



Comprehensive Policy for the Service of Foods within the Clark County Public, Private, and Charter Schools

I. PURPOSE/SCOPE

The purpose of this policy is to define Southern Nevada Health District (SNHD) EH Division authority and enforcement procedures as they relate to the application of Nevada Revised Statutes (NRS) Chapter 446, "Food Establishments," on school properties within Clark County, Nevada.

II. DEFINITIONS

For the purposes of being subject to permitting and enforcement, as follows:

A. FOOD ESTABLISHMENT: NRS 446.020 "Food establishment" defined.

- 1.** Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale, or served.
- 2.** The term does not include:
 - a.** Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;
 - b.** Fraternal or social clubhouses at which attendance is limited to members of the club;
 - c.** Vehicles operated by common carriers engaged in interstate commerce;
 - d.** Any establishment in which religious, charitable and other nonprofit 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;
 - e.** Any establishment where animals are slaughtered which is regulated and inspected by the state department of agriculture;
 - f.** Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS;

- g. The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers.

B. FOOD HANDLER: NRS 446.030 "Food Handler" defined.

1. "Food handler" means any person employed in or operating a food establishment, whether that person is an employer, 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.
2. The term does not include a person who:
 - a. Only handles, stores, transports, sells or otherwise comes in contact with food that is sealed and packaged for sale directly to the consumer;
 - b. If the food is potentially hazardous food, handles the food only occasionally and incidentally to his or her responsibilities or employment, and such handling is not part of his or her regularly scheduled responsibilities or employment; or
 - c. Is providing services as a cashier, salesperson, stock clerk, warehouse or dockworker, delivery person or maintenance staff or providing services in a similar position with limited food-handling responsibility.

C. 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.

III. POLICY

A. The SNHD (health authority) derives permitting and enforcement authority regarding food service from NRS Chapter 446, and general authority over sanitation, healthfulness, cleanliness and safety in schools from NRS 444.335.

B. The health authority issues health permits for the preparation and sale of food on school property. NRS 446.870, as follows, describes when a permit from the Health Authority is required for the preparation and sale of food:

"NRS 446.870:

1. Except as otherwise provided in this section, it is unlawful for any person to operate a food establishment unless he possesses a valid permit issued to him by the health authority.

2. The health authority may exempt a food establishment from the provisions of this chapter if the health authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health.
 3. Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the provisions of this chapter, unless it is given to a food establishment.
 4. Except as otherwise provided in subsection 5, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him by the health authority for that purpose.
 5. A religious, charitable or other nonprofit 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, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the health authority is required unless an exemption is granted pursuant to subsection 2.”
- C. The Southern Nevada Health District interprets the aforementioned statutes, in relation to food service activities within the Clark County schools, as follows:
1. All operators selling food on school grounds must have and maintain an active health permit to operate. All employees of these operators must have a valid Food Handler Safety Training Card as issued by the SNHD. This includes, but is not limited to, the following:
 - a. Public, private, or charter school food service kitchens or serving sites, generally used for the purpose of providing regular meal service to students. This includes on campus child-care facility kitchens that regularly or routinely supply or prepare time/temperature controlled for safety (TCS) foods, including baby formula, or wash for reuse any bottles, utensils, or containers.
 - b. Student Stores, open on a regular or routine basis, that sell TCS foods, whether or not those items are pre-packaged, or any open, non-pre-packaged food items. This includes such items as frozen burritos, hotdogs, sandwiches, nachos, dispensed drinks, ice, etc.
 - c. Home Economics, School-to-Work Programs, business education programs, or other classes or groups that sell TCS foods, whether or not those items are pre-packaged, or any open foods, as part of their programs on a regular or routine basis. This includes such operations as “espresso

cafes” (coffee only, without additives such as milk, cream, syrups, etc., is specifically exempt under Nevada Administrative Code [NAC] Chapter 446).

- d. All activities at which vendors, organizations, or other persons not directly affiliated with the school, sell or give away any open or TCS foods on school grounds. This does not include student or parent organizations selling foods **no more than one time per school quarter** for fund raising purposes. For **schools that operate year round** this is the equivalent to **once every 90 days**.

2. Outside Vendors–Delivery/Catering

An outside vendor must have a Food Establishment Health Permit. The handling of the food product once it arrives at the school will determine the necessity for a food establishment health permit for the school. The following levels and catering option shall apply:

a. Delivery

No permit is needed if single service packaged food is accepted for delivery from a permitted food establishment and is **IMMEDIATELY** provided to the child. No more than thirty (30) minutes may lapse between delivery of the food and completion of the service of the food, for this section to apply.

b. Delivery and holding

A permit is required if the food is delivered from a permitted food establishment and held for longer than thirty (30) minutes. The facilities accepting the food will need to:

- i. Have an area built in compliance with SNHD regulations, and
- ii. Have been issued an appropriate SNHD Permit to Operate. It will be the responsibility of the operator of the permitted facility at the school campus to ensure the food was delivered at proper temperatures and maintained throughout service.

c. On-site Food Preparation

The school is conducting open food service on a regular basis. This will require a fully commercial kitchen (3-compartment sink, hand washing sink, etc.) and a Health Permit to operate. Properly developed plans for the kitchen and anticipated menu must be submitted to the SNHD EH Division Plan Review section with applicable plan review and Health Permit fee. Any school that is contracting to an outside business will need to ensure that a proper Health Permit has been issued to the business entity holding the contract.

