumbed to a floor sink, and be supplied with hot and cold water tempered water by a mixing valve, or a combination faucet.
  - (3) Have sink compartments large enough to accommodate  $\frac{1}{2}$  immersion of the largest EQUIPMENT and UTENSILS that are not to be cleaned and sanitized by alternate, APPROVED methods including but not limited to high pressure detergent sprayers, low or line pressure spray detergent foamers, other task specific cleaning EQUIPMENT, brushes, or other implements.
- (B) To accommodate all soiled and cleaned items which may accumulate during hours of operation, drain boards, UTENSIL racks, or tables, in adequate size and number, shall be provided for UTENSIL holding before cleaning and after sanitizing.
- (C) In areas that process or prepare raw FOOD of animal origin for consumption as READY-TO-EAT FOOD, a separate three-compartment sink shall be provided for the sole use of that operation.
- (D) PERMITTED satellite areas, including bars, operating in conjunction with a main WARE WASHING facility, owned, leased, or managed by the same PERMITTEE, may operate without a three compartment sink provided that a glass washer is provided at the bar, and in all cases, WARE WASHING procedures must be APPROVED by the HEALTH AUTHORITY.

#### **4-202.13 WARE WASHING Machines**

- (A) Data Plate Operating Specification: A WARE WASHING machine shall have an easily accessible and readable data plate, affixed to the machine by the manufacturer, stating its design and operating specifications which include:
  - (1) Temperatures required for washing, rinsing, and sanitizing.
  - (2) The pressure required for the fresh water sanitizing rinse, unless the machine is designed to use only a pumped sanitizing rinse.
  - (3) The conveyor speed for conveyor machines or the cycle time for stationary rack machines.
  - (4) A new manufacturer's data plate shall be installed reflecting any conversion if an APPROVED convertible WARE WASHING machine is converted from a high temperature sanitizing rinse to a chemical sanitizing rinse, or *vice-a-versa*.
- (B) Internal Baffles: WARE WASHING machines with wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize CROSS-CONTAMINATION of the solutions in the wash and rinse tanks.
- (C) TEMPERATURE MEASURING DEVICES: A WARE WASHING machine shall be equipped with a TEMPERATURE MEASURING DEVICE that indicates the temperature of the water with a numerical scale, printed record, or digital readout in increments no greater than  $\pm 2^{\circ}\text{F}$  in the intended range of use:
  - (1) In each wash and rinse tank.
  - (2) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.
- (D) Automatic Dispensing of Detergents and Sanitizers: A WARE WASHING machine shall be designed and equipped to:
  - (1) Automatically dispense detergents and sanitizers.
  - (2) Incorporate a visual means to verify that detergents and sanitizers are delivered, or a visual or audible alarm to signal that the detergents and sanitizers are not being delivered during the respective washing and sanitizing cycles.
- (E) Pressure Regulation for Hot Water (high temperature) Sanitizing: A WARE WASHING machine that provides a fresh hot water sanitizing rinse shall:
  - (1) Be equipped with a pressure gauge or a similar device, including but not limited to a transducer which measures and displays the water pressure:
    - (a) In increments not greater than one pound per square inch (psi).
    - (b) With an accuracy of  $\pm 2$  psi in the operational range of 15-25 psi as measured in the water line immediately downstream from the fresh hot water sanitizing rinse control valve.
  - (2) If the pressure measuring device is located upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted on a  $\frac{1}{4}$ " iron pipe size (IPS) valve.
- (F) Integral drain boards: A WARE WASHING machine shall have integral self-draining, drain boards.
- (G) Accessory Draining EQUIPMENT: Drain boards, UTENSIL racks, or tables large enough to accommodate all soiled or cleaned items that may accumulate during hours of operation, shall be provided for necessary UTENSIL holding before cleaning, and after sanitizing.

**4-202.14 WARE WASHING Machine/Sink Combination Units**

- (A) Sinks that are an integral part of a WARE WASHING machine unit shall be used for no other purpose than WARE WASHING.
- (B) When WARE WASHING machines and three-compartment sink units share an integral drain board, procedures shall be in place to ensure that CONTAMINATION of clean UTENSILS does not occur.

**4-202.15 Ventilation Hood System**

- (A) Adequacy:
  - (1) A ventilation hood shall be installed:
    - (a) Over cooking EQUIPMENT that releases grease laden vapors.
    - (b) Where required by local building and safety authorities.
    - (c) When accumulation of greasy residue on walls or ceiling indicates that grease laden vapor is not being properly removed.
  - (2) Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from accumulation on walls and/or ceilings.
  - (3) Sunday brunches, temporary set-ups, table-side cooking, sampling, and demonstrations may be exempt, provided grease does not accumulate in the immediate area, as determined by the HEALTH AUTHORITY.
- (B) Drip Prevention: Exhaust ventilation hood systems in FOOD preparation or WARE WASHING areas including but not limited to hoods, fans, guards, and ducts shall be designed to prevent grease or

condensation from draining or dripping onto FOOD HANDLERS, FOOD, EQUIPMENT, UTENSILS, LINEN, and/or SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

- (C) Filters: Filters or other grease extracting EQUIPMENT shall be designed to be readily removable for cleaning and replacement, unless designed to be CLEANED IN PLACE the filter shall be made of the same metal as the hood system.

#### **4-202.16 Clothes Washers and Dryers**

A mechanical clothes washer and dryer shall be provided and used if work clothes or LINEN are LAUNDERED on the PREMISES. Their location in the facility shall be authorized by the HEALTH AUTHORITY.

#### **4-202.17 EQUIPMENT Kick Plates, Removable**

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

- (A) Capable of being rotated open without unlocking EQUIPMENT or doors.  
(B) Removable:  
(1) Without disassembly or,  
(2) By disassembling without the use of tools or,  
(3) By disassembling with the use of simple hand-held tools including but not limited to screwdrivers, pliers, open-ended wrenches, or Allen wrenches.

#### **4-202.18 EQUIPMENT Openings, Closures, and Deflectors**

- (A) A cover or lid for EQUIPMENT shall overlap the opening and be sloped to drain.  
(B) An opening located within the top of a unit of EQUIPMENT, which is designed for use with a cover or lid, shall have an upward flange of at least 2/10".  
(C) Fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending into EQUIPMENT shall have a watertight joint at the point where the item enters the EQUIPMENT. If a watertight joint is not provided:  
(1) The fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into FOOD.  
(2) The opening shall have an upward flange of at least 2/10".

#### **4-202.19 Shelving**

- (A) Shelves that are located in an area where FOOD is prepared, or in standing refrigerators and freezers, or where UTENSILS are washed shall be made of metal, plastic, or plastic coated CORROSION-RESISTANT MATERIAL, and be EASILY CLEANABLE.  
(B) All shelves located in walk-in refrigerators or freezers used in direct support of FOOD preparation, including but not limited to kitchens and pantries shall:  
(1) Be made of metal, plastic, or plastic coated CORROSION-RESISTANT MATERIAL, and EASILY CLEANABLE.  
(2) Be maintained in a manner that does not RESTRICT the circulation of air.  
(C) Shelves located in separate DRY STORAGE AREAS shall be made of CORROSION-RESISTANT MATERIAL, and made of metal, plastic, plastic coated materials, or other durable EASILY CLEANABLE materials, including wood products that have a SMOOTH finish that is resistant to damage by spills of FOOD, water, or alcohol leaks.

#### **4-202.20 Bearings and Gear Boxes**

EQUIPMENT containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into FOOD or onto FOOD CONTACT-SURFACES.

#### **4-202.21 BEVERAGE Tubing**

BEVERAGE tubing and BEVERAGE cooling devices, including but not limited to cold plates, and cooling coils shall not be installed in contact with ice used for human consumption, except for cold plates that are constructed integrally with an ice storage bin.

#### **4-202.22 Ice Unit Drains**

Liquid waste drain lines shall not pass through an ice machine or ice storage bin.

#### **4-202.23 Condenser Units in FOOD Storage EQUIPMENT**

If a condenser unit is an integral component of EQUIPMENT, the condenser unit shall be separated from any FOOD, and FOOD storage space, by a dust proof barrier.

#### **4-202.24 MOLLUSCAN SHELLSTOCK/Crustacean/Finfish Life Support System Tanks**

Life support system tanks that are used:

- (A) Only to display aquatic life, which is not offered for human consumption, shall be conspicuously marked so that it is obvious to the CONSUMER that the aquatic life is for display only.
- (B) To store SHELLSTOCK/Crustacean/Finfish that is offered for human consumption, shall meet the requirements as specified in Chapter 9-204.12 of these Regulations, and be operated and maintained to ensure that:
  - (1) Water from finfish tanks shall not be COMMINGLED between any molluscan shellfish tanks.
  - (2) The identity of the source of the SHELLSTOCK is retained as specified in Chapter 3-203.11 of these Regulations.
  - (3) Filtration and disinfection systems or programs shall be APPROVED by the HEALTH AUTHORITY and followed to maintain the safety and quality of the SHELLSTOCK.

**4-203 EQUIPMENT Location and Installation**

**4-203.11 Storage EQUIPMENT**

EQUIPMENT used for storage of FOOD, cleaned and sanitized EQUIPMENT, UTENSILS, LAUNDERED LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES may not be stored:

- (A) In locker rooms.
- (B) In toilet rooms.
- (C) In garbage rooms.
- (D) In mechanical rooms.
- (E) Under sewer lines that are not shielded to intercept potential drips.
- (F) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines where water has condensed.
- (G) Under open stairwells containing steps which are not fully enclosed with backs and sides to prevent debris from falling onto the items stored below the open stairwell.
- (H) Under other sources of CONTAMINATION.

**4-203.12 Stationary EQUIPMENT that is Fixed in Place**

EQUIPMENT that is fixed in place, because it is not EASILY MOVEABLE, shall be:

- (A) Spaced to allow access for cleaning along the sides, behind, and above the EQUIPMENT.
- (B) Flashed and SEALED.
- (C) Spaced from adjoining EQUIPMENT, walls, and ceilings, at a distance not more than 1/32", with the space being SEALED. Caulking may not be used for spaces greater than 1/8".

**4-203.13 Table or COUNTER-MOUNTED EQUIPMENT that is not EASILY MOVEABLE**

Table or COUNTER-MOUNTED EQUIPMENT, that is not EASILY MOVEABLE, shall be installed to allow cleaning of the EQUIPMENT, and areas underneath and around the EQUIPMENT by being:

- (A) SEALED to the surface or,
- (B) Elevated at least 4" on legs.

**4-203.14 Floor-Mounted EQUIPMENT that is not EASILY MOVEABLE**

Floor-mounted EQUIPMENT that is not EASILY MOVEABLE shall be SEALED to the floor, or elevated on legs that provide at least a 6" clearance between the floor and the EQUIPMENT. This Section does not apply to display refrigeration units and display freezer units located in the CONSUMER shopping areas of a retail FOOD store, provided the floor under the units is maintained clean.

**4-204 EQUIPMENT Maintenance, Repair, and/or Replacement**

**4-204.11 General EQUIPMENT Adjustment, Repair, and/or Replacement**

- (A) EQUIPMENT shall be maintained in a state of repair, condition, and location that meets the requirements as specified in Section 4-2 of this Chapter.
- (B) EQUIPMENT components, including but not limited to doors, seals, gaskets, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- (C) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate FOOD when the container is opened.
- (D) Surfaces of EQUIPMENT, including but not limited to drawers and shelves, shall not be lined with aluminum foil, except for drip pans and back splashes of cooking EQUIPMENT, provided the foil is routinely replaced.
- (E) Surfaces, including but not limited to cutting blocks and cutting boards that are subject to scratching and scoring shall be resurfaced or discarded when they can no longer be effectively cleaned and sanitized.
- (F) Sinks, basins, WARE WASHING machines, or other receptacles used for washing and rinsing EQUIPMENT, UTENSILS, or raw FOOD shall be installed and maintained according to the manufacturer's specifications:
  - (1) Faucets shall be capable of shutting off water flow completely.
  - (2) Valves shall close tightly to prevent seepage.



- (3) Automated dispensing systems shall be located and maintained to prevent CONTAMINATION of clean items from leaks, drips, or spills of cleaning agents or other dispensed chemicals.

#### **4-204.12 Three-Compartment Sinks for WARE WASHING**

- (A) Monitoring water temperature and sanitizer concentration:
  - (1) A TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the temperature of water used for washing and sanitizing.
  - (2) Sanitizer test strips, a test kit, or other device that accurately measures the concentration in ppm of chemical sanitizers, shall be provided and readily accessible for frequently measuring the concentration of chemical sanitizing solutions.
- (B) Wash solution temperature: The temperature of the wash solution in manual WARE WASHING EQUIPMENT shall be maintained at not less than  $110^{\circ}\text{F}\pm 2^{\circ}$ , or at a temperature as specified by the manufacturer of the cleaning agent.
- (C) Hot water SANITIZATION temperature: If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at  $171^{\circ}\text{F}\pm 2^{\circ}$  or above.
- (D) Use of a three-compartment sink for cleaning and sanitizing: Cleaning and sanitizing of EQUIPMENT and UTENSILS, by means of a three-compartment sink, shall be accomplished by following the procedures listed in Section 4-404 of this Chapter for pre-cleaning, washing, rinsing, sanitizing, and air-drying.

#### **4-204.13 Hand-Held, Wand-Type, High Pressure Cleaning and Sanitizing Devices**

For high pressure systems with wand-type, hand-held spraying devices used for the in-place cleaning and high-temperature sanitizing of EQUIPMENT, including but not limited to MEAT saws, the temperature of the fresh hot water sanitizing rinse, as it enters the manifold, shall be at least  $180^{\circ}\text{F}\pm 2^{\circ}$ .

#### **4-204.14 WARE WASHING Machines**

- (A) Operation according to manufacturer's instructions and data plate:
  - (1) A WARE WASHING machine, and its auxiliary components, shall be operated in accordance with the machine's data plate and other manufacturer's instructions, including, but not limited as follows:
    - (a) A WARE WASHING machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with the manufacture's specifications.
    - (b) A WARE WASHING machine shall be repaired using factory authorized parts. All repairs shall restore the machine's operation to its original design, according to manufacturer's specifications. Factory authorized convertible machines shall be converted by factory authorized technicians, using the manufacturer's recommended procedures and parts.
    - (c) If an APPROVED chemical sanitizing machine is converted to an APPROVED high temperature sanitizing machine, adequate ventilation shall be provided to facilitate removal of steam and condensation.
    - (d) If an APPROVED high temperature sanitizing machine is converted to a chemical sanitizing machine, factory authorized pumps shall be installed to deliver the adequate amount of sanitizer.
    - (e) Adequate orifice size and construction material of spray nozzles shall be verified on every conversion or repair.
    - (f) The wash solution shall be maintained at the temperatures required in this section and free of excessive build up of debris.
    - (g) The sanitizer solutions shall be maintained clean and at required temperatures.
- (B) Drain boards and draining EQUIPMENT:

A WARE WASHING machine and its drain boards, or other EQUIPMENT used to supplement integral drain boards, shall be cleaned:

  - (1) Before use.
  - (2) Throughout the day at a frequency necessary to prevent re-CONTAMINATION of EQUIPMENT and UTENSILS, and to ensure that the EQUIPMENT performs its intended function.
- (C) Wash solution temperature:
  - (1) The temperature of the wash solution for spray-type ware washers, that use hot water to sanitize, shall not be less than:
    - (a)  $165^{\circ}\text{F}\pm 2^{\circ}$  for a stationary rack, single temperature machine.

- (b) 150°F±2° for a stationary rack dual temperature machine.
- (c) 160°F±2° for a single tank, conveyor dual temperature machine.
- (d) 150°F±2° for a multi-tank, conveyor multi-temperature machine.
- (2) The temperature of the wash solution in spray-type ware washers that use chemicals to sanitize may not be less than 120°F±2°.

(D) Cleaning agents:

When used for WARE WASHING, the mechanical ware washer shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.

(E) Hot water SANITIZATION temperature and pressure:

- (1) The temperature of the fresh hot water sanitizing rinse, as it enters the manifold of a WARE WASHING machine, shall not be more than 194°F±2°, or less than:
  - (a) 165°F±2° for a stationary rack, single temperature machine.
  - (b) 180°F±2° for all other machines.
- (2) The flow pressure of the fresh hot water sanitizing rinse in a WARE WASHING machine shall not be less than 15 pounds per square inch (psi) nor more than 25 psi as measured with a pressure gauge or similar device including but not limited to a transducer that measures and displays the water pressure:
  - (a) In increments not greater than 1 psi.
  - (b) With an accuracy of ±2 psi in the operational range (15-25 psi) as measured in the water line immediately downstream from the fresh hot water sanitizing rinse control valve.
  - (c) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a 1/4" iron pipe size (IPS) valve.
- (3) Monitoring high temperature WARE WASHING machines: The temperature of a high-temperature WARE WASHING machine shall be frequently and accurately determined by an irreversible registering thermometer or a temperature-sensitive tape.

(F) Chemical sanitizer temperature and concentration:

- (1) APPROVED sanitizers: Only a chemical sanitizer as specified in *21 CFR 178.1010, Sanitizing Solutions*, and used in accordance with the EPA-APPROVED manufacturer's label instructions shall be used in a sanitizing solution for a WARE WASHING machine.
- (2) Chlorine sanitizers: A chlorine sanitizing solution for a WARE WASHING machine shall be applied at a concentration of at least 50 ppm, but not more than 100 ppm, or at a concentration as specified by the manufacturer.
- (3) Iodine sanitizers: An iodine sanitizing solution for a WARE WASHING machine shall have:
  - (a) A concentration of at least 12.5 ppm, but not more than 25 ppm, or at a concentration as specified by the manufacturer.
  - (b) A pH and temperature as specified by the manufacturer.
- (4) Quaternary ammonium sanitizers: A quaternary ammonium compound for use in a WARE WASHING machine shall be:
  - (a) Labeled by the manufacturer as suitable for use in a WARE WASHING machine
  - (b) Used only within the water temperature and water hardness limits as specified by the manufacturer.
- (5) Detergent sanitizers: If a detergent sanitizer is used where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent sanitizer that is used in the washing step.
- (6) Other APPROVED sanitizers: A sanitizer listed in *21 CFR 178.1010, Sanitizing Solutions*, but not covered under Section 4-204.14 (F) (1-5) of this Chapter shall be prepared and used in accordance with the manufacturer's directions included in the labeling. If a concentration or formulation not listed in *21 CFR 178.1010, Sanitizing Solutions*, is to be used, the PERMIT HOLDER shall demonstrate to the HEALTH AUTHORITY that the solution achieves effective SANITIZATION, and that sanitizer concentrations can be monitored by an accurate and easily usable method.
- (7) Monitoring chemical sanitizer concentration: The concentration of a chemical sanitizing solution shall be frequently and accurately determined by using a test kit or other APPROVED device.
- (8) Use of WARE WASHING machines for cleaning and sanitizing: Cleaning and sanitizing of EQUIPMENT and UTENSILS, using a WARE WASHING machine, shall be accomplished by following the procedures listed in Section 4-405.11 of this Chapter for pre-cleaning, washing, rinsing, sanitizing, and air-drying.

## 4-3 Utensils and Devices for Measuring or Testing

### Subparts

#### 4-301 Standards for Sanitation, and General Design and Construction Criteria

#### 4-302 Use of Utensils, Temperature Measuring Devices, and Testing Devices

#### 4-301 Standards for Sanitation, and General Design and Construction Criteria

##### 4-301.11 General Design and Construction of UTENSILS, and Measuring and Testing Devices

UTENSILS and measuring and testing devices shall meet the following criteria:

- (A) Multi-use UTENSILS, and measuring and testing devices, shall be:
- (1) Finished to have SMOOTH, EASILY CLEANABLE surfaces.
  - (2) Free of rough welds or joints, breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections.
  - (3) Free of "V" type threads, and sharp internal angles, corners, and crevices.
  - (4) Accessible, without requiring disassembly by use of power tools or specialized hand tools, for cleaning and inspection.
  - (5) Made of materials that do not allow the migration of harmful substances, impart colors, odors, or tastes to FOOD and materials that are:
    - (a) Safe.
    - (b) Non-absorbent and made of CORROSION-RESISTANT MATERIAL.
    - (c) Durable and sufficient in weight and thickness to withstand repeated WARE WASHING.
    - (d) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.
- (B) SINGLE-USE ARTICLES and SINGLE-SERVICE UTENSILS shall be:
- (1) Safe and clean.
  - (2) Made of materials that do not allow the migration of harmful substances or impart colors, odors, or tastes to FOOD.

##### 4-301.12 Standards for Sanitation

UTENSILS, and measuring and testing devices, that meet or exceed the standards for sanitation established by the *AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)*, shall be used in a Clark County FOOD ESTABLISHMENT.

##### 4-301.13 UTENSILS, and Measuring and Testing Devices not Certified for Sanitation

UTENSILS, and measuring and testing devices, not certified as meeting NSF/ANSI sanitation standards shall:

- (A) Comply with all general design and construction criteria as listed in Section 4-201.11 of this Chapter, or:
- (B) Not be used without prior written approval from the HEALTH AUTHORITY, which may include:
- (1) Requirements for, and results of, laboratory field testing.
  - (2) Specific use limitations based on identified RISK factors.

##### 4-301.14 Limited Uses of Materials not Compliant with NSF/ANSI Standards

UTENSILS made with materials that do not comply with general NSF/ANSI standards shall only be used in a FOOD ESTABLISHMENT for the following limited uses:

- (A) Cast iron may be present in a FOOD-CONTACT SURFACE of a UTENSIL that can be maintained clean, and in a rust-free condition.
- (B) Lead may be present in a FOOD-CONTACT SURFACE of a UTENSIL in:
- (1) Pewter alloys containing lead not in excess of 0.05%.
  - (2) Solder and flux containing lead not in excess of 0.2%.
  - (3) Ceramic, china, crystal UTENSILS, and decorative UTENSILS including but not limited to hand painted ceramic, or china with levels of lead not exceeding those listed in the following table.

UTENSIL Category	Description or Example	Maximum Lead, ppm*
Hot BEVERAGE Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls greater than or equal to 1.16 quart (1.1L)	1.0
Small Hollowware	Bowls less than 1.16 quart (1.1L)	2.0
Flat UTENSILS	Plates, Saucers	3.0

\*1 ppm is equivalent to 1 mg/L

- (C) Copper and copper alloys, including but not limited to brass:
- (1) May be used as a FOOD-CONTACT SURFACE only in EQUIPMENT or UTENSILS that will not be in contact with a highly acidic FOOD including but not limited to vinegar, fruit JUICE, or wine.
  - (2) May be used in contact with beer brewing ingredients in the pre-fermentation and fermentation steps of a beer brewing operation including but not limited to a brew pub or microbrewery.
- (D) Metal UTENSILS, coated with porcelain or organic resins, shall comply with NSF/ANSI standards.

- (E) Wood and wood wicker shall not be used as a FOOD-CONTACT SURFACE for UTENSILS, except for hard maple or an equivalent hard, close-grained wood that is maintained in a SMOOTH and EASILY CLEANABLE condition or as specified in Section 4-201.15 (E) of this Chapter.
- (F) Glass sensors, or stems of FOOD TEMPERATURE MEASURING DEVICES, may be used if they are encased in a shatterproof coating, such as candy thermometers.

**4-302 Use of UTENSILS, TEMPERATURE MEASURING DEVICES, and Testing Devices**

**4-302.11 UTENSIL Maintenance and Repair or Replacement**

UTENSILS shall be maintained in a state of repair or condition that complies with the requirements in Section 4-201 of this Chapter, or shall be discarded.

**4-302.12 Availability of UTENSILS for Customer Self-Service**

- (A) A FOOD dispensing UTENSIL shall be available for each container displayed at a CONSUMER self-service unit including but not limited to a buffet or a salad bar.
- (B) Tethers for UTENSILS, used for bulk FOOD, shall be easily removable for cleaning.

**4-302.13 FOOD TEMPERATURE MEASURING DEVICES**

FOOD TEMPERATURE MEASURING DEVICES shall be:

- (A) Provided and readily accessible for use in ensuring attainment and maintenance of required FOOD temperatures.
- (B) Designed and sized appropriately for intended use.
- (C) Calibrated, to ensure their accuracy, in accordance with manufacturer's specifications

**4-302.14 Non-FOOD Temperature and Pressure Measuring Devices**

Measuring devices for monitoring ambient air temperature, water pressure, and water temperature shall be maintained in good repair and be accurate within the intended range of use.

**4-302.15 SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES, Use Limitation**

SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES shall not be re-used.

**4-302.16 Bulk Milk Container Dispensing Tubes, Method of Cutting**

To prevent accumulation of un-chilled milk, the bulk milk container dispensing tube shall be cut on the diagonal, at an angle of approximately 45°, leaving no more than 1" protruding from the chilled dispensing head.

**4-302.17 Molluscan and Crustacean Shells, Use Limitations**

Molluscan and crustacean shells shall not be used more than once as serving containers for FOOD.

**4-4 Cleaning and Sanitizing**

**Subparts**

- 4-401 Cleaning and Sanitizing**
- 4-402 General Methods**
- 4-403 Dry Methods**
- 4-404 Three-Compartment Sinks**
- 4-405 Ware Washing Machines**
- 4-406 Other Ware Washing Equipment**
- 4-407 Food Contact Equipment and Utensils**
- 4-408 Food Testing or Measuring Devices**
- 4-409 Returnables for Refilling**
- 4-410 Non Food-Contact Surfaces**

**4-401 Cleaning and Sanitizing**

**4-401.11 Frequency of Cleaning and Sanitizing FOOD-CONTACT SURFACES**

EQUIPMENT, FOOD-CONTACT SURFACES, and FOOD-CONTACT SURFACES of UTENSILS shall be maintained clean to sight and touch, and shall be cleaned and sanitized:

- (A) Each time there is a change from working with raw FOOD to working with READY-TO-EAT FOOD.
- (B) Between uses with raw fruits and vegetables and with POTENTIALLY HAZARDOUS FOOD (TCS).
- (C) Before using or storing a FOOD TEMPERATURE MEASURING DEVICE.
- (D) At any time during the operation when CONTAMINATION may have occurred.
- (E) Before each use with a different type of raw animal FOOD including but not limited to beef, FISH, lamb, pork, or POULTRY, except when used for a succession of different raw animal FOOD each requiring a higher cooking temperature than the previous FOOD, including but not limited to preparing raw FISH, followed by cutting raw POULTRY on the same cutting board.
- (F) When in use, at least every four hours except:
  - (1) FOOD-CONTACT SURFACES located in a room maintained at 50°F±2°, or less shall be cleaned and sanitized at least every 16 hours.

- (2) UTENSILS and EQUIPMENT used to prepare FOOD in a refrigerated room or area that is maintained at one of the temperatures in the following chart, and:
  - (a) The UTENSILS and EQUIPMENT are cleaned at the frequency that corresponds to the temperature.
  - (b) The cleaning frequency based on the ambient temperature of the refrigerated room, or area, is documented in the FOOD ESTABLISHMENT.

Temperature	Cleaning Frequency
41°F±2° or less	24 hours
>41°F-45°F±2°	20 hours
>45°F-50°F±2°	16 hours
>50°F-55°F±2°	10 hours

- (3) Containers in serving situations including but not limited to salad bars, delis, and cafeteria lines that hold READY-TO-EAT PHF (TCS) maintained at temperatures as specified in Chapter 3 of these Regulations shall be cleaned and sanitized every 24 hours.
- (4) TEMPERATURE MEASURING DEVICES that are maintained in contact with FOOD including but not limited to when left in a container of deli FOOD, or in a roast, and held at temperatures specified in Chapter 3 of these Regulations, shall be cleaned and sanitized whenever the FOOD container is cleaned and sanitized.
- (5) EQUIPMENT used for storage of PACKAGED or UNPACKAGED FOOD, including but not limited to a reach-in refrigerator, shall be cleaned at a frequency necessary to preclude accumulation of soil residues.
- (6) CIP EQUIPMENT shall be cleaned and sanitized in accordance with the methods and frequency specified by the manufacturer, or more frequently if necessary to maintain the EQUIPMENT in a sanitary condition.
- (7) Surfaces of UTENSILS and EQUIPMENT in contact with FOOD that are not potentially HAZARDOUS shall be cleaned:
  - (a) At least every 24 hours for iced tea dispensers and CONSUMER self-service UTENSILS including but not limited to tongs, scoops, or ladles.
  - (b) Before restocking CONSUMER self-service EQUIPMENT and UTENSILS including but not limited to CONDIMENT dispensers and display containers.
  - (c) EQUIPMENT including but not limited to ice bins and BEVERAGE dispensing nozzles, and enclosed components of EQUIPMENT including but not limited to ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, and coffee bean grinders:
    - (i) At a frequency specified by the manufacturer.
    - (ii) Absent manufacturer specifications, at a frequency necessary to prevent accumulation of soil or mold.
- (8) The FOOD-CONTACT SURFACES of baking EQUIPMENT, and cooking EQUIPMENT and pans, shall be cleaned at least every 24 hours or more frequently if necessary to prevent development of encrusted grease deposits and other soil accumulations.

**4-402 General Methods**

**4-402.11 Cleaning and Sanitizing FOOD-CONTACT SURFACES** – This Section mirrors the Food Code

- (A) Sponges and Abrasive Cleaning Articles:
  - (1) Sponges shall not be used for cleaning FOOD-CONTACT SURFACES, EQUIPMENT, or UTENSILS in a FOOD ESTABLISHMENT.
  - (2) Abrasive articles shall not be used to clean non-stick cook ware or KITCHENWARE that has a non-stick resin coating, including but not limited to frying pans, griddles, sauce pans, cookie sheets, and waffle bakers.
- (B) EQUIPMENT, FOOD-CONTACT SURFACES, and UTENSILS shall be effectively washed, rinsed, sanitized, and air-dried by using manual or mechanical means as follows:
  - (1) Pre-cleaning and washing of soiled EQUIPMENT and UTENSILS:
    - (a) FOOD debris on EQUIPMENT and UTENSILS shall be scraped over a waste separator unit or garbage receptacle, or shall be removed in a WARE WASHING machine with a pre-wash cycle.
    - (b) If necessary for effective cleaning, soiled UTENSILS and EQUIPMENT shall be pre-flushed, pre-soaked, or scrubbed with abrasives that will not damage the surface.

- (c) Soiled FOOD-CONTACT SURFACES of EQUIPMENT and UTENSILS shall be washed by procedures including but not limited to application of detergents containing wetting agents and emulsifiers, acid, alkaline, or abrasive cleaners, hot water, brushes, scouring pads, high pressure sprays, or ultrasonic devices that are appropriate for the type of soil to be removed, and for the type and purpose of the EQUIPMENT or UTENSIL.
- (2) Rinsing of washed EQUIPMENT and UTENSILS:
- (a) Washed UTENSILS and EQUIPMENT shall be rinsed so that abrasives and cleaning chemicals are removed.
  - (b) Water used for rinsing shall be changed at a frequency that prevents grease, cleaning agents, or FOOD debris from remaining on the rinsed items.
- (3) Sanitizing of washed and rinsed EQUIPMENT and UTENSILS:  
After being washed and rinsed, FOOD-CONTACT SURFACES of EQUIPMENT and UTENSILS shall be sanitized by APPROVED manual or mechanical methods, using one of the sanitizers listed in *21 CFR 178.1010, Sanitizing Solutions*, and used as follows:
- (a) Chlorine sanitizers: A chlorine sanitizing solution shall be applied at a concentration of at least 50 ppm or a concentration as specified by the manufacturer.
  - (b) Iodine Sanitizers: An iodine sanitizing solution shall have a:
    - (i) Concentration of at least 12.5 ppm, and not more than 25 ppm.
    - (ii) pH and temperature as specified by the manufacturer.
  - (c) Quaternary Ammonium Sanitizers: A quaternary ammonium compound shall:
    - (i) Be applied at a concentration as specified by the manufacturer.
    - (ii) Be used only within the water temperature and water hardness limits as specified by the manufacturer.
    - (iii) Not be used in a WARE WASHING machine unless the manufacturer's label specifies such use.
  - (d) Applied at the concentration as specified in the current Food Code.
  - (e) Detergent Sanitizers: If a detergent sanitizer is used without a distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent sanitizer that is used in the washing step.
  - (f) Other APPROVED Sanitizers: A sanitizer listed in *21 CFR 178.1010, Sanitizing Solutions*, but is not covered in Section 4-402.11 (B) (3) (a-d) of this Chapter, shall:
    - (i) Be applied in accordance with the manufacturer's use directions included in the labeling.
    - (ii) Provide effective SANITIZATION. The PERMIT HOLDER shall demonstrate to the HEALTH AUTHORITY that the solution can be monitored by an accurate and easily usable method.
4. Time of exposure to sanitizers:
- (a) For sanitizing in a three-compartment sink, washed and rinsed items shall be immersed in an APPROVED sanitizer solution for at least 30 seconds or as specified by the manufacturer.
  - (b) For sanitizing in a WARE WASHING machine, items shall be exposed to the sanitizing solution for a time interval as specified on the data plate or as specified by the manufacturer.
  - (c) For sanitizing by other manual operations, including the application of sanitizing solutions by manual swabbing, brushing, or pressure spraying methods, contact with an APPROVED sanitizing solution shall be for at least 30 seconds, or as specified by the manufacturer, or at a lesser time interval that has been documented by laboratory data as yielding effective SANITIZATION.
5. Monitoring chemical sanitizer concentration:  
The concentration of a chemical sanitizing solution shall be frequently and accurately determined by using sanitizer test strips, a test kit, or other device.

#### **4-403 Dry Methods**

##### **4-403.11 Cleaning**

Dry methods for cleaning shall be used only for surfaces not used for PHF (TCS), and:

- (A) If used, dry cleaning methods including but not limited to brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry FOOD residues that are not POTENTIALLY HAZARDOUS.

- (B) Cleaning EQUIPMENT, used in dry cleaning FOOD-CONTACT SURFACES, shall not be used for any other purpose.

#### **4-404 Three-Compartment Sinks**

##### **4-404.11 Cleaning and Sanitizing Procedures**

(A) Use Limitations:

- (1) A three-compartment sink shall not be used at any time for hand washing.
- (2) If a three-compartment sink is used for WARE WASHING, as well as to wash produce or to thaw FOOD, the sink shall be:
  - (a) Cleaned at least every 24 hours, and before each use for WARE WASHING, and throughout the day at a frequency necessary to prevent re-CONTAMINATION of EQUIPMENT and UTENSILS, and to ensure that the EQUIPMENT performs its intended function.
  - (b) Sanitized as specified in Section 4-402.11 (B) (3) of this Chapter before and after using the sink to thaw FOOD or to wash produce.
  - (c) For WARE WASHING;
    - (i) The wash solution shall be maintained at the temperatures required in this section and free of excessive build up of debris.
    - (ii) The sanitizer solutions shall be maintained clean and at required temperatures.

- (B) Whenever a three-compartment sink is used for FOOD preparation, including the thawing of FROZEN FOOD, all compartments and drain boards must be cleaned and sanitized prior to use. During the time a three-compartment sink is being used for FOOD preparation, it may not be used for any other purpose.

- (C) Cleaning and sanitizing of EQUIPMENT and UTENSILS: Pre-cleaning, washing, rinsing, and sanitizing in a three-compartment sink shall be accomplished using methods in Section 4-402.11 of this Chapter.

- (D) Maintaining clean wash, rinse, and sanitizing solutions: The wash and rinse compartments in a three-compartment sink shall be changed when substantial amounts debris and grease have accumulated. The sanitizing solutions in a three-compartment sink shall be maintained clean for WARE WASHING.

(E) Temperature of wash and sanitizing solutions:

- (1) The temperature of the wash solution for manual WARE WASHING shall be maintained at not less than  $110^{\circ}\text{F}\pm 2^{\circ}$ , or at a temperature specified on the manufacturer's label of the cleaning agent.
- (2) If immersion in hot water is used for sanitizing, the temperature of the sanitizing water shall be maintained at  $171^{\circ}\text{F}\pm 2^{\circ}$ , or above.

- (F) Air drying of cleaned and sanitized EQUIPMENT and UTENSILS: EQUIPMENT or UTENSILS that have been properly sanitized, as specified in Section 4-402.11 (B) of this Chapter:

- (1) Shall be air dried, or may be used after adequate draining has occurred, before contact with FOOD.
- (2) May not be cloth dried except that UTENSILS that have been air-dried may be polished with cloths that are maintained clean and dry.
- (3) Clean TABLEWARE may be polished with a clean damp cloth used solely for that purpose.

#### **4-405 WARE WASHING Machines**

##### **4-405.11 Cleaning and Sanitizing Procedures**

(A) Pre-cleaning of soiled EQUIPMENT and UTENSILS:

- (1) For cleaning and sanitizing EQUIPMENT and UTENSILS by use of a WARE WASHING machine, FOOD debris shall be:
  - (a) Scraped into a waste separator unit or a garbage receptacle.
  - (b) Removed in a pre-wash cycle of the WARE WASHING machine.
- (2) If necessary for effective cleaning, soiled UTENSILS and EQUIPMENT shall be pre-flushed, pre-soaked, or scrubbed with abrasives that will not damage the surface.

- (B) Loading of soiled items: Soiled items to be cleaned in a WARE WASHING machine shall be loaded into racks, trays, or baskets, or onto conveyors in a position that:

- (1) Exposes the items to the unobstructed spray from all cycles.
- (2) Allows the items to drain.

- (C) Maintenance of wash solution temperature: Wash solution temperature shall be maintained as specified for the type of machine being used:

- (1) In spray type ware washers that use hot water to sanitize, the temperature of the wash solution shall not be less than:
  - (a)  $165^{\circ}\text{F}\pm 2^{\circ}$  for a stationary rack, single temperature machine.
  - (b)  $150^{\circ}\text{F}\pm 2^{\circ}$  for a stationary rack, dual temperature machine.
  - (c)  $160^{\circ}\text{F}\pm 2^{\circ}$  for a single tank, conveyor, dual temperature machine.
  - (d)  $150^{\circ}\text{F}\pm 2^{\circ}$  for a multi-tank, conveyor, multi-temperature machine.

- (2) In spray type ware washers that use chemicals to sanitize, the temperature of the wash solution shall not be less than  $120^{\circ}\text{F}\pm 2^{\circ}$ .
- (D) Maintenance of fluid reservoirs and pumping/tubing systems: Reservoirs and pumping/tubing systems shall be maintained to deliver whatever water conditioners, cleaning agents, and chemical sanitizers as specified by the WARE WASHING machine manufacturer, and at concentrations as specified in these Regulations, or on the product's label.
- (E) Temperature and pressure of water for hot water SANITIZATION:
  - (1) Cycling time, and water temperature, shall result in the surfaces of UTENSILS reaching at least  $160^{\circ}\text{F}\pm 2^{\circ}$ , as measured by an irreversible registering thermometer, or temperature-sensitive tape, which has traveled through the cleaning and sanitizing cycle with the UTENSILS.
  - (2) The temperature of the fresh hot water sanitizing rinse, as it enters the manifold, shall not be more than  $194^{\circ}\text{F}\pm 2^{\circ}$ , nor less than:
    - (a)  $165^{\circ}\text{F}\pm 2^{\circ}$  for a stationary rack, single temperature machine.
    - (b)  $180^{\circ}\text{F}\pm 2^{\circ}$  for all other machines.
  - (3) The flow pressure of the fresh hot water sanitizing rinse in a WARE WASHING machine may not be less than 15 psi nor more than 25 psi as measured with a pressure gauge or similar device including but not limited to a transducer that measures and displays the water pressure:
    - (a) In increments not greater than 1 psi.
    - (b) With an accuracy of  $\pm 2$  psi in the operational range (15-25 psi), as measured in the water line immediately downstream from the fresh hot water sanitizing rinse control valve.
    - (c) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a 1/4" Iron Pipe Size (IPS) valve.
- (F) Concentration of Chemical Sanitizer: Chemical sanitizer concentrations shall be maintained as specified on the product label or as specified in Section 4-402.11 (B) of this Chapter.
- (G) Air drying of cleaned and sanitized EQUIPMENT and UTENSILS: EQUIPMENT or UTENSILS that have been properly sanitized as specified in Section 4-402.11 (B) (3) of this Chapter.
  - (1) Shall be air dried, or may be used after adequate draining has occurred, before contact with FOOD.
  - (2) Shall not be cloth dried except that UTENSILS that have been air dried may be polished with cloths that are maintained clean and dry.
  - (3) Clean TABLEWARE may be polished with a clean damp cloth used solely for that purpose.

**4-406 Other WARE WASHING EQUIPMENT**

**4-406.11 Cleaning and Sanitizing Procedures**

If washing in sink compartments or a WARE WASHING machine is impractical, including but not limited to when the EQUIPMENT is fixed, or the UTENSILS are too large, washing shall be done by using alternative manual WARE WASHING EQUIPMENT in accordance with the following procedures:

- (A) EQUIPMENT shall be disassembled as necessary to allow access of the detergent solution to all FOOD-CONTACT SURFACES.
- (B) EQUIPMENT components and UTENSILS shall be scraped or rough cleaned to remove FOOD particle accumulation.
- (C) EQUIPMENT and UTENSILS shall be washed as specified in Section 4-402.11 of this Chapter.

**4-407 FOOD Contact EQUIPMENT and UTENSILS**

**4-407.11 Sanitizing Procedures**

- (A) EQUIPMENT and UTENSILS that are used repeatedly for contact with FOOD shall be:
  - (1) Replaced, or washed, rinsed, sanitized, and air dried, at a frequency as specified in Section 4-401.11 of this Chapter.
  - (2) Wiped with a clean, sanitized cloth whenever time does not permit effective air drying before the next use. Sanitized cloths shall test at APPROVED concentrations when not stored in a sanitizer solution.
- (B) Sanitizer solutions for use with in-use EQUIPMENT and UTENSILS shall be:
  - (1) Prepared at a frequency that maintains APPROVED sanitizer concentrations as verified by the use of the appropriate test strip.
  - (2) Held in a working containers that are clearly and durably labeled in English with the common name of the material in accordance with Chapter 7-102.11 of these Regulations. Other applicable languages may be used in addition to the English name.



- (3) Stored:
  - (a) In APPROVED buckets or spray bottles.
  - (b) Where spills, splashes, and sprays will not cause CONTAMINATION of FOOD or FOOD-CONTACT SURFACES.
- (4) Used in accordance with exposure times as specified in Section 4-402.11 (B) (4) of this Chapter.

**4-408 FOOD Testing or Measuring Devices**

**4-408.11 Probe or Measuring Device Sanitizing Procedures**

Before and after each use, FOOD-contact probes or thermometers and other FOOD testing and measuring devices shall be wiped with an APPROVED sanitizer and air dried. For this purpose only, swabs containing 70% ethyl alcohol or isopropyl alcohol may be used as a sanitizer.

**4-409 Returnables for Refilling**

**4-409.11 Cleaning and Sanitizing Procedures**

Returned empty containers that are to be refilled for the sale of non-POTENTIALLY HAZARDOUS BEVERAGES:

- (A) Shall be cleaned, rinsed, and sanitized in a FOOD PROCESSING ESTABLISHMENT if the container is to be reSEALED to make the FOOD PRE-PACKAGED. Examples include, but are not limited to, glass bottles to be refilled with beer, water, or soft drinks.
- (B) May, if the container is free of visible dirt or FOOD residue, be refilled for immediate return to the customer, provided that the act of refilling does not pose a RISK of CONTAMINATION in the FOOD service area. Examples include, but are not limited to:
  - (1) Cups to be refilled at customer request with coffee or soft drinks.
  - (2) “Growlers” or other containers to be refilled at customer request with beer.
  - (3) Containers provided by customers for refilling with water at self-service VENDING MACHINES.

**4-410 NON FOOD-CONTACT SURFACES**

**4-410.11 Cleaning Procedures**

NON FOOD-CONTACT SURFACES of EQUIPMENT and UTENSILS shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris, and shall be cleaned at a frequency necessary to prevent accumulation of soil residues.

**4-5 Laundering**

**Subparts**

- 4-501 Clean Linen**
- 4-502 Soiled Linen**
- 4-503 Frequency**
- 4-504 Method of Washing**
- 4-505 Facilities**

**4-501 Clean LINEN**

**4-501.11 Maintenance**

Clean LINEN shall be free from FOOD residues and other soiling matter.

**4-502 Soiled LINEN**

**4-502.11 Handling**

- (A) Wiping cloths shall be removed from use when they have become contaminated, visibly soiled, or sticky.
- (B) Cloth gloves used as specified in Chapter 3-304.15 (D) of these Regulations shall not be used with more than one type of raw animal FOOD, including but not limited to beef, lamb, pork, or FISH before being discarded for LAUNDERing.
- (C) LINEN and napkins that are used as specified in Chapter 3-304.13 of these Regulations and cloth napkins shall be used only once before being discarded for LAUNDERing.
- (D) Soiled LINEN shall be kept in clean, nonabsorbent receptacles or clean washable laundry bags, and stored and transported to prevent CONTAMINATION of FOOD, clean EQUIPMENT, clean UTENSILS, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

**4-503 Frequency**

**4-503.11 LAUNDERing**

- (A) LINEN that does not come in direct contact with FOOD shall be LAUNDERed between operations when they become wet, sticky, or visibly soiled.
- (B) Cloth gloves used as specified in Chapter 3-304.15 (D) of these Regulations shall be LAUNDERed before being used with a different type of raw animal FOOD including but not limited to beef, lamb, pork, or FISH.

- (C) LINEN and napkins that are used, as specified in Chapter 3-304.13 of these Regulations, and cloth napkins shall be LAUNDERed between each use.
- (D) Wet wiping cloths shall be LAUNDERed daily.
- (E) Dry wiping cloths shall be LAUNDERed as necessary to prevent CONTAMINATION of FOOD and clean serving UTENSILS.

**4-504 Method of Washing**

**4-504.11 Mechanical Washing**

LINEN shall be mechanically washed.

**4-505 Facilities**

**4-505.11 Use of Laundry Facilities**

- (A) Laundry facilities within a FOOD ESTABLISHMENT shall not be used for washing and drying items that are not used in the operation of the establishment.
- (B) Separate laundry facilities that provide general LAUNDERing for other types of establishments, including but not limited to hotels and casinos, may also be used for LAUNDERing FOOD ESTABLISHMENT items.
- (C) Washers and dryers used to LAUNDER wiping cloths or LINEN, shall be cleaned, if used, at least every 24 hours, and:
  - (1) Before use.
  - (2) Throughout the day at a frequency necessary to prevent re-CONTAMINATION of EQUIPMENT and UTENSILS.

**4-6 Protection of Clean Items**

**Subparts**

**4-601 Drying**

**4-602 Lubricating and Reassembling**

**4-603 Storing**

**4-604 Preventing Contamination**

**4-601 Drying**

**4-601.11 EQUIPMENT, UTENSILS, and LINEN Air Drying Required**

- (A) EQUIPMENT and UTENSILS and LINEN that have been properly sanitized, as specified in Section 4-402.11 (B) (3) of this Chapter and in *40 CFR 180.940*:
  - (1) Shall be air dried or may be used after adequate draining has occurred before contact with FOOD.
  - (2) Shall not be cloth dried except that TABLEWARE that has been air dried may be polished with cloths that are maintained clean and dry. Other procedures for polishing TABLEWARE may be submitted to the HEALTH AUTHORITY for approval.
- (B) LAUNDERed wiping cloths shall be:
  - (1) Stored in a dry condition.
  - (2) Stored in a sanitizing solution for use at the workstation.

**4-602 Lubricating and Reassembling**

**4-602.11 FOOD-CONTACT SURFACES and EQUIPMENT**

- (A) Only lubricants that are FOOD GRADE, as specified in Chapter 7-205.11 of these Regulations, shall be applied to FOOD-CONTACT SURFACES.
- (B) EQUIPMENT shall be reassembled so that FOOD-CONTACT SURFACES are not contaminated after cleaning and sanitizing.

**4-603 Storing**

**4-603.11 Cleaned EQUIPMENT, UTENSILS, and LINEN**

- (A) Cleaned EQUIPMENT and UTENSILS, LAUNDERed LINEN, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored in a clean, dry location where they are not exposed to splash, dust, or other CONTAMINATION.
- (B) KITCHENWARE and UTENSILS that are clean and dry shall be stored covered or inverted.
- (C) Cleaned and sanitized EQUIPMENT, UTENSILS, LAUNDERed LINEN, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall not be stored:
  - (1) In locker rooms.
  - (2) In toilet rooms.
  - (3) In garbage rooms.
  - (4) In mechanical rooms.
  - (5) Under sewer lines that are not shielded to intercept potential drips.

- (6) Under leaking water lines including leaking automatic fire sprinkler heads, or under lines on which water has condensed.
  - (7) Under open stairwells containing steps which are not fully enclosed with backs and sides to prevent debris from falling onto the items stored below the open stairwell.
  - (8) Under other sources of CONTAMINATION.
- (D) Cleaned EQUIPMENT and UTENSILS, LAUNDERED LINEN, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored at least 6" above the floor, except that items that are kept in closed packages may be stored for transport on EASILY MOVEABLE dollies, pallets, racks, and skids that are less than 6" thick.

**4-604 Preventing CONTAMINATION**

**4-604.11 Handling Cleaned EQUIPMENT, UTENSILS, and LINEN**

- (A) SINGLE-SERVICE and SINGLE-USE ARTICLES, and cleaned and sanitized UTENSILS, shall be handled, displayed, and dispensed so that CONTAMINATION of FOOD and lip-contact surfaces is prevented.
- (B) TABLEWARE that is preset shall be protected from CONTAMINATION by being wrapped, covered or inverted.
- (C) Plastic tubing used to dispense BEVERAGES directly into a CONSUMER's mouth, including but not limited to beer bongs at bars, shall be for SINGLE-SERVICE only, or shall be washed, rinsed, and sanitized between customers.

**4-604.12 Handling Soiled TABLEWARE**

Soiled TABLEWARE shall be removed from CONSUMER eating and drinking areas and handled so that clean TABLEWARE is not contaminated.

**4-604.13 Handling Clean TABLEWARE**

If TABLEWARE is preset:

- (A) Exposed, unused settings shall be removed when a CONSUMER is seated; or,
- (B) Exposed, unused settings shall be cleaned and sanitized before further use if the settings are not removed when a customer is seated.

**4-604.14 Handling SINGLE-SERVICE ARTICLES**

- (A) Knives, forks, and spoons that are not pre-wrapped shall be presented so that only the handles are touched by employees and by CONSUMERS, if CONSUMER self-service is provided.
- (B) SINGLE-SERVICE ARTICLES, that have no handles, including but not limited to toothpicks and straws, and that are intended for FOOD or lip contact, shall be furnished for CONSUMER self-service with the original individual wrapper intact or from an APPROVED dispenser.
- (C) SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES shall be kept in the original protective package or stored by using other means that afford protection from CONTAMINATION until removed for use.

# CHAPTER 5

## Water, Plumbing, and Waste

### Parts

- 5-1 Water
- 5-2 Plumbing System
- 5-3 Mobile Water Tank
- 5-4 Sewage, Other Liquid Waste, and Rainwater
- 5-5 Refuse, Recyclables, and Returnables

### 5-1 Water

#### Subparts

- 5-101 Source
- 5-102 Quantity and Availability
- 5-103 Distribution, Delivery, and Retention

#### 5-101 Source

##### 5-101.11 APPROVED System

- (A) DRINKING WATER for FOOD ESTABLISHMENTS shall be obtained from an APPROVED SOURCE that is:
- (1) A PUBLIC WATER SYSTEM meeting *NRS, NAC 445A*, and *40 CFR 141* or,
  - (2) A non-PUBLIC WATER SYSTEM meeting state standards and requiring:
    - (a) Sampling and testing at least annually or as required by the state DRINKING WATER standards.
    - (b) The test results report to be retained in the FOOD ESTABLISHMENT, or as required by LAW or,
  - (3) Bottled water from an APPROVED SOURCE.
- (B) Non-DRINKING WATER shall be used in a FOOD ESTABLISHMENT:
- (1) Only for non-culinary purposes, APPROVED by the HEALTH AUTHORITY, including but not limited to air conditioning, non-FOOD EQUIPMENT cooling, fire protection, and/or irrigation.
  - (2) Only if installed so as to preclude the possibility of back siphonage into the DRINKING WATER system.

##### 5-101.12 System Flushing and Disinfection

A DRINKING WATER system shall be flushed and disinfected before being placed in service after construction, repair, modification, or after an emergency situation including but not limited to a flood, that may introduce contaminants into the system. Written documentation certifying that the system has been disinfected shall be provided to the HEALTH AUTHORITY.

##### 5-101.13 BOTTLED DRINKING WATER

- (A) Bottled and PACKAGED potable water shall be obtained from a source APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION, and shall be handled and stored to protect it from CONTAMINATION.
- (B) Bottled and PACKAGED potable water shall be dispensed from the original container.

#### 5-102 Quantity and Availability

##### 5-102.11 Capacity

The water source and system shall be of sufficient and constant capacity to meet the peak water demands of the FOOD ESTABLISHMENT, including hot water generation and distribution systems sufficient to meet the peak hot water demands, throughout the FOOD ESTABLISHMENT as determined by Plan Review.

##### 5-102.12 Pressure

Pressurized water shall be provided to all fixtures, EQUIPMENT, and non-FOOD EQUIPMENT that are required to use water. Commercially BOTTLED DRINKING WATER, and closed potable water containers supplying water to a TEMPORARY FOOD ESTABLISHMENT, or to a temporary interruption of a water supply need not be pressurized.

##### 5-102.13 Hot Water Temperature

The hot water heater shall provide water at a minimum temperature of  $120^{\circ}\text{F}\pm 2^{\circ}$  as measured at the three-compartment sink.

#### 5-103 Distribution, Delivery, and Retention

##### 5-103.11 System

Water shall be received from the source through the use of:

- (A) An APPROVED public water main.

- (B) One or more of the following means that shall be constructed, maintained, and operated according to the most current edition of the *Uniform Plumbing Code* adopted by Southern Nevada and these Regulations:
- (1) Non-public water main, water pumps, pipes, hoses, connections, and other appurtenances.
  - (2) Water transport VEHICLES, or
  - (3) Water containers.

**5-103.12 Alternative Water Supply**

Water meeting the requirements of an APPROVED SOURCE; quality, and quantity shall be made available for a mobile facility, for a TEMPORARY FOOD ESTABLISHMENT without a permanent water supply, and for a FOOD ESTABLISHMENT with a temporary interruption of its water supply through:

- (A) A supply of containers of commercially BOTTLED DRINKING WATER.
- (B) One or more closed potable water containers.
- (C) An enclosed PERMITTED vehicular water tank APPROVED by the HEALTH AUTHORITY.
- (D) An on-PREMISES water storage tank, or
- (E) Piping, tubing, or hoses connected to a nearby APPROVED SOURCE.

**5-2 Plumbing System**

**Subparts**

- 5-201 Materials and Installation**
- 5-202 Hand Washing Sinks Installation, Location, and Use**
- 5-203 Service Sinks**
- 5-204 Toilet Facilities**
- 5-205 Backflow and Back-Siphonage**
- 5-206 Inspection and Service**

**5-201 Materials and Installation**

**5-201.11 APPROVED Materials, System and Cleanable Fixtures**

- (A) A PLUMBING SYSTEM and hoses which convey water, water treatment systems, and water filters shall be constructed and repaired with APPROVED materials.
- (B) A PLUMBING SYSTEM shall be designed, constructed, and installed to meet applicable codes.
- (C) A PLUMBING FIXTURE including but not limited to a HAND WASHING SINK, toilet, or urinal shall be EASILY CLEANABLE.
- (D) Soil and waste lines shall not be installed over FOOD transport hallways or concourses, or FOOD preparation, storage, or EQUIPMENT and UTENSIL cleaning areas, unless separated by the floor immediately above, or by some other method APPROVED by the HEALTH AUTHORITY, including but not limited to the installation of trough pans under soil and waste lines which are drained to floor sinks.

**5-202 HAND WASHING SINKS Installation, Location, and Use**

**5-202.11 HAND WASHING SINKS, Installation**

- (A) A HAND WASHING SINK shall be equipped to provide water at a temperature of at least 100°F±2° through a mixing valve or combination faucet.
- (B) A steam mixing valve may not be used at a HAND WASHING SINK.
- (C) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.
- (D) An automatic hand washing system shall be installed in accordance with the manufacturer's instruction, in close proximity to a HAND WASHING SINK, and be APPROVED by the HEALTH AUTHORITY.

**5-202.12 HAND WASHING SINKS, Location**

- (A) Wall-hung HAND WASHING SINKS shall be installed and located to allow convenient use by employees in areas used to prepare FOOD and wash UTENSILS.
- (B) In areas without walls, such as buffets, carving stations, and island stations, or due to EQUIPMENT configuration prohibiting conventional design, the HEALTH AUTHORITY may approve alternate HAND WASHING SINK design and placement. HAND WASHING SINKS shall be conveniently located and easily accessible to employees at all times.
- (C) HAND WASHING SINKS shall be easily accessible and available to employees without opening doors or moving barriers.
- (D) BEVERAGE and ice dispensing areas in new and extensively remodeled establishments shall have a separate and distinct wall-hung HAND WASHING SINK, if:
  - (1) Located in a FOOD pick-up area.
  - (2) Bussing of soiled TABLEWARE or UTENSILS occurs in the area.

- (3) Any open FOOD including but not limited to soup, toast, garnishes, salads, or salad dressings is placed in the area.
- (4) Bagging ice.
- (E) Additional HAND WASHING SINKS are not required in areas used solely for the bussing of soiled TABLEWARE.
- (F) All dish washing areas shall have convenient and easily accessible wall-hung HAND WASHING SINKS to allow proper hand washing after loading soiled TABLEWARE, and prior to unloading clean TABLEWARE.
- (G) HAND WASHING SINKS shall be located in, or immediately adjacent to, rooms with toilets, or in toilet vestibules. Sinks used for preparing FOOD or for washing EQUIPMENT or UTENSILS may not be used for washing hands. The rinsing of FOOD and UTENSILS in HAND WASHING SINKS is prohibited.
- (H) Fixed dispensers of liquid soap or detergent for cleaning hands shall be available at all HAND WASHING SINKS. Interim portable soap dispensers may be temporarily used when repairs may be required for fixed dispensers.
- (I) A supply of sanitary, disposable towels for drying hands shall be conveniently located near each HAND WASHING SINK. Shared common towels are prohibited. Waste receptacles that are EASILY CLEANABLE shall be conveniently located near the HAND WASHING SINK. Cloth towels are prohibited at employee HAND WASHING SINKS.
- (J) HAND WASHING SINKS, dispensers for soap, towel dispensers, and all related fixtures shall be kept clean and in good repair. Hand blow dryers shall not be used at HAND WASHING SINKS as a sole means for drying hands in areas used by employees.
- (K) A HAND WASHING SINK may have a direct connection to a sewer line drain.
- (L) In areas that process or prepare raw FOOD of animal origin for consumption of as READY-TO-EAT FOOD, a separate HAND WASHING SINK shall be provided for the sole use of that operation.

**5-202.13 Using a HAND WASHING SINK**

- (A) A HAND WASHING SINK shall be clean and maintained in good repair and shall be accessible at all times for employee use.
- (B) An automatic hand washing system shall be used in accordance with manufacturer's instructions, and be APPROVED by the HEALTH AUTHORITY.

**5-203 Service Sinks**

**5-203.11 Requirements**

- (A) All service sinks, including but not limited to mop sinks and can wash stations, and all FOOD-handling sinks, including but not limited to dump sinks, blender stations, produce sinks, and other FOOD preparation sinks, shall be serviced with hot and cold running water through a mixing or combination faucet.
- (B) At least one service sink, or one curbed cleaning sink equipped with a floor drain, directly connected to sewer shall be provided and conveniently located for cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water and similar liquid waste. The faucets at this sink shall be protected by a backflow prevention device. This sink shall not be used for FOOD preparation, FOOD handling, or for hand washing. Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

**5-204 Toilet Facilities**

**5-204.11 Toilet Facilities Within FOOD ESTABLISHMENTS**

- (A) Owner/operators of FOOD service facilities shall provide conveniently located toilet facilities for their employees. Public restrooms may be utilized for employees provided they are within the same building, are conveniently located to the FOOD ESTABLISHMENT, and are accessible to employees during all hours of the FOOD ESTABLISHMENT's operation.
- (B) Public access to toilet facilities shall not be allowed through a FOOD preparation, FOOD storage, or WARE WASHING area.
- (C) FOOD ESTABLISHMENTS, located within theme parks and entertainment complexes, may utilize centrally located restrooms that are reasonably accessible.
- (D) A FOOD ESTABLISHMENT that provides public seating shall have separate public restrooms for males and females when 10 or more public seats are provided. Only one restroom is required if there is less than 10 seats.
  - (1) Public seating includes seats, benches, stools and similar furniture provided by the owner or operator of a building, mall, or similar operation for use by the FOOD ESTABLISHMENT and located within 25' of the ESTABLISHMENT.

- (2) FOOD ESTABLISHMENTS holding existing PERMITS that were APPROVED for customer seating with a single customer restroom shall be exempt from this requirement until the FOOD ESTABLISHMENT is extensively remodeled or the existing PERMIT lapses for greater than one billing cycle.
- (E) Water closets and urinals shall be of a sanitary design.
- (F) Exhaust fans shall be installed in all new construction and extensively remodeled restrooms.
- (G) Toilet facilities, including the toilet room and fixtures, shall be kept clean, in good repair, and free of objectionable odors.
- (H) Rooms with toilets must be completely enclosed and have solid doors which must fit tightly, close automatically and remain closed except during cleaning or maintenance. Doors from rooms with toilets must not open directly into any area used for the preparation of FOOD or for the washing or cleaning of EQUIPMENT, UTENSILS or SMOOTH as specified in Chapter 6-202.14 of these Regulations
- (I) A supply of toilet tissue shall be provided at each toilet at all times. EASILY CLEANABLE covered receptacles shall be provided for waste materials. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent accumulation of waste material.
- J) A toilet is not required within the facility if the lease agreement of the FOOD ESTABLISHMENT provides that the lessor will at all times provide clean and appropriately stocked and maintained toilet facilities for employees of the FOOD ESTABLISHMENT.

**5-205 Backflow and Back-Siphonage**

**5-205.11 Backflow Prevention, Air Gap**

An air gap between the water supply inlet and the flood level rim of the PLUMBING FIXTURE, EQUIPMENT, or non-FOOD EQUIPMENT shall be a minimum of two times the diameter of the water supply inlet and may not be less than 1”.

**5-205.12 Backflow Prevention Device, Design Standard**

A backflow or back-siphonage prevention device installed on a water supply system shall meet the *American Society of Sanitary Engineer (A.S.S.E.)* standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.

**5-205.13 Conditioning Device, Design**

A water filter, screen, and other water condition device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

**5-205.14 Backflow Prevention Devices**

Where backflow prevention is required, an appropriate device shall be installed to prevent backflow of a solid, liquid, or gas contaminant into the public water supply system at each point of use in the FOOD ESTABLISHMENT, including on a hose bib whether a hose is attached or not by:

- (A) Providing an air gap with a minimum of two times the diameter of the water supply inlet, but not less than 1”.
- (B) Installing an APPROVED backflow prevention device as specified in Section 5-205.12 of this Chapter.

**5-205.15 Backflow Prevention Device, Carbonator**

- (A) A reduced pressure zone valve assembly shall be installed upstream from a carbonator device and downstream from any water supply line containing copper.
- (B) Backflow prevention devices attached to carbonator systems shall be tested and certified at least annually by a certified backflow prevention specialist. A copy of the certification shall be provided to the HEALTH AUTHORITY upon request.
- (C) Backflow prevention devices shall be tagged to show the last date the assembly was tested and certified.

**5-205.16 Backflow Prevention Device, Location**

A backflow prevention device shall be located so that it can be easily accessed for testing, servicing, and repairs.

**5-205.17 Conditioning Device, Location**

A water filter, screen, and other water condition devices installed on water lines shall be located to facilitate disassembly for periodic cleaning and servicing.

**5-205.18 Prohibiting a Cross-Connection**

- (A) A PERSON may not create a cross-connection by connecting a pipe or conduit between the DRINKING WATER system and either a non-DRINKING WATER system or a water system of unknown quality.
- (B) The piping of a non-DRINKING WATER system shall be durably identified so that it is readily distinguishable from piping that carries DRINKING WATER.



**5-206 Inspection and Service**

**5-206.11 Scheduling Inspection and Service for a Water System Device**

Except as specified in Section 5-205.15 (B) of this Chapter, a device including but not limited to a backflow prevention device or a water treatment device, shall be scheduled for inspection and service in accordance with manufacturer's instructions, and as necessary to prevent device failure based on local water conditions. Records of inspection and/or service shall be maintained by the PERSON IN CHARGE, and a copy shall be provided to the HEALTH AUTHORITY upon request.

**5-206.12 Water Reservoir of Fogging Devices, Cleaning**

- (A) A reservoir that is used to supply water to a device, including but not limited to a produce fogger, shall be constructed with an APPROVED backflow prevention device, and:
  - (1) Maintained in accordance with manufacturer's specifications.
  - (2) Cleaned in accordance with manufacturer's specifications, or according to the procedures as specified in Paragraph B of this Section.
- (B) Cleaning procedures shall include at least the following steps, and shall be conducted at least once a week:
  - (1) Draining and complete disassembly of the water and aerosol contact parts.
  - (2) Brush cleaning of the reservoir, aerosol, and discharge nozzles with a suitable detergent solution.
  - (3) Flushing the complete system with water to remove the detergent solution and particulate accumulations.
  - (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with an APPROVED sanitizer at recommended strengths.

**5-3 Mobile Water Tank**

**Subparts**

**5-301 Materials**

**5-302 Design and Construction**

**5-303 Operation and Maintenance**

**5-301 Materials**

**5-301.11 APPROVED Materials**

Materials that are used in the construction and/or repair of an APPROVED mobile water tank, mobile FOOD ESTABLISHMENT water tank, and related appurtenances shall be:

- (A) Safe.
- (B) Durable, corrosion resistant.
- (C) Finished to have a SMOOTH, EASILY CLEANABLE surface.

**5-302 Design and Construction**

**5-302.11 Enclosed System, Sloped to Drain**

A mobile water tank shall be enclosed from the filling inlet to the discharge outlet and sloped to an outlet that allows complete drainage of the tank.

**5-302.12 Inspection and Cleaning Port, Protected and Secured**

If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank, and:

- (A) Flanged upward at least 1/2".
- (B) Equipped with a port cover assembly that is:
  - (1) Provided with a gasket and a device for securing the cover in place.
  - (2) Flanged to overlap the opening, and sloped to drain.

**5-302.13 "V" Type Threads, Use Limitation**

A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

**5-302.14 Tank Vent, Protected**

If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (A) 16 mesh/inch screen or equivalent when the vent is in a protected area.
- (B) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

**5-302.15 Inlet and Outlet, sloped to Drain**

- (A) A water tank and its inlet and outlet shall be sloped to drain.



- (B) A water tank inlet shall be positioned so that it is protected from contaminants including but not limited to waste discharge, road dust, oil, or grease.

**5-302.16 Hose, Construction and Identification**

A hose used for conveying DRINKING WATER to a water tank shall be constructed of FOOD GRADE materials APPROVED by NSF/ANSI or equivalent, and shall be:

- (A) Safe
- (B) Made of durable, non-absorbent CORROSION-RESISTANT MATERIALS.
- (C) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.
- (D) Finished with a SMOOTH interior surface.
- (E) Clearly and durably identified as to its use, unless permanently attached.

**5-302.17 Filter, Compressed Air**

A filter that does not pass either oil or oil vapors shall be installed in the air supply line between the compressor and the DRINKING WATER system when compressed air is used to pressurize the water tank system.

**5-302.18 Protective Cover or Device**

A cap and keeper chain, closed cabinet, closed storage tube, or other APPROVED protective cover or device shall be provided for the water inlet, outlet, hose, and associated EQUIPMENT.

**5-303 Operation and Maintenance**

**5-303.11 System Flushing and Disinfection**

A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of non-use.

**5-303.12 Using a Pump and Hoses, Backflow Prevention**

A PERSON shall operate a water tank, pump, and hoses so that backflow and CONTAMINATION of the water supply are prevented.

**5-303.13 Tank, Pump, and Hoses, Dedication**

A water tank, pump, and hoses used for conveying DRINKING WATER shall be used for no other purpose.

**5-4 Sewage, Other Liquid Waste, and Rainwater**

**Subparts**

**5-401 Mobile Holding Tank**

**5-402 Retention, Drainage, and Disposal**

**5-403 Disposal Facility**

**5-401 Mobile Holding Tank**

**5-401.11 Capacity and Drainage**

Any SEWAGE holding tank present in a mobile FOOD ESTABLISHMENT shall be sized 15% larger in capacity than the water supply tank and sloped to a drain pipe that has a 1" or greater inner diameter and is equipped with a shut-off valve.

**5-402 Retention, Drainage, and Disposal**

**5-402.11 Establishment Drainage System**

FOOD ESTABLISHMENT drainage systems, including grease traps, that convey SEWAGE shall be designed, constructed, and installed according to the requirements of the most current edition of the *Uniform Plumbing Code* adopted by Southern Nevada and the Agency of Water Reclamation or the AGENCY OF JURISDICTION.

**5-402.12 Backflow Prevention**

A direct connection shall not exist between the SEWAGE system and a drain receiving discharges from EQUIPMENT in which FOOD, portable EQUIPMENT, or UTENSILS are placed. An air gap of at least 1" shall be provided between the EQUIPMENT drain pipe and the flood level rim of the floor drain. To reduce splash at the floor drain, the drain pipe may be cut at an angle, if adequate air gap is provided.

**5-402.13 Grease Trap**

- (A) As per the regulations adopted by the *Southern Nevada Uniform Plumbing Code*, one or more grease traps or grease interceptors shall be installed at any FOOD ESTABLISHMENT that generates grease that could enter a sewer system.
- (B) Grease traps or grease interceptors shall be EASILY CLEANABLE.
- (C) A grease trap or grease interceptor shall be located outside the FOOD ESTABLISHMENT whenever possible.
- (D) A grease trap or grease interceptor shall not be located in any area where FOOD is prepared, or where UTENSILS or TABLEWARE are washed or stored. Prior to installation the location shall be APPROVED by the HEALTH AUTHORITY.
- (E) Alternative methods of grease disposal (grease machines) may be located within a FOOD ESTABLISHMENT with prior approval from the HEALTH AUTHORITY.

**5-402.14 Conveying SEWAGE**

- (A) SEWAGE shall be conveyed to the point of disposal through an APPROVED sanitary SEWAGE system, or other APPROVED system, including use of SEWAGE transport VEHICLES, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated in an APPROVED manner.
- (B) Soil and waste lines shall not be installed over FOOD preparation, storage, or EQUIPMENT and UTENSIL cleaning areas, unless separated by the floor immediately above or by some other method APPROVED by the HEALTH AUTHORITY such as the installation of trough pans under roof drain lines, soil lines, and waste lines which are drained into floor sinks.

**5-402.15 Gravity Drainage of Liquid Waste Effluent from EQUIPMENT to Sewer**

- (A) Drainage of all liquid waste effluent from EQUIPMENT to sewer shall be accomplished by gravity at not less than 1"per 12"of fall.
- (B) Sump pumps and lift stations are not allowed for the purpose of draining FOOD service EQUIPMENT to sewer, except in the case of a lift station installed outside the FOOD ESTABLISHMENT that has been APPROVED by the building and sanitation REGULATORY AUTHORITY. In such a case, an alarm system with both audio and visual signals shall be installed within each FOOD ESTABLISHMENT serviced by the lift stations.
- (C) Evaporative waste water may be drained to a heated evaporative pan device APPROVED by the HEALTH AUTHORITY.
- (D) Secondary HVAC drains, within FOOD processing or storage areas, may not terminate at the ceiling or at any place that may be a source of FOOD or UTENSIL CONTAMINATION.

**5-402.16 Removing Mobile FOOD ESTABLISHMENT Waste**

SEWAGE and other liquid waste shall be removed from a mobile FOOD ESTABLISHMENT only at an APPROVED waste SERVICING DEPOT or by a PERMITTED SEWAGE transport VEHICLE in such a way that a public health HAZARD or nuisance is not created.

**5-403 Disposal Facility**

**5-403.11 APPROVED SEWAGE Disposal System**

SEWAGE shall be disposed through an APPROVED facility that is:

- (A) A public SEWAGE treatment plant.
- (B) An individual SEWAGE disposal system that is properly sized, constructed, maintained, and operated as APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION.

**5-403.12 Other Liquid Wastes and Rainwater**

Condensate drainage and other non-SEWAGE liquids and rainwater shall be drained from the point of discharge to disposal, according to LAW.

**5-5 Refuse, Recyclables, and Returnables**

**Subparts**

**5-501 Facilities on the Premises**

**5-502 Removal**

**5-503 Facilities for Disposal and Recycling**

**5-501 Facilities on the PREMISES**

**5-501.11 Indoor Storage Area**

If located within the FOOD ESTABLISHMENT, a storage area for REFUSE, recyclables, and returnables shall meet the requirements as specified in Chapter 6 of these Regulations.

**5-501.12 Outdoor Storage Surface**

An outdoor storage surface for REFUSE, recyclables, and returnables shall be constructed of non-absorbent material including but not limited to concrete or asphalt, and shall be SMOOTH, durable, and sloped to drain.

**5-501.13 Outdoor Enclosure**

An outdoor enclosure for REFUSE, recyclables, and returnables shall be constructed of durable and cleanable materials.

**5-501.14 Receptacles**

- (A) Receptacles and waste handling units for REFUSE, recyclables and returnables, and for use with materials containing FOOD residue shall be durable, cleanable, insect and rodent resistant, leak proof, and non-absorbent.

- (B) Plastic bags shall be used to line receptacles for storage of REFUSE and FOOD debris inside the FOOD ESTABLISHMENT. All receptacles and waste handling units for REFUSE, recyclables and returnables shall not create a nuisance.
- (C) All receptacles and waste handling units for REFUSE, recyclables, and returnables shall not create a nuisance.

**5-501.15 Outside Receptacles**

- (A) Receptacles and waste handling units for REFUSE, recyclables and returnables, that are used outside the FOOD ESTABLISHMENT and contain FOOD residue, shall be designed and constructed to have tight-fitting lids, doors, or covers.
- (B) Receptacles and waste handling units for REFUSE and recyclables, including but not limited to an on-site compactor, shall be constructed and installed so that accumulation of debris, and insect and rodent attraction and harborage, are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

**5-501.16 Storage Areas, Rooms, and Receptacles, Capacity and Availability**

- (A) An inside storage room and area, and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold REFUSE, recyclables, and returnables that accumulate.
- (B) A receptacle shall be provided in each area of the FOOD ESTABLISHMENT, or PREMISES where REFUSE is generated or commonly discarded, or where recyclables or returnables are placed.
- (C) If disposable towels are used at HAND WASHING SINKS, a waste receptacle shall be located at each sink, or group of adjacent sinks.

**5-501.17 Cleaning Implements and Supplies**

- (A) Suitable cleaning implements and supplies, including but not limited to, high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for REFUSE, recyclables, and returnables.
- (B) Off-PREMISES based cleaning services may be used if on-PREMISES cleaning implements and supplies are not provided.

**5-501.18 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location**

- (A) An area designated for REFUSE, recyclables, returnables, and, except as specified in Paragraph B of this Section, a redeeming machine for recyclables or returnables shall be located so that it is separate from FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES, to ensure that a public health HAZARD or nuisance is not created.
- (B) A redeeming machine may be located in the PACKAGED FOOD storage area or CONSUMER area of a FOOD ESTABLISHMENT if, FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES are not subject to CONTAMINATION from the machines and a public health HAZARD or nuisance is not created.
- (C) The location of receptacles and waste handling units for REFUSE, recyclables, and returnables shall not create a public health HAZARD or nuisance, or interfere with the cleaning of adjacent space.

**5-501.19 Storing REFUSE, Recyclables, and Returnables**

REFUSE, and recyclables and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects, rodents, and other vermin.

**5-501.20 Areas, Enclosures, and Receptacles, Good Repair**

Storage areas, enclosures, and receptacles for REFUSE, recyclables and returnables shall be maintained in good repair.

**5-501.21 Outside Storage Prohibitions**

- (A) REFUSE receptacles that do not meet the requirements specified in Section 5-501.14 (A) of this Chapter, and that contain materials with FOOD residue, such as receptacles that are not rodent resistant, unprotected plastic bags, and paper bags, or baled units shall not be stored outside.
- (B) Cardboard or other packaging material that does not contain FOOD residue, and that is awaiting regularly scheduled pick-up and delivery to a recycling or disposal site, shall be stored uncovered outside, if stored so that it does not create a rodent harborage problem.

**5-501.22 Covering Receptacles**

Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be kept covered:

- (A) Inside the FOOD ESTABLISHMENT, if the receptacles and units:

(1) Contain FOOD residue and are not in continuous use.

(2) After they are filled.

(B) With tight-fitting lids or doors if placed outside the FOOD ESTABLISHMENT.

**5-501.23 Using Drain Plugs**

Drains in receptacles and waste handling units for REFUSE, recyclables, and returnables shall have drain plugs in place.

**5-501.24 Maintaining REFUSE Areas and Enclosures**

Storage areas and enclosures for REFUSE, recyclables or returnables shall be maintained clean and shall be free of unnecessary items as specified in Chapter 6-501.20 of these Regulations.

**5-501.25 Cleaning Receptacles**

(A) Receptacles and waste handling units for REFUSE, recyclables and returnables shall be thoroughly cleaned in a manner that does not contaminate FOOD, EQUIPMENT, UTENSILs, LINEN, or SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES, and waste water shall be disposed of as specified in Section 5-402.14 of this Chapter.

(B) Soiled receptacles and waste handling units for REFUSE, recyclables and returnables shall be cleaned at a frequency necessary to prevent them from developing a build-up of soil or from attracting for insects, rodents, and other vermin.

**5-502 Removal**

**5-502.11 Frequency**

REFUSE, recyclables, and returnables shall be removed from the PREMISES at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects, rodents and other vermin.

**5-502.12 Receptacles or VEHICLES**

REFUSE, recyclables, and returnables shall be removed from the PREMISES by:

(A) Portable receptacles that are constructed and maintained according to LAW.

(B) A transport VEHICLE that is constructed, maintained, and operated according to LAW.

**5-503 Facilities for Disposal and Recycling**

**5-503.11 Prohibitions**

(A) FOOD waste grinders, garbage disposals, FOOD waste digestion systems, and other similar EQUIPMENT that is designed to introduce FOOD waste into the sanitary sewer are prohibited.

(B) Solid waste shall be recycled or disposed of in a PERMITTED public or private community recycling or Solid Waste facility which is sized, constructed, maintained, and operated according to LAW.

# CHAPTER 6

## Physical Facilities

### Parts

- 6-1 Materials for Construction and Repair
- 6-2 Design, Construction, and Installation
- 6-3 Numbers and Capacities
- 6-4 Location and Placement
- 6-5 Maintenance and Operation
- 6-6 Special Facilities

### 6-1 Materials for Construction and Repair

#### Subparts

- 6-101 Indoor Areas
- 6-102 Outdoor Areas

#### 6-101 Indoor Areas

##### 6-101.11 Surface Characteristics

Materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

- (A) SMOOTH, durable, and EASILY CLEANABLE in areas where FOOD ESTABLISHMENT operations are conducted.
- (B) Non-absorbent for areas subject to moisture including but not limited to FOOD preparation areas, walk-in refrigerators, WARE WASHING areas, toilet rooms, mobile FOOD ESTABLISHMENT SERVICING DEPOTS, and areas subject to flushing or spray cleaning methods.
- (C) The floors, and coverings for floors, in all areas used in the preparation and storage of FOOD, and for washing UTENSILS and FOOD service EQUIPMENT, including walk-in refrigerators and freezers, and in all refrigerators, dressing rooms, locker rooms, and rooms with toilets and their vestibules shall be constructed of SMOOTH, cleanable material, including but not limited to SEALED concrete, terrazzo, quarry tile, ceramic tile, or commercial grades of vinyl composition tile, or as APPROVED by the HEALTH AUTHORITY.
- (D) Closely woven and EASILY CLEANABLE carpet for carpeted areas. Carpeting is allowed in customer sales areas where safety is a concern, but only the carpet squares which are easily removable for cleaning and repair.
- (E) Wood, wood laminates, particle board, medium-density fiber (MDF), or other wood-based products may not be used as structural support for EQUIPMENT in new or remodeled FOOD-service areas. Wood or wood-base products may be used for structural support of FOOD EQUIPMENT in other FOOD service areas including but not limited to: back bars, and customer self-service areas provided that such wood-based support structure is fully encapsulated with stainless steel, FRP, or other material APPROVED by the HEALTH AUTHORITY. All external corners shall be radiused, all seams and edges shall be SEALED, and wood or wood-base structural support shall not be compromised with penetrations for plumbing, drainage, pipe chases, or electrical service. Wood or wood-based products may be used for non-structural cosmetic purposes in non-FOOD ZONES of customer interface areas. Wood or wood-based products may be used for non-structural cosmetic purposes in non-FOOD ZONES of customer interface areas.

#### 6-102 Outdoor Areas

##### 6-102.11 Surface Characteristics

- (A) Outdoor walking and driving areas shall be surfaced with concrete, asphalt, gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions. Stagnant water shall not be allowed to accumulate.
- (B) Exterior surfaces of buildings for FOOD ESTABLISHMENTS shall be of weather-resistant materials, and shall comply with all applicable federal, state, and local statutes, regulations, and ordinances.
- (C) Areas for housing rubbish for disposal shall be constructed of paved surface, with metal gates, to enclose the disposal container. Where allowed by the BUILDING AUTHORITY, drains shall be installed to facilitate cleaning of the area. Such drains shall be plumbed to the sanitary SEWER through a grease interceptor to prevent discharge of waste water to the environment.
- (D) Waste water shall not be allowed to cause health HAZARDS or otherwise impair the environment.

## **6-2 Design, Construction, and Installation**

### **Subparts**

**6-201 Cleanability**

**6-202 Functionality**

### **6-201 Cleanability**

#### **6-201.11 Floors, Walls, and Ceilings**

- (A) The floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are SMOOTH and EASILY CLEANABLE, except that anti-slip floor coverings or applications may be used for safety reasons.
- (B) Carpeting may be allowed in customer retail sales area to prevent slips and falls, but only in the form of carpet squares which can be cleaned or easily replaced.