3. School staff, faculty, student organizations or other school affiliated groups may sell **non-TCS foods** on a regular or routine basis on campus without a health permit under the following provisions:
 - a. The foods are pre-packaged either commercially or in a permitted facility prior to transport to the school and are not subsequently handled.
 - b. The foods are transported, stored, and sold under conditions not likely to cause contamination of the product.
 - c. Transportation, storage, and sale of the product does not adversely affect the sanitary condition of the school.
 - d. Certain open, non-TCS foods, such as candy, pepperoni sticks, pickles, etc., may be served from a student store, or snack room, on a regular basis without a permit, provided a hand-washing station, serviced with hot and cold running water, soap and paper-towels is located and accessible in the same room. In the absence of the hand-washing station, an alternate procedure to ensure food is dispensed in a sanitary manner must be approved by the health authority. No bare hand contact with these open foods will be permitted. Appropriate gloves and/or utensils shall be used to dispense the food. If used, utensils must be properly washed rinsed and sanitized after each day's use.

4. School staff, faculty, student organizations or other school affiliated groups may sell or give away foods **no more than one time per school quarter** on campus without a health permit. Concession stands are considered to be in this category, provided:
 - a. The student, teacher, or parent group that operates the stand at each event represents a non-profit organization.
 - b. The student, teacher, or parent group operates the concession stand only **no more than one time per school quarter**. Various different groups

- will need to rotate fund raising food sales at the concession stand during the different sports seasons to qualify for this exemption.
- c. For schools that operate year round, one time per school quarter is the equivalent to once every 90 days.
5. School staff, faculty, student organizations or other school affiliated groups may sell or give away foods **more than one time per school quarter** on campus with a seasonal health permit provided the following items are met:
- a. The outlet for the food is associated with a concession stand. The student, teacher, or parent group that operates the stand at each event represents a non-profit organization.
 - b. Prior to the issuance of the first permit for the facility, plans indicating how the facility will be constructed in compliance with SNHD regulations will be submitted to SNHD for review and approval. SNHD Plan Review Policy is to be followed.
 - c. The concession stand will be constructed to meet the appropriate SNHD structural requirements to operate as an outlet to sell open food.
 - d. The permit for the facility must be renewed for each season that the facility operates.
 - e. Prior to issuance of a seasonal health permit, the group operating the facility will submit a menu to SNHD for review and approval.
 - f. Only foods on the approved menu are sold from the outlet during that season.
 - g. The permit is only valid for a specific location and group. The permit is not transferable from group to group.
 - h. The permit is only valid for a specific season (i.e. sports season such as football, basketball, track and field, etc.) not to exceed 240 days.
 - i. The facility is operated in compliance with all SNHD regulations and policies.
 - j. The permit is valid for one season. Any group wishing to operate beyond the one season must apply for a separate permit for that season.
6. All adult persons engaged in food operations subject to SNHD permits must obtain a Food Handler Safety Training Card as required by SNHD regulations. Students are exempt from this requirement unless they are acting as a food

handler while engaged in non-school affiliated food service employment. Parents volunteering for more than fourteen (14) days during a calendar year are required to obtain a Food Handler Safety Training Card.

7. Fairs and other short-term special events will require temporary food vendor permits for each non-school affiliated vendor present. Faculty, student, or parent booths selling foods will not be required to obtain a temporary permit.
 8. Fairs and other short-term special events will not be required to obtain a Temporary Event Coordinator Permit.
 9. On-campus childcare facilities may be exempt from obtaining a Health Permit, providing that service is limited to baby foods and formula supplied by the parent, and served using single service utensils. Rinsing of containers and bottles for return to the parent is allowed, provided said rinsing takes place at a sink designated for that purpose and where hand washing does not take place.
 10. Any fixed-location facility required to have a Health Permit must meet fully the requirements set forth in the 2010 SNHD Regulations Governing the Sanitation of Food Establishments, and all construction and equipment requirements provided in the FOOD SERVICE ESTABLISHMENT PLAN REVIEW REQUIREMENTS FOR EQUIPMENT & FACILITIES checklist (<http://www.southernnevadahealthdistrict.org/food-establishments/food-establishment.php>)
 11. Facilities or groups required by this policy to have a Health Permit may contact the SNHD, EH Division, Plan Review Section at (702) 759-1258 with questions regarding plans submittal and health permit application process.
- D.** Failure by any school, facility, or group to adhere to the aforementioned criteria is a violation of NRS 446.945 (see below). Should administrative compliance efforts fail, escalating steps for gaining compliance may be enacted by the health authority.

“NRS 446.945 Penalties. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.”

IV. REFERENCES

- A.** Nevada Revised Statutes (NRS) Chapter 446, “Food Establishments.”
- B.** Nevada Administrative Code (NAC) Chapter 446, “Food Establishments.”

- C. *SNHD Regulations Governing the Sanitation of Food Establishments*, Effective date March 25, 2010

V. ATTACHMENTS

None.