#### **6-201.12 Floors, Walls, Ceilings, and Utility Lines**

- (A) Utility service lines and pipes shall not be unnecessarily exposed on the walls or ceilings of walk-in refrigerators, of areas used for preparing FOOD, or for washing EQUIPMENT and UTENSILS, or rooms with toilets and vestibules. Utility service lines and pipes shall be located inside walls and floors, wherever reasonably possible.
- (B) Exposed utility service lines and pipes shall be installed with a minimum 1" standoff from the wall so they do not obstruct or prevent the cleaning of floors, walls, or ceilings.
- (C) Exposed horizontal utility service lines and pipes shall not be installed on the floor.  
In FOOD preparation areas, including BEVERAGE areas, syrup and BEVERAGE lines must run through durable, SMOOTH and EASILY CLEANABLE conduit.

#### **6-201.13 Floor and Wall Junctures, Coved, and Enclosed or SEALED**

- (A) In FOOD ESTABLISHMENTS, in which water flush cleaning methods are used, floors shall be provided with graded drains, and floor and wall junctures shall be coved and SEALED.
- (B) In FOOD ESTABLISHMENTS in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed with gaps no wider than 1/32" PERMITTED.

#### **6-201.14 Floor Carpeting, RESTRICTIONS, and Installation**

- (A) A floor covering, including but not limited to carpeting or similar material, shall not be installed as a floor covering in FOOD preparation areas, under refrigerators and freezers, inside walk-in refrigerators, WARE WASHING areas, toilet room areas where HAND WASHING SINKS, toilets, and urinals are located, REFUSE storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.
- (B) Carpeting installed as a floor covering in areas including but not limited to dining, retail display of PRE-PACKAGED, non-PHF (TCS), or retail display of dry FOOD shall be kept clean and in good repair:
  - (1) Securely fastened or attached to the floor with durable mastic, by using a stretch and tack method, or as APPROVED by the HEALTH AUTHORITY.
  - (2) Installed tightly against the wall, under the coving, or installed away from the wall with a space between the carpet and the wall, with the edges of the carpet secured by metal stripping or some other means.
  - (3) Any transition between hard floors and carpet shall be delineated by metal stripping or other threshold material.

#### **6-201.15 Floor Covering, Mats**

Mats shall be removable and EASILY CLEANABLE.

#### **6-201.16 Wall and Ceiling Coverings and Coatings**

- (A) Wall and ceiling covering materials shall be attached and maintained in an EASILY CLEANABLE condition.
- (B) Except in areas used only for dry storage; concrete, porous blocks, or bricks used for indoor wall construction shall be finished and SEALED to provide a SMOOTH, non-absorbent, EASILY CLEANABLE surface.
- (C) Subject to approval by the HEALTH AUTHORITY, ceilings may be less than 8' high in FOOD ESTABLISHMENTS, provided lighting and ventilation are adequate, and FOOD HANDLERS are able to walk in a fully upright position.
- (D) The walls of all FOOD preparation, UTENSIL washing, and hand washing rooms or areas, shall have light-colored, SMOOTH, EASILY CLEANABLE surfaces, and such surfaces shall be washable at least up to the highest level reached by splash or spray, up to 8' or ceiling height, whichever is less. Walls in WARE WASHING areas are considered SPLASH ZONES and shall be covered from the floor to a height of 8' or ceiling height whichever is less, with an impervious material including but not limited to fiberglass-reinforced panels or stainless steel.



### **6-201.17 Walls and Ceilings, Attachments**

- (A) Attachments to walls and ceilings, including but not limited to light fixtures, mechanical room ventilation system components, vent covers, wall and ceiling mounted fans, and decorative items, shall be SMOOTH and EASILY CLEANABLE. Wall covering or ceiling covering materials including but not limited to sheet metal, linoleum, plastic, and similar materials, shall be attached and SEALED to the wall or ceiling as to leave no open spaces or cracks that would PERMIT accumulation of grease or debris, or provide harborage for vermin.
- (B) In a CONSUMER area, wall and ceiling surfaces, decorative items, and attachments that are provided for ambiance shall be kept clean. Areas built, such as catwalks and dance platforms, shall not be a source of CONTAMINATION in any FOOD service area.
- (C) In transition areas between customer areas and food preparation area sound proofing materials, such as but not limited to durable, cleanable and non-absorbent textile or other material APPROVED by the HEALTH AUTHORITY shall be maintained clean.

### **6-201.18 Walls and Ceilings, Studs, Joists, and Rafters**

Studs, joists, and rafters shall not be exposed in areas subject to moisture. If left exposed in other rooms or areas, they shall be suitably finished and kept clean and in good repair.

## **6-202 Functionality**

### **6-202.11 Light Bulbs, Protective Shielding**

- (A) Light bulbs shall be shielded, coated, enclosed in plastic tubing, or otherwise shatter-resistant, in areas where FOOD is exposed, including ice machines, and ice bins, or where clean EQUIPMENT, UTENSILS, and LINEN, or unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES are stored.
- (B) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing FOOD in unopened packages, if:
  - (1) The integrity of the packages cannot be affected by broken glass falling onto them.
  - (2) The packages can be cleaned of debris from broken bulbs before the packages are opened.
- (C) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb to ensure that only the face of the bulb is exposed.

### **6-202.12 Heating, Ventilating, and Air Conditioning System Vents**

- (A) Heating, ventilating, and air conditioning systems shall be designed and installed to ensure that make-up air intake, and exhaust vents, do not cause CONTAMINATION of FOOD, FOOD-CONTACT SURFACES, EQUIPMENT, or UTENSILS.
- (B) All rooms and areas shall be adequately ventilated, and ventilation facilities shall be maintained and operated to ensure that all rooms and areas are kept reasonably free from excessive heat, steam, condensation, vapors, smoke, or fumes. Effective air recovery systems may be used in the ventilation of these rooms and areas.
- (C) A vented hood or canopy shall be provided over and above any high temperature dish machine, stove, griddle, broiler, hot top, deep fryer, cheese melter, or other cooking device for FOOD preparation, unless other means of ventilation is APPROVED by the HEALTH AUTHORITY. Sunday brunches, temporary set-ups, table-side cooking, sampling and demonstrations, may be exempt provided grease does not accumulate in the immediate area as determined by the HEALTH AUTHORITY.
- (D) Ventilation hoods, filters and devices shall be designed and maintained to prevent grease or condensate from dripping into FOOD, or onto FOOD preparation surfaces. Filters, where used, shall be properly installed, and made of appropriate material as specified in Chapter 4-202.15 (C) of these Regulations.
- (E) Where outside air intake ducts are used, they shall be designed and maintained so as to prevent the entry of dust, dirt, vermin, or other contaminating materials.
- (F) Ventilation systems shall comply with local fire prevention requirements and, when vented to the outside, shall discharge air in a manner not to impair the environment.

### **6-202.13 Insect Control Devices, Design, and Installation**

- (A) Insect control devices that electrocute or stun flying insects shall be designed to retain the insect within the device.
- (B) Insect control devices shall not be located and/or installed:
  - (1) Over a FOOD preparation area or,
  - (2) In a manner that dead insects, or insect fragments, may be thrown or fall onto exposed FOOD, clean EQUIPMENT, UTENSILS, LINEN, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.
- (C) Devices for flying insect control, including but not limited to air curtains or ceiling fans, shall be kept clean.

#### **6-202.14 Toilet Rooms, Enclosed**

- (A) All new and extensively remodeled FOOD ESTABLISHMENT employee restrooms shall not enter directly into a FOOD area, as specified in Chapter 5-204.11 (H) of these Regulations, except when vestibules with two intervening self-closing doors or a negative air balance that prevents air from moving from the restroom into the FOOD handling area is present.
- (B) Existing FOOD ESTABLISHMENTS, with current health PERMITS, shall not be subject to this requirement until the establishment is extensively remodeled or the existing PERMIT lapses for greater than one billing cycle.

#### **6-202.15 Outer Openings, Protected**

- (A) Outer openings of a FOOD ESTABLISHMENT shall be protected against the entry of insects, rodents, and other vermin by:
  - (1) Filling or closing holes and other gaps along floors, walls, and ceilings.
  - (2) Closed, tight-fitting windows.
  - (3) Solid, self-closing, tight-fitting doors.
- (B) This Section does not apply to FOOD ESTABLISHMENTS that open into a larger structure including but not limited to a mall, airport, or office building, or into an attached structure including but not limited to a porch, and the outer openings from the larger or attached structure is protected against the entry of insects, rodents and other vermin.
- (C) Exterior doors, used as exits, need not be self-closing if they are:
  - (1) Designated for use only when an emergency exists by the fire protection authority that has jurisdiction over the FOOD ESTABLISHMENT.
  - (2) Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use, and they are alarmed and only open with a panic bar.
  - (3) Not to be used as a receiving door.
- (D) If windows or doors of a FOOD ESTABLISHMENT, or of a larger structure within which a FOOD ESTABLISHMENT is located, are kept open for ventilation or for other purposes, the openings shall be protected against the entry of insects, rodents and other vermin by:
  - (1) Windows that are protected by 16 mesh/inch per screen.
  - (2) Properly designed and installed air curtains over doors to control flying insects. The on/off switch shall be positioned out of normal reach and shall activate a micro-switch within two seconds of opening the door.
- (E) Effective pest control methods shall be implemented in facilities that have open-air dining. Open-air dining facilities which are not able to comply with this section may be required to submit a RISK Control Plan and pay applicable fees to bring their facility into compliance. A guidance document is provided in Appendix J.

#### **6-202.16 Exterior Walls and Roofs, Protective Barriers**

Perimeter walls and roofs of a FOOD ESTABLISHMENT shall effectively protect the ESTABLISHMENT from the weather and the entry of insects, rodents, and other animals.

#### **6-202.17 Outdoor Walking and Driving Surfaces, Graded to Drain**

Exterior walking and driving surfaces shall be graded to drain.

#### **6-202.18 Outdoor REFUSE Areas, Curbed, Graded to Drain**

Outdoor REFUSE areas shall be constructed in accordance with local Building Authority regulations having jurisdiction, and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the REFUSE, and from cleaning the area and waste receptacles. If the Building Authority having jurisdiction PERMITS a cleaning station, hot and cold running water, and a drain plumbed to a grease interceptor are required for cleaning the station.

#### **6-202.19 Private Homes and Living or Sleeping Quarters, Use Prohibition**

A private home, a room(s) used as living or sleeping quarters, including bathing facilities and restrooms, or an area directly opening into a room used as living or sleeping quarters, shall not be used for conducting FOOD ESTABLISHMENT operations.

#### **6-202.20 Living or Sleeping Quarters, and Separation**

Living or sleeping quarters located on the PREMISES of a FOOD ESTABLISHMENT including but not limited to those provided for lodging registration clerks or resident managers, shall be separated from rooms and areas used for FOOD ESTABLISHMENT operations by complete partitioning and solid self-closing doors.



## **6-3 Numbers and Capacities**

### **Subparts**

- 6-301 Lighting**
- 6-302 Ventilation**

### **6-301 Lighting**

#### **6-301.11 Intensity**

- (A) At least 20-foot candles shall be provided:
- (1) At a surface where FOOD is displayed for CONSUMER self-service, including but not limited to, buffets and salad bars, or where fresh produce or PACKAGED FOOD is sold or offered for consumption.
  - (2) Inside EQUIPMENT, including but not limited to reach-in and under-counter refrigerators.
  - (3) At a distance of 30" above the floor inside walk-in refrigeration units.
  - (4) At a distance of 30" above the floor in areas used for hand washing, EQUIPMENT and UTENSIL storage, dry FOOD storage, and in toilet rooms.
- (B) At least 50-foot candles of light shall be provided at a surface where FOOD HANDLERS are working with FOOD, WARE WASHING, UTENSILS, or EQUIPMENT including but not limited to knives, slicers, grinders, or saws where employee safety is a factor.

### **6-302 Ventilation**

#### **6-302.11 Mechanical**

Mechanical ventilation of sufficient capacity shall be provided to keep rooms free from excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and/or fumes.

## **6-4 Location and Placement**

### **Subparts**

- 6-401 Employee Accommodations**
- 6-402 Distressed Merchandise**
- 6-403 Refuse, Recyclables, and Returnables**

### **6-401 Employee Accommodations**

#### **6-401.11 Designated Areas**

- (A) Areas designated for employees to eat and drink shall be located to protect FOOD, EQUIPMENT, LINEN, and SINGLE-SERVICE and SINGLE-USE ARTICLES from CONTAMINATION.
- (B) Lockers or other suitable facilities, where provided, shall be located in a designated room or area where CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE and SINGLE-USE ARTICLES cannot occur.

### **6-402 Distressed Merchandise**

#### **6-402.11 Segregation and Location**

Products that are held by the PERMIT HOLDER for credit, redemption, or return to the distributor, including but not limited to damaged, spoiled, or recalled products, shall be segregated from FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE and SINGLE-USE ARTICLES and labeled as not for use. Perishable products may be held in a refrigerated unit, provided they are held in a marked container designating the product as distressed or not for use.

### **6-403 REFUSE, Recyclables, and Returnables**

#### **6-403.11 Receptacles, Waste Handling Units, and Designated Storage Areas**

Receptacles, units and areas designated for storage of REFUSE and recyclable or returnable containers shall be located where the CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN and SINGLE-SERVICE ARTICLES or SINGLE-USE ARTICLES shall not occur.

## **6-5 Maintenance and Operation**

### **Subparts**

- 6-501 Premises, Structures, Attachments, and Fixtures - Methods**

### **6-501 Premises, Structures, Attachments, and Fixtures - Methods**

#### **6-501.11 Repairing**

The PHYSICAL FACILITIES shall be maintained in good repair.

#### **6-501.12 Cleaning, Frequency and RESTRICTIONS**

- (A) The PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.

- (B) Cleaning shall be done during periods when the least amount of FOOD is exposed, including but not limited to after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

**6-501.13 Cleaning Floors, Dustless Methods**

- (A) Only dustless methods of cleaning shall be used including but not limited to wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dustpan.
- (B) Spills or drippage on floors that occur between normal floor cleaning times shall be cleaned.

**6-501.14 Cleaning Ventilation Systems and Discharge Prohibition**

- (A) Intake and exhaust air ducts shall be cleaned and filters changed as necessary to prevent CONTAMINATION by dust, dirt, and/or other materials.
- (B) If vented to the outside, ventilation systems shall not create a public health HAZARD or impair the environment.

**6-501.15 Cleaning Maintenance Tools, Preventing CONTAMINATION**

- (A) FOOD preparation sinks, HAND WASHING SINKS, and WARE WASHING EQUIPMENT shall not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water, and other liquid wastes.
- (B) Toilets and urinals shall not be used as a service sink for the disposal of mop water and similar liquid waste.

**6-501.16 Drying Mops**

After use, mops shall be placed in a position that allows them to air-dry without soiling walls, EQUIPMENT, or supplies.

**6-501.17 Controlling Pests**

Insects, rodents, and other pests shall be controlled to minimize their presence on the PREMISES by:

- (A) Routinely inspecting incoming shipments of FOOD and supplies for the evidence of pests.
- (B) Routinely inspecting the PREMISES for evidence of pests.
- (C) Using methods, if pests are found, including but not limited to trapping devices or other means of pest control.
- (D) Eliminating pest harborage conditions.

**6-501.18 Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests**

Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and from the PREMISES at a frequency that prevents accumulation, decomposition, or attraction of pests.

**6-501.19 Storing Custodial Tools**

Custodial tools including but not limited to brooms, mops, vacuum cleaners, and similar items shall be:

- (A) Stored in a place and manner that ensures that FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES are not contaminated.
- (B) Stored in an orderly manner that facilitates cleaning the storage area used for storing the custodial tools.

**6-501.20 Maintaining PREMISES, Unnecessary Items and Litter**

The PREMISES shall be kept free from:

- (A) Items which are not necessary to the operation or maintenance of the FOOD ESTABLISHMENT,
- (B) EQUIPMENT that is no longer used or not in working order and
- (C) Litter.

**6-501.21 Prohibiting Animals**

Live animals shall be allowed on the PREMISES of a FOOD ESTABLISHMENT only in the following situations and provided that CONTAMINATION of FOOD, clean EQUIPMENT, UTENSILS, LINEN, and unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES shall not occur:

- (A) Edible FISH or decorative FISH in aquariums, SHELLSTOCK or crustacea on ice, or under refrigeration, and SHELLSTOCK and crustacea in display tank systems.
- (B) Patrol dogs accompanying police or security officers in offices and dining, sales and storage areas, and sentry dogs running loose in exterior fenced areas provided the outside areas are properly maintained;
- (C) In areas that are not used for FOOD preparation, and that are usually open for customers, including but not limited to dining and sales areas, SERVICE ANIMALS that are controlled by the disabled employee or PERSON, if a health or safety HAZARD will not result from the presence or activities of the SERVICE ANIMAL. Such animals shall not be allowed on the seats and/or tables in a FOOD ESTABLISHMENT.
- (D) FOOD HANDLERS shall not care for or handle pets while on duty.
- (E) Nothing in this Section shall be construed, or in conflict, with the Americans with Disability Act.

## **6-6 Special Facilities**

### **Subparts**

**6-601 Barbecues**

**6-602 Swap Meets**

### **6-601 BARBECUES**

#### **6-601.11 Indoor BARBECUES**

An indoor BARBECUE shall meet the structural and EQUIPMENT requirements for a FOOD ESTABLISHMENT as specified in Chapter 4 of these Regulations.

#### **6-601.12 Outdoor BARBECUES**

An outdoor BARBECUE shall meet the following requirements:

- (A) Before a FOOD ESTABLISHMENT constructs or operates a BARBECUE, a plan shall be submitted to the HEALTH AUTHORITY for approval. The plan shall include a layout drawing showing placement of EQUIPMENT and finishes to be used. It shall also include a comprehensive list of all EQUIPMENT to be used, including specification sheets. The plan shall include the BARBECUE unit, tables, hot and cold holding EQUIPMENT, and FOOD transport EQUIPMENT.
- (B) A narrative describing the operation of the BARBECUE, including the flow of FOOD to and from the BARBECUE area, thawing, preparation, transport, cold and hot holding, cooling of cooked FOOD, and service. Methods for preparing FOOD, and the kinds of FOOD to be cooked at a BARBECUE, shall be APPROVED by the HEALTH AUTHORITY.
- (C) Proof of compliance with local building/fire codes, or ordinances shall be provided, in writing, to the HEALTH AUTHORITY, before the Plan Review for a BARBECUE may be completed.

#### **6-601.13 Site Requirements**

- (A) The HEALTH AUTHORITY shall consider whether to approve the location of a BARBECUE based on factors, including, but not limited to, the weather, existing or potential sources of CONTAMINATION, the ability of the facility to protect FOOD, and the presence of insects and vermin.
- (B) The BARBECUE shall be located on the property where the FOOD ESTABLISHMENT is located, and cannot be more than 50' from the structure housing the ESTABLISHMENT.
- (C) The site of the BARBECUE shall drain properly to ensure that water will not pool, collect, cause a health HAZARD, or otherwise impair the environment. The walking surfaces within 25' of the BARBECUE shall be capable of being kept clean and free of organic materials.
- (D) The area underlying the BARBECUE shall be a hard, cleanable surface.
- (E) The BARBECUE shall be located in an open area with no overhanging trees, wires, or other impediments above the BARBECUE.
- (F) A fixed in place, or permanent BARBECUE, shall not be located in a parking lot.

#### **6-601.14 Structure Requirements**

- (A) All areas at an outdoor BARBECUE, with the exception of the BARBECUE cooking device, shall be provided with overhead protection.
- (B) In the area surrounding a BARBECUE, dust shall be minimized by using a device to block wind, or a type of ground cover that has been APPROVED by the HEALTH AUTHORITY.

#### **6-601.15 EQUIPMENT Requirements**

- (A) All FOOD service EQUIPMENT, with the exception of the BARBECUE unit, shall meet design, materials, and construction standards of *NSF/ANSI* or be equivalent to those standards. Metal or other materials meeting the FOOD ZONE material and construction requirements of *NSF/ANSI Standard 2* may be used for FOOD preparation surfaces or transport containers. Metal framing shall be used for all structures under counter tops used for FOOD preparation or on which FOOD EQUIPMENT is installed and/or plumbed.
- (B) All BARBECUE units and EQUIPMENT, not otherwise certified, shall be non-toxic and easy to clean. EQUIPMENT, including the interior of a cabinet unit or compartment, shall be constructed so as to have SMOOTH and easily accessible and EASILY CLEANABLE surfaces, with at least 1/8" horizontal and vertical coves, free from channels, crevices, flanges, ledges, sharp or jagged edges, or other cleaning obstructions. FOOD contact and splash surfaces shall be constructed of a solid material including but not limited to stainless steel, granite, or corian-like material. The surfaces shall be free of pits, cracks, rust, and other obstructions that could interfere with proper cleaning.
- (C) There shall be no provision made at the outdoor BARBECUE area for pre-cooking preparation. The preparation of FOOD shall be completed in the FOOD ESTABLISHMENT before the FOOD is transported to the BARBECUE. Seasoning and sauces may be applied during the cooking process. Cooked product shall

be adequately separated from raw product on the grill. Any service, from the BARBECUE, to the customer shall be direct and immediate.

- (D) Proper protective storage of wood chips, bark, or other organic materials used for smoking and flavoring in the cooking process, shall be provided at the BARBECUE located to prevent CONTAMINATION of FOOD.
- (E) Customers of the FOOD ESTABLISHMENT shall be separated from the BARBECUE by a distance of not less than 5' by partitions, planters, walls, or similar means.
- (F) All refrigerators intended for the storage of raw FOOD for a BARBECUE shall meet the applicable requirements of *NSF/ANSI Standard 7*.
- (G) Hot holding EQUIPMENT shall be properly powered, meeting the requirements of *NSF/ANSI Standard 4*, for holding and transporting cooked FOOD.

#### **6-601.16 Storage Requirements**

- (A) Sufficient refrigerated and dry storage for FOOD shall be provided for the BARBECUE unit.
- (B) POISONOUS or TOXIC MATERIALS, cleaning materials, and EQUIPMENT shall be stored separately from FOOD or FOOD contact items.

#### **6-601.17 Hand Wash Facilities**

- (A) Shall be conveniently located, operational, and easily accessible all times while the BARBECUE unit is in use.
- (B) BARBECUE units may have the HAND WASHING SINK installed on the unit.
- (C) The HAND WASHING SINK may be installed on an adjacent unit that is part of the same PERMIT.
- (D) The HAND WASHING SINK shall be an *NSF/ANSI APPROVED* portable unit or,
- (E) The HAND WASHING SINK shall be permanently installed and plumbed on an adjacent wall.
- (F) The HAND WASHING SINK shall be adequate in size, and so located as to permit convenient and expeditious use by all employees. The minimum sink size is 10" x 10" x 6" with a 12" clearance above the sink.
- (G) Each HAND WASHING SINK is to be a unit with tempered, or hot and cold running water, with a soap and paper towel dispenser, and at least 18" of separation between the sink and FOOD-CONTACT SURFACES.
- (H) Splash guards may be used in areas with limited space, if 18" of separation are not available.
- (I) At the sole discretion of the HEALTH AUTHORITY, BARBECUE units that are used only to cook cuts of MEAT without processing or handling of the cooked product at the BARBECUE, and without service from the BARBECUE to the customer, and solely for the handling and processing of the cooked product inside the associated PERMITTED FOOD ESTABLISHMENT, may be exempt from the requires of Section 6-601.17 (A) of this Chapter.

#### **6-601.18 Employee Toilet Facilities**

Employee toilet facilities:

- (A) Shall meet the requirements specified in Chapter 5-204.11 and Chapter 6-202.14 of these regulations.
- (B) Operators of outdoor BARBECUE shall maintain a permission letter from the owner of the facility allowing their employees use of the restrooms, during all hours of operation, unless operator and owner are the same.

#### **6-601.19 Lighting**

- (A) At least 50-foot candles of light are required on all work surfaces of EQUIPMENT.
- (B) BARBECUE units without overhead lighting shall cease operations when ambient lighting is insufficient to meet this requirement.

#### **6-601.20 FOOD Shields**

FOOD shields shall be required at all interface areas to provide a barrier between the CONSUMER and unPACKAGED, READY-TO-EAT FOOD, or FOOD service, FOOD display or FOOD processing areas not separated from the CONSUMER by a minimum horizontal distance of 30" or more; and,

- (A) FOOD shields shall be mounted to intercept a direct line between customer's mouth and the FOOD display area.
- (B) FOOD shields, as installed, shall comply with the construction, materials, finishes, and formula requirements established by *NSF/ANSI Standard 2, Section 5.35*.

#### **6-602 Swap Meets**

##### **6-602.11 Conditions**

A swap meet may sell PRE-PACKAGED FOOD, or other items regulated by the HEALTH AUTHORITY or AGENCY OF JURISDICTION, if the following conditions are met:

- (A) Non-PHF (TCS) items presented for sale in their original packaging may be sold in a booth which has carpeted floors and plastic laminate shelves.
- (B) Refrigerated items for sale in the original package shall be displayed on a floor with a SMOOTH and EASILY CLEANABLE surface.
- (C) Exposed wood is not allowed in the walls, floors or shelving material.

# Chapter 7

## Poisonous or Toxic Materials

### Parts

- 7-1 Labeling and Identification
- 7-2 Operational Supplies and Applications
- 7-3 Stock and Retail Sale

### 7-1 Labeling and Identification

#### Subparts

- 7-101 Original Containers
- 7-102 Working Containers

#### 7-101 Original Containers

##### 7-101.11 Identifying Information, Prominence

Containers of POISONOUS OR TOXIC MATERIALS, and PERSONAL CARE ITEMS shall bear a legible manufacturer's label.

#### 7-102 Working Containers

##### 7-102.11 Labeling of Working Containers

Working containers used for storing POISONOUS OR TOXIC MATERIALS, including but not limited to cleaners and sanitizers taken from bulk supplies, shall be clearly and durably labeled in English with the common name of the material. Other applicable languages may be used in addition to the English name.

- (A) Those products that, due to chemical composition or concentration, require removal or rinsing from a FOOD-CONTACT SURFACE shall be labeled with directions for proper use.
- (B) The concentration of a chemical sanitizing solution shall be frequently and accurately determined by using sanitizer test strips, a test kit, or other device.
- (C) Applicable precautionary or danger statements from the original container shall be transcribed to the working container.

### 7-2 Operational Supplies and Applications

#### Subparts

- 7-201 Storage
- 7-202 Presence and Use
- 7-203 Container Prohibitions
- 7-204 Chemicals
- 7-205 Lubricants
- 7-206 Pesticides
- 7-207 Medicines
- 7-208 First Aid Supplies
- 7-209 Other Personal Care Items

#### 7-201 Storage

##### 7-201.11 Separation

POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES by:

- (A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning.
- (B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES. This paragraph does not apply to EQUIPMENT, UTENSILS, and cleaners and sanitizers that are stored in ware washing areas for availability and convenience, if the materials are stored to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.
- (C) Grouping POISONOUS OR TOXIC MATERIALS by the following categories:
  - (1) Pesticides, including insecticides and rodenticides.
  - (2) Detergents, sanitizers, related cleaning and drying agents, caustics, acids, polishes, and other chemicals.
- (D) Pesticides shall be stored in locked cabinets which do not contain FOOD, FOOD UTENSILS, FOOD EQUIPMENT, SINGLE-SERVICE ARTICLES, etc., except as specified in Section 7-301.11 of this Chapter.

- (E) Chemicals that are directly used in the cleaning and operation of the FOOD ESTABLISHMENT shall be stored in a manner that will not contaminate FOOD or FOOD-CONTACT SURFACES.

## **7-202 Presence and Use**

### **7-202.11 RESTRICTION**

- (A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of the FOOD ESTABLISHMENT, including but not limited to the cleaning and sanitizing of EQUIPMENT and UTENSILS, and for the control of insects and rodents shall be allowed in a FOOD ESTABLISHMENT.
- (B) Paragraph (A) of this Section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS, which are for retail sale as specified in Section 7-301.11 of this Chapter.

### **7-202.12 Conditions of Use**

POISONOUS OR TOXIC MATERIALS shall be:

- (A) Used according to:
- (1) LAW and these Regulations.
  - (2) Manufacturer's use directions included in labeling, and for a pesticide manufacturer's statement that use is allowed in a FOOD ESTABLISHMENT.
  - (3) The conditions of certification, if certification is required, for use of the pest control materials.
  - (4) Additional conditions that may be established by the REGULATORY AUTHORITY.
- (B) Applied so that:
- (1) A HAZARD to employees or other PERSONS is not constituted.
  - (2) CONTAMINATION, including the presence of toxic residues due to drip, drain, fog, splash, or spray on FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES is prevented. For a RESTRICTED USE PESTICIDE, this may be achieved by:
    - (a) Removing the items.
    - (b) Protecting the items with impermeable covers.
    - (c) Taking other appropriate preventive measures.
    - (d) Cleaning and sanitizing EQUIPMENT, and UTENSILS, after pesticide application.
- (C) If a RESTRICTED USE PESTICIDE is used, it shall be applied by a certified applicator as required in NAC 555, or a PERSON under the direct supervision of a certified applicator.

## **7-203 Container Prohibitions**

### **7-203.11 POISONOUS OR TOXIC MATERIAL Containers**

- (A) A container previously used to store POISONOUS OR TOXIC MATERIAL shall not be used to store, transport, or dispense FOOD.
- (B) A FOOD container shall not be used to store, transport or dispense POISONOUS OR TOXIC MATERIALS.

## **7-204 Chemicals**

### **7-204.11 Sanitizers, Criteria**

Chemical sanitizers, and other chemical antimicrobials, applied to FOOD-CONTACT SURFACES shall meet the requirements as specified in *40 CFR 180.940, Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions)*.

### **7-204.12 Chemicals for Washing Fruits and Vegetables, Criteria**

- (A) Chemicals used to wash or peel raw, and whole fruits and vegetables, shall meet the requirements specified in *21 CFR 173.315, Chemicals Used in Washing or to Assist in the Peeling of Fruits and Vegetables*.
- (B) Ozone as an antimicrobial agent used in the treatment, storage and processing of fruits and vegetables in a FOOD ESTABLISHMENT shall meet the requirements specified in *21 CFR 173.368 Ozone*.

### **7-204.13 Boiler Water ADDITIVES, Criteria**

Chemicals used as boiler water ADDITIVES shall meet the requirements specified in *21 CFR 173.310, Boiler Water Additives*.

### **7-204.14 Drying Agents, Criteria**

Drying agents used in conjunction with SANITIZATION shall:

- (A) Contain only components that are listed as one of the following:
- (1) Generally recognized as safe for use in FOOD as specified in *21 CFR 182 - Substances Generally Recognized as Safe*, or *21 CFR 184, Direct Food Substances Affirmed as Generally Recognized as Safe*.
  - (2) Generally recognized as safe for the intended use as specified in *21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe*.
  - (3) APPROVED for use as a drying agent under a prior sanction specified in *21 CFR 181, Prior-Sanctioned Food Ingredients*.

- (4) Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in *21 CFR Parts 175-178*.
  - (5) APPROVED for use as a drying agent under the threshold of the regulation process as specified in *21 CFR 170.39, Threshold of Regulation for Substances Used in Food Contact Articles*.
- (B) When SANITIZATION is with chemicals, the approval required under Paragraph (A) (3) or (A) (5) of this Section, or the Regulation as an indirect FOOD ADDITIVE required under Paragraph (A) (4) of this Section, shall be specifically for use with chemical sanitizing solutions.

**7-205 Lubricants**

**7-205.11 Incidental FOOD Contact, Criteria**

Lubricants shall meet the requirements specified in *21 CFR 178.3570 Lubricants with Incidental Food Contact*, if they are used on FOOD-CONTACT SURFACES, on bearings and gears located on or within FOOD-CONTACT SURFACES, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.

**7-206 Pesticides**

**7-206.11 RESTRICTED USE PESTICIDES, Criteria**

- (A) RESTRICTED USE PESTICIDES, as specified in Section 7-202.12 (C) of this Chapter, shall meet the requirements specified in *40 CFR 152 Subpart I, Classification of Pesticides*.
- (B) Only pesticides APPROVED by the *Nevada State Department of Agriculture* for use in a FOOD ESTABLISHMENT shall be used.
- (C) If a general-use pesticide is used:
  - (1) Automatic spray dispensers shall be installed pursuant to the manufacturer's instructions, but in no case directly above FOOD, and at least 15 linear feet from any PACKAGED or unPACKAGED FOOD, or from any surface which may come into contact with FOOD or UTENSILS.
  - (2) The active material dispersed through the automatic spray dispenser shall be limited to pyrethrins, piperonyl butoxide, and *MGK-264* (N-octylbicycloheptene dicarboximide).
  - (3) Pesticides may not be applied as a component of paint in an area where FOOD is exposed or an area which is subject to drips, drains, or splashes.
- (D) The operator of a FOOD ESTABLISHMENT, or a Certified Pest Operator, who engages in the regular application of pesticides at the ESTABLISHMENT shall maintain a record of application. Such records shall be kept for 2 years and made available upon the request of the HEALTH AUTHORITY. A copy of each record shall include:
  - (1) The name of the applicator.
  - (2) The name of the chemical(s) used, and the purpose for the application.
  - (3) The dates of application.
  - (4) The method(s) used for the protection of FOOD, EQUIPMENT, and PERSONS.
  - (5) The method used for cleaning the ESTABLISHMENT after the application of the pesticide.
  - (6) Keeping a copy of each report for 2 years.

**7-206.12 Rodent Bait Stations**

Rodent bait shall be contained in a covered, tamper-resistant bait station.

**7-206.13 Tracking Powders, Pest Control and Monitoring**

As specified in *NAC 446.490*, a tracking powder, toxic or nontoxic, shall not be used in a FOOD ESTABLISHMENT,

**7-207 Medicines**

**7-207.11 RESTRICTION and Storage**

- (A) Except for medicines that are stored, or displayed for retail sale, only those medicines that are necessary for the health of employees shall be allowed in a FOOD ESTABLISHMENT.
- (B) Medicines present in a FOOD ESTABLISHMENT, for the employees' use shall be labeled, as specified in Section 7-101.11 of this Chapter, and located to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

**7-207.12 Refrigerated Medicines, Storage**

Medicines belonging to employees, or to children in a day care center, which require refrigeration and are stored in a FOOD refrigerator shall be:

- (A) Stored in a package or container and kept inside a covered, leak-proof container that is identified as a container for the storage of medicines.
- (B) In a container that is labeled as a medication for an employees' use.
- (C) Stored on the bottom shelf of the refrigerator.

**7-208 First Aid Supplies**

**7-208.11 Storage**

First aid supplies present in a FOOD ESTABLISHMENT, for the employees' use, shall be:

- (A) Labeled as specified in Section 7-101.11 of this Chapter.
- (B) Stored in a kit, or a container, that is located to prevent the CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

**7-209 Other PERSONAL CARE ITEMS**

**7-209.11 Storage**

Employees shall store their PERSONAL CARE ITEMS in facilities physically separate from all FOOD and FOOD-CONTACT SURFACES, except as specified in Chapter 6-401.11 of these Regulations.

**7-3 Stock and Retail Sale**

**Subpart**

**7-301 Storage**

**7-301 Storage**

**7-301.11 Separation**

POISONOUS OR TOXIC MATERIALS shall be stored and displayed for retail sale to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES by:

- (A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning.
- (B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINEN, SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.



# Chapter 8

## Compliance and Enforcement

### Parts

- 8-1 Regulatory Applicability
- 8-2 Permit to Operate
- 8-3 Inspection and Correction of Violations
- 8-4 Prevention of Food Borne Disease Transmission by Employees
- 8-5 Service of Notice and Severability

### 8-1 Regulatory Applicability

- Subparts 8-101 Preventing Health Hazards
- 8-102 Records

#### 8-101 Preventing Health HAZARDS

##### 8-101.11 Provision for Conditions Not Addressed in these Regulations

- (A) The HEALTH AUTHORITY shall address conditions when necessary to protect public health and may impose specific requirements in addition to the requirements specified in these Regulations, and as authorized by *NRS 439.410*.
- (B) The HEALTH AUTHORITY shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the PERMIT applicant or PERMIT HOLDER, and a copy shall be maintained in the HEALTH AUTHORITY's file for the FOOD ESTABLISHMENT.

#### 8-102 Records

##### 8-102.11 Permission to Examine Records

The HEALTH AUTHORITY shall be allowed to examine and obtain pertinent information concerning FOOD and supplies purchased, received or used, pest control records, and PERSONS employed as specified in *NRS 446.890*, and any other record deemed necessary by the HEALTH AUTHORITY.

##### 8-102.12 Access Allowed at Reasonable Times

After the HEALTH AUTHORITY presents official credentials and states the intention to conduct an inspection, the PERSON IN CHARGE shall allow the HEALTH AUTHORITY access to the facility during the FOOD ESTABLISHMENT's hours of operation and other reasonable times, to determine if the FOOD ESTABLISHMENT is in compliance with these Regulations. The inspection process includes, but is not limited to, the taking of photographs pertinent to the inspection, and the review of information and records as specified in these Regulations to which the HEALTH AUTHORITY is entitled according to *NRS 446.890*.

##### 8-102.13 Refusal, Notification of Right to Access, and Final Request for Access

If a PERSON denies access to the HEALTH AUTHORITY, the HEALTH AUTHORITY shall:

- (A) Inform the PERSON that:
  - (1) The PERMIT HOLDER is required to allow access to the HEALTH AUTHORITY as specified in Paragraph 8-204.12 (G) of this Chapter.
  - (2) Access is a condition of the acceptance and retention of a FOOD ESTABLISHMENT health PERMIT to operate.
  - (3) If access is denied, contact with the local enforcement agency will be made in accordance with *NRS 446.940-945* to assist with entrance into the facility.

##### 8-102.14 Refusal, Reporting

If the PERSON IN CHARGE continues to refuse access after the HEALTH AUTHORITY has presented credentials, provided notice as specified in Paragraph 8-102.12 of this Section, explained the authority upon which access is requested, and makes a final request for access, the HEALTH AUTHORITY shall provide details of the denial of access on an inspection report form.

##### 8-102.15 Intimidation of a Public Officer

As specified in *NRS 199.300*, it is unLAWful for any PERSON to directly or indirectly intimidate a public officer.

## **8-2 Permit to Operate**

### **Subparts**

- 8-201 Prerequisite for Operation**
- 8-202 Health Permit Application, Submission, Conditions, and Contents**
- 8-203 New, Converted, or Remodeled Establishments**
- 8-204 Responsibilities**
- 8-205 Enforcement**
- 8-206 Shared Facilities**
- 8-207 Compliance Schedule**
- 8-208 Equipment Defects**

### **8-201 Prerequisite for Operation**

#### **8-201.11 PERMIT Requirements**

A PERSON shall not operate a FOOD ESTABLISHMENT without a valid health PERMIT issued by the HEALTH AUTHORITY, except when an exemption is granted by the HEALTH AUTHORITY as specified in *NRS 446.870*.

### **8-202 Health PERMIT Application, Submission, Conditions, and Contents**

#### **8-202.11 Application and Submission**

A PERSON desiring to operate a FOOD ESTABLISHMENT shall submit to the HEALTH AUTHORITY a written application for a health PERMIT on a form provided by the HEALTH AUTHORITY. The application shall be submitted prior the opening date or to the date of a change of ownership.

#### **8-202.12 Conditions**

To qualify for a health PERMIT, an applicant shall:

- (A) Be an owner, prospective owner, owner designee, or an officer of the legal ownership of the FOOD ESTABLISHMENT.
- (B) Comply with the requirements of these Regulations.
- (C) Agree to allow access to the FOOD ESTABLISHMENT and to provide required information, as specified in *NRS 446.890*.
- (D) Pay the applicable health PERMIT fees at the time the application is submitted.

#### **8-202.13 Contents of the Application**

The application shall include:

- (A) The name, mailing address, telephone number, and signature of the PERSON applying for the health PERMIT, and the name, mailing address, and location of the FOOD ESTABLISHMENT. If an application is made by a corporation, an LLC, or partnership, the names of the members or officers and signature of at least one member or officer, the corporate phone number, and address shall be provided.
- (B) Information specifying whether the FOOD ESTABLISHMENT is owned by an association, corporation, individual, partnership, or other legal entity.
- (C) The name, title, address, and telephone number of the PERSON directly responsible for the FOOD ESTABLISHMENT.
- (D) The name, title, address, and telephone number of the PERSON who functions as the immediate supervisor of the PERSON specified in Paragraph (C) of this Section including but not limited to the zone, district, or regional supervisor.
- (E) The physical location of the FOOD ESTABLISHMENT, including but not limited to street address, proof of ownership, Grant Bargain Sale Deed, lease agreement, or other legal document that establishes the standing of the applicant with respect to the property.
- (F) The names, titles, and business addresses of:
  - (1) The PERSON's comprising the legal ownership as specified in Paragraph (B) of this Section, including the owners, managing members, and officers.
  - (2) The local authorized applicant, if one is required, based on the type of legal ownership. Authorization shall be in writing and shall be signed by the owner or corporate officer, managing member, or other authorized PERSON.
- (G) A statement signed by the applicant that:
  - (1) Attests to the accuracy of the information provided in the application.
  - (2) Affirms that the applicant will:
    - (a) Comply with these Regulations.
    - (b) Allow the HEALTH AUTHORITY access to the establishment as specified in Paragraph 8-102.12 of this Chapter, and to any records needed to establish compliance with these Regulations.

- (H) A statement signed by the applicant declaring exempt or non-exempt status of the facility as specified in the *Nevada Clean Indoor Air Act, NRS 202.2483*. Facilities declaring exempt status shall also provide documentation verifying exempt status, including but not limited to a non-RESTRICTED gaming license, a retail tobacco store license, or any other exemption as specified in *NRS 202.2483, Subsection 3*.
- (I) Other information as required by the HEALTH AUTHORITY.

### **8-203 New, Converted, or Remodeled Establishments**

#### **8-203.11 Approval Process**

For FOOD ESTABLISHMENTS required to submit plans as specified in Chapter 4-101.11 of these Regulations, the HEALTH AUTHORITY shall issue a health PERMIT to the applicant after:

- (A) A properly completed application is submitted. The application form is available on SNHD's Website.
- (B) The required fees are paid.
- (C) The required plans, specifications, and information have been reviewed and APPROVED.
- (D) A pre-operational inspection as specified in Chapter 4-102.11 of these Regulations showing that the ESTABLISHMENT is built or remodeled in accordance with the APPROVED plans and specifications, and that the ESTABLISHMENT is in compliance with these Regulations.

#### **8-203.12 Change of Ownership of an Existing Establishment**

An existing FOOD ESTABLISHMENT, at the time of change of ownership, shall meet the following requirements prior to issuance of a health PERMIT:

- (A) The HEALTH AUTHORITY may issue a health PERMIT to a new owner of an existing FOOD ESTABLISHMENT after a properly completed application is submitted, reviewed, APPROVED, fees are paid, and an inspection resulting in 10 DEMERITS or less of CRITICAL or MAJOR VIOLATIONS showing that the establishment is in substantial compliance with these Regulations.
- (B) The HEALTH AUTHORITY may require replacement of existing facilities and EQUIPMENT that are no longer serviceable, with facilities and EQUIPMENT that comply with these Regulations as specified in Paragraph 8-204.12 (H) of this Chapter.
- (C) Facilities receiving more than 10 DEMERITS of violations shall be closed until applicable fees are paid, and a reinspection is conducted resulting in a total of 10 DEMERITS or less of violations, with no identical CRITICAL or MAJOR VIOLATIONS remaining.

#### **8-203.13 Denial of Application for PERMIT, Notice**

If an application for a health PERMIT to operate is denied, the HEALTH AUTHORITY shall provide the applicant with a notice which includes:

- (A) The specific reasons and regulation citations for denial of the health PERMIT.
- (B) The actions the applicant must take to qualify for a health PERMIT.
- (C) Advisement of the applicant's right of appeal and the process and time frames for appeal as specified in *NAC 439.346*.

### **8-204 Responsibilities**

#### **8-204.11 Responsibilities of the HEALTH AUTHORITY**

The responsibilities of the HEALTH AUTHORITY include;

- (A) At the time a health PERMIT is first issued, the HEALTH AUTHORITY shall inform the PERMIT HOLDER where a copy of these Regulations may be obtained, and that the PERMIT HOLDER is responsible for compliance with these Regulations.
- (B) Failure to provide the above information does not prevent the HEALTH AUTHORITY from taking authorized action, or seeking remedies, if the PERMIT HOLDER fails to comply with these Regulations or an order, warning, or directive of the HEALTH AUTHORITY.

#### **8-204.12 Responsibilities of the PERMIT HOLDER**

Upon acceptance of the health PERMIT issued by the HEALTH AUTHORITY, the PERMIT HOLDER, in order to retain the health PERMIT shall:

- (A) Post the health PERMIT and grade card in a location in the FOOD ESTABLISHMENT that is clearly conspicuous to the CONSUMER upon entering the FOOD ESTABLISHMENT.
- (B) Understand that removal or obscuring of the grade card by individuals, other than the HEALTH AUTHORITY, may result in suspension of the health PERMIT.
- (C) Ensure that all facilities which sell alcoholic BEVERAGES for consumption on PREMISES, shall post health warnings for drinking during pregnancy as specified in *NRS 446.842*.
- (D) Comply with the provisions of these Regulations including the conditions of a granted VARIANCE, APPROVED WAIVER, or required HACCP PLAN, and APPROVED plans as specified in Chapter 4-101.11 and Chapter 4-101.14 of these Regulations.

- (E) Immediately contact the HEALTH AUTHORITY to report an illness of a FOOD HANDLER as specified in Chapter 2-201.11 of these Regulations.
- (F) Immediately discontinue operations and notify the HEALTH AUTHORITY if an IMMINENT HEALTH HAZARD does or may exist as specified in Section 8-304.11 of this Chapter.
- (G) Allow representatives of the HEALTH AUTHORITY access to the FOOD ESTABLISHMENT as specified in *NRS 446.890*.
- (H) Replace facilities and EQUIPMENT, which are no longer serviceable, with facilities and EQUIPMENT that comply with these Regulations if:
  - (1) The HEALTH AUTHORITY directs replacement because the existing facilities and EQUIPMENT constitute a public HEALTH HAZARD, or because they no longer comply with the criteria, upon which the facilities and EQUIPMENT were accepted.
  - (2) The HEALTH AUTHORITY directs the replacement of the facilities and EQUIPMENT at a change of ownership.
  - (3) The facilities and/or EQUIPMENT have exceeded their useful service life and should be replaced in the normal course of operation.
- (I) Comply with the requirements of *NRS 202.2483, the Nevada Clean Indoor Air Act*.
- (J) Comply with directives of the HEALTH AUTHORITY, including but not limited to time frames for corrective actions specified in inspection reports, supervisory conferences, compliance schedules, notices, orders, warnings, and other directives issued by the HEALTH AUTHORITY concerning the PERMIT HOLDER's FOOD ESTABLISHMENT or in response to community emergencies.
- (K) Comply with all applicable federal, state and local governmental requirements as related to the operation of a FOOD ESTABLISHMENT. The responsibility of upholding these requirements falls solely on the PERMIT HOLDER, and failure to do so may result in health PERMIT suspension or revocation.
- (K) Accept notices issued and served by the HEALTH AUTHORITY.
- (L) Be subject to the administrative, civil, injunctive, and criminal remedies as specified in *NRS 446.940-945*, for failure to comply with these Regulations or with a directive of the HEALTH AUTHORITY, including but not limited to time frames for corrective actions specified in inspection reports, supervisory conferences, compliance schedules, notices, orders, warnings, and other directives.

**8-204.13 PERMIT Modifications**

Proposed modifications in the type of operations to be conducted by a FOOD ESTABLISHMENT, whether still at the health PERMIT application step or after a health PERMIT has been granted, shall not be allowed unless APPROVED by Plan Review. The modification process may include, but not be limited to, a construction application, complete with plans and information describing the proposed modifications in design, EQUIPMENT, and operations. Menu changes only, if they are shown to have no impact on EQUIPMENT, may not require a new Plan Review construction application.

**8-204.14 PERMIT Transfer Prohibited**

A health PERMIT may not be transferred from one PERSON to another, from one FOOD ESTABLISHMENT to another, or from one location to another.

**8-205 Enforcement**

**8-205.11 ACTIVE MANAGERIAL CONTROL**

A PERMIT HOLDER shall ensure ACTIVE MANAGERIAL CONTROL of the facility by meeting the requirements of Chapter 2-102.11 (A), (B), or (C) of these Regulations.

- (A) Facilities with a history of multiple DOWNGRADES within a year may be required to provide a certified FOOD protection manager during all hours of operation.
- (B) Facilities with a certified FOOD protection manager, and a history of frequent DOWNGRADES and/or closures, may be referred to the HEARING OFFICER for possible suspension of PERMIT.

**8-206 Shared Facilities**

**8-206.11 Violations**

A violation of any provision of these Regulations, relating to facilities held in common or shared by more than one PERMIT HOLDER, shall be deemed a violation for each health PERMIT, unless separate distinct and designated areas exist.

**8-207 Compliance Schedule**

**8-207.11 Violations**

The HEALTH AUTHORITY shall document observed violations, require corrective action dates, and may issue a compliance schedule as follows:

- (A) The elements of a compliance schedule may include, but are not limited to, necessary training, pest control, structural modifications, EQUIPMENT upgrades, and/or temperature logs, WARE WASHING machine SANITIZATION, and/or cleaning logs.
- (B) Facilities placed on a compliance schedule by the HEALTH AUTHORITY may be closed if corrective action dates or elements of a compliance schedule are not met. If closed, facilities shall remain closed until all compliance issues are resolved, applicable fees are paid, and a reopening inspection shows that the establishment has met the compliance schedule and achieves a score of 10 DEMERITS or less of CRITICAL or MAJOR VIOLATIONS. Guidance documents are provided in Appendices G-1 and G-2.

**8-208 EQUIPMENT Defects**

**8-208.11 EQUIPMENT Taken Out of Service**

EQUIPMENT that constitutes a public HEALTH HAZARD shall be red-tagged by the HEALTH AUTHORITY and required to be taken out of service. The EQUIPMENT shall not be placed back in service until APPROVED by the HEALTH AUTHORITY. If placed back in service without HEALTH AUTHORITY approval, the facility will be DOWNGRADED to the next lower grade and applicable fees assessed.

**8-3 Inspection and Correction of Violations**

**Subparts**

- 8-301 Inspection Interval**
- 8-302 Inspection Report**
- 8-303 Food Establishment Grades**
- 8-304 Imminent Health Hazard**
- 8-305 Unsafe Food**
- 8-306 Permit Suspension and Reinstatement**

**8-301 Inspection Interval**

**8-301.11 Establishing Inspection Interval**

- (A) The HEALTH AUTHORITY shall inspect a PERMITTED FOOD ESTABLISHMENT at least once a year as required by *NRS 446.885*, or as often as necessary to ensure compliance with these Regulations.
- (B) Facilities DOWNGRADED to a “B” or “C” shall be reinspected to ensure correction of violations. Applicable fees shall be paid within 10 business days. Reinspection shall be conducted after 15 business days, as determined by the inspector, or may be scheduled sooner at the request of the operator. If the operator requests an inspection prior to 15 business days, applicable fees shall be paid prior to the reinspection.

**8-302 Inspection Report**

**8-302.11 Documenting Information and Observations**

The HEALTH AUTHORITY shall document on an inspection report form:

- (A) Administrative information about the FOOD ESTABLISHMENT's legal identity, street and mailing addresses, type of establishment, inspection date, and other information including but not limited to type of water supply and SEWAGE disposal, status of the health PERMIT, grade of the facility, and management certifications that may be required.
- (B) Specific factual observations of violations, or other deviations from these Regulations, which require correction by the PERMIT HOLDER include, but are not limited to:
  - (1) Failure of the PERSON IN CHARGE to demonstrate knowledge of FOOD BORNE ILLNESS prevention, application of HACCP principles, and the requirements specified in Chapter 2-102.11 of these Regulations.
  - (2) Failure of FOOD HANDLERS and the PERSON IN CHARGE to demonstrate their knowledge of their responsibility to report a symptom of a FOOD BORNE ILLNESS as specified in Chapter 2-201.11 of these Regulations.
  - (3) Non-conformance with CRITICAL OR MAJOR VIOLATIONS of these Regulations.
  - (4) Failure of the appropriate FOOD HANDLERS to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the HEALTH AUTHORITY due to an APPROVED VARIANCE or WAIVER.
  - (5) Failure of the PERSON IN CHARGE to provide records required by the HEALTH AUTHORITY for determining conformance with a HACCP PLAN.
  - (6) Non-conformance with CRITICAL LIMITS of a HACCP PLAN.
  - (7) Non-conformance with non-CRITICAL VIOLATIONS of these Regulations.

**8-302.12 Specifying Time Frames for Corrections**

The HEALTH AUTHORITY shall specify, on the inspection report form, the time frame for correction of the violations as follows:

- (A) To immediately cease and desist an operation if an IMMEDIATE HEALTH HAZARD exists.
- (B) After DEMERITS are recorded a PERMIT HOLDER may at the time of inspection, correct a CRITICAL or MAJOR VIOLATION of these Regulations.
- (C) Considering the nature of the potential HAZARD of the CRITICAL or MAJOR VIOLATION involved, and the complexity of the corrective action needed, the HEALTH AUTHORITY may agree to or specify a longer time frame, not to exceed 15 business days after the inspection, for the PERMIT HOLDER to correct CRITICAL or MAJOR VIOLATIONS. Depending on the violation, the HEALTH AUTHORITY may impose additional RESTRICTIONS on the facility for the allotted time frame.
- (D) The PERMIT HOLDER shall correct non-CRITICAL VIOLATIONS by the next inspection or within a time specified under the compliance schedule.

#### **8-302.13 Issuing Report and Obtaining Acknowledgment of Receipt**

At the conclusion of the inspection:

- (A) The HEALTH AUTHORITY shall provide **the original** of the completed inspection report, and the notice to correct violations, to the PERMIT HOLDER or to the PERSON IN CHARGE.
- (B) Request a signed acknowledgement of receipt on the voucher.
- (C) Post the appropriate grade, based upon the inspection findings and the condition of the facility, at the time of inspection.
- (D) 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 at the time of notice of correction.

#### **8-302.14 Refusal to Sign Acknowledgment**

The HEALTH AUTHORITY shall:

- (A) Inform a PERSON who declines to sign an acknowledgment of receipt of inspection findings as specified in Paragraph 8-302.13 of this Chapter that:
  - (1) An acknowledgment of receipt does not constitute an agreement with findings.
  - (2) Refusal to sign an acknowledgment of receipt will not nullify the PERMIT HOLDER's obligation to correct the violations noted in the inspection report within the time frames specified.
  - (3) A refusal to sign an acknowledgment of receipt shall be documented on the voucher and placed in the HEALTH AUTHORITY's historical file for the FOOD ESTABLISHMENT.
- (B) Make a final request that the PERSON IN CHARGE sign an acknowledgment receipt of inspection findings.
- (C) Provide the original of the unsigned inspection voucher to the PERSON IN CHARGE.

#### **8-302.15 Public Information**

The HEALTH AUTHORITY shall treat the inspection report as a public document and shall make it available for DISCLOSURE to a PERSON who requests it as provided in State statute or regulation.

#### **8-302.16 Verification and Documentation of Correction of CRITICAL VIOLATIONS**

The HEALTH AUTHORITY shall:

- (A) After observing at the time of inspection a correction of a CRITICAL or MAJOR VIOLATION or HACCP PLAN deviation, enter the violation and information about the corrective action on the inspection report.
- (B) As specified in Paragraph 8-302.11 of this Chapter, after receiving notification that the PERMIT HOLDER has corrected a CRITICAL or MAJOR VIOLATION, or corrected a deviation from their APPROVED HACCP PLAN, the HEALTH AUTHORITY shall verify the correction of the violation, document the information on an inspection report, and enter the report in the HEALTH AUTHORITY's records.

### **8-303 FOOD ESTABLISHMENT Grades**

#### **8-303.11 Grades**

Except for those PERMIT categories that are on a Pass/Fail, or a non-DEMERIT PERMIT APPROVED/PERMIT not APPROVED, system every FOOD ESTABLISHMENT in the HEALTH AUTHORITY's jurisdiction shall post the health PERMIT and grade card, stating the grade received at the time of the most recent inspection, in an area that is clearly conspicuous to the CONSUMER upon entering the FOOD ESTABLISHMENT.

- (A) FOOD ESTABLISHMENT grades shall be determined as follows:
  - (1) "A" Grade; an ESTABLISHMENT having a DEMERIT score of not more than 10.
  - (2) "B" Grade; an ESTABLISHMENT having a DEMERIT score of more than 10 but not more than 20.
  - (3) "C" Grade; an ESTABLISHMENT having a DEMERIT score of more than 20 but not more than 40.
- (B) If the score of the establishment is more than 40 DEMERITS, the health PERMIT shall be suspended immediately. The establishment shall remain closed until the operator has corrected the violations, paid

any applicable fees, and an inspection is conducted that results in a score of 10 or less DEMERITS with no identical CRITICAL or MAJOR VIOLATION remaining.

- (C) If upon reinspection of a "B" Grade the establishment is unable to achieve a score of 10 or less DEMERITS, with no identical repeat CRITICAL or MAJOR VIOLATIONS remaining, the establishment will be placed on a "C" Grade. A subsequent reinspection will be conducted as specified in Paragraph 8-301.11 (B) of this Chapter.
- (D) If upon reinspection of a "C" Grade the establishment is unable to achieve a DEMERIT score of 10 or less DEMERITS, with no identical repeat CRITICAL or MAJOR VIOLATION remaining, the establishment will be closed. The establishment shall remain closed until the operator has corrected the violations, paid applicable fees, and an inspection is conducted resulting in a score of 10 or less DEMERITS with no identical repeat CRITICAL or MAJOR VIOLATION remaining.
- (E) Notwithstanding the grade criteria of Paragraph 8-303.11 (A) of this Chapter, whenever an identical consecutive CRITICAL or MAJOR VIOLATION is documented, the establishment shall be DOWNGRADED to the next lower grade with a reinspection required and associated fee paid as specified in Paragraph 8-301.11 (B) of this Chapter.

### **8-304 IMMINENT HEALTH HAZARD**

#### **8-304.11 Ceasing Operations and Reporting**

- (A) Except as specified in Paragraph (B) of this Section, a PERMIT HOLDER shall immediately discontinue operations and notify the HEALTH AUTHORITY if an IMMINENT HEALTH HAZARD may exist because of an emergency, including but not limited to fire, flood, water service outage, interruption of power service for longer than two hours, lack of adequate refrigeration, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of a suspect FOOD BORNE ILLNESS outbreak, gross unsanitary occurrences or conditions, 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.

#### **8-304.12 Resuming Operations**

If operations are discontinued as specified in Paragraph 8-304.11 of this Chapter, or as specified in *NAC 446.100*, the PERMIT HOLDER shall obtain approval from the HEALTH AUTHORITY before resuming operations. Prior to resuming operations, the operator shall ensure that the IMMINENT HEALTH HAZARD has been corrected and that all items listed in the "Checklist for Re-Opening Inspection after an IMMINENT HEALTH HAZARD," are in service: A guidance document is provided in Appendix H.

- (A) Facilities documented by the HEALTH AUTHORITY, to be operating under conditions of an IMMINENT HEALTH HAZARD and that were issued an immediate CEASE AND DESIST ORDER, shall pay applicable fees and pass a reopening inspection, with 10 or less DEMERITS, and no identical repeat CRITICAL or MAJOR VIOLATIONS remaining.
- (B) Facilities that voluntarily ceased operation shall notify the HEALTH AUTHORITY when all items on the "Checklist for Re-Opening Inspection after an IMMINENT HEALTH HAZARD," are in service and, as determined by the HEALTH AUTHORITY, may reopen. Depending on the IMMINENT HEALTH HAZARD the HEALTH AUTHORITY shall determine if a re-opening inspection is required.
- (C) Operators of facilities closed for excessive violations as specified in Section 8-303.11(B) of this Chapter, or with a history of non-compliance, including repeat CRITICAL or MAJOR VIOLATIONS, may be required to attend a supervisory conference prior to an inspection to reopen the facility taking place. Applicable fees shall be paid prior to a reopening inspection.

### **8-305 Unsafe FOOD**

#### **8-305.11 Examination and Condemnation of FOOD**

- (A) As specified in *NRS 585.360* whenever the Commissioner or any of his authorized agents shall find in any room, building or other structure, or VEHICLE of transportation, any MEAT, seafood, POULTRY, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Commissioner or his authorized agents shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human FOOD.
- (B) As specified in *NRS 446.920*:
  - (1) 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.



- (2) 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. Neither such FOOD, nor the containers thereof, shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without approval of the HEALTH AUTHORITY, except by order of a court of competent jurisdiction.
- (3) The owner or PERSON IN CHARGE may make a written request for a hearing as specified in *NRS 446.895*. On the basis of evidence produced at such hearing, or on the basis of an examination, if a written request for a hearing is not received within 10 business days, the HEALTH AUTHORITY may vacate the hold order, issue a written order, or 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.
- (4) When not on a hold order by the HEALTH AUTHORITY operators may voluntarily dispose of FOOD believed to be unwholesome or otherwise ADULTERATED or MISBRANDED.

### **8-306 PERMIT Suspension and Reinstatement**

#### **8-306.11 Suspension or Revocation of PERMIT, Reinstatement of Suspended PERMIT, Hearings**

PERMITS issued under the provisions of these Regulations may be suspended as specified in *NRS 446.880*.

- (A) Health PERMITS issued under the provisions of these Regulations may be suspended temporarily by the HEALTH AUTHORITY for failure of the PERMIT HOLDER to comply with the requirements of these Regulations.
- (B) Whenever a PERMIT HOLDER or operator has failed to comply with any notice issued under the provisions of these Regulations, the PERMIT HOLDER or operator shall be notified in writing that the PERMIT is, upon service of the notice, immediately suspended or that the establishment is DOWNGRADED. The notice shall contain a statement informing the PERMIT HOLDER or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the HEALTH AUTHORITY as soon as possible.
- (C) Whenever the HEALTH AUTHORITY finds an unsanitary or other condition in the operation of a FOOD ESTABLISHMENT which, in its judgment, constitutes a substantial HAZARD to the public health, he may without warning, notice, or hearing issue a written order to the PERMIT HOLDER or operator citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must 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.
- (D) Any PERSON whose PERMIT has been suspended may, at any time, make application for reinspection for reinstatement of the PERMIT. Within 10 business days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the PERMIT has been corrected, the HEALTH AUTHORITY shall make a reinspection. If the applicant is complying with the requirements of these Regulations, the PERMIT shall be reinstated.
- (E) For serious or repeated violations of any of the requirements of these Regulations, 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 is subject to revocation and advising the PERMIT HOLDER of the requirements for filing a request for a hearing. A PERMIT may be suspended for cause pending its revocation or a hearing relative thereto.
- (F) Unless a request for a hearing is filed with the HEALTH AUTHORITY by the PERMIT HOLDER within five days, the HEALTH AUTHORITY may permanently revoke a PERMIT after five days following service of the notice.
- (G) The hearings provided for in this section shall be conducted at a time and place designated by the HEALTH AUTHORITY. 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.



### **8-306.12 Post Revocation Action**

Once the health PERMIT has been revoked, as specified in Section 8-306.11 of this Chapter, the PERMIT operator is to discontinue all FOOD activity associated with the FOOD ESTABLISHMENT in question. Failure to do so may result in:

- (A) The HEALTH AUTHORITY requesting an injunction from the District Court of Jurisdiction, against continued operation by the previous PERMIT HOLDER.
- (B) The HEALTH AUTHORITY referring the non-compliance to the District Attorney of Jurisdiction for prosecution.
- (C) Once the timeframe for appeal has transpired any FOOD remaining at the location in question may be confiscated and destroyed by the HEALTH AUTHORITY as specified in Section 8-305.11 of this Chapter.

## **8-4 Prevention of Food Borne Disease Transmission by Employees**

### **Subparts**

#### **8-401 Investigation and Control**

### **8-401 Investigation and Control**

#### **8-401.11 Obtaining PERSONAL History of Illness, Medical Examination, and Specimen Analysis**

The HEALTH AUTHORITY shall act, as specified in *NAC 441A*, when it has reasonable cause to believe that a FOOD HANDLER may be infected with an illness in a communicable form that is transmissible through FOOD, may be a carrier of infectious agents that cause a disease that is transmissible through FOOD, or is affected with a boil, an infected wound, or acute respiratory infection. Actions may include those specified in *NAC 441A.530, Foodborne Disease Outbreak*, and as required for the particular diseased as specified in *NAC 441A*.

#### **8-401.12 RESTRICTION or Exclusion of FOOD HANDLER, or Summary Suspension of PERMIT**

Based on the findings of an investigation related to a FOOD HANDLER who is suspected of being infected as specified in Section 8-401.11 of this Chapter, the HEALTH AUTHORITY may issue an order to the suspected FOOD HANDLER or PERMIT HOLDER instituting one or more of the following control measures:

- (A) RESTRICTing the FOOD HANDLER.
- (B) Excluding the FOOD HANDLER.
- (C) Closing the FOOD ESTABLISHMENT by summarily suspending a PERMIT to operate in accordance with *NRS 446.935(2b)*.

#### **8-401.13 RESTRICTION or Exclusion Order, Warning or Hearing Not Required, Information Required in Order**

Based on the findings of the investigation as specified in Paragraph 8-401.11 of this Chapter, and to control disease transmission, the HEALTH AUTHORITY may issue an order of RESTRICTION or EXCLUSION to a suspected FOOD HANDLER or the PERMIT HOLDER without prior warning, notice of a hearing, or a hearing.

#### **8-401.14 Release of FOOD HANDLER from RESTRICTION or Exclusion**

The FOOD HANDLER shall remain RESTRICTed/EXCLUDED until released to return to work by the HEALTH AUTHORITY in accordance with *NAC 441A*.

## **8-5 Service of Notice and Severability**

### **Subparts**

#### **8-501 Service of Notice**

#### **8-502 Severability Clause**

### **8-501 Service of Notice**

#### **8-501.11 Delivery of Notice**

The HEALTH AUTHORITY shall properly serve notice by:

- (A) Delivering the notice to the PERMIT HOLDER of the FOOD ESTABLISHMENT.
- (B) Delivering the notice to the PERSON IN CHARGE of the FOOD ESTABLISHMENT.
- (C) Sending the notice 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 HEALTH AUTHORITY.

#### **8-502 Severability Clause**

#### **8-502.11 Severability Clause**

Should any section, paragraph, sentence, clause, or phrase of these Regulations be declared unconstitutional or invalid for any reason the remainder of these Regulations shall not be affected thereby.

# CHAPTER 9

## Warehouse Regulations

### Parts

- 9-1 Definitions
- 9-2 Plan Review
- 9-3 Operations
- 9-4 Record Keeping
- 9-5 Personnel

### 9-1 Definitions

#### Subparts

- 9-101 Applicability and Listing of Terms
- 9-102 Definitions

#### 9-101 Applicability and Listing of Terms

##### 9-101.11 Interpretation and Application of Terms

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

#### 9-102 Definitions

**DISTRESSED FOOD** means the quality of the FOOD product may have been reduced without compromising the safety of the FOOD.

**DOCK BOOT SEALS** means the apparatus mounted around the receiving doors of the facility that eliminates air gaps between the truck and the receiving dock.

**FLIPPER** means a can with a bulged or swollen end which when depressed will force the opposite end of the can to bulge or swell.

**FIRST IN FIRST OUT (FIFO)** means a method of FOOD stock rotation that calls for use of the oldest FOOD products first according to packing date.

**LEAKER** means any container that shows evidence of leakage.

**RECONDITIONING** means any sanitary process or procedure by which distressed merchandise can be made suitable for consumption or use by the public.

**SALVAGEABLE FOOD MERCHANDISE** means any damaged or DISTRESSED FOOD item or product from a manufacturer closeout, or distressed merchandise which can be reconditioned, provided it is not ADULTERATED, contaminated, or MISBRANDED.

**SPRINGER** means a can with a bulged or swollen end which after depression returns to its bulged or swollen condition.

**SWELLER** means a can that exhibits a bulged end.

**WAREHOUSE** means any place, building, structure, room or portions thereof where bulk quantities of PACKAGED FOOD are stored. WAREHOUSE PERMITS may be required in other PERMITTED facilities where bulk quantities of PACKAGED FOOD are stored in areas, not contiguous with and part of another health PERMIT, which is billed by square footage, including but not limited to casinos, retail grocery sales and/or processing plants, and stand-alone wholesale refrigerated or dry storage facilities.

### 9-2 Plan Review

#### Subparts

- 9-201 Warehouses
- 9-202 General Warehouses
- 9-203 Refrigerated Warehouses
- 9-204 Live Molluscan and Crustacean Storage
- 9-205 Salvageable Merchandise Warehouses
- 9-206 Vending Machines and Warehouses

#### 9-201 WAREHOUSES

##### 9-201.11 Facility Plans

An applicant for a PERMIT to operate a WAREHOUSE facility shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval, as specified in Chapter 4 of these Regulations.

## **9-202 General WAREHOUSES**

### **9-202.11 Requirements**

WAREHOUSES used for storage of PRE-PACKAGED, non-PHF (TCS) or canned product in original boxes or on pallets, with minimum breakdown shall have:

- (A) Walls that are SMOOTH and in good repair.
- (B) Floors that are SMOOTH, non-absorbent, cleanable, durable, and maintained in good repair.
- (C) Floor and wall junctures which are coved and closed to no larger than 1/32". All base coving shall be made with the following materials:
  - (1) Epoxy grout or concrete curbs with a 45° angle at the top.
  - (2) Stainless steel.
  - (3) Rubber/vinyl.
- (D) 20 foot-candles of artificial light at 30" above the floor.
- (E) Lights over open FOOD shall be shielded. Light fixtures, within reach of pallet moving EQUIPMENT and cleaning EQUIPMENT, shall be protected from accidental breakage by wire cages, metal, mesh, or equivalent.
- (F) Ceilings with no exposed insulation, with use of scrim-sheeting as a minimum.
- (G) Overhead SEWAGE lines troughed with drainage to an APPROVED sanitary sewer.
- (H) Air curtain(s), DOCK BOOT SEALS, doors with weather-stripping, or other APPROVED method for control of dust, rodents, insects, and birds at receiving doors and at all other openings into WAREHOUSE areas.
- (I) A restroom with a toilet and HAND WASHING SINK inside the facility serviced with hot and cold water, APPROVED soap and disposable towels, adequate ventilation, and a self-closing door. Restroom walls shall have a 4' wainscoting of SEALED, impervious material, a SEALED base cove, and SEALED impervious material.
- (J) WAREHOUSE facilities, built or substantially remodeled after the adoption of these Regulations, shall have a mop-sink or curbed floor unit serviced with hot and cold running water. Existing WAREHOUSE facilities, with only a hose bib, shall provide for filling a mop bucket and for disposing of mop water into a sanitary sewer. Hoses attached to a water source shall have as a minimum an atmospheric vacuum breaker.
- (K) Except as specified in Section 9-202.12 of this Chapter, shelving or dunnage racks, where provided, shall be NSF/ANSI or equivalent with a clearance from the floor as follows:
  - (1) 6" minimum for up to 36" shelving depth, or
  - (2) 12" minimum for shelving >36" depth.
- (L) Gondolas and removable kick plate type shelving are acceptable only in retail grocery areas.
- (M) To facilitate rodent control, general cleaning, and inspection access, clear zones shall be maintained between walls and pallets in WAREHOUSE storage areas and shall be:
  - (1) 12" minimum if pallets are removed weekly.
  - (2) 18" minimum if pallets remain in place for more than a week. Facilities with an active infestation shall maintain 18" minimum clear zone.
- (N) WAREHOUSES shall be ventilated such that ambient room temperatures are maintained between 65°F±2° and 90°F±2°.

### **9-202.12 Shelving**

- (A) Metal frame pallet rack systems utilizing wooden planks are acceptable if maintained clean and in good repair.
- (B) UnSEALED wooden shelving in WAREHOUSE facilities shall be replaced when determined to be no longer SMOOTH and EASILY CLEANABLE.
- (C) Acceptable shelving materials/coatings shall be:
  - (1) Metal.
  - (2) Vinyl coated or CORROSION RESISTANT MATERIAL.
  - (3) Heavy duty plastic, if cleanable.
  - (4) Wood if maintained SMOOTH and EASILY CLEANABLE.
- (D) WAREHOUSES with portable shelving shall have a designated cleaning area that:
  - (1) Has a SMOOTH cleanable floor sloped to a sewer drain.
  - (2) Is properly contained.
  - (3) Is sufficient in size to accommodate the largest piece of EQUIPMENT to be cleaned

## **9-203 Refrigerated WAREHOUSES**

### **9-203.11 Additional Requirements**

In addition to the requirements in Sections 9-201 and 9-202, all refrigeration/freezer units shall:

- (A) Meet applicable sections of *NSF/ANSI Standard 7, Commercial Refrigerators and Freezers*.
- (B) In cold storage units a thermometer or temperature gauge, accurate to  $\pm 2^{\circ}\text{F}$ , shall be conspicuously placed in the warmest area.
- (C) Have a minimum 20 foot-candles of light as measured 30" off the floor.
- (D) Have condensate lines properly drained to a floor sink or other method as APPROVED by the HEALTH AUTHORITY.
- (E) Have pallets made of plastic or composite materials. Wooden pallets are prohibited for long term storage in refrigerated units.

## **9-204 Live Molluscan and Crustacean Storage**

### **9-204.11 Additional Requirements**

In addition to the requirements in Paragraphs 9-201, 9-202 and 9-203 of this Chapter, the following shall be required for live MOLLUSCAN SHELLSTOCK and crustacean storage when MOLLUSCAN SHELLSTOCK and crustacean are processed within the facility:

- (A) A three-compartment sink and ADDITIONAL HAND WASHING SINKS in facilities storing live animal FOOD product, including but not limited to SHELLSTOCK, lobsters, or frogs which requires stock rotation and handling.
- (B) 50 foot-candles of artificial light shall be provided in WARE WASHING areas.
- (C) Interior finishes shall meet the following minimum requirements:
  - (1) Wet areas shall have floor drains to sewer.
  - (2) Walls in wet areas shall have FRP panels to at least an 8' minimum height with SEALED base cove.

### **9-204.12 Holding Tanks and Related EQUIPMENT:**

- (A) Holding tanks and stands shall be made of impervious, non-toxic, non-corrosive materials, and be constructed to allow regular cleaning and sanitizing. APPROVED materials include tempered glass, acrylic, polyester or epoxy gel coated fiber glass, or other material APPROVED by the HEALTH AUTHORITY.
- (B) Each wet storage system shall have its own dedicated tank or aquarium, filter, pump, chiller, UV disinfection unit, and connecting piping.
- (C) Work tables shall meet the material and construction requirements of *NSF/ANSI, Standard 2*.
- (D) All plumbing for recirculation and filtration piping and EQUIPMENT shall meet the standards for contact with potable water and shall be certified to meet applicable sections of *NSF/ANSI Standards 14, 42, 53, 60 and 61*, and shall be compatible for use in salt water applications. All pumping and filtration EQUIPMENT shall be certified to meet *NSF/ANSI Standard 50*.
- (E) All components of a wet storage system shall be color-coded or numbered, and have arrows to indicate direction of water flow.
- (F) Filtration systems shall be designed for a minimum water turn-over rate of six hours and shall be fitted with flow meters to monitor the turn-over rates. Filtration and pumping systems shall be submitted to Plan Review for approval. The design shall ensure adequate oxygenation of the water.
- (G) Ultra-violet disinfection systems shall:
  - (1) Be provided and sized for flow rate and be compatible with the pump.
  - (2) Be capable of producing 15910 Microwatt seconds/cm<sup>2</sup> minimum killing dose.
  - (3) Have an indicator light for monitoring continuous operation while SHELLSTOCK, lobsters and/or crustacean are in the wet storage system.
- (H) A flow meter shall be installed between the filter and the UV system.
- (I) Pumps shall meet *UL Standard 1081*.
- (J) If chiller systems are provided they shall be designed for use with potable water systems and be resistant to the corrosive effects of salt water. Chiller systems shall be installed before the disinfection unit and shall be capable of maintaining water at  $45^{\circ}\text{F} \pm 2^{\circ}$  or below.
- (K) The tank shall have an indicating thermometer accurate to  $\pm 2^{\circ}\text{F}$ .
- (L) SHELLSTOCK, in spray type re-circulating wet storage systems, shall be supplied with water that is sprayed in a fan shape and stored in APPROVED trays at a minimum of 3" off the bottom of the tank to prevent submersion of SHELLSTOCK.
- (M) Adequate drainage to sewer shall be provided to accommodate backwashing of filter systems and tank drainage. Drainage to sewer shall be indirect to a floor sink or trough drain. Floor sinks shall be provided

with an appropriately sized mesh insert to prevent scales from clogging the drains.

- (N) Potable water systems shall be protected from re-circulated water systems using reduced pressure zone backflow prevention assemblies or air gaps. Hose bibs, and other connections to the potable water supply, shall be adequately protected using atmospheric vacuum breakers or pressure vacuum breakers.
- (O) Operational plans or HACCP PLANS shall be provided detailing the cleaning, sanitizing, and water testing schedules.
- (P) The system shall be capable of disinfecting storage water to a non-detectable coliform bacteria level (<2MPN/100ml), using the *APHA Recommended Procedures for the Examination of Seawater and SHELLSTOCK*.
- (Q) A validation study of the systems' operation shall be performed prior to approval by the HEALTH AUTHORITY.

## **9-205 SALVAGEABLE MERCHANDISE WAREHOUSES**

### **9-205.11 Required Areas and EQUIPMENT**

A salvage processing facility that receives DISTRESSED FOOD products shall have clearly distinct and separate areas to perform receiving, sorting, sanitizing, re-labeling, packaging, storing and discarding.

- (A) Three-compartment sinks and additional HAND WASHING SINKS shall be required in all sanitizing areas.
- (B) 50 foot-candles of artificial lighting shall be provided in all sanitizing areas.

## **9-206 VENDING MACHINES and WAREHOUSES**

### **9-206.11 Applicable Requirements**

The sale of POTENTIALLY HAZARDOUS FOOD (TCS) through a VENDING MACHINE, shall comply with the provisions of *NRS 446*, and all the requirements of these Regulations. VENDING MACHINE WAREHOUSES shall comply with the applicable construction requirements of this Chapter.

### **9-206.12 VENDING MACHINE FOOD Processing Operations**

VENDING MACHINE WAREHOUSES which engage in any type of FOOD processing, shall maintain a PERMIT issued by the HEALTH AUTHORITY and adhere to applicable construction requirements of these Regulations.

### **9-206.13 Construction of Machine**

Individual VENDING MACHINES shall be constructed as specified in *NAC 446.870* through *NAC 446.910*.

- (A) All VENDING MACHINE units used for the display or sale of POTENTIALLY HAZARDOUS FOOD shall be constructed and certified according to *NSF/ANSI* or *NAMA*, and may not be modified.
- (B) VENDING MACHINES dispensing POTENTIALLY HAZARDOUS FOOD shall have automatic controls which, in the event of a power failure, mechanical failure, or other condition resulting in unsafe temperatures, prevent it from dispensing POTENTIALLY HAZARDOUS FOOD (TCS) until it has been serviced and reset by the operator. The temperature specified for shut-off activation may deviate from the temperature and for a time immediately after the machine is filled, serviced, or restocked as follows if:
  - (1) The ambient air temperature of the cold holding VENDING MACHINE rises above 41°F±2° for not more than 30 minutes.
  - (2) The ambient air temperature of the hot holding VENDING MACHINE falls below 135°F±2 for not more than 120 minutes.
- (C) VENDING MACHINES shall have a thermometer that is accurate to ±2°F, located in the warmest part of cold FOOD machines, and in the coolest part of hot FOOD machines. The thermometer shall be easily readable from the outside of the unit.
- (D) The company name and telephone number of the operator of the VENDING MACHINE, the health PERMIT number, and the vending unit number shall be prominently displayed on the VENDING MACHINE.

## **9-3 Operations**

### **Subparts**

- 9-301 Permits**
- 9-302 General Warehouses**
- 9-303 Refrigerated Warehouses**
- 9-304 Live Molluscan and Crustacean Storage**
- 9-305 Salvageable Merchandise Warehouses**
- 9-306 Vending Machine and Processing Warehouses**

**9-301 PERMITS**

**9-301.11 Requirements**

All WAREHOUSE facilities operating within Clark County, Nevada, that store FOOD products for long or short term storage, are required to maintain a health PERMIT issued by the HEALTH AUTHORITY.

**9-301.12 Sub-Leases**

All partial rentals or sub-leases within a WAREHOUSE shall have a separate PERMIT in the name of the sub-lease holder unless the primary WAREHOUSE PERMIT HOLDER provides written documentation to the HEALTH AUTHORITY accepting all control and responsibility for the FOOD product contained in the WAREHOUSE.

**9-302 General WAREHOUSES**

**9-302.11 FOOD Protection**

All WAREHOUSE facilities shall conform to, and comply with, the requirements in Chapter 3 of these Regulations and the following:

- (A) Proper labels shall be applied to and maintained on containers to ensure proper identification.
- (B) Upon request by the HEALTH AUTHORITY, manufacturers' product code dates shall be made available for recall and trace back capabilities.
- (C) FOOD shall be rotated according to FIFO.
- (D) DISTRESSED FOOD and items to be returned to the shipper shall be in a segregated labeled area, separate from other FOOD items.
- (E) Items to be returned to the manufacturer shall be labeled and properly stored separate from FOOD for consumption or processing.
- (F) FOOD shall be stored separate from non-FOOD and chemical items by a physical barrier or a spatial separation of at least 12". Chemical items shall not be stored above FOOD items.

**9-302.12 Pallet Use and Maintenance**

- (A) Wooden or plastic pallets are acceptable for dry storage provided they are maintained in good repair, moved for regular floor cleaning, and rotated as products are removed.
- (B) Unless pallets are removed for cleaning on a regular basis, they shall be set back from the wall at least 12-18" to allow for pest control and cleaning access.

**9-302.13 Shelving**

Shelving shall be maintained clean and in good repair.

**9-302.14 Wet Area Storage**

Ice melt shall drain to a floor sink or drain to prevent accumulation of pooling water.

**9-302.15 Employee Facilities**

- (A) If employee break facilities are provided, they shall be:
  - (1) Designated and clearly marked.
  - (2) Away from FOOD handling/storage areas.
- (B) PERSONnel locker rooms/PERSONal item storage areas shall be maintained in a clean and sanitary condition.

**9-302.16 Chemical and Maintenance EQUIPMENT Storage**

Chemicals, cleaning supplies and EQUIPMENT shall be stored separately from FOOD and FOOD handling and storage areas.

**9-302.17 Floor Maintenance**

Floors shall be maintained clean, in good repair, non-absorbent, and EASILY CLEANABLE.

**9-302.18 Exterior Areas**

- (A) The exterior of the property shall be maintained free of debris, litter, and areas providing harborage to pest or vermin.
- (B) REFUSE containers and storage areas shall be maintained free of pest and vermin.

**9-302.19 Pest Control**

Pest control in a WAREHOUSE facility shall include the following:

- (A) A licensed commercial pest control service.

- (B) An integrated pest control plan available for review by the HEALTH AUTHORITY.
- (C) Dock doors that are kept closed when not in use.
- (D) Air curtains that activate automatically when doors are opened.
- (E) Devices designed to trap and/or electrocute flying insects may be used in a WAREHOUSE if they are designed and positioned so that dead insects, or insect parts, are prevented from falling on exposed FOOD, FOOD-CONTACT SURFACES, or clean EQUIPMENT and UTENSILS. The trays or receptacles holding dead insects shall be emptied weekly or more frequently as needed.
- (F) Indoor rodent control devices may include glue boards, covered tamper-resistant bait stations, and mechanical traps.
- (G) Outdoor rodent control devices may include bait stations and mechanical traps.

**9-302.20 Transportation**

VEHICLES used solely for the transport of FOOD shall be maintained in a clean, sanitary condition. If also used for transportation of toxic/poisonous materials or solid waste they shall be cleaned and sanitized prior to transporting FOOD.

**9-303 Refrigerated WAREHOUSES**

**9-303.11 Temperature Requirements**

- (A) Refrigerated WAREHOUSES shall maintain PHF (TCS) at or below a temperature of  $41^{\circ}\pm 2^{\circ}\text{F}$ .
  - (1) Every refrigerated area or freezer shall be equipped with a thermometer which is readily visible and accurate to  $\pm 2^{\circ}\text{F}$ . The thermometer shall be located at least 4' above the floor, and not in the direct blast of refrigerated air, or near entrance doors.
  - (2) Staging areas shall be maintained at a temperature which will not adversely affect the FOOD products.
- (B) FROZEN FOOD shall be maintained frozen solid.
- (C) Defrost cycles shall not adversely affect the temperature of the FOOD product.

**9-303.12 Pallet Use and Maintenance**

- (A) Plastic pallets may be PERMITTED provided they are removed for regular cleaning and maintained in good repair.
- (B) Wooden pallets are not PERMITTED except when goods are brought in on the pallets. Such pallets shall be promptly removed when emptied of their original load.

**9-303.13 Transportation**

- (A) Prior to loading of refrigerated or FROZEN FOOD, the PERSON IN CHARGE shall verify that the VEHICLE's cold storage compartment is maintaining the required temperature.
- (B) Facilities which transport refrigerated or FROZEN FOOD in non-commercial VEHICLES shall utilize insulated containers which meet the following requirements:
  - (1) Use only units APPROVED by an NSF/ANSI ACCREDITED certification program or are APPROVED by the HEALTH AUTHORITY.
  - (2) Maintain the FOOD storage units in a clean, sanitary condition.
  - (3) Provide a thermometer accurate to  $\pm 2^{\circ}\text{F}$  in each storage unit.
  - (4) Maintain temperature logs on each unit every four hours, and verify that the units are capable of maintaining the FOOD contained at required temperatures.

**9-304 Live Molluscan and Crustacean Storage**

**9-304.11 Certification Requirements**

Any facility storing or distributing MOLLUSCAN SHELLSTOCK shall obtain State of Nevada certification as required by NAC 583.548.

**9-304.12 Operations**

- (A) SHELLSTOCK shall be protected from CONTAMINATION and maintained refrigerated or shall be stored on ice while awaiting placement in a wet storage system.
- (B) The traceability of the SHELLSTOCK source shall be maintained while in the wet storage tanks until the point of sale.
- (C) Dead SHELLSTOCK or seafood shall be immediately removed from the storage tank and appropriately discarded.
- (D) Different species, SHELLSTOCK lots, and SHELLSTOCK from different harvest areas shall not be COMMINGLED. Different species of SHELLSTOCK shall not be COMMINGLED within the same water system.
- (E) Access to shellstock and seafood tanks by CONSUMERS is prohibited unless an alternative operational procedure and a WAIVER to include a water sampling method is APPROVED by the HEALTH AUTHORITY.
- (F) Water used in wet storage systems shall be potable and from an APPROVED SOURCE.



- (G) Clearance shall be maintained between the SHELLSTOCK and the bottom of the tank to keep the product out of any sediment.

#### **9-304.13 Cleaning/Maintenance**

- (A) Properly trained wet storage tank manufacturer PERSONnel or facility PERSONnel shall maintain the system.
- (B) The wet storage system water environment shall contain adequate dissolved oxygen to keep SHELLSTOCK alive.
- (C) Chemicals to clean or sanitize EQUIPMENT, and/or to treat the water, shall be used in accordance with manufacturer's instructions for the specified purpose.
- (D) The PERSON IN CHARGE shall ensure that the UV indicator light is on to confirm continuous operation.
  - (1) A reserve supply of UV bulbs shall be kept on-site. The UV bulb shall be changed as specified by the manufacturer or more frequently if needed.
  - (2) The plastic sleeve protecting the UV bulb shall be maintained clean.
- (E) Testing of the storage water for coliforms shall be weekly or more frequently as required by the HEALTH AUTHORITY. Samples shall be taken after the UV disinfection system to confirm that absence of coliforms (<2MPN/100ml). If a single sample tests positive for coliforms, daily sampling shall be immediately instituted until the sample test have no detectable levels of coliforms. SHELLSTOCK in the affected tank shall not be sold to CONSUMERS.
- (F) Salt used to produce artificial seawater shall be FOOD GRADE.
- (G) Temperature of the storage water shall be at 45°F±2° or below.
- (H) The storage water shall be checked daily for cloudiness which if present must be promptly abated. The storage water shall be changed as necessary to prevent build-up of nitrates and turbidity.

#### **9-305 SALVAGEABLE MERCHANDISE WAREHOUSES**

##### **9-305.11 Movement of DISTRESSED FOOD**

- (A) The PERSON IN CHARGE of a PERMITTED FOOD ESTABLISHMENT which is in possession of DISTRESSED FOOD due to a fire, flood, extended power outage, or other causative agent shall notify the HEALTH AUTHORITY within 24 hours. Such product shall not be removed from the site without authorization by the HEALTH AUTHORITY.
- (B) If emergency removal of distressed merchandise is required, the PERSON IN CHARGE shall immediately inform the HEALTH AUTHORITY of the extenuating circumstances and the proposed disposition of the FOOD.
- (C) The salvage facility shall provide the HEALTH AUTHORITY with a disposal receipt of the DISTRESSED FOOD.

##### **9-305.12 Flow of Operations**

A salvaging facility that receives PACKAGED DISTRESSED FOOD products shall have distinct and separate areas to perform receiving, sorting, sanitizing, re-labeling, assembling, and packaging of salvaged containers for shipping or storing in the WAREHOUSE.

- (A) All salvageable FOOD and distressed merchandise shall be protected from CONTAMINATION or adulteration while being handled, processed, stored, or transported.
- (B) All POTENTIALLY HAZARDOUS FOOD (TCS) shall be maintained at a temperature of 41°F±2° or below. All FROZEN FOOD shall be maintained frozen solid.

##### **9-305.13 Receiving Area**

A PERSON IN CHARGE of receiving goods for salvaging shall:

- (A) Examine the VEHICLE loads to ensure that the temperature of the VEHICLE's storage compartment are within the limits acceptable for the FOOD products being received.
- (B) Check the VEHICLE manifest/invoice to identify and record the FOOD product's source of distress.
- (C) Survey the VEHICLE for undesirable conditions including, but not limited to, pests, debris, and other sources of CONTAMINATION.

##### **9-305.14 Segregation of Merchandise**

All SALVAGEABLE MERCHANDISE shall be promptly sorted and segregated from non-SALVAGEABLE MERCHANDISE in the following designated areas:

- (A) Sorting Area. A PERSON IN CHARGE shall supervise the thorough inspection of each container, can, package, bottle, and box containing a FOOD product to determine whether the product is salvageable and shall sort the lot accordingly.
- (B) Discarding Area. A PERSON IN CHARGE shall arrange for the immediate segregation and removal of unsalvageable FOOD products to trash receptacles for appropriate disposition. Prior to such disposition all



unsalvageable FOOD products shall be identified and recorded. The discarding area shall not be located within an area where other operations occur.

**9-305.15 Disposition of Non-SALVAGEABLE MERCHANDISE**

- (A) PACKAGED non-salvageable FOOD shall include, but is not limited to, the following:
- (1) FOOD ADULTERATED by chemicals or pesticides.
  - (2) PHF (TCS) not maintained at required temperature.
  - (3) FOOD PACKAGED in paper or other porous material which has been subject to CONTAMINATION.
  - (4) Infant formula and baby FOOD packages bearing expired or beyond use dates.
  - (5) LEAKER, SPRINGER, FLIPPER, and SWELLER cans are deemed unfit for human consumption. Class I and Class II can defects, as specified in the *AFDO Pocket Guide to Can Defects*.
  - (6) Containers, including glass containers with press caps, screw caps, pull rings or other types of openings, which have been in contact with foam or other deleterious substances as a result of fire fighting efforts, flood, sewer backups, or similar mishaps.
  - (7) FOOD products in plastic or glass containers with screw caps, snap-lids, crimped caps, twist caps, snap open and similar closure types shall not be reconditioned if the containers have been submerged in water or subjected to smoke CONTAMINATION.
  - (8) Glass containers which have been subjected to a sudden impact, including but not limited to a collision or a VEHICLE turn-over.
  - (9) FOOD PACKAGED in plastic, paper, cardboard, cloth, or similar packaging material that has sustained water damage or has been exposed to foam.
  - (10) A container of FOOD without the appropriate label or mandatory information that cannot be identified and relabeled correctly.
- (B) Non-SALVAGEABLE MERCHANDISE shall not be sold or distributed as human FOOD, and shall be disposed of in a manner APPROVED by the HEALTH AUTHORITY. Receipts of disposal shall be maintained and made available to the HEALTH AUTHORITY upon request.

**9-305.16 RECONDITIONING and SANITIZATION Area**

RECONDITIONING of merchandise shall take place in the SANITIZATION area. A PERSON IN CHARGE of these operations shall perform or supervise the SANITIZATION of all salvageable cans in accordance with an APPROVED SANITIZATION process. FOOD containers not requiring RECONDITIONING shall be dusted or wiped clean prior to re-labeling.

**9-305.17 RECONDITIONING of Canned FOOD Products**

- (A) Cans may be reconditioned if:
- (1) The product is not contaminated.
  - (2) Metal cans of FOOD shall be free from pitted rust, with no rust remaining after buffing, electrolysis, or suitable means of rust removal.
  - (3) There are no dents on the rim or double seal, and no V-shaped creases in the metal in other areas.
  - (4) Cracking has not compromised the can's corrugations.
  - (5) The ends of the can are not bulged.
  - (6) Cans soiled by dirt, smoke, non-potable water, or in any other manner may be reconditioned if the product is not contaminated and the container can be cleaned by an APPROVED method.
- (B) FOOD product, in a HERMETICALLY SEALED CONTAINER, exposed to fire and smoke but not excessive heat may be cleaned and reconditioned
- (C) Hermetically SEALED salvageable cans of FOOD product that have been exposed to non-potable water shall be reconditioned using the following procedure:
- (1) Remove labeling.
  - (2) Inspect cans for pinholes.
  - (3) Wash cans in soapy solution.
  - (4) Rinse cans in potable water.
  - (5) Buff cans to remove surface rust.
  - (6) Sanitize cans by immersing for 20 seconds in a solution containing not less than 100 ppm of chlorine.
  - (7) Dry.
  - (8) Re-labeled as specified in Paragraph 9-305.20 of this Chapter.

**9-305.18 RECONDITIONING of Screw Top, Crimped Cap or Similar Closure Packages**

- (A) These containers may be reconditioned if:

- (1) The product is not contaminated.
- (2) The soil can be removed without affecting the closure mechanism or the contents.
- (3) The closure mechanism is free of rust, and buffing removes any surface rust.
- (4) Indentations on the cap or crown have not damaged the seal.
- (5) All labels and tax stamps are in place.
- (6) Cans with flip tops can be sanitized provided a careful examination of the area under the flip top is performed. All exposed 6-pack units shall be separated from their plastic binding prior to being wiped clean.

(B) Containers of FOOD shall be deemed unsuitable for RECONDITIONING if:

- (1) The product is contaminated.
- (2) There is evidence that the container has been exposed to extreme pressure or temperature.
- (3) Soil surrounds the closure mechanism.
- (4) Rust surrounds the closure mechanism.
- (5) The cap or crown has dents affecting the rim seal.
- (6) The product was submerged in water or chemicals.

**9-305.19 RECONDITIONING of Plastic, Paper, Cardboard, Cloth or Similar Containers**

(A) Containers exposed to minor fire and/or smoke damage may be reconditioned, if the labels are intact and the contents have not been affected. Containers may be reconditioned if:

- (1) The product is not contaminated.
- (2) The external container or package is compromised, but the interior liner/container or remains intact.
- (3) The container can be cleaned without contaminating or otherwise affecting the product.

(B) Containers shall be deemed unsuitable for RECONDITIONING if the package integrity has been compromised and the FOOD product may have been exposed to CONTAMINATION.

**9-305.20 Labeling Distressed Merchandise**

(A) Re-labeling Area: At the re-labeling area, the PERSON IN CHARGE shall ensure that the label applied contains all the necessary and pertinent information contained on the original FOOD product label. If re-labeling is not required the product salvage date shall be added to the container's label.

(B) Salvaged FOOD product containers shall meet the labeling requirements of the *NRS* and the *Fair Packaging and Labeling Act* in the *Federal Food, Drug, and Cosmetic Act* and the following:

- (1) Salvageable cans shall be cleaned in accordance with Paragraph 9-305.17 prior to re-labeling.
- (2) Re-labeling or over-labeling shall:
  - (a) Contain all information from the original label.
  - (b) Not be misleading in any way.
  - (c) Show the label codes and "sell by" or "use by" dates given on the original packaging, plus the date of product RECONDITIONING. The word "Salvaged", in a minimum 1/4" inch letters, and the salvage repackaging facility's name and address shall be on the label.

(C) All labels shall be submitted to the HEALTH AUTHORITY for approval.

(D) Salvaged FOOD shall not be sold, offered for sale or distributed after the "sell by" or "use by" date on the label of the original container unless the manufacturer assures, in writing to the HEALTH AUTHORITY, the continued safety of the product. The written assurance shall specify a "sell by" or "use by" date to be shown on the new label.

**9-305.21 Storage and Shipping Area**

(A) Storing in WAREHOUSE Area: a PERSON IN CHARGE shall perform or supervise the transfer of all salvaged FOOD product containers to a clean and controlled area and shall prepare a manifest or inventory identifying the date and place where the FOOD products were put in storage. If at any time during storage a FOOD product becomes contaminated, or a container becomes distressed, it shall be deemed unsalvageable and disposed of properly.

(B) Shipping Area: A PERSON IN CHARGE shall record, on a manifest or similar report, all FOOD products shipped or distributed, and shall inspect the cargo area and transport VEHICLE for cleanliness and required temperature control prior to loading.

**9-305.22 Salvage Processing Facilities and Distributors Outside of Clark County, Nevada**

Salvaged FOOD product from salvage processing facilities and distributors located outside of Clark County, Nevada, may be sold or distributed within Clark County if it originates from an APPROVED SOURCE PERMITTED by its local HEALTH AUTHORITY or AGENCY OF JURISDICTION. The HEALTH AUTHORITY may request PERMIT verification or copies of inspection reports from the local jurisdiction.

**9-306 VENDING MACHINE and Processing WAREHOUSES**

**9-306.11 Operational Requirements**

Individual VENDING MACHINES shall be operated as specified in NAC 446.870 through NAC 446.910. VENDING MACHINE WAREHOUSES shall meet applicable requirements of these Regulations and of State Statute, including but not limited to:

- (A) Milk and fluid milk products and fluid non-dairy products, or creaming agents may not be dispensed in VENDING MACHINES as additional ingredients in hot liquid BEVERAGES or other FOOD.
- (B) POTENTIALLY HAZARDOUS FOOD (TCS) offered for sale in VENDING MACHINES shall be dispensed to the CONSUMER in the individual, original container or package into which it was placed at:
  - (1) A FOOD ESTABLISHMENT having a PERMIT issued by the HEALTH AUTHORITY or AGENCY OF JURISDICTION, or
  - (2) The plant of the manufacturer or processor.
- (C) VENDING MACHINES which dispense POTENTIALLY HAZARDOUS FOOD (TCS) shall be provided with adequate refrigerating or heating units and thermostatic controls which ensure the maintenance of refrigerated FOOD at a temperature of 41°F±2° or below, and hot FOOD at a temperature of 135°F±2° or above, or 10°F±2° or below if frozen.
- (D) The FOOD products shall be properly labeled as required by these Regulations.
- (E) Ready to eat POTENTIALLY HAZARDOUS FOOD (TCS) held for more than 24 hours shall be labeled with the preparation date by when the FOOD shall be consumed, which shall be seven days or less from the date of preparation. Ready to eat POTENTIALLY HAZARDOUS FOOD (TCS) shall be discarded if not consumed within seven days from the date of preparation
- (F) Refrigerated READY-TO-EAT PHF (TCS) prepared in a FOOD ESTABLISHMENT, and dispensed through a VENDING MACHINE with an automatic shut-off control, shall be discarded if it exceeds a temperature and time combination as specified in Chapter 3-501.17 (A) of these Regulations.
- (G) Receptacles for trash shall be provided in the vicinity of each VENDING MACHINE or group of VENDING MACHINES, but not within the VENDING MACHINE. The receptacles shall close automatically, shall be leak proof, EASILY CLEANABLE, insect and rodent proof, and shall be cleaned daily to prevent the attraction of insects and rodents.

**9-306.12 Compliance**

All VENDING MACHINE companies that provide VENDING MACHINES that dispense POTENTIALLY HAZARDOUS FOOD (TCS), including novelty frozen desert products, shall have a PERMIT for their place of business where the POTENTIALLY HAZARDOUS FOOD (TCS) is stored, prepared, and stocked. The operator of the VENDING MACHINE company shall maintain a record of all VENDING MACHINES that dispense POTENTIALLY HAZARDOUS FOOD. This record shall include the VENDING MACHINE's physical location, its serial or identification number, and the type of FOOD dispensed.

**9-306.13 Transportation**

- (A) The FOOD storage compartment of all VEHICLES used for the transport of refrigerated or FROZEN FOOD for use in a VENDING MACHINE shall be maintained in a clean and sanitary condition.
- (B) Prior to loading of refrigerated or FROZEN FOOD for use in VENDING MACHINES, the PERSON IN CHARGE of the transport VEHICLE shall verify that the storage compartment is maintaining required temperature.
- (C) Facilities which utilize insulated containers with cooling inserts shall:
  - (1) Use only units APPROVED by an NSF/ANSI ACCREDITED certification program.
  - (2) Maintain the FOOD storage units in a clean, sanitary condition.
  - (3) Provide a thermometer accurate to ±2°F in each storage unit.
  - (4) Maintain temperature logs on each unit every four hours, and verify that the units are capable of maintaining the FOOD contained at required temperatures.

**9-4 Record Keeping**

**Subparts**

**9-401 Record Keeping**

**9-402 Examination of Records**

**9-401 Record Keeping**

**9-401.11 Requirements**

- (A) Records shall be maintained for a minimum of one year and shall be made available for inspection by the HEALTH AUTHORITY upon request.
- (B) The operator shall maintain a product inventory, which includes point of origin and final destination, of all products shipped.
- (C) All facilities that WAREHOUSE and distribute Bi-valve MOLLUSCAN SHELLSTOCK shall have a written HACCP PLAN on file. Record keeping by retail FOOD facilities utilizing wet storage of MOLLUSCAN SHELLSTOCK shall include inspection and monitoring of the water treatment/UV disinfection system, water testing, maintenance records, SHELLSTOCK trace-back, temperature controls, cleaning and SANITIZATION of the tanks.
- (D) All salvage facilities, including FOOD ESTABLISHMENTS that carry out salvage operations, shall keep legible records and/or receipts of distressed, salvageable, and/or salvaged FOOD product. These records shall include the product name, quantity of specified packages, the source of the distressed or salvaged FOOD product, the date received, the type of damage if any, shipping dates if applicable, and the disposition of FOOD product that was stored salvaged but was later disposed of or destroyed as unsalvageable or ADULTERATED.
- (E) The operator of the WAREHOUSE shall maintain temperature logs on the following:
  - (1) All refrigerated and FROZEN FOOD upon receipt. Receiving temperatures recorded on invoices shall meet the requirements of a log.
  - (2) The ambient air of the refrigerated compartment of transport VEHICLES prior to loading for shipment of all refrigerated and FROZEN FOOD.
  - (3) All refrigeration units within the WAREHOUSE.

**9-402 Examination of Records**

**9-402.11 Permission to Examine Records**

The HEALTH AUTHORITY shall be allowed to examine records of the ESTABLISHMENT, that are pertinent to these Regulations or to obtain pertinent information to recalls, trace-backs, or outbreak investigations as specified in *NRS 446.890*.

**9-5 Personnel**

**Subpart**

**9-501 Management and Personnel**

**9-501 Management and PERSONNEL**

**9-501.11 FOOD HANDLER Health**

The PERSON IN CHARGE shall promptly report to the HEALTH AUTHORITY information about the health and activities of FOOD HANDLERS that may relate to symptoms of an illness that are transmissible through FOOD as specified in Chapter 2 of these Regulations.

**9-501.12 FOOD HANDLER HEALTH CARD**

FOOD HANDLER's working with open FOOD in a WAREHOUSE shall possess a current, valid FOOD HANDLER'S HEALTH CARD as specified in Chapter 2 of these Regulations.

**9-501.13 PERSONAL Cleanliness**

The PERSON IN CHARGE shall ensure that:

- (A) All FOOD HANDLERS wash their hands as specified in Chapter 2 of these Regulations
- (B) All FOOD HANDLERS wear clean outer clothing.

**9-501.14 Hair Restraints**

FOOD HANDLERS who prepare or serve FOOD shall restrain their hair as specified in Chapter 2-402.11 of these Regulations.

**9-501.15 Tobacco Use**

Smoking and tobacco usage is prohibited within a WAREHOUSE operation.

# Chapter 10

## Mobile Food Units

### Parts

- 10-1 Definitions
- 10-2 Plan Review
- 10-3 Food Protection
- 10-4 Sanitation Requirements
- 10-5 Commissary or Servicing Depot
- 10-6 Personnel
- 10-7 Administrative Requirements

### 10-1 Definitions

#### Subpart

- 10-101 Applicability and Listing of Terms
- 10-102 Definitions

#### 10-101 Applicability and Listing of Terms

##### 10-101.11 Interpretation and Listing of Terms

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

#### 10-102 Definitions

**FOOD SERVICE TRAILER** means a MOBILE FOOD UNIT designed to be towed on public roads, and having an enclosed area for storage, handling, or preparation of FOOD, and PERMITTED as MOBILE FOOD UNITS as a FULL SERVICE COACH.

**FROZEN PRODUCT SALES/DELIVERY MOBILE UNIT** means a pick-up truck or similar VEHICLE with either a built-on or slide-in prefabricated freezer unit, or a canopy with a freezer inside for the delivery of PRE-PACKAGED FOOD to designated addresses. No open FOOD handling or door-to-door sales is allowed.

**FULL SERVICE COACH** means a MOBILE UNIT, including FOOD SERVICE TRAILERS, in which FOOD, including PHF (TCS), may be stored, prepared, cooked, and/or served.

**MOBILE UNIT** means any properly enclosed VEHICLE in which FOOD, BEVERAGES, frozen desserts or dairy products and mixes are prepared, processed, or converted for human consumption, and which is used to sell and dispense FOOD and BEVERAGES to customers. The term includes full service “hot” trucks and limited service “ice cream” trucks. The term does not include a pushcart or any portable unit for the service of FOOD.

**PRE-PACKAGED FROZEN NOVELTY TRUCK** means a MOBILE UNIT in which APPROVED menu items are RESTRICTED to LOW-RISK FOOD that may include PRE-PACKAGED, non-PHF (TCS) or LOW-RISK FOOD, including but not limited to frozen confections, sodas, chips, and candies.

**SELF SERVICE PRE-PACKAGED FOOD TRUCK** means a MOBILE UNIT from which customers serve themselves PRE-PACKAGED FOOD.

### 10-2 Plan Review

#### Subparts

- 10-201 Commissary
- 10-202 Servicing Depot
- 10-203 Mobile Unit Plans
- 10-204 Facility and Equipment

#### 10-201 COMMISSARY

##### 10-201.11 PERMIT Requirements

All COMMISSARY facilities operating within Clark County, Nevada, are required to maintain a health PERMIT issued by the HEALTH AUTHORITY.

##### 10-201.12 EQUIPMENT and Structural Requirements

A COMMISSARY shall meet the EQUIPMENT and structural requirements for a FOOD ESTABLISHMENT as provided in FOOD Service Establishment Plan Review Requirements for EQUIPMENT and facilities, and as specified in these Regulations.

#### 10-202 SERVICING DEPOT

##### 10-202.11 PERMIT Requirements

All SERVICING DEPOT facilities operating within Clark County, Nevada, are required to maintain a health PERMIT issued by the HEALTH AUTHORITY.

#### **10-202.12 EQUIPMENT AND Structural Requirements**

In addition to a valid health PERMIT, SERVICING DEPOTS shall meet the following requirements:

- (A) A room large enough to accommodate a MOBILE UNIT, with properly constructed walls, ceiling and floors, and proper ventilation and lighting shall be provided at a SERVICING DEPOT for cleaning MOBILE UNITS.
- (B) Floors shall be properly sloped and drained to a sanitary sewer.
- (C) SERVICING DEPOTS are required to have EQUIPMENT commensurate with the type of FOOD that is being stored during the MOBILE UNIT's servicing. FOOD holding areas shall be separated from cleaning areas with partitions or other distinguishable barriers.
- (D) There shall be a hose sufficient for washing a MOBILE UNIT at a SERVICING DEPOT, and a facility to store the hose off the ground, to prevent CONTAMINATION.
- (E) There shall be a sufficient amount of steam or hot water, at a temperature of at least 170°F±2°, to properly sanitize the MOBILE UNIT and EQUIPMENT that is not sanitized with chemical disinfectants.
- (F) There shall be adequate ventilation to prevent the accumulation of vapors, fumes, or mists during the cleaning and SANITIZATION processes.
- (G) There shall be an APPROVED three-compartment sink.
- (H) There shall be adequate drainage and grease collection capacities, as required by the AGENCY OF JURISDICTION and the HEALTH AUTHORITY, to prevent FOOD debris and excessive grease from entering the sanitary sewer system or storm drains.
- (I) There shall be a restroom, with at least one toilet and one HAND WASHING SINK, plumbed with hot and cold running water, stocked with toilet paper, liquid soap, paper towels, and a covered trash receptacle as specified in Chapter 6-202.14 of these Regulations. This restroom shall be accessible to anyone working within the COMMISSARY or SERVICING DEPOT.

#### **10-203 MOBILE UNIT Plans**

##### **10-203.11 Plan Submission**

Plans shall be submitted to the HEALTH AUTHORITY, Environmental Health Plan Review, for all VEHICLES that are to be used as MOBILE UNITS.

##### **10-203.12 Third Party PERMITTING**

No MOBILE UNIT shall be rented or sub-leased to a third party without the renter or lessee obtaining a separate health PERMIT.

##### **10-203.13 General Requirements**

The following information shall be provided at the time the plans for MOBILE UNITS are submitted:

- (A) The VEHICLE identification number (VIN) of the VEHICLE used for the MOBILE UNIT.
- (B) The license plate number and State of issuance of the VEHICLE used for the MOBILE UNIT.
- (C) A description of markings specific to each MOBILE UNIT. The VEHICLE shall have the name, along with either the address or the phone number, of the vendor visible from both sides of the unit.
- (D) A letter of intent which describes:
  - (1) The menu for the MOBILE UNIT.
  - (2) The methods and EQUIPMENT to be used for cooking, cooling, and holding of FOOD.
  - (3) Methods for preparing and handling FOOD when prepared on the MOBILE UNIT.
- (E) A signed letter of agreement with the COMMISSARY or SERVICING DEPOT outlining the services provided to the MOBILE UNIT which shall include a copy of the COMMISSARY or SERVICING DEPOT's health PERMIT. An address for the location of the VEHICLE, when not parked at the COMMISSARY or SERVICING DEPOT, shall be provided to the HEALTH AUTHORITY.
- (F) Any other information requested by the HEALTH AUTHORITY, during the Plan Review process, which is necessary to determine the scope of the FOOD ESTABLISHMENT operations.

##### **10-203.14 Structure and EQUIPMENT**

FROZEN PRODUCTS SALES/DELIVERY MOBILE UNITS shall be equipped with an *NSF/ANSI Standard #7* freezer unit. The unit compressor shall be capable of operating from a converter, or other APPROVED method of mechanical refrigeration, at all times when the VEHICLE is running. The freezer unit shall be enclosed with an APPROVED thermometer readable from outside the unit.

##### **10-203.15 PRE-PACKAGED FROZEN NOVELTY TRUCKS**

PRE-PACKAGED FROZEN NOVELTY TRUCKS shall meet the following structural, EQUIPMENT, and Plan Review requirements:

- (A) An individual shall be able to stand upright inside of the unit.

- (B) The service shall be from the inside to the outside via service openings with a maximum of two openings, no larger than 18" square, with either hinged or slider windows.
- (C) The inside finishes of the VEHICLE shall be light in color, and SMOOTH and EASILY CLEANABLE. Walls and ceilings shall be light in color with SMOOTH and EASILY CLEANABLE surfaces. Floors shall be of metal or commercial grade linoleum.
- (D) A description of the type of ventilation and/or air conditioning system(s) used within the VEHICLE. These systems shall be able to maintain the interior ambient temperature within the testing limit temperature range of the refrigeration EQUIPMENT.
- (E) An *NSF/ANSI STANDARD #7*, or equivalent freezer unit, with a compressor capable of operating off appropriately sized converter, or other APPROVED method of mechanical refrigeration, at all times when the VEHICLE is running. Dry ice is prohibited from use in a MOBILE UNIT.

**10-203.16 SELF-SERVICE PRE-PACKAGED FOOD TRUCK**

SELF-SERVICE PRE-PACKAGED FOOD TRUCKS shall meet the following structural, EQUIPMENT, and Plan Review requirements:

- (A) Doors/covers shall be tight fitting to protect the unit from inclement weather and effectively EXCLUDE dust, dirt, and vermin.
- (B) A description of the location where FOOD, EQUIPMENT, UTENSILS, paper products, water tanks, and cleaning supplies will be stored on the unit.
- (C) The outside of the unit shall be of metal or fiberglass construction equivalent to or exceeding *NSF/ANSI* standards for construction and materials.
- (D) The interior of cabinet units or compartments shall be constructed to have SMOOTH, easily accessible and EASILY CLEANABLE surfaces, with at least 1/8" horizontal and vertical coves, free from channels, crevices, flanges, ledges, sharp or jagged edges, or other cleaning obstructions.
- (E) Surfaces shall be constructed of a solid material including but not limited to stainless steel. The surfaces shall be free of pits, cracks, rust, and other obstructions that would interfere with proper cleaning. Wood surfaces are not allowed.
- (F) Newly PERMITTED units shall have mechanical refrigeration for all POTENTIALLY HAZARDOUS FOOD, with ice used only as a supplement to refrigeration.
- (G) Coffee prepared at APPROVED establishments PERMITTED by the HEALTH AUTHORITY, as the base of operations, may be sold from an APPROVED commercial *NSF/ANSI* dispenser.
- (H) A description of the type of EQUIPMENT that will be used to dispense paper cups, stirring sticks, spoons, straws, sugar, dried creamer, or PRE-PACKAGED CONDIMENTS. Paper cups used at a MOBILE UNIT shall be contained in an APPROVED dispenser that effectively protects the interior and the lip of the cup from dust and handling.
- (I) Provisions for proper disposal and storage of solid waste within the MOBILE UNIT and outside of the MOBILE UNIT for customer use.
- (J) Receptacles shall be maintained clean so as not to create a nuisance.
- (K) Receptacles shall be lined with properly sized disposable plastic liners.

**10-203.17 Supplemental Service from a SELF-SERVICE PRE-PACKAGED FOOD TRUCK**

In addition to the above requirements, FOOD handling outside, of the VEHICLE, shall be limited to the preparation of espresso, specialty coffees, and related BEVERAGES provided that:

- (A) The unit contains an *NSF/ANSI* certified HAND WASHING SINK serviced with tempered or hot/cold water under pressure, and soap and towels with splash guards, as specified in Section 10-203.18 (J) of this Chapter.
- (B) The unit contains an *NSF/ANSI* certified three compartment sink with integral drain boards and serviced with hot and cold water under pressure.
- (C) The unit contains adequate safeguards to protect FOOD from CONTAMINATION during service and while in transit.
- (D) The unit has 35-foot candles of light on the preparation, HAND WASHING SINK, and three-compartment sink surfaces.
- (E) The unit contains a 15-gallon fresh water supply, a water heater that provides no less than 10 gallons per hour of 120°F±2° hot water, and a waste water tank that is at least 15% larger than the combined capacity of fresh and hot water tanks, and meets the requirements as specified in Section 10-203.18 (K) of this Chapter.
- (F) The COMMISSARY for such a unit shall meet the requirements of a full service kitchen and shall meet all requirements as specified in these Regulations.

**10-203.18 FULL SERVICE COACHES**

All minimum kitchen standards apply as provided in *Food Service Establishment Plan Review Requirements for Equipment & Facilities*, including hot and cold water sources, HAND WASHING SINKS, three-compartment sinks, cooking, heating and refrigeration EQUIPMENT, ventilation, and interior finishes. These MOBILE UNITS shall comply with all applicable requirements of these Regulations. Specific requirements are:

- (A) The unit shall be fully enclosed and tall enough on the inside to stand upright, 6' minimum height.
- (B) Service openings shall be no larger than 18" square and located away from open FOOD to protect the FOOD from CONTAMINATION. Service openings shall be hinged or designed to slide open, and remain open only while FOOD and BEVERAGES are being served. If service openings are not self-closing fly fans shall be installed.
- (C) Doors to the outside shall be self-closing.
- (D) There shall be a partition or dividing wall between the FOOD preparation and the driver's cab areas of the MOBILE UNIT.
- (E) Floors shall be of impervious material, SMOOTH and EASILY CLEANABLE, with coved, watertight junctures. Walls and ceilings shall be light colored, with SMOOTH, EASILY CLEANABLE material.
- (F) Ventilation shall be sufficient to prevent the unnecessary opening of doors and service windows. Cooking appliances generating grease-laden vapors shall have an NSF/ANSI or equivalent ducted, grease-baffle hood with an ansul system.
- (G) 50-foot candles of light shall be provided on FOOD-CONTACT SURFACES with all light fixtures properly shielded.
- (H) Refrigeration, cooking, and hot-holding EQUIPMENT shall be NSF/ANSI or equivalent. Plan submissions shall include:
  - (1) The type, number, and location(s) of refrigeration and/or hot holding display units placed on the VEHICLE.
  - (2) An adequate number of units large enough to store safely all cold PHF (TCS) at a temperature of  $41^{\circ}\text{F}\pm 2^{\circ}$  or below.
  - (3) The type and location of cooking EQUIPMENT.
  - (4) The source of off-VEHICLE electrical power when the VEHICLE is running.
    - (a) Cooking EQUIPMENT may be powered using either VEHICLE electrical power or propane.
    - (b) Hot holding units may be operated using either VEHICLE electrical power or propane.
- (I) A three-compartment sink is required and shall have integral drain boards. The three-compartment sink shall be large enough to accommodate all UTENSILS and KITCHENWARE and shall have hot and cold water under adequate pressure. Hot water shall be maintained at  $120^{\circ}\text{F}\pm 2^{\circ}$ . The faucets shall reach all bays of the sink.
- (J) A separate HAND WASHING SINK is required with hot/cold, tempered/cold, or tempered only DRINKING WATER that is delivered through a mixing faucet. The minimum size is 10"x10" with a minimum depth of 6" and a 12" clearance above the sink. If the HAND WASHING SINK is located within 18" of a FOOD preparation surface, or the dish washing area, there shall be a 12" high waterproof splash guard installed between the HAND WASHING SINK and the dish washing sink and/or FOOD preparation area. At all times the HAND WASHING SINK shall be fixed in place, accessible and uncovered. No cutting board or drain board shall be placed or permanently installed over the HAND WASHING SINK. The HAND WASHING SINK shall be located between 30" and 42" above the floor in the FOOD preparation area.
- (K) There shall be a minimum 40 gallon fresh water tank. The water heater shall provide no less than 22 gallons per hour of  $120^{\circ}\text{F}\pm 2^{\circ}$  hot water. Water supply shall be protected from CONTAMINATION and back-siphonage, and shall fill and drain via RV-type fixtures. There shall be a minimum of a 46 gallon waste water tank that is 15% larger than the combined capacities of the tanks holding the water supply. Water fixtures and tanks shall meet the following requirements:
  - (1) Water pumps must activate automatically when water is dispensed from a fixture. Manually operated water pumps are prohibited.
  - (2) The water and waste water tanks shall be rigid, durable, and EASILY CLEANABLE. Collapsible tanks are not allowed.
  - (3) Tanks shall be sloped to drain and shall have capacity indicators.
  - (4) The MOBILE UNIT is not allowed to hook up to water or sewer anywhere except at their APPROVED COMMISSARY or SERVICING DEPOT.
  - (5) The inlet for water shall be removable, made of flexible copper pipe or other APPROVED tubing, and equipped with an APPROVED vacuum breaker or nozzle for connecting a potable water-grade hose.



- (6) There shall be a cap available so the tank may be capped when not in use.
- (7) The filler hoses shall be clearly and permanently identified, used only for their intended purposes, and hung with the ends connected or covered when stored. Hoses connected to potable water shall meet the requirements as specified in Chapter 5-302.16 of these Regulations. A vacuum breaker shall be installed on the water tap at the COMMISSARY or SERVICING DEPOT.
- (8) If compressed air is used to pressurize the water tank system, a filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and DRINKING WATER system.
- (9) The inlet and outlet shall be located to prevent CONTAMINATION from the discharge of waste, dust from the road, oil, or grease.
- (10) The waste water tank drain shall be at least 1" in diameter with a shut-off valve.
- (11) Waste water tanks with an outlet for overflow are prohibited.
- (L) The type and location of any pressurized tanks or cylinders used in the VEHICLE, including but not limited to carbon dioxide for BEVERAGES, or propane for heating or cooking require that:
  - (1) All tanks and cylinders fasten securely to the units.
  - (2) Liquid petroleum be installed and maintained to meet local fire department standards and other applicable LAWS.
  - (3) Pressurized cylinders be installed in a compartment separate from the burner and be vented to the outside.
- (M) The type and location of ventilation EQUIPMENT require that:
  - (1) Ventilation shall be sufficient to eliminate the need to have the service window open for cooling when not otherwise in use to serve FOOD or BEVERAGES.
  - (2) Cooking appliances generating grease-laden vapors shall have an NSF/ANSI or equivalent ducted, grease baffle hood with a fire suppression system.
  - (3) A ventilation and/or air conditioning system within the MOBILE UNIT shall be capable of maintaining the internal ambient temperature within the testing limits of the refrigeration EQUIPMENT.
- (N) Provisions shall be made for proper disposal and storage of solid waste, both within and outside of the MOBILE UNIT, for customer use ensuring that:
  - (1) Receptacles are maintained clean so as not to create a nuisance.
  - (2) All receptacles are lined with properly sized disposable plastic liners.

**10-204 Facility and EQUIPMENT**

**10-204.11 Modifications**

Any proposed changes in EQUIPMENT or the operation of the MOBILE UNIT shall be submitted to, and APPROVED by, the HEALTH AUTHORITY prior to the proposed changes being made.

**10-3 Food Protection**

**Subparts**

- 10-301 Food Purchasing and Receiving**
- 10-302 Food Packaging**
- 10-303 Food Storage and Transportation**
- 10-304 Food Preparation, Holding, Display, and Service**

**10-301 FOOD Purchasing and Receiving**

**10-301.11 FOOD from an APPROVED SOURCE**

- (A) All ingredients used in FOOD, including ice, prepared in a mobile FOOD vendor COMMISSARY or MOBILE UNIT shall be from an APPROVED SOURCE.
- (B) The source of the FOOD, whether in the state of Nevada or offered in interstate commerce, shall meet or exceed all federal, state, and local regulations in the jurisdiction in which the ingredient or FOOD was initially prepared, as well as all of the standards in the HEALTH AUTHORITY's jurisdiction. When FOOD or novelty items are prepared or manufactured outside the jurisdiction of the United States of America, that particular FOOD or novelty item may be evaluated at the discretion of the HEALTH AUTHORITY.
- (C) FOOD determined to be in unacceptable condition cannot be used as ingredients in FOOD offered for sale in the MOBILE FOOD UNIT and shall be discarded or returned to the provider for credit.
- (D) No FOOD prepared or stored in a private residence or house may be used, stored, served, offered for sale, sold, or given away in a MOBILE UNIT.

**10-301.12 FOOD Receiving and Storage**

- (A) During receiving the PERSON IN CHARGE of the COMMISSARY shall inspect all FOOD for proper temperature and storage.
- (B) FOOD shall be transported and stored in a manner that maintains its required temperature, and to prevent CROSS-CONTAMINATION during transport.
- (C) FOOD shall comply with all requirements listed in Chapter 3-1 and 3-2 of these Regulations during receiving and storage.

**10-302 FOOD Packaging**

**10-302.11 Commercially PACKAGED FOOD**

- (A) FOOD that is purchased by a mobile FOOD vendor that comes PRE-PACKAGED for individual sale, including but not limited to ice cream novelties, candy, potato chips, PACKAGED cookies, JUICE boxes, half-pints of milk, etc., shall remain in their individual packaging for sale to the CONSUMER. PRE-PACKAGED FOOD stating "Not Labeled for Individual Sale" shall not be sold.
- (B) Commercially PACKAGED FOOD for daily use:
  - (1) Syrups used to make sundaes, milkshakes, and similar items shall be kept in the original containers which shall not be refilled.
  - (2) The container shall have a non-corrosive cover with an integral ladle.
  - (3) Multi-use pumps for syrup or milk shall be washed, rinsed, and sanitized, at least daily or more frequently if needed, in the three-compartment sink located on the VEHICLE, or at the COMMISSARY/SERVICING DEPOT, and as specified in Chapter 4-404.11 of these Regulations.

**10-302.12 FOOD Packaging and Storage Prior to Transport**

Raw and prepared FOOD items shall be properly stored, prior to transport on the intended sales route, in the following ways:

- (A) Any commercially PRE-PACKAGED FOOD offered for sale from a MOBILE UNIT, including but not limited to ice cream, soda, potato chips, and candy shall be stored in their original packaging prior to and during transport in the MOBILE UNIT.
- (B) Prepared FOOD to be offered for individual sale at self-service MOBILE UNITS, including but not limited to sandwiches, fresh cookies, bagels, or donuts shall be individually wrapped in FOOD GRADE plastic wrap, aluminum foil, butcher paper, or other appropriate FOOD container. This does not include intact raw fruits or vegetables.
  - (1) Prepared READY-TO-EAT FOOD, which is individually wrapped for sale, shall be labeled with a listing of ingredients and the location of the FOOD ESTABLISHMENT or COMMISSARY where the FOOD was prepared.
  - (2) READY-TO-EAT, PHF (TCS) shall be labeled and dated as required by Chapter 3-501.17 of these Regulations.
  - (3) No FOOD, once placed and offered for sale on a MOBILE UNIT, shall be re-wrapped or re-dated.
- (C) FOOD sold from a FULL-SERVICE MOBILE UNIT shall be containerized or otherwise PACKAGED to prevent CROSS-CONTAMINATION or damage during transport.
- (D) FOOD items, which will be loaded on the MOBILE UNIT for transport, shall be stored at the COMMISSARY in a manner that will protect the FOOD from CONTAMINATION.

**10-303 FOOD Storage and Transportation**

**10-303.11 EQUIPMENT**

- (A) All cold holding EQUIPMENT shall be capable of maintaining refrigerated FOOD at 41°F±2° or below during storage, transport, and service. All FROZEN FOOD shall remain frozen solid. These units shall have thermometers installed in a visible location. At least 1 of the thermometers shall be integral with the EQUIPMENT.
- (B) All hot holding EQUIPMENT shall be capable of maintaining FOOD at 135°F±2° or above during storage, transport, and service.
- (C) All EQUIPMENT shall be properly maintained, operated, and kept in good condition. Any EQUIPMENT that becomes dysfunctional or in disrepair shall be removed from service immediately or otherwise replaced. The introduction of domestic EQUIPMENT is prohibited.

**10-303.12 Storage and Transportation**

- (A) All FOOD and SINGLE-SERVICE ARTICLES or SINGLE-USE ARTICLES shall be stored at least 6" above the floor or ground in cabinets, on shelves, or in containers during storage, transportation, and service.
- (B) Storage of PACKAGED FOOD in contact with water or un-drained ice is prohibited.
- (C) Direct contact of FOOD with cloth towels is prohibited.
- (D) No FOOD, SINGLE-SERVICE ARTICLES or SINGLE-USE ARTICLES shall be stored under sinks or plumbing connections.

- (E) Chemicals shall be stored separate from FOOD, SINGLE-SERVICE ARTICLES or SINGLE-USE ARTICLES, and FOOD-CONTACT SURFACES.
- (F) FOOD shall be loaded in a manner that prevents excessive shifting within the MOBILE UNIT.
- (G) The driver shall ensure that the FOOD is not left unattended where tampering may occur.
- (H) Except when associated with a special event, the MOBILE UNIT shall be readily movable at all times. Additional PERMITTING is required if the operation expands outside of the MOBILE UNIT.
- (I) When the MOBILE UNIT is in transit, all windows and doors shall be closed, and all FOOD, SINGLE – SERVICE ARTICLES AND SINGLE-USE ARTICLES shall be protected from CONTAMINATION.
- (J) SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES, CONDIMENTS, UTENSILS, and TABLEWARE shall be placed in clean containers to protect from CONTAMINATION during storage and transport.

**10-303.13 Storage and Transportation Temperature Requirements**

- (A) Immediately prior to loading PHF (TCS) into the MOBILE UNIT, the temperatures shall be taken and recorded.
  - (1) Cold PHF (TCS) shall be 41°F±2° or below when placed into the MOBILE UNIT’s refrigeration or cold holding.
  - (2) Hot PHF (TCS) shall be 135°F±2° or above when placed into the MOBILE UNIT’s hot holding.
  - (3) Perishable and shelf stable FOOD may be stored at ambient temperature in a MOBILE UNIT that has working environmental controls.
- (B) FOOD temperatures of PHF (TCS) shall be taken and recorded at least every two hours. PHF (TCS), not maintained at required temperatures shall be discarded after four hours.
- (C) FOOD found out of temperature may be rapidly reheated to 165°F±2° or cooled to 41°F±2° only once.
- (D) FROZEN FOOD that has been thawed shall not be refrozen.

**10-304 FOOD Preparation, Holding, Display, and Service**

All FOOD preparation, holding, display, and service shall be in compliance with Chapters 1-8 of these Regulations.

**10-304.11 Operational RESTRICTIONS**

- (A) Except when operating at a special event, a MOBILE UNIT shall not operate from any single location for more than half an hour.
- (B) A MOBILE UNIT may not operate later than 7:00 p.m. or half an hour after sunset, whichever occurs first, unless they are at a special event.
- (C) A MOBILE UNIT may not sell products on a street where the posted speed limit is above 25 mph.
- (D) A MOBILE UNIT may not operate within 250' of another vendor.
- (E) A MOBILE UNIT may not operate within 1,000' of a school less than one hour after the school’s dismissal time.
- (F) A MOBILE UNIT may not play music when parked.

**10-304.12 PERSON IN CHARGE**

The PERSON IN CHARGE or a designated FOOD HANDLER shall be in attendance at all times when the MOBILE UNIT is open for business.

**10-304.13 FOOD Preparation**

During special events, preparations including grilling, barbecuing, cooking, displaying, serving, and storage may occur outside of the MOBILE UNIT if the PERSON IN CHARGE obtains, prior to operating, a temporary FOOD facility PERMIT from the HEALTH AUTHORITY.

**10-304.14 Preparation of Raw POTENTIALLY HAZARDOUS FOOD (TCS)**

Preparation of raw PHF (TCS) is limited to FULL SERVICE COACHES as APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. No FOOD preparation may be conducted on limited-service novelty MOBILE UNITS or CONSUMER self-service MOBILE UNITS.

**10-304.15 Open Prepared FOOD**

Open prepared FOOD in the MOBILE UNIT shall be discarded at the end of the shift or the day. Only SINGLE-USE ARTICLES and PRE-PACKAGED, non-PHF (TCS) may be returned to the COMMISSARY.

**10-304.16 Display**

While on display FOOD offered for self-service to the CONSUMER shall be protected from CONTAMINATION.

**10-304.17 FOOD Service Temperatures**

- (A) PHF (TCS) shall be maintained at required temperatures, as specified in Chapters 3-4 and Chapter 3-501.19 of these Regulations, until served to the CONSUMERS.
- (B) The PERSON IN CHARGE shall ensure that all hot and cold holding EQUIPMENT continues to function as designed during the FOOD service period.

**10-304.18 Bare Hand Contact with READY-TO-EAT FOOD**

Except when washing fruits and vegetables, FOOD HANDLERS shall eliminate bare hand contact with READY-TO-EAT FOOD by:

- (A) Using suitable UTENSILS including but not limited to deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.
- (B) Providing an alternative operational procedure APPROVED by the HEALTH AUTHORITY. A guidance document is provided in Appendix K.

**10-304.19 EQUIPMENT and UTENSILS**

- (A) There shall be an adequate number of UTENSILS present so that any dropped or soiled UTENSILS can be readily replaced.
- (B) Cleaned and sanitized back-up UTENSIL supplies shall be stored in SEALED FOOD GRADE plastic storage bags or containers.
- (C) Use of glassware in MOBILE UNITS is prohibited.
- (D) MOBILE UNITS shall provide only SINGLE-USE ARTICLES and SINGLE-SERVICE ARTICLES or CONDIMENTS for use by CONSUMERS.

**10-4 Sanitation Requirements**

**Subparts**

**10-401 General Requirements**

**10-402 Equipment and Utensils**

**10-403 Packing for Transport**

**10-404 Transportation of Items to the Commissary or Servicing Depot**

**10-401 General Requirements**

**10-401.11 MOBILE UNIT**

The MOBILE UNIT shall be kept clean. It shall be free of REFUSE, insects, excessive FOOD debris or spills beyond an amount generated during the preparation of meals for one meal period, or any other items that may contaminate the FOOD items or transportation EQUIPMENT.

**10-401.12 Wiping Cloths**

Wiping cloths immersed in sanitizer solution shall be available for wiping down FOOD contact services.

**10-401.13 Disposition of FOOD at End of Serving Route**

- (A) Any PRE-PACKAGED or unprepared FOOD items that remained in cold holding at the correct temperature for the entire duration of the day may be retained.
- (B) Any NON-POTENTIALLY HAZARDOUS PRE-PACKAGED SINGLE-USE ARTICLES, including but not limited to cans or bottles of soda, individually apportioned CONDIMENTS, and similar items may be retained for re-use.

**10-402 EQUIPMENT and UTENSILS**

**10-402.11 Requirements**

- (A) Excessive FOOD debris shall be removed from soiled EQUIPMENT and UTENSILS prior to transport to the COMMISSARY.
- (B) Soiled UTENSILS shall be segregated from FOOD, FOOD-CONTACT SURFACES, clean UTENSILS, and SINGLE-SERVICE ARTICLES.
- (C) In a FULL SERVICE COACH, soiled UTENSILS may be washed, rinsed, sanitized, and air-dried using the available three-compartment sink.

**10-403 Packing for Transport**

**10-403.11 Soiled Items**

Soiled items shall be properly packed to segregate from clean, reusable items.

**10-403.12 Solid Waste**

Solid waste generated during the daily operation shall be maintained in an appropriate area within the MOBILE UNIT so that it does not contaminate FOOD, SINGLE-SERVICE ARTICLES, SINGLE-USE ARTICLES, or UTENSILS.

**10-403.13 PERSON IN CHARGE**

The PERSON IN CHARGE shall ensure that the solid waste generated at each site is properly contained so as not to create a nuisance.

**10-404 Transportation of Items to the COMMISSARY or SERVICING DEPOT**

**10-404.11 Monitoring**

The driver shall monitor the load, while en-route to the COMMISSARY or SERVICING DEPOT, to ensure that the contents within the MOBILE UNIT do not shift.

## **10-5 Commissary or Servicing Depot**

### **Subparts**

#### **10-501 General Requirements**

#### **10-502 Plumbing Requirements**

### **10-501 General Requirements**

#### **10-501.11 Servicing**

- (A) When in operation all MOBILE UNITS shall report to their respective COMMISSARY or SERVICING DEPOT on a daily basis for cleaning, sanitizing, and servicing.
- (B) While the MOBILE UNIT is being cleaned and serviced, reusable items shall be removed and stored separately.
- (C) Soiled UTENSILS shall be transferred to the WARE WASHING area for cleaning and sanitizing in accordance with Chapter 4-4 of these Regulations. UTENSILS shall be air dried prior to storage in the MOBILE UNIT.
- (D) Soiled LINEN shall be placed in appropriate containers for transport to a laundry or to a LINEN service. LAUNDERING of wiping cloths shall be performed in accordance with Chapter 4-5 of these Regulations.
- (E) All solid waste generated during operation of the MOBILE UNIT, and clean-up at the COMMISSARY or SERVICING DEPOT, shall be properly disposed in an APPROVED solid waste receptacle. The solid waste receptacles shall be picked up with a frequency to prevent accumulation of putrescible garbage and other wastes to prevent a nuisance.

### **10-502 Plumbing Requirements**

#### **10-502.11 SANITIZATION and Disposal**

- (A) All pumps and hoses, from the tank which supplies DRINKING WATER, shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods during which they were not used. All water sources shall have proper backflow protection.
- (B) Liquid waste shall be disposed into a sanitary sewer through an APPROVED grease trap or grease interceptor. No waste water is allowed to be disposed in the storm drain or onto asphalt or other areas around the COMMISSARY or SERVICING DEPOT. The tank shall then be flushed and drained into a sanitary sewer.

## **10-6 Personnel**

### **Subparts**

#### **10-601 Food Handler Health**

#### **10-602 Food Handler Health Cards**

#### **10-603 Personal Cleanliness**

#### **10-604 Hygienic Practices**

#### **10-605 Personnel**

### **10-601 FOOD HANDLER Health**

#### **10-601.11 Reporting**

The PERSON IN CHARGE shall report information about employee health and activities as they relate to symptoms of an illness that are transmissible through FOOD as required by Chapter 2 of these Regulations.

### **10-602 FOOD HANDLER HEALTH CARDS**

#### **10-602.11 Requirements**

All FOOD HANDLERS shall possess a valid FOOD HANDLER HEALTH CARD issued by the HEALTH AUTHORITY. Failure to have a valid FOOD HANDLER HEALTH CARD shall result in suspension of operations of the MOBILE UNIT.

### **10-603 PERSONAL Cleanliness**

#### **10-603.11 Hand Washing**

The PERSON IN CHARGE shall ensure that all FOOD HANDLERS wash their hands as required by Chapter 2-301.12 of these Regulations and:

- (A) Before starting, and after ending, their shifts.
- (B) After using the toilet.
- (C) After smoking, eating, or drinking.
- (D) After handling raw FOOD.
- (E) Before and after loading and unloading FOOD and FOOD service EQUIPMENT.

- (F) Before and after setting up FOOD service displays.
- (G) Before serving FOOD.
- (H) After retrieving soiled items in the clean-up-before-departure process.
- (I) Before any contact with FOOD, FOOD service EQUIPMENT, or other items.
- (J) After any other activity in which their hands become soiled or otherwise contaminated as specified in Chapter 2 of these Regulations.

**10-603.12 Fingernails**

- (A) FOOD HANDLERS shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are clean and not rough.
- (B) Unless wearing intact gloves in good repair, a FOOD HANDLER may not wear fingernail polish or artificial fingernails when working with exposed FOOD.

**10-603.13 Jewelry Prohibition**

Except for a plain ring, including but not limited to a wedding band, FOOD HANDLERS shall not wear jewelry, including medical information bracelets, on their arms and hands while preparing FOOD.

**10-603.14 Outer Clothing**

FOOD HANDLERS shall wear clean outer clothing to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

**10-604 Hygienic Practices**

**10-604.11 Hair Restraint**

FOOD HANDLERS who prepare or serve FOOD shall restrain their hair as specified in Chapter 2-402.11 of these Regulations.

**10-604.12 Tobacco Use**

FOOD HANDLERS shall not use tobacco in any form while engaged in preparation and service of FOOD.

**10-605 PERSONNEL**

**10-605.11 RESTRICTIONS**

Only PERSONS necessary in the preparation and service of FOOD, or the PERSON IN CHARGE of a MOBILE UNIT, shall be allowed inside the MOBILE UNIT.

**10-7 Administrative Requirements**

**Subparts**

- 10-701 Vehicle Markings**
- 10-702 Commissary or Servicing Depot Agreement**
- 10-703 Commissary or Servicing Depot Visits Log**
- 10-704 Route Sheets**
- 10-705 Records to be Maintained in the Mobile Unit**
- 10-706 Other Record Keeping Requirements**

**10-701 VEHICLE Markings**

**10-701.11 Identification Information**

The MOBILE UNIT shall have the following identification information on the VEHICLE:

- (A) The name and MOBILE UNIT number shall be clearly visible on at least the back, and the left and right sides, of the MOBILE UNIT.
- (B) If the MOBILE UNIT design PERMITS, this information shall also be indicated on the front of the MOBILE UNIT.
- (C) The lettering shall be in colors that contrast with the paint color of the MOBILE UNIT and be at least 3" high and 1/2" wide on the back, and left and right sides of the MOBILE UNIT.
- (D) The business name, and a unique VEHICLE number assigned by the MOBILE FOOD vendor, shall be on each MOBILE UNIT under the same business name. No other MOBILE UNIT within the responsible PERSON's control may have the same identification number as any other MOBILE UNIT.
- (E) No MOBILE UNIT owned by another MOBILE FOOD vendor may have the same business name and identification number chosen by any other MOBILE FOOD vendor. A MOBILE FOOD vendor, found to have deceptively marked MOBILE UNITS, shall be subject to denial or possible revocation by the HEALTH AUTHORITY of its health PERMIT.

**10-701.12 VEHICLE License Plate**

A valid VEHICLE license plate, as issued by the applicable state's *Department of Motor Vehicles*, for that particular MOBILE UNIT shall be displayed. No MOBILE UNIT is allowed to display the license plate of another VEHICLE.

**10-701.13 VEHICLE Identification Number (VIN) of MOBILE UNIT**

The VIN of the MOBILE UNIT shall not be obliterated and shall be visible in at least one location including but not limited to the dashboard, interior door jamb, the trunk, or other easily accessible visible area. A comparison of the VIN and license plate number may be performed if deemed necessary by the HEALTH AUTHORITY.

#### **10-702 COMMISSARY or SERVICING DEPOT Agreement**

##### **10-702.11 Mobile FOOD Vendor**

A mobile FOOD vendor shall have in place a COMMISSARY or SERVICING DEPOT agreement prior to the issuance of a health PERMIT by the HEALTH AUTHORITY. This agreement shall consist of the following elements:

- (A) The COMMISSARY or SERVICING DEPOT shall be PERMITTED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. The use of a recreational VEHICLE park, or a private residence, as a COMMISSARY or SERVICING DEPOT is prohibited.
- (B) A written document containing:
  - (1) The name, address, and phone number of the COMMISSARY or SERVICING DEPOT.
  - (2) The name and signature of the PERSON IN CHARGE at the COMMISSARY or SERVICING DEPOT.
  - (3) The health PERMIT number of the COMMISSARY or SERVICING DEPOT.
  - (4) The services that will be provided to the mobile FOOD vendor at the COMMISSARY or SERVICING DEPOT.
  - (5) A clause that indicates any termination of the agreement, either by the mobile FOOD vendor, the COMMISSARY, or the SERVICING DEPOT must result in written notification to the HEALTH AUTHORITY by one or both parties within five business days of the termination of the agreement.
- (C) Any proposed changes of location, or changes to the agreement shall be submitted to, and APPROVED by, the HEALTH AUTHORITY before the proposed changes are made.

#### **10-703 COMMISSARY or SERVICING DEPOT Visits Log**

##### **10-703.11 Mobile FOOD Vendor**

Each mobile FOOD vendor shall maintain, at the COMMISSARY or SERVICING DEPOT, a Visits Log outlining the following information:

- (A) The business name of the mobile FOOD vendor.
- (B) The unique identifying MOBILE UNIT number, if the mobile FOOD vendor has more than one MOBILE UNIT operating under the same business name.
- (C) The health PERMIT number.
- (D) The business name, address, phone number, and health PERMIT number of the COMMISSARY or SERVICING DEPOT.
- (E) The Visits Log shall include:
  - (1) Date.
  - (2) Time In.
  - (3) Time Out.
  - (4) The name and signature of the COMMISSARY or SERVICING DEPOT's PERSON IN CHARGE.
  - (5) The name and signature of the mobile FOOD vendor's PERSON IN CHARGE who is bringing the unit in for service.

#### **10-704 Route Sheets**

##### **10-704.11 Mobile FOOD Vendor**

The mobile FOOD vendor shall provide to the HEALTH AUTHORITY, on a monthly basis, a route sheet outlining where the MOBILE UNIT will be providing FOOD services and estimated times when the mobile FOOD vendor will arrive and depart each location. The route sheet shall contain the following information:

- (A) The business name, the identifying MOBILE UNIT number, and the health PERMIT number of the MOBILE UNIT.
- (B) A list of the stops, including the physical addresses, that are to be made and the estimated time of arrival at, and departure from, each stop.

##### **10-704.12 Changes**

Any changes to the route sheet shall be submitted, in writing, to the HEALTH AUTHORITY within 5 business days of the change.

#### **10-705 Records to be Maintained in the MOBILE UNIT**

##### **10-705.11 Required Documents**

- (A) The current health PERMIT for that MOBILE UNIT.
- (B) Copies of past inspection reports for that particular MOBILE UNIT for a period of 2 calendar years.
- (C) The COMMISSARY or SERVICING DEPOT agreement(s) which apply to that MOBILE UNIT.
- (D) The route sheet for that particular MOBILE UNIT.

**10-706 Other Record Keeping Requirements**

The HEALTH AUTHORITY shall be allowed to examine records of the establishment pertinent to these Regulations, obtain pertinent information pertaining to FOOD and supplies purchased, received or used, pest control records, and PERSONS employed as specified *in NRS 446.890*.



# Chapter 11

## Portable Units for Service of Food

### Parts

- 11-1 Definitions
- 11-2 Operational Restrictions
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### 11-1 Definitions

#### Subparts

- 11-101 Applicability and Listing of Terms
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#### 11-101 Applicability and Listing of Terms

##### 11-101.11 Interpretation and Application of Terms

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

##### 11-102 Definitions

**ACCESSORY UNIT** means an EASILY MOVABLE item, or a permanently mounted fixture, that is utilized adjacent to the operational location of a PORTABLE UNIT FOR SERVICE OF FOOD.

**FOOD SERVICE TRAILER** means a mobile FOOD ESTABLISHMENT designed to be towed on public roads, and having an enclosed area for storage, handling, or preparation of FOOD. Such units shall be PERMITTED as PORTABLE UNITS FOR SERVICE OF FOOD under the category FOOD SERVICE TRAILER.

**GOLF CART-STYLE FOOD UNIT** means a very small, motorized VEHICLE, including golf carts and similar VEHICLES, used to transport and serve FOOD or BEVERAGES at various locations inside large buildings or on large tracts of land including but not limited to golf courses. Such units shall be PERMITTED as PORTABLE UNITS FOR SERVICE OF FOOD under the category GOLF CART-STYLE FOOD UNIT, and shall only sell PRE-PACKAGED, non-PHF (TCS) which includes SEALED BEVERAGES, except that PHF ordered from an APPROVED kitchen may be immediately transported to a customer.

**INDOOR FOOD SERVICE CART** means a PORTABLE UNIT FOR SERVICE OF FOOD operated only at locations clearly identified in the PERMIT application, and shall be within a building having restroom facilities that are accessible during all hours of operation. INDOOR FOOD SERVICE CARTS may serve only LOW-RISK FOOD, individually PRE-PACKAGED PHF (TCS), or hot dogs which are heated to at least 135°F±2° and held at no less than 135°F±2° until served.

**NON-POTENTIALLY HAZARDOUS FOOD (TCS)** means FOOD that is incapable of supporting the rapid and progressive growth of infectious, toxigenic, or other harmful microorganisms. Examples include but are not limited to bread, roasted nuts, beef jerky, candy, potato chips, popcorn, and other snack FOOD not requiring refrigerated storage.

**OUTDOOR/INDOOR FOOD SERVICE CART** means a PORTABLE UNIT FOR SERVICE OF FOOD operated only at locations clearly identified in the PERMIT application. An OUTDOOR/INDOOR FOOD SERVICE CART may be operated inside or outside of buildings and shall have restroom facilities that are accessible during all hours of operation. OUTDOOR/INDOOR FOOD SERVICE CARTS may serve only non-PHF (TCS) FOOD and/or hot dogs which are heated to at least 135°F±2° and held at no less than 135°F±2° until served.

**PORTABLE BANQUET BAR** means a PORTABLE UNIT FOR SERVICE OF FOOD that serves only BEVERAGES and drink garnishes.

**PORTABLE UNIT FOR SERVICE OF FOOD** means a FOOD ESTABLISHMENT on wheels, easily conveyed from a SERVICING DEPOT or COMMISSARY to one or more APPROVED locations where FOOD is served, and clearly identified in the PERMIT application.

## **11-2 Operational Restrictions**

### **Subparts**

#### **11-201 Interpretation and Application**

### **11-201 Interpretation and Application**

#### **11-201.11 RESTRICTIONS**

The following operational RESTRICTIONS apply in the interpretation and application of this chapter.

- (A) Comply with all applicable zoning, building, fire, and safety regulations of all entities having jurisdiction in the areas where it travels, is stored, or is operated.
- (B) PORTABLE UNIT FOR SERVICE OF FOOD
  - (1) A PORTABLE UNIT FOR SERVICE OF FOOD shall:
    - (a) Operate only on sites for which written approval from the property owner has been obtained.
    - (b) Operate only at sites specified in a PERMIT issued by the HEALTH AUTHORITY.
    - (c) Have written permission from the property owner for use of restroom facilities that are accessible during all hours of operation.
    - (d) Have a PERMIT in one of the following categories:
      - (i) INDOOR FOOD SERVICE CART.
      - (ii) OUTDOOR/INDOOR FOOD SERVICE CART.
      - (iii) FOOD SERVICE TRAILER.
      - (iv) GOLF CART-STYLE FOOD UNIT.
      - (v) PORTABLE BANQUET BAR.
  - (2) A PORTABLE UNIT FOR SERVICE OF FOOD shall be operated only with the support of at least one APPROVED:
    - (a) SERVICING DEPOT, or
    - (b) COMMISSARY, or
    - (c) PERMITTED support kitchen.
  - (3) A PORTABLE UNIT FOR SERVICE OF FOOD may be operated with the support of up to three APPROVED ACCESSORY UNITS.
- (C) ACCESSORY UNITS
  - (1) Types of ACCESSORY UNITS to support the operation of a PORTABLE UNIT FOR SERVICE OF FOOD include, but are not limited to:
    - (a) CONDIMENT stations, providing PRE-PACKAGED items including but not limited to salt, pepper, mustard, ketchup, relish, sugar or other sweeteners, or ULTRA-PASTEURIZED (UHT) half-and-half, or other coffee whiteners.
    - (b) Portable or wall-hung HAND WASHING SINKS which provide warm water and are on walls adjacent to the unit's site of operation.
    - (c) EASILY MOVABLE tables or shelves for storage of supplies or PRE-PACKAGED non-PHF (TCS) items.
    - (d) Portable refrigeration or hot-holding EQUIPMENT.
    - (e) Units for cash registers or other non-FOOD EQUIPMENT.
  - (2) An individual ACCESSORY UNIT shall be no larger, in length or width, than the PORTABLE UNIT FOR SERVICE OF FOOD it supports.
  - (3) During FOOD service operations, no ACCESSORY UNIT may be located more than 15' from the PORTABLE UNIT FOR SERVICE OF FOOD it supports.
  - (4) No ACCESSORY UNIT may be incorporated into the operation of a PORTABLE UNIT FOR SERVICE OF FOOD without prior approval by the HEALTH AUTHORITY.
- (D) COMMISSARY
  - A COMMISSARY for a PORTABLE UNIT FOR SERVICE OF FOOD:
    - (1) Shall operate only under a PERMIT issued by the HEALTH AUTHORITY. That PERMIT shall be issued to:
      - (a) The PERMIT HOLDER for a PORTABLE UNIT FOR SERVICE OF FOOD who has sole rights, by ownership or contract, to utilize the COMMISSARY.
      - (b) An independent COMMISSARY owner/operator who contracts with more than one PORTABLE UNIT PERMIT HOLDER
    - (2) Shall be utilized for storage or preparation of FOOD, which has been APPROVED by the HEALTH AUTHORITY, for sale or service from the PORTABLE UNIT FOR SERVICE OF FOOD.

- (3) May be utilized for cleaning, disposal of waste, and supplying water for HAND WASHING SINKS of a PORTABLE UNIT FOR SERVICE OF FOOD.
  - (4) Shall be designed, constructed, and equipped as required by Plan Review to accommodate all operations that will be necessary to support the PORTABLE UNIT FOR SERVICE OF FOOD.
  - (5) The COMMISSARY for each PORTABLE UNIT FOR SERVICE OF FOOD shall be identified in the PERMIT application.
- (E) SERVICING DEPOT  
A SERVICING DEPOT for a PORTABLE UNIT FOR SERVICE OF FOOD:
- (1) Shall operate only under a PERMIT issued by the HEALTH AUTHORITY. That PERMIT shall be issued to:
    - (a) The PERMIT HOLDER for a PORTABLE UNIT FOR SERVICE OF FOOD who has sole rights, by ownership or contract, to utilize the SERVICING DEPOT.
    - (b) An independent SERVICING DEPOT owner/operator who contracts with more than one portable unit PERMIT HOLDER.
  - (2) May be utilized for cleaning, disposal of waste, and supplying water for HAND WASHING SINKS of a PORTABLE UNIT FOR SERVICE OF FOOD.
  - (3) Shall not be used for storage or preparation of FOOD or BEVERAGES.
  - (4) Shall be designed, constructed, and equipped as required by Plan Review to accommodate all operations that will be necessary to support the PORTABLE UNIT FOR SERVICE OF FOOD.
  - (5) The SERVICING DEPOT of each PORTABLE UNIT FOR SERVICE OF FOOD shall be identified in the PERMIT application.
- (F) PORTABLE UNITS FOR SERVICE OF FOOD on pool decks shall also meet the requirements of NAC 444.288. The following requirements shall be met for all operations on pool decks and within pool barriers:
- (1) No glass or breakable items shall be allowed except that glass liquor and mixer bottles under the control of a FOOD HANDLER are acceptable.
  - (2) Bar/FOOD units shall be located remotely from the edge of the pool on the raised rear deck area if available.
  - (3) Work stations shall not obstruct access to the pool deck, or to necessary fixtures, including but not limited to showers and water fountains.
  - (4) Work stations shall not be placed in any location where there is standing water.
  - (5) Work stations shall be broken down, covered, protected, and stored when not in use.
  - (6) All electrical connections for work stations shall be GFCI protected and testable, and temporary electrical runs shall not pass across walkways used by bathers or in wet areas such as deck drains.
  - (7) An operational plan shall be completed and shall address all of the above including a statement that management will not permit FOOD or drink to be consumed within 4' of any pool or spa.

## **11-3 Food**

### **Subparts**

**11-301 Food Service**

**11-302 Food Protection**

**11-303 Food Handling and Preparation**

### **11-301 FOOD Service**

#### **11-301.11 Menu RESTRICTIONS by Type of Unit**

A PORTABLE UNIT FOR SERVICE OF FOOD may be used to serve only FOOD items that have been APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. Menu items which may be served from a PORTABLE UNIT FOR SERVICE OF FOOD shall be regulated as follows:

- (A) Any type of PORTABLE UNIT FOR SERVICE OF FOOD may serve PRE-PACKAGED non-PHF (TCS) BEVERAGE, including alcoholic BEVERAGES.
- (B) PORTABLE BANQUET BARS may only serve BEVERAGES and drink garnishes.
- (C) Any type of PORTABLE UNIT FOR SERVICE OF FOOD, except PORTABLE BANQUET BARS, may serve PRE-PACKAGED non-PHF (TCS).
- (D) GOLF CART-STYLE FOOD UNITS may serve only PRE-PACKAGED non-PHF (TCS) and if designed, constructed, and APPROVED by the HEALTH AUTHORITY to do so, PRE-PACKAGED LOW-RISK FOOD that is either commercially PACKAGED, or prepared and wrapped, in the FOOD unit's APPROVED COMMISSARY.
- (E) INDOOR and OUTDOOR/INDOOR FOOD SERVICE CARTS may serve any non-PHF (TCS) and, if designed, constructed, and APPROVED by the HEALTH AUTHORITY to do so, serve LOW-RISK FOOD. Those FOODS

need not be PRE-PACKAGED but shall require only minimal handling at the cart. Heating procedures not traditionally classified as cooking are allowed, including:

- (1) Heating of hot dogs, to at least 135°F±2° and subsequent hot-holding until serving at a temperature of at least 135°F±2°.
- (2) Steaming of PASTEURIZED milk or similar fluid dairy products for immediate use in the preparation of espresso-type BEVERAGES.
- (3) Warming of non-PHF (TCS) or LOW-RISK FOOD by use of a microwave oven.
- (4) EQUIPMENT intended or capable of cooking FOOD including but not limited to, burners, griddle tops, grill tops, BARBECUE grills, and deep fat fryers shall not be present on indoor and OUTDOOR/INDOOR, or outdoor FOOD service carts.

- (F) FOOD SERVICE TRAILERS may serve any type of FOOD including HIGH-RISK PHF (TCS) for which they have been designed, constructed, and APPROVED by the HEALTH AUTHORITY. Raw or undercooked PHF (TCS) may be served only if an APPROVED FOOD safety advisory is properly posted.

## **11-302 FOOD Protection**

### **11-302.11 Requirements**

A PORTABLE UNIT FOR SERVICE OF FOOD, and its APPROVED ACCESSORY UNITS, shall protect all FOOD from:

- (A) Airborne contaminants by the use of appropriate sneeze guards, overhead protection, closed or wrapped containers, or EQUIPMENT meeting or exceeding *NSF/ANSI* standards.
- (B) Excessive growth of pathogenic microorganisms by storage of PHF (TCS) at 41°F±2° or below, or in hot-holding EQUIPMENT at 135°F±2° or above.
- (C) CONTAMINATION from insects, rodents, birds, and other pests by employing effective and legal PEST CONTROL measures.

## **11-303 FOOD Handling and Preparation**

### **11-303.11 Requirements**

FOOD to be sold or served at a PORTABLE UNIT FOR SERVICE OF FOOD shall:

- (A) Be handled, including storage and preparation at an ACCESSORY UNIT or COMMISSARY, in compliance with requirements in Chapter 3 of these Regulations.
- (B) Be RESTRICTED as follows:
  - (1) PORTABLE BANQUET BARS
    - (a) May serve only BEVERAGES and drink garnishes including but not limited to lemons, limes, and other garnishes.
    - (b) Must operate in conjunction with a banquet or private function.
    - (c) Must operate in proximity of a wall-hung HAND WASHING SINK or an APPROVED portable HAND WASHING SINK, unless a HAND WASHING SINK is an integral part of the PORTABLE BANQUET BAR.
  - (2) GOLF CART-STYLE FOOD UNITS. Only SEALED NON-POTENTIALLY HAZARDOUS BEVERAGES and PRE-PACKAGED non-PHF (TCS) may be sold from GOLF CART-STYLE FOOD UNITS. PHF (TCS) ordered from an APPROVED kitchen may be immediately transported to a customer.
  - (3) INDOOR and OUTDOOR/INDOOR FOOD SERVICE CARTS. No HIGH-RISK FOODS may be cooked or served.
  - (4) FOOD SERVICE TRAILERS. Any FOOD may be served, if the facility has been designed, constructed, and APPROVED by the HEALTH AUTHORITY for the FOOD's storage, preparation, and service. Raw or undercooked PHF (TCS) may be served only if an APPROVED FOOD safety advisory is properly posted.

## **11-4 Design, Construction, and Identification**

### **Subparts**

#### **11-401 Design, Construction, and Identification**

#### **11-402 General Design and Construction**

#### **11-403 Materials**

#### **11-404 Identification and Display of Required Documents**

**11-405 Miscellaneous Design and Construction Criteria**  
**11-406 Sinks, Water Systems, and Waste Water Handling**

**11-401 Design, Construction, and Identification**

**11-401.11 Application Submission and Requirements**

A PERMIT applicant or PERMIT HOLDER shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval of all PORTABLE UNITS FOR THE SERVICE OF FOOD as required in Chapter 4-101.11 of these Regulations. In addition, PORTABLE UNITS FOR SERVICE OF FOOD shall be designed and constructed as follows:

- (A) A FOOD SERVICE TRAILER shall be designed and constructed to conform to the interior specifications for MOBILE VENDORS as specified in Chapter 10 of these Regulations, and:
  - (1) Operate only on sites for which written approval from the property owners has been obtained.
  - (2) Has written permission from the property owner for use of restroom facilities that are accessible during all hours of operation.
- (B) A PORTABLE BANQUET BAR shall be designed and constructed to meet or exceed the specifications of *NSF/ANSI Standard 2*, as well as the criteria listed in this Section.
- (C) A PORTABLE UNIT FOR SERVICE OF FOOD, except a FOOD SERVICE TRAILER and a PORTABLE BANQUET BAR, shall be designed and constructed to meet or exceed the specifications of *NSF/ANSI Standard 59 for Mobile Food Carts*, as well as the criteria listed in this Section.

**11-402 General Design and Construction**

**11-402.11 Requirements**

A PORTABLE UNIT FOR SERVICE OF FOOD shall be designed and constructed to:

- (A) Prevent entry by rodents and other vermin.
- (B) EXCLUDE dirt, splashes, and spills from areas used to store FOOD, UTENSILS, FOOD contact EQUIPMENT, or LINEN.
- (C) Facilitate servicing operations, including cleaning and inspections.
- (D) Minimize the potential for CROSS-CONTAMINATION.
- (E) Provide convenient facilities for hand washing and disposal of wastes.

**11-403 Materials**

**11-403.11 Requirements**

Materials used in construction of a PORTABLE UNIT FOR SERVICE OF FOOD shall meet or exceed the following criteria:

- (A) Materials used in construction of a PORTABLE UNIT FOR SERVICE OF FOOD shall be resistant to wear, penetration by rodents and other vermin, and repeated application of cleaning agents and sanitizers.
- (B) Materials used in a FOOD ZONE of a PORTABLE UNIT FOR SERVICE OF FOOD shall not impart color, taste, odor, or toxic chemicals to FOOD.
- (C) Exposed surfaces, in a FOOD ZONE or a SPLASH ZONE of a PORTABLE UNIT FOR SERVICE OF FOOD, shall be SMOOTH, EASILY CLEANABLE, resistant to corrosion, and free from harmful levels of toxic chemicals including but not limited to lead.
- (D) The inside surfaces of drawers, cabinets, or containers, that may be used for storage for UTENSILS used for FOOD preparation or serving, shall be SMOOTH, EASILY CLEANABLE, and resistant to corrosion.
- (E) Exposed surfaces in a non-FOOD ZONE shall be SMOOTH and corrosion resistant.
- (F) Wood shall not be used in a PORTABLE UNIT FOR SERVICE OF FOOD, except that:
  - (1) Hardwood cutting boards or other APPROVED hardwood UTENSILS may be used for FOOD preparation or serving.
  - (2) Wooden construction materials, including composites, but not limited to particle board, shall not be used:
    - (a) For construction of units to be stored or used outdoors.
    - (b) Adjacent to, or below, a FOOD-CONTACT SURFACE or SPLASH ZONE.
    - (c) Under a sink, ice bin, BEVERAGE dispenser, refrigeration EQUIPMENT, heating EQUIPMENT or in any other area that may be exposed to accumulation of moisture.
  - (3) Wooden construction materials may be used for units that will be stored and used only in indoor locations, if the wooden materials are completely encased by a SMOOTH and durable material such as plastic laminate or FRP, with SEALED seams and radiused internal angle treatments.
  - (4) Decorative or ornamental wooden structures may be used in non-FOOD ZONE areas, including overhead signs, if the wood is SEALED to prevent damage from exposure to humidity or moisture.



- (G) Brass shall not be used in a PORTABLE UNIT FOR SERVICE OF FOOD except for valves, fittings, and other similar components used only for water, coffee, or tea.

#### **11-404 Identification and Display of Required Documents**

##### **11-404.11 Identification Plate, PERMIT, and Grade Card Placement**

A PORTABLE UNIT FOR SERVICE OF FOOD APPROVED after the adoption of these Regulations shall:

- (A) Have an identification plate(s), or other durable marking, permanently affixed in a location that is readily accessible for inspection, which includes:
- (1) The name and address of the cart's manufacturer;
  - (2) The manufacturer's model and serial numbers; and,
  - (3) The specific *NSF/ANSI* standards that the unit is certified as being in compliance with, unless such information is provided elsewhere on the unit.
- (B) Display the Grade Card, issued by the HEALTH AUTHORITY, where it is readily visible to customers.
- (C) Carts designated to be PERMITTED as an outdoor FOOD service cart must be certified to meet *NSF/ANSI* Standard 59.
- (D) Carts designated to be PERMITTED as an INDOOR FOOD SERVICE CART must be certified to meet *NSF/ANSI* Standard 2.

#### **11-405 Miscellaneous Design and Construction Criteria**

##### **11-405.11 Lighting and Ground Cover Requirements**

A PORTABLE UNIT FOR SERVICE OF FOOD shall:

- (A) Provide all FOOD preparation areas, including those in a COMMISSARY, with a lighting intensity of at least 50-foot candles.
- (B) Provide overhead protection, as APPROVED by the HEALTH AUTHORITY, for outdoor operation.
- (C) Provide appropriate ground cover to minimize dust, sand, or other possible CONTAMINATION from the ground.

#### **11-406 Sinks, Water Systems, and Waste Water Handling**

##### **11-406.11 Requirements**

A PORTABLE UNIT FOR SERVICE OF FOOD shall meet or exceed the following design, construction, and operational criteria:

- (A) The portable unit shall be equipped to provide hot water at a temperature of at least 120°F±2° with a minimum of 100°F±2° delivery to the HAND WASHING SINK. Sinks shall be provided as follows:
- (1) A HAND WASHING SINK is required for any PORTABLE UNIT FOR SERVICE OF FOOD at which open FOOD, including BEVERAGES, is handled. A HAND WASHING SINK shall:
    - (a) Be at least 10" x 10" at the water line, with a minimum depth of 6".
    - (b) Drain to a waste water storage tank, except that INDOOR FOOD SERVICE CARTS may drain with the approval of the HEALTH AUTHORITY, into the sanitary sewer.
  - (2) A sink for FOOD preparation and disposal of liquid waste is required for any PORTABLE UNIT FOR SERVICE OF FOOD at which liquid waste is generated. A sink for disposal of liquid waste shall:
    - (a) Be at least 6" x 10" at the water line, with a minimum depth of 6".
    - (b) Have a faucet designed to accommodate the rinsing and filling needs of the operation.
    - (c) Drain to a waste water storage tank, except that INDOOR FOOD SERVICE CARTS may indirectly drain through an APPROVED sanitary SEWAGE system or other APPROVED system.
- (B) A supply of DRINKING WATER shall be present on any PORTABLE UNIT FOR SERVICE OF FOOD where water is required for FOOD preparation or hand washing. A potable water storage tank shall have at least a 5-gallon capacity, except that a FOOD SERVICE TRAILER that is equipped with a three-compartment sink shall have a DRINKING WATER storage tank of at least 50 gallons capacity, or be connected to an APPROVED DRINKING WATER supply system when set-up for operation.
- (C) A DRINKING WATER quality water storage tank shall:
- (1) Have an interior surface that is SMOOTH, EASILY CLEANABLE, and composed of a FOOD GRADE material.
  - (2) Have a fill connection, located at the highest point on the tank, which is protected from CONTAMINATION and is designed to prevent connection to non-potable water supplies.
  - (3) Have an air gap or device APPROVED by the HEALTH AUTHORITY to protect potable water supplies from CONTAMINATION by backflow.
  - (4) Be designed to facilitate draining and cleaning by:

- (a) Being readily removable and easily handled to PERMIT use of a drain, at least 0.5" internal diameter, located on a side of the tank.
  - (b) Having a bottom sloped to a drain, at least 0.5" internal diameter, located at the lowest point in the tank, with the slope of the bottom being at least 0.5" per foot.
- (D) A waste water tank for a PORTABLE UNIT FOR SERVICE OF FOOD shall:
- (1) Have a capacity at least 15% greater than the total capacity of the portable unit's potable water tank(s), including water heater capacity.
  - (2) Have an interior surface that is SMOOTH and EASILY CLEANABLE.
  - (3) Be designed to facilitate cleaning by:
    - (a) Being readily removable and easily handled to PERMIT use of a drain, at least 0.5" internal diameter, located on a side of the tank.
    - (b) Having a bottom sloped to a drain, at least 0.5" internal diameter, located at the lowest point in the tank, with the slope of the bottom being at least 0.5" per foot.
- (E) The operator of a PORTABLE UNIT FOR SERVICE OF FOOD that requires water for hand washing or FOOD preparation shall:
- (1) During draining and cleaning of waste water tanks, protect all FOOD and FOOD-CONTACT SURFACES from spills, splashes, or aerosols of waste water.
  - (2) Cease all FOOD handling operations whenever the waste water storage tank is filled to capacity.
  - (3) Dispose of waste water in a manner APPROVED by the HEALTH AUTHORITY.

## **11-5 Equipment and Utensils**

### **Subparts**

**11-501 NSF/ANSI or Equivalent Standards**

**11-502 Use of Ice and Fuels**

**11-503 Cleaning of Equipment and Utensils**

### **11-501 NSF/ANSI or Equivalent Standards**

#### **11-501.11 Requirements**

All EQUIPMENT for storage, preparation, and cooking of FOOD on a PORTABLE UNIT FOR SERVICE OF FOOD, and on its APPROVED ACCESSORY UNITS shall meet or exceed *NSF/ANSI* standards, or be determined as equivalent by a third-party certification.

### **11-502 Use of Ice and Fuels**

#### **11-502.11 RESTRICTIONS**

Ice and use of fuels for open flames on a PORTABLE UNIT FOR SERVICE OF FOOD shall be RESTRICTED as follows:

- (A) Ice in which FOOD or BEVERAGE containers are immersed for cooling shall:
  - (1) Be held in bins or other containers having lids to protect the ice from airborne contaminants and shall drain to remove melt water.
  - (2) Not be used for consumption purposes.
- (B) Use of open flames, liquid propane, or similar fuels shall be limited to locations where they do not pose a fire or safety HAZARD, or violate building, fire, or safety codes or regulations.

### **11-503 Cleaning of EQUIPMENT and UTENSILS**

#### **11-503.11 Procedures**

EQUIPMENT and UTENSILS, for use at a PORTABLE UNIT FOR SERVICE OF FOOD, shall be handled as follows:

- (A) FOOD-CONTACT SURFACES of EQUIPMENT and UTENSILS shall be washed, rinsed, sanitized, and air dried before use.
- (B) Once used for FOOD, UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall be replaced or cleaned, sanitized, and air dried at least every four hours.
- (C) FOOD-CONTACT SURFACES that require in-place manual cleaning shall be cleaned by a detergent solution, rinsed with water, and then sanitized with an APPROVED solution that is applied manually by clean wipe cloths or by spraying. The surfaces shall then be air-dried before contact with FOOD.
- (D) EQUIPMENT and UTENSILS, that are small enough to PERMIT cleaning in a three-compartment sink, may be washed, rinsed, sanitized, and air dried at the portable unit or in its COMMISSARY or SERVICING DEPOT, using either a three-compartment sink or an automatic dishwasher having a sanitizing cycle.
- (E) Only DRINKING WATER shall be used for cleaning, preparation of sanitizers, and rinsing of EQUIPMENT and UTENSILS.

## **11-6 Sanitizers and Other Poisonous or Toxic Substances**

**Subparts****11-601 Sanitizers****11-602 Miscellaneous Poisonous or Toxic Substances****11-601 Sanitizers****11-601.11 Requirements**

Only a chemical sanitizer listed in *21 CFR 178.1010, Sanitizing Solutions*, and used in accordance with the EPA APPROVED manufacturer's label instructions shall be used in a sanitizing solution for a PORTABLE UNIT FOR SERVICE OF FOOD. APPROVED sanitizers shall be stored and utilized as follows:

- (A) A clean wiping cloth shall be stored in APPROVED sanitizer for immediate use.
- (B) Containers of sanitizers, properly labeled as "sanitizers," shall be stored only in locations where accidental spill or drips cannot contaminate FOOD or BEVERAGES.
- (C) A FOOD-CONTACT SURFACE, to which an APPROVED sanitizer has been applied, shall be air dried before use.
- (D) Sanitizer test strips, a test kit, or other device that accurately measures the concentration in ppm of chemical sanitizers shall be provided and readily accessible for frequently measuring of the concentration of chemical sanitizing solutions.

**11-602 Miscellaneous POISONOUS OR TOXIC MATERIALS****11-602.11 RESTRICTIONS**

PERSONAL medications, first aid supplies, chemical cleaning agents, sanitizers not APPROVED for use on FOOD-CONTACT SURFACES, and other POISONOUS TOXIC OR MATERIALS shall, if present, be stored securely in covered containers in a storage clearly designated as "Not for storage of FOOD, BEVERAGE, or supplies used for handling or serving FOOD or BEVERAGE."

**11-7 Compliance and Enforcement****Subparts****11-701 Portable Units for Service of Food****11-701 PORTABLE UNITS FOR SERVICE OF FOOD****11-701.11 Requirements**

PORTABLE UNITS FOR THE SERVICE OF FOOD shall meet the requirements of Chapter 8 of these Regulations. Additionally:

- (A) A TEMPORARY FOOD ESTABLISHMENT PERMIT will be required if the portable unit participates in a special event at a location other than the location specified on their health PERMIT.
- (B) A CEASE AND DESIST ORDER operation shall be issued by the HEALTH AUTHORITY to any PORTABLE UNIT FOR SERVICE OF FOOD found operating at a location not specified on its health PERMIT.
- (C) FOOD that is not APPROVED under the health PERMIT shall not be served.

**11-8 Personnel****Subparts****11-801 Food Handler****11-802 Hygienic Practices****11-801 FOOD HANDLER****11-801.11 HEALTH CARD Requirements**

A FOOD HANDLER at a PORTABLE UNIT FOR SERVICE OF FOOD, or at a COMMISSARY or SERVICING DEPOT for a PORTABLE UNIT FOR SERVICE OF FOOD, shall possess a current, valid FOOD HANDLER'S HEALTH CARD issued by the HEALTH AUTHORITY.

**11-802 Hygienic Practices**



**11-802.11 Hair Restraint**

FOOD HANDLERS who prepare or serve FOOD shall restrain their hair as specified in Chapter 2-402.11 of these Regulations.

**11-802.12 Tobacco Use**

FOOD HANDLERS shall not use tobacco in any form while engaged in preparation and service of FOOD.

# Chapter 12

## Catering and Food Delivery

### Parts

- 12-1 Definitions
- 12-2 Plan Review
- 12-3 Food Protection
- 12-4 Post Event Breakdown
- 12-5 Commissary
- 12-6 Personnel

### 12-1 Definitions

#### Subparts

- 12-101 Applicability and Listing of Terms
- 12-102 Definitions

#### 12-101 Applicability and Listing of Terms

##### 12-101.11 Interpretation and Listing of Terms

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

#### 12-102 Definitions

**CATERING FOOD ESTABLISHMENT** means an APPROVED FOOD ESTABLISHMENT that is serving or preparing FOOD at a location other than its PERMITTED location for a contracted FOOD service event. This also includes a place of business or organization that routinely contracts with a CATERING FOOD ESTABLISHMENT to provide FOOD items for individual sale to employees or members of that business, if the FOOD was prepared in a COMMISSARY and transported, displayed, handled and offered for sale as specified in these Regulations.

**CATERING FOOD ESTABLISHMENT** does not include:

- (A) FOOD ordered as take-out or delivery from the FOOD ESTABLISHMENT that prepared the FOOD, where the FOOD is given to the CONSUMER for self-service, including but not limited to pizza delivery or fried chicken delivery. FOOD delivered by a third-party FOOD DELIVERY SERVICE is not exempt from these Regulations.
- (B) FOOD that is brought from home and presented pot-luck style in a place of business for consumption by the employees of that business, without payment, as long as the business does not offer the FOOD to the public.
- (C) FOOD that is prepared and offered for free distribution to feed the needy, whether done by a charitable organization, a private citizen, citizen group, or a business.

**EVENT LOCATION** means an UNPERMITTED location that is not owned by the caterer where FOOD is distributed to guests at a contracted private event.

**FOOD DELIVERY SERVICE** means a business that picks up prepared FOOD from a PERMITTED FOOD ESTABLISHMENT including but not limited to a full-service restaurant for immediate delivery to the end user. The business solely transports the FOOD and is prohibited from preparing or handling open FOOD. This term does not include delivery drivers who work for the FOOD ESTABLISHMENT from which the FOOD originates or delivery of FOOD from retail grocery stores.

**PERMANENT CATERING SUPPORT PANTRY/BANQUET SUPPORT PANTRY** means a facility that is owned or leased by a caterer and serviced by, but remote from, the CATERING FOOD ESTABLISHMENT, for the purpose of conducting banquet service at the remote location, and that maintains at the remote location permanently installed FOOD service EQUIPMENT and or FOOD storage.

**REMOTE SERVICE SITE** means a PERMITTED location that is not owned by the caterer where FOOD items, provided by the caterer, are sold by the piece to individual CONSUMERS for a limited period of time in any one 24-hour period.

## **12-2 Plan Review**

### **Subparts**

- 12-201 Commissary Kitchen/Catering Kitchen/Banquet Kitchen**
- 12-202 Remote Service Site**
- 12-203 Permanent Catering Pantry/Banquet Support Pantry**

### **12-201 COMMISSARY Kitchen/Catering Kitchen/Banquet Kitchen**

#### **12-201.11 Plans**

An applicant for a COMMISSARY Kitchen/Catering Kitchen/Banquet Kitchen shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval, as specified in Chapter 4 of these Regulations.

### **12-202 REMOTE SERVICE SITE**

#### **12-202.11 Plans**

An applicant for a REMOTE SERVICE SITE PERMIT shall submit to the HEALTH AUTHORITY properly prepared plans, and specifications for review and approval, as specified in Chapter 4 of these Regulations.

### **12-203 Permanent Catering Pantry/Banquet Support Pantry**

#### **12-203.11 Plans**

An applicant for a PERMANENT CATERING SUPPORT PANTRY/BANQUET SUPPORT PANTRY permit shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval, as specified in Chapter 4 of these Regulations.

## **12-3 Food Protection**

### **Subparts**

- 12-301 Food Protection**
- 12-302 Food Packaging**
- 12-303 Food Transportation**
- 12-304 Food Delivery**
- 12-305 Food Service**

### **12-301 FOOD Protection**

#### **12-301.11 Protection**

All FOOD stored, prepared, displayed, served, or sold by a CATERING FOOD ESTABLISHMENT, or transported from such establishments, shall be protected against temperature abuse, vermin, and any other source of CONTAMINATION.

### **12-302 FOOD Packaging**

#### **12-302.11 Commercially PACKAGED FOOD in Individual Packages**

- (A) FOOD purchased by a CATERING FOOD ESTABLISHMENT, that is PRE-PACKAGED for individual sale or use, including but not limited to potato chips, cookies, JUICE boxes, or half-pints of milk shall remain in the individual packaging for delivery to the CONSUMER. Re-packaging or re-labeling of PRE-PACKAGED FOOD for individual use is prohibited. A CATERING FOOD ESTABLISHMENT shall not re-package FOOD labeled for individual use.
- (B) Commercially PACKAGED bulk FOOD, including but not limited to large bags of potato chips or cookies, may be divided into portions only if part of a meal and all FOOD handling requirements are met.
- (C) Individual sale of BEVERAGES shall be in PRE-PACKAGED containers. If the BEVERAGE is offered as part of a contracted meal service, the BEVERAGE may be served by FOOD HANDLERS from bulk containers.

#### **12-302.12 FOOD Labeling**

FOOD offered for individual sale over the counter, including but not limited to sandwiches, cookies, bagels, or donuts shall be individually wrapped in FOOD-GRADE material or placed in an APPROVED FOOD container. If sold at a remote self-service counter, all PACKAGED FOOD shall be labeled as specified in Chapter 3-602.11 of these Regulations.

### **12-303 FOOD Transportation**

#### **12-303.11 EQUIPMENT**

- (A) All EQUIPMENT used in FOOD transport shall maintain required temperature of FOOD items for the entire time the FOOD is in transit.
- (B) All EQUIPMENT shall meet the specified requirements of Chapter 4-201.11 of these Regulations, and shall be maintained in good repair.
- (C) All cold holding EQUIPMENT shall maintain required FOOD temperatures at 41°F±2°, or below, while the FOOD is in the VEHICLE awaiting transport and during transportation to the final destination.

- (D) All hot holding EQUIPMENT shall maintain required FOOD temperatures at 135°F±2°, or above, while the FOOD is in the VEHICLE awaiting transport and during transportation to the final destination.
- (E) All clean and sanitized TABLEWARE, UTENSILS, and LINEN shall be covered, stored, and transported in an APPROVED manner to protect the items from CONTAMINATION.

**12-303.12 Transportation VEHICLES**

The HEALTH AUTHORITY shall have access to any VEHICLE utilized by a CATERING FOOD ESTABLISHMENT to ensure that:

- (A) The VEHICLE used for transportation is constructed, equipped, and maintained in a manner that protects all FOOD, EQUIPMENT, UTENSILS, TABLEWARE, and LINEN from CONTAMINATION.
- (B) The VEHICLE is maintained clean, free of trash, FOOD debris, spills, insects, or any other source of CONTAMINATION to the FOOD or EQUIPMENT.
- (C) Any chemical substances, transported in the same VEHICLE as food, are properly and securely segregated from the FOOD and FOOD service EQUIPMENT.
- (D) Soiled TABLEWARE, UTENSILS, and LINEN shall be properly and securely segregated from FOOD and clean EQUIPMENT during transport to prevent CROSS-CONTAMINATION.
- (E) Unauthorized access to, or tampering with, FOOD, packages, and other items in the VEHICLE is prevented.

**12-303.13 FOOD Temperature Requirements During Transportation**

- (A) Immediately prior to transport all PHF (TCS) temperatures shall be taken and recorded on a log to ensure that the FOOD is placed in the VEHICLE at temperatures as specified in Chapter 3-401 through 3-403 of these Regulations. The log shall be made available to the HEALTH AUTHORITY upon request.
- (B) FOOD provided for transport by a FOOD DELIVERY SERVICE for immediate delivery to the customer, shall be temperature checked by the CATERING FOOD ESTABLISHMENT prior to transport. At no time shall the driver or any other employee of the FOOD delivery VEHICLE have direct contact with the FOOD during transport.
- (C) Upon arrival at the event or catering location the PERSON IN CHARGE shall take and record on a log the temperatures of all PHF (TCS). This does not apply to FOOD DELIVERY SERVICES.
- (D) FOOD that is not within the required temperature range at delivery, as required by these Regulations, shall be consumed or discarded within four hours. If rethermalization or cooling EQUIPMENT is available, FOOD shall be reheated or cooled as specified in these Regulations.

**12-304 FOOD DELIVERY**

**12-304.11 Service**

A FOOD DELIVERY SERVICE shall ensure that:

- (A) Its employees shall only pick up and deliver PACKAGED FOOD TO A REMOTE SERVICE SITE from a PERMITTED FOOD ESTABLISHMENT.
- (B) Before transportation the employee shall ensure that:
  - (1) The FOOD is loaded in a manner that prevents excessive shifting within the VEHICLE.
  - (2) The FOOD is strategically loaded to minimize heat exchange between hot and cold FOOD.
  - (3) The FOOD is properly stored and segregated to protect it from any source of CONTAMINATION.
- (C) During and upon delivery, the employee shall ensure that all hot and cold holding EQUIPMENT is kept clean, sanitized, and in good repair.
- (D) Upon delivery the employee shall not participate in the set-up or service unless they possess a valid FOOD HANDLER HEALTH CARD.

**12-305 FOOD Service**

**12-305.11 FOOD Set-up and Service at a REMOTE SERVICE SITE or at an EVENT LOCATION**

A CATERING FOOD ESTABLISHMENT shall ensure that FOOD is delivered to a REMOTE SERVICE SITE EVENT or to an EVENT LOCATION at required temperatures and is protected from CONTAMINATION.

- (A) All FOOD items shall be stored at least 6" above the floor or ground during temporary storage, set-up, and service.
- (B) Adequate HAND WASHING SINKS shall be provided at the REMOTE SERVICE SITE or at an EVENT LOCATION where open FOOD preparation and/or dish-up are occurring.
  - (1) One or more self-contained or permanently plumbed HAND WASHING SINKS with hot and cold water service under pressure shall be provided. A self-contained HAND WASHING SINK shall meet NSF/ANSI or equivalent standards, and be capable of containing at least 5 gallons of potable water, 2.5 gallons of hot water, and 7.5 gallons of waste 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 SINK shall drain into a designated container designed 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.
- (C) The PERSON IN CHARGE of FOOD service during the event shall ensure that:
  - (1) FOOD that is not within the required temperature range at service, as specified by these Regulations, shall be consumed or discarded within four hours.
  - (2) All hot and cold holding EQUIPMENT continues to function as designed during the FOOD service period.
  - (3) Minimal bare hand contact with READY-TO-EAT FOOD occurs. Where bare hand contact is unavoidable, a HAND WASHING SINK shall be located in the immediate FOOD preparation area and shall be used by the employees.
- (D) UTENSILS used to serve catered FOOD shall:
  - (1) Meet the requirements of Chapter 4-201.11 of these Regulations and be maintained in good repair.
  - (2) Be stored in the FOOD with the handle extended out of the FOOD, on a clean surface, or in a clean container.
  - (3) Be replaced every four hours or sooner if observed to be mishandled by the guest, dropped, or otherwise contaminated during the serving process.

## **12-4 Post Event Breakdown**

### **Subpart**

**12-401 Post Event**

**12-402 Clean-Up**

### **12-401 Post Event**

#### **12-401.11 Breakdown**

- (A) Open or PHF (TCS) not consumed at a REMOTE SERVICE SITE or at an EVENT LOCATION shall not be utilized by the caterer for any subsequent events unless the FOOD was held at required temperatures and protected from CONTAMINATION at all times.
- (B) Any non-PHF (TCS) PRE-PACKAGED SINGLE-USE ARTICLES including but not limited to cans or bottles of soda, individually apportioned CONDIMENTS, and similar items may be retained for re-use.
- (C) All soiled UTENSILS, EQUIPMENT, TABLEWARE, and LINEN shall be returned to the COMMISSARY at the completion of the catered event for cleaning, sanitizing, and storage.
- (D) All FOOD, waste, trash, and debris shall be discarded in an APPROVED manner.

### **12-402 Clean-Up**

#### **12-402.11 Cleaning Supplies and Other Chemical Substances**

Unless otherwise pre-arranged with the host of the event, the caterer shall provide cleaning supplies for clean-up leaving the event site in a clean and sanitary condition,

#### **12-402.12 Cleaning Supplies and Other Chemical Substances During Transport**

During transport, all cleaning supplies including but not limited to hand soap, detergent, sanitizing agents, brooms, mops, wiping cloths, buckets, etc., shall be properly segregated to protect re-useable items from CONTAMINATION.

## **12-5 Commissary**

### **Subpart**

**12-501 Commissary**

### **12-501 COMMISSARY**

#### **12-501.11 Functions**

EQUIPMENT, UTENSILS, TABLEWARE, and LINEN returned to the COMMISSARY shall:

- (A) Be cleaned, sanitized, air-dried, and properly stored as specified in Chapter 4-4 and 4-5 of these Regulations.
- (B) Have all solid waste generated during catering and clean-up operations disposed of in an APPROVED container for solid waste. Garbage shall be picked up with a frequency to prevent accumulation of putrescible garbage and other waste that may cause a public health HAZARD.
- (C) Have all liquid waste disposed into a sanitary sewer through a grease trap if required. Waste water is not allowed to be disposed of into the storm drain, onto the asphalt, or other areas around the COMMISSARY.

## **12-6 Personnel**

### **Subparts**

#### **12-601 Health Card**

#### **12-602 Hygienic Practices**

### **12-601 HEALTH CARD**

#### **12-601.11 FOOD HANDLER HEALTH CARD**

Any employee of a CATERING FOOD ESTABLISHMENT engaged in handling, storing, transporting, preparing, manufacturing, serving, or selling open 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 shall possess a valid FOOD HANDLER HEALTH CARD issued by the HEALTH AUTHORITY.

### **12-602 Hygienic Practices**

#### **12-602.11 Hand Washing**

The caterer shall ensure that FOOD HANDLERS wash their hands:

- (A) Before beginning, and after ending, their shifts.
- (B) After using the toilet.
- (C) After smoking, eating, or drinking.
- (D) After handling raw FOOD.
- (E) Before and after loading and unloading FOOD and FOOD service EQUIPMENT from their VEHICLES.
- (F) Before and after setting up FOOD service lines.
- (G) Before serving FOOD during table service.
- (H) After retrieving soiled TABLEWARE in the bussing process.
- (I) Before any contact with FOOD, FOOD service EQUIPMENT, or other items.
- (J) After any other activity in which their hands become soiled or otherwise contaminated as specified in Chapter 2 of these Regulations.

#### **12-602.12 Hair Restraint**

FOOD HANDLERS who prepare or serve FOOD shall restrain their hair as specified in Chapter 2-402.11 of these Regulations.

#### **12-602.13 Tobacco Use**

FOOD HANDLERS shall not use tobacco in any form while engaged in preparation and service of FOOD.

# 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.

# Chapter 14

## Seasonal Food Establishment

### Parts

- 14-1 Definitions
- 14-2 Plan Review
- 14-3 Food Protection
- 14-4 Sanitation Requirements
- 14-5 Personnel

### 14-1 Definitions

#### Subparts

- 14-101 Purpose
- 14-102 Applicability and Listing of Terms
- 14-103 Definitions

#### 14-101 Purpose

The purpose of this type of HEALTH PERMIT is to allow FOOD ESTABLISHMENTS to serve FOOD to the public on a routine basis for a period of time that is less than an annual HEALTH PERMIT and the FOOD service and handling are limited by the HEALTH AUTHORITY to preserve FOOD safety to the maximum extent possible.

#### 14-102 Applicability and Listing of Terms

##### 14-102.11 Interpretation and Application of Terms

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

#### 14-103 Definitions

**KIOSK** means a semi-permanent structure, within a permanent facility, serving FOOD to the public, where FOOD and UTENSILS may also be stored, and KITCHENWARE cleaned on-site or in the support COMMISSARY.

**SEASONAL FOOD ESTABLISHMENT** means a facility providing FOOD to the CONSUMER, operated by the PERSON listed on the HEALTH PERMIT, and in a single designated location. The HEALTH PERMIT is valid for the designated season between 120 and 240 days and not necessarily associated with any special event.

### 14-2 Plan Review

#### Subparts

- 14-201 Permit
- 14-202 Commissary
- 14-203 Seasonal Permits
- 14-204 Menu

#### 14-201 PERMIT

##### 14-201.11 Application

The applicant shall:

- (A) Make written application for the type of Seasonal PERMIT, with specific dates of operation, on forms provided by the HEALTH AUTHORITY. Types of seasons may include, but are not limited to, little league, football, summer concert series, etc.
- (B) Provide a sample menu, including ingredients, of the FOOD to be served.
- (C) Provide a description of the EQUIPMENT to be used.
- (D) Provide properly developed plans as applicable to the location.

#### 14-202 COMMISSARY

##### 14-202.11 Requirements

Commissaries shall meet the EQUIPMENT and structural requirements for a FOOD ESTABLISHMENT as provided in FOOD Service ESTABLISHMENT Plan Review Requirements for EQUIPMENT and Facilities and as specified in these Regulations.

#### 14-203 Seasonal Permits

##### 14-203.11 Types

Seasonal FOOD service PERMITS are subcategorized by location and FOOD type, including but not limited to; indoor, outdoor, pool deck area, PACKAGED non- PHF (TCS), PACKAGED PHF (TCS), open non-PHF (TCS) and open PHF (TCS).

##### 14-203.12 General Requirements

All Seasonal PERMITS shall:

- (A) Meet all applicable requirements of these Regulations.
- (B) Be site-specific and have written authorization from the property owner.
- (C) Have *NSF/ANSI* or equivalent EQUIPMENT, wares, and FOOD-CONTACT SURFACES where applicable.
- (D) Have access to an approvable restroom with hot and cold water under pressure, dispenser-fed soap and towels, and where applicable be ventilated with a self-closing door. The applicant shall have written permission from the property owner for use of restroom facilities that are accessible during all hours of operation.
- (E) Have a written use agreement with a PERMITTED COMMISSARY or a support kitchen.
- (F) Have FOOD transport EQUIPMENT that is *NSF/ANSI* or equivalent and capable of maintaining the required temperatures.
- (G) Have a minimum of 35 foot-candles of natural or artificial light 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.

#### **14-203.13 Seating**

SEASONAL FOOD PERMITS shall not provide seating for the consumption of FOOD purchased at the SEASONAL FOOD ESTABLISHMENT.

#### **14-203.14 Specific Requirements**

- (A) PACKAGED non-PHF (TCS) may be exempt from Plan Review. An operational inspection shall be conducted to verify that:
  - (1) Packages remain SEALED and sampling of product does not occur.
  - (2) Procedures are in place to maintain FOOD off the ground or floor.
- (B) PACKAGED PHF (TCS) requires Plan Review in addition to a field inspection. Requirements include:
  - (1) Packages shall remain SEALED and sampling of product does not occur.
  - (2) Procedures are in place to maintain FOOD off the ground or floor.
  - (3) *NSF/ANSI* or equivalent refrigeration or hot-holding EQUIPMENT with an APPROVED power source.
- (C) Open non-PHF (TCS) requires Plan Review and a field inspection. Requirements include:
  - (1) Procedures are in place to maintain FOOD off the ground or floor.
  - (2) That *NSF/ANSI* or equivalent refrigeration or hot-holding EQUIPMENT with an APPROVED power source to be used.
  - (3) A self-contained or permanently plumbed HAND WASHING SINK with hot and cold water service under pressure. The self-contained HAND WASHING SINK shall be *NSF/ANSI* or equivalent and shall be capable of containing at least 5 gallons of potable water, 2.5 gallons of hot water and 7.5 gallons of waste water.
  - (4) Outdoor operation shall have overhead protection.
  - (5) Both indoor and outdoor operations shall provide APPROVED shielding of the FOOD from customers.
- (D) Open PHF (TCS) require preliminary plan review and a field inspection. Requirements include:
  - (1) Procedures are in place to maintain FOOD off the ground or floor.
  - (2) That *NSF/ANSI* or equivalent refrigeration or hot-holding EQUIPMENT with an APPROVED power source to be used.
  - (3) A self-contained or permanently plumbed HAND WASHING SINK with hot and cold water service under pressure. The self-contained HAND WASHING SINK shall be *NSF/ANSI* or equivalent and shall be capable of containing at least 5 gallons of potable water, 2.5 gallons of hot water, and 7.5 gallons of waste water.
  - (4) A comprehensive operational FOOD handling plan for all the steps required to process each PHF (TCS) product may be required to include:
    - (a) The amount of time required for each step.
    - (b) The amount of time required between steps.
    - (c) Proposed temperatures of the FOOD product.
    - (d) Length of time required to heat a FOOD product.
    - (e) The details of handling the FOOD by FOOD HANDLERS of the FOOD ESTABLISHMENT.
  - (5) Outdoor operations shall have overhead protection.
  - (6) Both indoor and outdoor operations shall provide APPROVED shielding of the FOOD from customers.
  - (7) EQUIPMENT and UTENSILS shall be washed, rinsed, and sanitized or replaced at least once every four hours, or more often if necessary. WARE WASHING facilities, if provided, shall be maintained

as specified in Chapter 4 of these Regulations. The sink shall have hot water at a minimum temperature of 110°F±2°, and cold running water which drains to an APPROVED method of waste water disposal. If a three-compartment sink is not available on-site, a WARE WASHING facility shall be available that has:

- (a) Three basins, large enough for 1/2 immersion of the largest EQUIPMENT and UTENSILS.
- (b) An adequate supply of hot and cold potable water.
- (c) An APPROVED disposal system for waste water.

(E) Pool deck SEASONAL FOOD ESTABLISHMENT PERMITS shall also meet the requirements of NAC 444.288. The following requirements shall be met for all operations on pool decks and within pool barriers:

- (1) No glass or breakable items shall be allowed except that glass liquor and mixer bottles under the control of a FOOD HANDLER are acceptable.
- (2) Bar/FOOD units shall be located remotely from the edge of the pool on the raised rear deck area if available.
- (3) Work stations shall not obstruct access to the pool deck, or to necessary fixtures, including but not limited to showers and water fountains.
- (4) Work stations shall not be placed in any location where there is standing water.
- (5) Work stations shall be broken down, covered, protected, and stored when not in use.
- (6) All electrical connections for work stations shall be GFCI protected and testable, and temporary electrical runs shall not pass across walkways used by bathers or in wet areas such deck drains.
- (7) An operational plan shall be completed and shall address all of the above including a statement that management will not permit FOOD or drink to be consumed within 4' of any pool or spa.

#### **14-204 Menu**

##### **14-204.11 RESTRICTIONS**

For profit and non-profit applicants not fulfilling the facility and EQUIPMENT requirements, as specified in Paragraph 14-2 of this Chapter, shall be subject to menu or category RESTRICTIONS as determined by the HEALTH AUTHORITY.

### **14-3 Food Protection**

#### **Subparts**

##### **14-301 Food Source**

##### **14-302 Food Storage and Transportation**

##### **14-303 Food Preparation, Holding, Display, and Service**

#### **14-301 FOOD Source**

##### **14-301.11 FOOD**

- (A) All ingredients used in FOOD, including water and ice, prepared in a SEASONAL FOOD ESTABLISHMENT shall be from an APPROVED SOURCE.
- (B) FOOD found to be in unacceptable condition cannot be used as ingredients in FOOD offered for sale by a SEASONAL FOOD ESTABLISHMENT and shall be either discarded or returned for credit to the provider.
- (C) No FOOD prepared or stored in a private residence or house may be used, stored, served, offered for sale, sold, or given away in a SEASONAL FOOD ESTABLISHMENT as prohibited by *NRS 446.870*.

#### **14-302 FOOD STORAGE and Transportation**

##### **14-302.11 FOOD**

- (A) Shall be stored in an APPROVED COMMISSARY or PERMITTED FOOD ESTABLISHMENT.
- (B) Shall comply with all storage requirements listed in Chapter 3 of these Regulations.
- (C) Shall be transported in a manner that maintains the correct temperature of the FOOD and prevents CROSS-CONTAMINATION during transport.

#### **14-303 FOOD Preparation, Holding, Display, and Service**

##### **14-303.11 Requirements**

FOOD preparation, holding display, and service shall meet all requirements in Chapter 3 of these Regulations.

##### **14-303.12 Menu Changes**

Upon menu approval from the HEALTH AUTHORITY, during the Plan Review process, any subsequent menu/EQUIPMENT changes shall be submitted and APPROVED by the HEALTH AUTHORITY prior to implementation.

#### **14-303.13 Records**

When a Seasonal PERMIT HOLDER is required to have a COMMISSARY which is owned by another operator, a Service Log outlining the following information shall be maintained:

- (A) The business name of the Seasonal PERMIT HOLDER.
- (B) The health PERMIT number.
- (C) The business name, address, phone number, and health PERMIT number of the COMMISSARY.
- (D) The log shall include:
  - (1) Date.
  - (2) Time In.
  - (3) Time Out.
  - (4) Name and signature of the PERSON IN CHARGE at the COMMISSARY.
  - (5) Name and signature of the PERSON IN CHARGE of the Seasonal PERMIT.
- (E) All information shall be completed and logged at each visit. All of the information shall be complete. A legible log shall be maintained at the COMMISSARY and be made available upon request of the HEALTH AUTHORITY.

#### **14-303.14 Non-PHF (TCS) PACKAGED FOOD Handling**

FOOD shall be purchased the day of the event unless a PERMITTED COMMISSARY is provided. Receipts of purchase shall be maintained and available for review by the HEALTH AUTHORITY.

#### **14-303.15 PACKAGED PHF (TCS) Handling**

- (A) FOOD shall be purchased the day of the event unless a PERMITTED COMMISSARY is provided. Receipts of purchase shall be maintained and available for review by the HEALTH AUTHORITY.
- (B) All PHF (TCS) shall be maintained at required temperatures in *NSF/ANSI* or equivalent refrigeration or hot holding EQUIPMENT.
- (C) Sampling of FOOD products is prohibited.

#### **14-303.16 Open Non-PHF (TCS) Handling**

- (A) A COMMISSARY shall be required.
- (B) The location, transportation, EQUIPMENT for transportation, and procedures shall be APPROVED by the HEALTH AUTHORITY.
- (C) HAND WASHING SINKS, as required in Paragraph 14-203.14(C) (3) of this Chapter, shall be located in the immediate vicinity of any FOOD handling, preparation, or WARE WASHING areas.

#### **14-303.17 Open PHF (TCS) FOOD Handling**

- (A) A COMMISSARY shall be required. Complex FOOD preparation shall be completed at the COMMISSARY.
- (B) Immediately prior to transport all PHF (TCS) temperatures shall be taken and recorded on a service log to ensure that the FOOD is maintained at temperatures as specified in Chapter 3-401 through 3-403 of these Regulations. These logs shall be made available to the HEALTH AUTHORITY upon request.
- (C) Upon arrival at the APPROVED site the PERSON IN CHARGE shall take, and record on a service log, temperatures of the PHF (TCS).
- (D) FOOD that is not within the required temperature range at delivery, as specified in these Regulations, shall be consumed or discarded within four hours. If effective rethermalization and/or cooling EQUIPMENT are available, FOOD shall be reheated or cooled as specified in these Regulations.
- (E) Only minimal FOOD preparation or FOOD handling shall be allowed on-site. Minimal FOOD preparation includes but is not limited to dish-up, packaging, reheating, assembly and/or garnishing.
- (F) HAND WASHING SINKS, as required in Paragraph 14-203.14(D) (3) of this Chapter, shall be located in the immediate vicinity of any FOOD handling or preparation area.

## **14-4 Sanitation Requirements**

### **Subparts**

**14-401 General Requirements**

**14-402 Equipment and Utensils**



**14-403 Poisonous and Toxic Materials**  
**14-404 Water Supply and Waste Water Disposal**  
**14-405 Solid Waste**

**14-401 General Requirements**

**14-401.11 Seasonal PERMIT SITE**

The seasonal PERMIT site shall be maintained clean. It shall be free of REFUSE, excessive FOOD debris or spills beyond an amount generated during the preparation of FOOD.

**14-401.12 Wiping Cloths**

Wiping cloths immersed in sanitizer shall be available for wiping down FOOD-CONTACT SURFACES.

**14-401.13 Completion of FOOD Service**

Following the completion of FOOD service, all prepared FOOD items that remain in cooking or holding EQUIPMENT shall be discarded except that:

- (A) Any PRE-PACKAGED or unprepared FOOD items that remained in cold holding at the correct temperature for the entire duration of the service period may be returned to the COMMISSARY as specified in Section 14-302.11 of this Chapter.
- (B) Any non-PHF (TCS) PRE-PACKAGED SINGLE-USE ARTICLES including but not limited to cans or bottles of soda, individually apportioned CONDIMENTS, and similar items may be returned to the COMMISSARY as specified in Section 14-302.11 of this Chapter.

**14-402 EQUIPMENT and UTENSILS**

**14-402.11 EQUIPMENT**

All EQUIPMENT shall be in good repair and properly maintained at all times.

**14-402.12 EQUIPMENT, UTENSILS and LINEN**

In the absence of an on-site three-compartment sink all multi-use EQUIPMENT, UTENSILS and LINEN shall be replaced with clean every four hours, or more frequently as needed, and returned to the COMMISSARY for cleaning and SANITIZATION prior to re-use.

- (A) Excessive FOOD debris shall be removed from soiled EQUIPMENT and UTENSILS prior to transport to the COMMISSARY.
- (B) Soiled UTENSILS shall be segregated from FOOD, FOOD-CONTACT SURFACES, clean UTENSILS, and SINGLE-SERVICE ARTICLES.

**14-402.13 EQUIPMENT, UTENSILS and LINEN**

All EQUIPMENT, UTENSILS and LINEN shall be handled and stored in such a manner as to protect all FOOD, clean EQUIPMENT, and clean UTENSILS from CONTAMINATION.

**14-403 POISONOUS OR TOXIC MATERIALS**

**14-403.11 Storage**

Storage and/or handling of POISONOUS OR TOXIC MATERIALS shall comply with the applicable sections of Chapter 7 of these Regulations.

**14-404 Water Supply and Waste Water Disposal**

**14-404.11 Water Supply**

The water supply shall meet the applicable sections of these Regulations.

**14-404.12 Waste Water Disposal**

The waste water disposal shall meet the applicable sections of these Regulations such as through an APPROVED sanitary SEWAGE system or other APPROVED system, including the use of SEWAGE transport VEHICLES and waste retention tanks. No waste water is allowed to be disposed in the storm drain or onto asphalt or other areas around the site.

**14-405 Solid Waste**

**14-405.11 Provisions**

Provisions shall be made for proper disposal and storage of solid waste, both within the seasonal booth, and also available outside of the seasonal booth for customer use.

- (A) Receptacles shall be maintained clean so as not to create a nuisance.
- (B) All receptacles shall be lined with properly sized disposable plastic liners.

**14-5 Personnel**

**Subparts**

- 14-501 Employee Health**
- 14-502 Food Handler Health Card**
- 14-503 Personal Cleanliness**

**14-504 Hygienic Practices****14-505 Personnel****14-501 Employee Health****14-501.11 Reporting**

The PERSON IN CHARGE shall report information about employee health and activities as they relate to symptoms of illness that are transmissible through FOOD as required by Chapter 2 of these Regulations.

**14-502 FOOD HANDLER HEALTH CARD****14-502.11 Requirements**

FOOD HANDLERS working in a SEASONAL FOOD ESTABLISHMENT shall possess a current, valid FOOD HANDLERS' HEALTH CARD issued by the HEALTH AUTHORITY.

**14-503 PERSONAL Cleanliness****14-503.11 Hand Washing**

The PERSON IN CHARGE shall ensure that all FOOD HANDLERS wash their hands as required in Chapter 2-301.12 of these Regulations and:

- (A) Before beginning and after ending their shifts.
- (B) After using the toilet.
- (C) After smoking, eating, or drinking.
- (D) After handling raw FOOD, which should be minimized.
- (E) Before and after loading and unloading FOOD, and FOOD service EQUIPMENT.
- (F) Before and after setting up FOOD service displays.
- (G) Before serving FOOD.
- (H) After handling soiled items at clean-up before departing.
- (I) Before any contact with FOOD, FOOD service EQUIPMENT or other items.
- (J) After any activity in which their hands become soiled or otherwise contaminated.

**14-503.12 Fingernails**

- (A) FOOD HANDLERS shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are clean and SMOOTH.
- (B) Unless wearing intact gloves in good repair, a FOOD HANDLER may not wear fingernail polish or artificial fingernails when working with exposed FOOD.

**14-503.13 Jewelry Prohibition**

Except for a plain ring, including but not limited to a wedding band, FOOD HANDLERS shall not wear jewelry, including medical information bracelets on their arms and hands while preparing FOOD.

**14-503.14 Outer Clothing**

FOOD HANDLERS shall wear clean outer clothing to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

**14-504 Hygienic Practices****14-504.11 Hair Restraint**

FOOD HANDLERS who prepare or serve FOOD shall restrain their hair as specified in Chapter 2-402.11 of these Regulations.

**14-504.12 Tobacco Use**

FOOD HANDLERS shall not use tobacco in any form while engaged in the preparation and service of FOOD.

**14-505 PERSONNEL****14-505.11 RESTRICTIONS**

Only PERSONS necessary in the preparation and service of FOOD, or the PERSON IN CHARGE, shall be allowed in the PERMITTED area.

# Chapter 15

## Special Events and Temporary Food Establishments

### Parts

- 15-1 Definitions
- 15-2 Special Event Requirements
- 15-3 Temporary Food Establishment Requirements
- 15-4 Compliance and Enforcement

### 15-1 Definitions

#### Subparts

- 15-101 Applicability and Listing of Terms
- 15-102 Definitions

#### 15-101 Applicability and Listing of Terms

##### 15-101.11 Interpretation and Listing of Terms

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

#### 15-102 Definitions

**EVENT COORDINATOR** means a designated PERSON, or PERSON assigned by the SPECIAL EVENT SPONSOR, responsible for the coordination of TEMPORARY FOOD ESTABLISHMENTS, FOOD BOOTHS, and health related services at a SPECIAL EVENT.

**EVENT COORDINATOR PERMIT** means a PERMIT as issued by SNHD for a SPECIAL EVENT that will include 2 or more TEMPORARY FOOD ESTABLISHMENTS or FOOD BOOTHS at a given location, other than a single operator with multiple FOOD ESTABLISHMENTS located on their own property.

**FOOD BOOTH** means any place, structure, or premise associated with a SPECIAL EVENT in which any POTENTIALLY HAZARDOUS or open FOOD intended for ultimate human consumption is offered or served. Multiple operators shall not share a FOOD BOOTH. All operators shall be individually PERMITTED as required by the HEALTH AUTHORITY.

**LICENSED** means formal permission or having a PERMIT from the appropriate federal, state, or local AGENCY OF JURISDICTION to carry out a function or event at a specified location.

**SPECIAL EVENT** means any LICENSED transitory public gathering that takes place at a given location for a specific purpose that is associated with a fair, carnival, circus, public exhibition, celebration, or trade show. The event has a defined start and stop date, with the given event not exceeding 14 consecutive days. This includes TASTING EVENTS.

**SPECIAL EVENT SPONSOR** means the PERSON, group, association, organization, corporation, or governmental agency sponsoring or promoting a SPECIAL EVENT.

**TASTING EVENT** means a SPECIAL EVENT, including but not limited to wine tastings and chili cook-offs, in which an entrance fee entitles the CONSUMER to FOOD service in conjunction with the event and where there is no point of sales directly at the booths.

### 15-2 Special Event Requirements

#### Subparts

- 15-201 Requirements for an Event Coordinator and Event Coordinator Permit
- 15-202 Event Coordinator Permit
- 15-203 Responsibilities of the Event Coordinator
- 15-204 Event Coordinator Permission to Operate
- 15-205 General Requirements for Special Events
- 15-206 Trade Shows, Conventions, Chili Cook-Offs, and Food and Beverage Tasting Events
- 15-207 Special Events Operated Within Pool Enclosures
- 15-208 Special Event Permit to Operate

#### 15-201 Requirements for an EVENT COORDINATOR and EVENT COORDINATOR PERMIT

##### 15-201.11 PERMIT Requirements

An EVENT COORDINATOR PERMIT for a SPECIAL EVENT or a trade show shall not exceed 14 days, and is not transferable from PERSON to PERSON or from location to location, and shall be required where there is more than one TEMPORARY FOOD ESTABLISHMENT, or more than one FOOD BOOTH, and:

- (A) The EVENT COORDINATOR is operating the SPECIAL EVENT, including TASTING EVENTS, on their own property with outside FOOD or BEVERAGE vendors participating.

- (B) The EVENT COORDINATOR is conducting the SPECIAL EVENT on property other than their own, with outside vendors providing FOOD or BEVERAGE services. If the event takes place on private property, a permission letter from the property owner shall be obtained and submitted to the HEALTH AUTHORITY as part of the application process.
- (C) Annual Itinerants and mobile vendors are included in the total vendor count. If mobile vendors set up additional facilities outside of their unit, the vendor shall apply for a TEMPORARY FOOD ESTABLISHMENT PERMIT.

An EVENT COORDINATOR PERMIT will not be required if the following requirements are met:

- (A) The EVENT COORDINATOR is the sole vendor associated with the SPECIAL EVENT. If the event is not operating on its own property, a permission letter from the property owner shall be obtained and submitted to the HEALTH AUTHORITY as part of the application process.
- (B) A non-profit organization operating on their own property, as stated in *NRS 446.870*, is exempt from these Regulations. If the event is to be held off the PREMISES of the non-profit organization, an EVENT COORDINATOR PERMIT will be required.

**15-201.12 EVENT COORDINATOR**

The SPECIAL EVENT SPONSOR shall designate an EVENT COORDINATOR.

**15-202 EVENT COORDINATOR PERMIT**

**15-202.11 Application**

The EVENT COORDINATOR shall make written application for an EVENT COORDINATOR PERMIT on forms provided by the HEALTH AUTHORITY to include a description of support services, and a list of FOOD vendors with contact information.

- (A) The application for the EVENT COORDINATOR PERMIT shall be accompanied by payment of a fee as established by the DISTRICT BOARD OF HEALTH.
- (B) A late fee will be assessed if the PERMIT application and fee is not submitted to the HEALTH AUTHORITY a minimum of seven days prior to the start date of the event. Additional fees will be incurred if the PERMIT application is submitted less than 24 hours prior to the event.
- (C) A map of the event shall accompany the application, or be provided no less than 48 hours prior to the start of the event.
- (D) Once submitted the application shall be updated as required in Section 15-203.11(B) of these Regulations.
- (E) Failure to submit an EVENT COORDINATOR application as required by this Section may result in a CEASE AND DESIST ORDER being issued prohibiting the preparation, display, service, and sale of any FOOD items at the SPECIAL EVENT.

**15-202.12 Application Review**

The EVENT COORDINATOR PERMIT application shall be reviewed by the HEALTH AUTHORITY and the proposed plan shall be APPROVED or denied. If denied, the applicant shall be notified of the reason(s) for the denial. Incomplete applications shall be denied.

**15-203 Responsibilities of the EVENT COORDINATOR**

**15-203.11 Responsibilities**

The EVENT COORDINATOR shall:

- (A) Ensure compliance as specified in Section 15-205 of this Chapter.
- (B) Inform the HEALTH AUTHORITY of any changes or additions made after the original application was reviewed.
- (C) Coordinate all services required as specified in Section 15-205 of this Chapter.
- (D) Notify all TEMPORARY FOOD ESTABLISHMENTS that will be associated with the SPECIAL EVENT that:
  - (1) They are required to make advance application for a PERMIT to operate as specified in Section 15-301 of this Chapter.
  - (2) Failure to make application for a PERMIT and pay any applicable fees may result in a CEASE AND DESIST ORDER being issued.
- (E) Have a designated representative available to the HEALTH AUTHORITY during the event.

**15-204 EVENT COORDINATOR Permission to Operate**

**15-204.11 Issuance of PERMIT**

An EVENT COORDINATOR PERMIT shall be issued once it has been determined by the HEALTH AUTHORITY that applicable requirements have been met.

**15-204.12 Time Limit for PERMIT**

An EVENT COORDINATOR PERMIT to operate shall not exceed 14 consecutive days.

The EVENT COORDINATOR shall be responsible for all as specified on the EVENT COORDINATOR PERMIT application which may include, but is not limited to, potable water supply, disposal of waste water, disposal of solid waste, restroom facilities including associated HAND WASHING SINKS, power supply, and central refrigeration services.

#### **15-205 General Requirements for SPECIAL EVENTS**

##### **15-205.11 Compliance with Requirements**

SPECIAL EVENTS shall comply with the requirements specified in this Section and may be subject to other applicable chapters of these Regulations. As provided in *NRS 439.410 and NRS 446.865*, the HEALTH AUTHORITY may impose additional requirements to prevent potential health HAZARDS related to the operation of such events. A guidance documents is provided in Appendix I.

##### **15-205.12 Support Services Responsibilities**

The EVENT COORDINATOR shall be responsible for all items as specified on the EVENT COORDINATOR PERMIT application which may include, but is not limited to, potable water supply, disposal of waste water, disposal of solid waste, restroom facilities including associated HAND WASHING SINKS, power supply, and central refrigeration services. Depending upon the type of event, support services provided to TEMPORARY FOOD ESTABLISHMENTS may include the following:

- (A) Adequate power shall be supplied by the EVENT COORDINATOR to those TEMPORARY FOOD ESTABLISHMENTS that require electrical or mechanical means to hold FOOD products at required temperatures. When mechanical refrigeration is used, power shall be provided in advance to bring units down to adequate temperatures.
- (B) When central refrigeration services for FOOD vendors are provided, the EVENT COORDINATOR shall ensure that EQUIPMENT is capable of maintaining FOOD at required temperature. When EQUIPMENT is not maintaining FOOD at required temperature, it shall be taken out of service and any temperature abused FOOD shall be discarded.
- (C) Common WARE WASHING facilities, if provided, shall be maintained as specified in Chapter 4 of these Regulations. At SPECIAL EVENTS exceeding three days in duration, a three-compartment sink shall be provided on-site by the EVENT COORDINATOR for TEMPORARY FOOD ESTABLISHMENT operators. The sink shall have hot water at a minimum temperature of  $110^{\circ}\text{F}\pm 2^{\circ}$ , and cold running water which drains to an APPROVED method of waste water disposal.

##### **15-205.13 Lighting**

A minimum of 20 foot-candles of artificial light shall be provided after dusk in all common areas.

##### **15-205.14 Toilet Facilities**

The EVENT COORDINATOR shall ensure that an adequate number of toilet facilities are provided for patron and participant use so as not to create a nuisance or public health HAZARD

- (A) When the number of seweried toilets is insufficient, non-seweried toilets shall be provided. The operator of a SPECIAL EVENT shall provide toilet facilities as set forth in *NAC 444.825* unless the HEALTH AUTHORITY reduces the number of toilet facilities otherwise required pursuant to *NAC 444.825* by the number of public toilet facilities available.
- (B) All toilets shall be adequately serviced, stocked with dispenser-held toilet tissue, and maintained during the event

##### **15-205.15 HAND WASHING SINKS**

- (A) HAND WASHING SINKS shall be located at all toileting areas utilized by FOOD HANDLERS, including all non-seweried toilet areas.
- (B) The operator of a SPECIAL EVENT shall provide at least one facility for hand washing for each group of toilet facilities.
- (C) The portable HAND WASHING SINK shall be provided with running water that drains to an enclosed waste water tank.
- (D) HAND WASHING SINKS shall be adequately serviced, stocked, and maintained during the event. Liquid hand soap in a pump dispenser, and single-use paper towels dispensed in a sanitary manner, shall be available at the HAND WASHING SINK.
- (E) The use of a hand sanitizer is not a substitute for HAND WASHING SINKS for FOOD HANDLERS.
- (F) Hand sanitizer dispensers may be utilized at non-seweried toilet areas used by the public.
- (G) The EVENT COORDINATOR shall ensure that HAND WASHING SINKS for customer use are placed at the entrance to any animal attraction associated with the event. Liquid hand soap in a pump dispenser, and single-use paper towels dispensed in a sanitary manner, shall be available at the HAND WASHING SINK.

##### **15-205.16 Water Supply**

- (A) The EVENT COORDINATOR shall notify all TEMPORARY FOOD ESTABLISHMENT operators, in advance, of the availability and location of potable water sources or that potable water will not be provided.
- (B) Water haulers for SPECIAL EVENTS shall comply with *NAC 445A.67275* through *NAC 445A.6731*.
- (C) Non-potable water supplies including but not limited to water trucks for dust control shall not be used at SPECIAL EVENTS where spray or flow may contaminate FOOD. All non-potable water connections and service containers shall be clearly labeled.
- (D) Hoses connected to potable water sources shall meet the requirements as specified in Chapter 5-302.16 of these Regulations.

**15-205.17 Waste Water**

The EVENT COORDINATOR shall ensure that all waste water generated at an event is discharged to a sanitary sewer. The dumping of waste water into a storm drain or directly onto the ground is strictly prohibited. Improper disposal may be subject to citations and/or penalties.

**15-205.18 Solid Waste**

- (A) The EVENT COORDINATOR shall ensure proper disposal of garbage as specified on the EVENT COORDINATOR PERMIT application.
- (B) The EVENT COORDINATOR shall ensure the presence of an adequate number of leak-proof trash receptacles in common areas for public use.
- (C) Trash receptacles shall be emptied as often as necessary to prevent excessive accumulation of solid waste so as not to create a public health nuisance.
- (D) The EVENT COORDINATOR shall provide for the removal of any solid waste scattered on the event PREMISES as a result of event activities, including the removal of such waste during and at the conclusion of the event.
- (E) Grease and waste cooking oil shall be disposed of in a manner APPROVED by the HEALTH AUTHORITY. Disposal of grease or waste cooking oil to the sanitary sewer system in a storm drain or on the ground is prohibited and may be subject to citations and/or penalties.
- (F) Improper disposal of solid waste may be subject to citations and/or penalties as specified in *NRS 444.630*.
- (G) The SPECIAL EVENT COORDINATOR is responsible for developing and implementing a resource recovery plan at any event where attendance is expected to exceed 5,000 PERSONS per day. Cardboard, glass, plastic bottles, and aluminum generated at an event of this size shall be collected and recycled.

**15-205.19 Animal Attractions**

Animal attractions shall not create nuisances, odors, or fly problems that impact FOOD service operations. The HEALTH AUTHORITY may impose additional RESTRICTIONS and requirements to ensure the health of the public.

**15-206 Trade Shows, Conventions, Chili Cook-Offs, and FOOD and BEVERAGE Tasting Events**

**15-206.11 PERMIT Application**

The EVENT COORDINATOR shall apply for an EVENT COORDINATOR PERMIT as specified in Sections 15-201 and 15-202 of this Chapter.

**15-206.12 Responsibilities of the EVENT COORDINATOR**

In addition to the responsibilities specified in Section 15-203 of this Chapter, the EVENT COORDINATOR of a trade show, convention, chili cook-off, or TASTING EVENT shall:

- (A) Inform “for profit” and “non-profit” booth vendors, with point of sale or similar direct compensation for FOOD or BEVERAGE, that they must make advance application for a PERMIT to operate a TEMPORARY FOOD ESTABLISHMENT and that failure to do so may result in a CEASE AND DESIST ORDER being issued.
- (B) Provide the criteria for proper set-up to vendors who do not accept monetary compensation as described in Section 15-303 of this Chapter and ensure that they are ready to operate at the time specified in the EVENT COORDINATOR application. Inspection of these booths shall be documented on the EVENT COORDINATOR PERMIT inspection report.
- (C) Ensure that the general requirements for SPECIAL EVENTS, as specified in Section 15-205 of this Chapter, are in place prior to the opening time of the event as indicated on the EVENT COORDINATOR PERMIT application.

**15-207 SPECIAL EVENTS Operated Within Pool Enclosures**

### **15-207.11 Requirements**

SPECIAL EVENTS, including TEMPORARY FOOD ESTABLISHMENTS, operated within pool enclosures shall also meet the requirements of *NAC 444.288*. The following requirements shall be met for all operations on pool decks and within pool barriers:

- (A) No glass or breakable items shall be allowed except that glass liquor and mixer bottles under the control of a FOOD HANDLER are acceptable.
- (B) Bar/FOOD units shall be located remotely from the edge of the pool on the raised rear deck area if available.
- (C) Work stations shall not obstruct access to the pool deck, or to necessary fixtures, including but not limited to showers and water fountains.
- (D) Work stations shall not be placed in any location where there is standing water.
- (E) Work stations shall be broken down, covered, protected, and stored when not in use.
- (F) All electrical connections for work stations shall be GFCI protected and testable, and temporary electrical runs shall not pass across walkways used by bathers or in wet areas such deck drains.
- (G) An operational plan shall be completed and shall address all of the above including a statement that management will not permit FOOD or drink to be consumed within 4' of any pool or spa.

### **15-208 SPECIAL EVENT PERMIT to Operate**

#### **15-208.11 Issuance of Report and Corrective Action**

- (A) The HEALTH AUTHORITY shall conduct an inspection of the SPECIAL EVENT and record the findings on an inspection report form. The HEALTH AUTHORITY shall furnish the original of the inspection report to the EVENT COORDINATOR.
- (B) The EVENT COORDINATOR shall ensure that all documented violations are corrected as specified on the health inspection report.
- (C) The EVENT COORDINATOR shall ensure that unAPPROVED TEMPORARY FOOD ESTABLISHMENTS do not operate at or during the SPECIAL EVENT.
- (D) The EVENT COORDINATOR of TASTING EVENTS shall ensure that FOOD BOOTHS, with no point of sale but having outstanding violations, do not serve FOOD until corrective actions have been made as designated on the inspection report.

#### **15-208.12 PERMIT Approval to Operate**

Once all requirements for the EVENT COORDINATOR have been met, the health PERMIT for the SPECIAL EVENT shall be APPROVED.

## **15-3 Temporary Food Establishment Requirements**

### **Subparts**

- 15-301 Application to Operate a Temporary Food Establishment**
- 15-302 Temporary Food Establishment Permit to Operate**
- 15-303 Temporary Food Establishment Permit Exemptions**
- 15-304 General Requirements for Temporary Food Establishments**

### **15-301 Application to Operate a TEMPORARY FOOD ESTABLISHMENT**

#### **15-301.11 Application**

- (A) A PERSON desiring to operate any TEMPORARY FOOD ESTABLISHMENT shall make written application for a PERMIT in accordance with *NRS 446.875*.
- (B) The application shall be made on forms provided by the HEALTH AUTHORITY. The TEMPORARY FOOD ESTABLISHMENT PERMIT application shall be submitted to the HEALTH AUTHORITY not less than seven days prior to the start date of the event.
- (C) An application for a PERMIT to operate a TEMPORARY FOOD ESTABLISHMENT shall be accompanied by payment of a fee established by the DISTRICT BOARD OF HEALTH. A late fee will be assessed if the application and fee are not received a minimum of seven days prior to the start date of the event. Additional fees will be incurred if the PERMIT application is submitted less than 24 hours prior to the event.



### **15-301.12 Application Review**

The TEMPORARY FOOD ESTABLISHMENT application shall be reviewed by the HEALTH AUTHORITY and the proposed plan shall be APPROVED or denied. If denied, the applicant shall be notified of the reason(s) for the denial. Incomplete applications shall be denied.

- (A) If necessary to protect against public health HAZARDS, the HEALTH AUTHORITY may impose specific requirements in addition to the requirements contained in this Chapter as authorized by *NRS 439.410* and *NRS 446.865*.
- (B) The HEALTH AUTHORITY shall document the conditions that necessitate the imposition of additional requirements and the underlying public health concerns.

### **15-302 TEMPORARY FOOD ESTABLISHMENT PERMIT to Operate**

#### **15-302.11 PERMIT Requirement**

It is unLAWful for any PERSON to operate a TEMPORARY FOOD ESTABLISHMENT unless a valid PERMIT has been issued by the HEALTH AUTHORITY.

#### **15-302.12 PERMIT Limitations**

A TEMPORARY FOOD ESTABLISHMENT PERMIT shall not exceed 14 days and is not transferable from PERSON to PERSON or from location to location.

#### **15-302.13 Inspection by the HEALTH AUTHORITY**

- (A) A TEMPORARY FOOD ESTABLISHMENT PERMIT to operate shall be issued only after inspection and approval by the HEALTH AUTHORITY and only after the TEMPORARY FOOD ESTABLISHMENT has obtained and paid for the appropriate PERMIT in advance of the event.
- (B) The PERSON operating the TEMPORARY FOOD ESTABLISHMENT shall prominently display all original licenses and PERMITs under which the TEMPORARY FOOD ESTABLISHMENT is operating in a conspicuous location, easily readable by the public, and at each FOOD BOOTH or point of sale.
- (C) The HEALTH AUTHORITY shall issue a CEASE AND DESIST ORDER to a TEMPORARY FOOD ESTABLISHMENT if the establishment is found to be violating the requirements set forth in these Regulations which include but are not limited to failing to obtain and pay for the appropriate PERMIT prior to the event. The TEMPORARY FOOD ESTABLISHMENT shall not resume operations until APPROVED by the HEALTH AUTHORITY.
- (D) The HEALTH AUTHORITY may periodically inspect throughout the PERMIT period, any TEMPORARY FOOD ESTABLISHMENT to verify that good public health practices are in place. Conditions warranting additional inspections include, but are not limited to:
  - (1) 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, providing DRINKING WATER, solid waste storage and disposal, and insect and rodent control.
  - (2) Inexperienced FOOD HANDLERS.
  - (3) Inclement weather.
  - (4) Citizen or alleged FOOD BORNE ILLNESS complaint investigations.

#### **15-302.14 FOOD Prohibitions**

Except as otherwise specified in Section 15-303 of this Chapter, FOOD that is prepared in a private home shall not be sold, offered or displayed for sale, or offered for compensation or contractual consideration of any kind.

### **15-303 TEMPORARY FOOD ESTABLISHMENT PERMIT Exemptions**

#### **15-303.11 Exemptions**

In accordance with *NRS 446.870*, the following FOOD ESTABLISHMENTS are exempt from obtaining a PERMIT:

- (A) Any PERSON that prepares FOOD in a private home and gives it away free of charge or for consideration of any kind unless it is given to a PERMITTED FOOD ESTABLISHMENT.
- (B) A religious, charitable, or other non-profit organization may, without possessing a PERMIT from the HEALTH AUTHORITY, sell FOOD occasionally to raise money, whether or not the FOOD was prepared in a private home, provided the sale occurs on the PREMISES of the organization. If the sale is to occur off the PREMISES of the organization, a PERMIT shall be required.
- (C) The HEALTH AUTHORITY may exempt a TEMPORARY FOOD ESTABLISHMENT from obtaining a PERMIT if the HEALTH AUTHORITY determines that the FOOD which is sold, offered, displayed for sale, or served at the establishment does not constitute a potential or actual HAZARD to the public health. Exemptions include but are not limited to:
  - (1) Commercially bottled or canned BEVERAGES, including water, that do not require refrigeration, and are served from the SEALED original properly labeled container without addition of ice or other regulated product.



- (2) SEALED, commercially PACKAGED non-PHF (TCS) from an APPROVED SOURCE with proper labeling including but not limited to potato chips, candy, popcorn, and other similar FOOD.
- (3) Booths which sample FOOD, but do not receive compensation or sell the product sampled at the booth. Although a TEMPORARY FOOD ESTABLISHMENT PERMIT is not required, the booth may be subject to requirements of these Regulations and may be inspected under the EVENT COORDINATOR PERMIT.

### **15-304 General Requirements for TEMPORARY FOOD ESTABLISHMENTS**

#### **15-304.11 Compliance with Requirements**

TEMPORARY FOOD ESTABLISHMENTS shall comply with the requirements specified in this Chapter and other applicable portions of these Regulations.

- (A) The HEALTH AUTHORITY may impose additional requirements to protect the public from potential HAZARDS related to the operation of these establishments.
- (B) The HEALTH AUTHORITY may RESTRICT or limit menu items, and may prohibit the sale of any PHF (TCS) that may put the public at RISK of disease or injury. The HEALTH AUTHORITY:
  - (1) If necessary to protect the public health, specific requirements in addition to the requirements specified in this Chapter and as specified by *NRS 439.410 and NRS 446.865*, may be imposed.
  - (2) Shall document the conditions that necessitate the imposition of additional requirements and shall state the underlying public health concerns.
- (C) TEMPORARY FOOD ESTABLISHMENTS, and all other operations which sell alcoholic BEVERAGES for consumption on PREMISES, shall post health warnings for drinking during pregnancy as specified in *NRS 446.842*.

#### **15-304.12 PERSON IN CHARGE**

Each TEMPORARY FOOD ESTABLISHMENT shall have a designated PERSON IN CHARGE responsible for knowledge of, and compliance with, these Regulations. Such PERSON shall be on-site and accessible during all hours of operation of the TEMPORARY FOOD ESTABLISHMENT. Facilities without such PERSON IN CHARGE shall not be APPROVED to open or operate.

#### **15-304.13 FOOD Source**

- (A) All FOOD shall be obtained from an APPROVED SOURCE acceptable to the HEALTH AUTHORITY. Home canned FOOD is prohibited.
- (B) As per *NRS 446.870*, no preparation or storage shall occur at a private residence or anywhere other than at a PERMITTED FOOD ESTABLISHMENT for any PHF (TCS) or perishable FOOD intended to be sold, offered, or displayed for sale at a TEMPORARY FOOD ESTABLISHMENT.
- (C) In the absence of an APPROVED COMMISSARY, same day receipts for FOOD shall be available on-site for review by the HEALTH AUTHORITY upon request.
- (D) Receipts and/or invoices shall be maintained at the booth for all FOOD obtained outside of Clark County, Nevada.
- (E) Ice, which is intended for human consumption or cooling purposes, shall be obtained from an APPROVED SOURCE.
- (F) Packages of FOOD, including packages of FOOD repACKAGED from bulk that was prepared within Clark County, that are for sale in a TEMPORARY FOOD ESTABLISHMENT shall have a label which has been APPROVED by the HEALTH AUTHORITY. The label shall meet the requirements as specified in Chapter 3 of these Regulations.

#### **15-304.14 FOOD Cooking, Holding and Service EQUIPMENT**

- (A) All FOOD cooking, holding, and service EQUIPMENT shall be constructed of non-toxic materials, including but not limited to those specified in Chapter 4-201.11 of these Regulations and shall be 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 and calibrated stem thermometer with a range of 0-220°F±2° shall be available and used to monitor the temperature of PHF (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. APPROVED EQUIPMENT includes, but is not limited to, mechanical refrigeration units and ice chests with a drain.

#### **15-304.15 Cooking, Reheating and Hot Holding of PHF (TCS)**

- (A) PHF (TCS) shall be cooked to the following minimum temperatures unless otherwise ordered by the immediate CONSUMER:
  - (1) All cooked FOOD that is reheated shall be heated, within two hours, to a minimum internal temperature of 165°F±2° for at least 15 seconds. FOOD EQUIPMENT intended for hot holding shall not be used to reheat FOOD.
  - (2) All POULTRY products, stuffed MEATS, and stuffing containing animal products shall be cooked to a minimum internal temperature of 165°F±2° for at least 15 seconds.
  - (3) All pork products, except whole-muscle intact pork, and ground beef shall be cooked to a minimum internal temperature of 155°F±2°.
  - (4) Beef, whole-muscle intact pork, and FISH products shall be cooked to a minimum internal temperature of 145°F±2°.
  - (5) Roast beef shall be cooked to an internal temperature of at least 130°F±2°, and held at 130°F±2°, for a minimum of 112 minutes prior to service.
  - (6) If FOOD of animal origin is provided in an undercooked state per the request of the individual CONSUMER, the operator of the TEMPORARY FOOD ESTABLISHMENT shall post a CONSUMER advisory as specified in Chapter 3-401.11(D) of these Regulations.
- (B) Hot PHF (TCS) shall be held at 135° F±2° or above.
- (C) BARBECUE grills shall be constructed of non-toxic materials designed for the cooking of FOOD. Use of recycled 55-gallon metal drums is prohibited.

**15-304.16 FOOD Preparation**

- (A) All FOOD handling and preparation shall take place within the PERMITTED TEMPORARY FOOD ESTABLISHMENT unless prepared at an APPROVED FOOD ESTABLISHMENT.
- (B) POTENTIALLY HAZARDOUS FOOD (TCS) served at the TEMPORARY FOOD ESTABLISHMENT shall be prepared and served on the same day and shall not be held for service on the following day.
- (C) FROZEN FOOD shall be thawed by one of the following APPROVED methods:
  - (1) Under refrigeration.
  - (2) In an ice chest, with drain, provided the FOOD is maintained at 41°F±2° or colder.
  - (3) As part of the cooking process.

**15-304.17 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, SINGLE-SERVICE ARTICLES, and SINGLE-USE ARTICLES shall be stored at least 6" off the ground or floor.
- (C) All FOOD shall be covered or shielded to protect it from dust, dirt, insects, patrons, and other sources of CONTAMINATION.
- (D) Animals are prohibited in FOOD preparation and storage areas except as specified in Chapter 6-501.21 of these Regulations.
- (E) CONDIMENTs shall be dispensed in single-service type packaging, or from squeeze bottles, shakers, or dispensers APPROVED by the HEALTH AUTHORITY.
- (F) Samples shall be dispensed by means that prevent CONSUMERS 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 CONSUMER's hands by use of a gloved hand or UTENSIL.
- (G) 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.
  - (1) The same ice chest may not be used for the storage of both raw animal products and READY-TO-EAT FOOD.

- (2) EQUIPMENT and UTENSILS shall be thoroughly cleaned and sanitized, as specified in Section 15-304.19 of this Chapter, between being used for raw animal products and READY-TO-EAT FOOD.
- (3) 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.
- (H) FOOD dispensing UTENSILS shall be stored in a manner that protects UTENSILS and FOOD from CONTAMINATION. UTENSILS may be stored:
  - (1) In the FOOD product with the handle extended above the FOOD.
  - (2) On a FOOD-CONTACT SURFACE including but not limited to a clean portion of a FOOD preparation table or cooking EQUIPMENT that has been properly cleaned and sanitized at an APPROVED frequency.
  - (3) In a clean, protected location if the UTENSILS including but not limited to ice scoops, are used only with a FOOD that is non-PHF (TCS).
  - (4) In a container of water, if the water is maintained at a temperature of 41°F±2°, or below, or 135°F±2°, or above, and the UTENSILS and the container are cleaned at least every four hours or at a frequency necessary to preclude accumulation of FOOD residues.
- (I) Ice intended for use in BEVERAGES shall be stored separately from ice used for all other purposes, and shall be dispensed as directed in Section (G) above using an APPROVED scoop with a handle.
- (J) Ice used for cooling shall not be used for consumption. Ice used for cooling purposes:
  - (1) Shall not come in direct contact with FOOD.
  - (2) Shall have adequate drainage to prevent pooling of water.
- (K) BEVERAGES stored in cooling ice are not allowed for self-service to the general public and shall be dispensed by the TEMPORARY FOOD ESTABLISHMENT operator.
- (L) Chemicals shall be stored separate from, and below, all FOOD, SINGLE-SERVICE ARTICLES, SINGLE-USE ARTICLES, and FOOD EQUIPMENT.
- (M) FOOD preparation and cooking EQUIPMENT shall not be stored in areas accessible to the public.
- (N) All open FOOD preparation, storage, and display surfaces shall be SMOOTH and EASILY CLEANABLE.
- (O) Cloth towels shall not come in direct contact with FOOD.

**15-304.18 Hygienic Practices Requirements and HAND WASHING SINKS**

- (A) A HAND WASHING SINK shall be readily accessible inside or directly adjacent to, but not more than 10' from, the preparation area of a TEMPORARY FOOD ESTABLISHMENT. The HAND WASHING SINK shall be in place, properly equipped, and ready for use prior to any open FOOD handling.
  - (1) When a portable or plumbed HAND WASHING SINK is not available, a container with a spigot or other means that will allow gravity flow of tempered water, at temperatures of 90°±2° to 110°±2°, with a minimum capacity of two gallons shall be provided. At least five gallons of potable water shall be available on-site for the purpose of washing hands.
  - (2) Liquid hand soap in a pump dispenser, and 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 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 the disposal of paper towels.
  - (5) Hand sanitizers and single-service gloves may be used, but are not a substitute for hand washing. An employee of a FOOD ESTABLISHMENT shall not use a pair of gloves intended for a single use for more than one purpose, and shall discard the gloves after they are damaged or soiled, or after the process of preparing FOOD has been interrupted.
  - (6) When using gloves for working with FOOD, hands shall be washed before donning gloves for working with FOOD and after removing gloves when handling raw animal products.
  - (7) 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.
- (B) FOOD service workers, as a minimum, shall wash their hands:
  - (1) Before entering FOOD preparation and service areas.
  - (2) Immediately before engaging in any FOOD preparation.
  - (3) Before donning gloves for working with READY-TO-EAT FOOD and after removal of gloves when working with raw animal product.

- (4) After using the toilet, smoking, eating, or handling raw FOOD.
- (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 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 TEMPORARY FOOD ESTABLISHMENT shall be RESTRICTED to designated areas away from all FOOD preparation and storage areas.
- (E) Employee BEVERAGES shall be in a closed container and stored away from FOOD and FOOD-CONTACT SURFACES.
- (F) All FOOD HANDLERS shall wear clean clothing.
- (G) Any PERSON not directly involved in the operation of a TEMPORARY FOOD ESTABLISHMENT shall be RESTRICTED from FOOD preparation and service areas.

**15-304.19 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 taking place.
  - (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, a three-compartment sink or commercial dish washing 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) Three basins large enough for immersion of UTENSILS and EQUIPMENT.
    - (b) An adequate supply of potable water.
    - (c) An APPROVED disposal system for waste water.
  - (3) Sequence for manual WARE WASHING:
    - (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 1 minute, or as directed by the manufacturer, in an APPROVED sanitizing solution as listed in Chapter 4-402.11(B) (3) of these Regulations.
    - (d) Air dried in a sanitary manner.
    - (e) Water shall be changed as necessary.
- (C) Those TEMPORARY FOOD ESTABLISHMENTS, at SPECIAL EVENTS with common WARE WASHING facilities, shall maintain a sufficient supply of clean and sanitized UTENSILS and/or EQUIPMENT, within the establishment, to provide for the required replacement at least every four hours or more often as needed. All dirty UTENSILS shall be returned to the common WARE WASHING area for cleaning and sanitizing.
- (D) Clean UTENSILS shall be stored in a sanitary manner.

**15-304.20 TEMPORARY FOOD ESTABLISHMENT Site Requirements**

- (A) TEMPORARY FOOD ESTABLISHMENTS 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 TEMPORARY 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 EQUIPMENT, and cooking and storage EQUIPMENT shall be located in an area inaccessible to the public.
- (E) Outdoor open FOOD operations shall have overhead protection unless otherwise specified by the local fire authority.
- (F) TEMPORARY FOOD ESTABLISHMENTS may not be closer than 50' from any non-sewered toilets and/or animal pens. The 50' setback requirement may be waived by the HEALTH AUTHORITY if public health concerns are not compromised by such WAIVER.

**15-304.21 Water Supply**

An adequate supply of potable water shall be available for cooking purposes, hand washing, and cleaning and SANITIZATION of EQUIPMENT, UTENSILS, and FOOD-CONTACT SURFACES. A public water supply shall be protected with the appropriate backflow prevention device. Non-GRADE or garden hoses shall not be used for delivery of water for human consumption or FOOD preparation.

**15-304.22 Waste Water**

Waste water shall be disposed into a sanitary sewer system. Waste water shall not be dumped onto the ground surface, into waterways, or into storm drains. Waste water shall be collected in watertight containers until properly disposed. A TEMPORARY FOOD ESTABLISHMENT shall cease all FOOD operations if waste water spills occur.

**15-304.23 Solid Waste**

Frequent disposal of solid waste is required to prevent excessive accumulation and to eliminate the potential for a public health HAZARD.

**15-304.24 Lighting**

A minimum of 35-foot candles of natural or artificial light shall be provided on all work surfaces. Artificial lighting above open FOOD areas shall be shielded.

**15-4 Compliance and Enforcement**

**Subparts**

- 15-401 Operation of Temporary Food Establishment Without a Permit**
- 15-402 Inspections**
- 15-403 Examination and Condemnation of Food**
- 15-404 Food Borne Illness Reporting and Investigation**
- 15-405 Enforcement Actions**
- 15-406 Interference with Performance of Duties**

**15-401 Operation of TEMPORARY FOOD ESTABLISHMENT Without a PERMIT**

**15-401.11 TEMPORARY FOOD ESTABLISHMENT Operators**

TEMPORARY FOOD ESTABLISHMENT operators who are found operating without a valid health PERMIT shall be required to cease FOOD operations immediately until a valid health PERMIT is APPROVED and obtained. Failure to comply will result in a written notice of violation and possible subsequent legal action taken by the HEALTH AUTHORITY.

**15.402 Inspections**

**15-402.11 Credentials**

After presenting official credentials, the HEALTH AUTHORITY shall be allowed to inspect, at any reasonable time, any FOOD ESTABLISHMENT within Clark County to determine compliance with these Regulations. The HEALTH AUTHORITY shall be allowed to examine any applicable information pertaining to FOOD and supplies purchased, received, or used, and PERSONS employed.

**15-402.12 Findings**

Whenever the HEALTH AUTHORITY makes an inspection of a FOOD ESTABLISHMENT, the findings shall be recorded on an inspection report form. The HEALTH AUTHORITY shall furnish the original of the inspection report form to the PERMIT HOLDER, operator, or the designated PERSON IN CHARGE.

**15-403 Examination and Condemnation of FOOD**

**15-403.11 ADULTERATED FOOD or RISK to Public Health**

FOOD which upon inspection of a TEMPORARY FOOD ESTABLISHMENT by the HEALTH AUTHORITY, is determined to have been potentially ADULTERATED or for any reason may present a substantial RISK to public health shall be

condemned. FOOD that has been condemned may be voluntarily destroyed and discarded by the establishment operator in the presence of the HEALTH AUTHORITY or otherwise placed on hold as specified in *NRS 446.920*.

#### **15-404 FOOD BORNE ILLNESS Reporting and Investigation**

##### **15-404.11 Notification**

When a FOOD BORNE ILLNESS or FOOD related injury is reported to any employee of a TEMPORARY FOOD ESTABLISHMENT, the employee shall notify the operator of the ESTABLISHMENT immediately of the report. The operator shall immediately report the incident to the HEALTH AUTHORITY and remove from sale, and refrigerate, any suspect FOOD until release by the HEALTH AUTHORITY.

##### **15-404.12 Investigation**

When the HEALTH AUTHORITY suspects that a SPECIAL EVENT, TEMPORARY FOOD ESTABLISHMENT, or its employees may be the source of a FOOD borne illness, appropriate action shall be taken to control transmission of the FOOD borne illness. Such action may include, but is not limited to, any or all of the following:

- (A) Secure records that may enable identification of PERSONS potentially exposed to the illness, and/or requiring additional assistance in locating such PERSONS. This includes records of hotels, motels, or any other facilities on whose PREMISES the TEMPORARY FOOD ESTABLISHMENT is operating.
- (B) Obtain samples of any suspect FOOD for laboratory examination.
- (C) Require the destruction of suspect FOOD, or preventing the suspect FOOD being served until such time as the FOOD has been deemed safe for human consumption.
- (D) Require implementation of environmental controls to reduce the potential exposure of the public to environmental contaminants or injuries resulting from existing conditions at a SPECIAL EVENT or in a TEMPORARY FOOD ESTABLISHMENT.

#### **15-405 Enforcement Actions**

##### **15-405.11 Notice of Violation**

Whenever the HEALTH AUTHORITY finds an unsanitary condition, or an IMMINENT HEALTH HAZARD at a SPECIAL EVENT or in the operation of a TEMPORARY FOOD ESTABLISHMENT, the HEALTH AUTHORITY may issue a written Notice of Violation (NOV) to the PERMIT HOLDER or operator citing the condition, and specifying the time in which the corrective action must be taken. The HEALTH AUTHORITY may suspend an operation or a portion thereof for a critical or major violation until such time as the violation has been corrected.

##### **15-405-12 Cease and Desist**

The HEALTH AUTHORITY may issue a CEASE AND DESIST ORDER of all operations until the IMMINENT HEALTH HAZARD has been abated and a reinspection has been conducted to ensure compliance. The TEMPORARY FOOD ESTABLISHMENT PERMIT will be reinstated only after the violations have been corrected.

#### **15-406 Interference with Performance of Duty**

##### **15-406.11 UnLAWful**

As per *NRS 446.885(3)*, it is unLAWful for any PERSON to interfere with the HEALTH AUTHORITY in the performance of his or her duties.