

ADOPTED REGULATION OF THE STATE BOARD OF HEALTH LCB File No. R069-10

Effective December 18, 2013

NOTE TO READER – The Legislative Counsel Bureau (LCB) has not issued the final version of the regulations which became effective on December 18, 2013. This is an unofficial draft of the new regulations until the final document issued by LCB is available for posting on the legislative website. The Division will post the official document on this website when it is available.

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

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

A REGULATION relating to food establishments; revising provisions relating to the safe and hygienic handling, preparation, serving and storage of food; revising certain definitions, phrases and procedures for consistency with the *Food Code* provided by the United States Food and Drug Administration; and providing other matters properly relating thereto.

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[Section 403 Page 217](#) Fresh eggs.

[Section 404 Page 217](#) Valid permit required.

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Section 1. Chapter 446 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 405, inclusive, of this regulation.

[DEFINITIONS](#)

Sec. 406. NAC 446.010 is hereby amended to read as follows:

446.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 446.0105 to 446.038, inclusive, *and sections 2 to 85, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 2. *“Accessible” means:*

1. When applied to equipment other than plumbing equipment, fabricated to be exposed for cleaning and inspection using simple tools, including, without limitation, handheld screwdrivers, pliers and open-ended wrenches.

2. When applied to plumbing fixtures, plumbing connections, plumbing appliances or plumbing equipment:

(a) Having access thereto, but which may require the removal of an access panel, door or similar obstruction; and

(b) Not blocked by equipment or other barriers.

Sec. 3. *“Adulterated” has the meaning ascribed to it in 21 U.S.C. § 342.*

Sec. 407. NAC 446.0105 is hereby amended to read as follows:

446.0105 “Approved” means ~~[any place, object or practice that conforms]~~ *acceptable to the health authority based on a determination of conformity* with principles, practices and generally recognized standards that protect public health . ~~[, as determined by the health authority.]~~

Sec. 4. *“Balut” means an embryo inside a fertile 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.*

NAC 446.011“Barbecue” defined. (NRS 439.200, 446.940) “Barbecue” means an area or facility at a food establishment, other than the main area for preparing food, that has equipment for cooking food.

(Added to NAC by Bd. of Health, eff. 9-16-92)

Sec. 453. NAC 446.845 is hereby amended to read as follows:

446.845 As used in NAC 446.845 to 446.860, inclusive, unless the context otherwise requires, “bed and breakfast facility” means a commercial home offering bed and breakfast accommodations to one or more persons . ~~[per night for a period of less than 1 week.]~~

Sec. 5. *“Beverage” means a liquid for drinking, including, without limitation, water.*

Sec. 6. 1. *“Bottled drinking water” means water that is:*

(a) Sealed in bottles, packages or other containers; and

(b) Offered for sale for human consumption.

2. *The term includes bottled mineral water.*

Sec. 408. NAC 446.012 is hereby amended to read as follows:

446.12 “Bulk food” means processed or unprocessed food in aggregate containers from which quantities desired by the customer are withdrawn ~~[]~~ *by or on behalf of the customer.*

NAC 446.0122 “Caterer” defined. (NRS 439.200, 446.940) “Caterer” means an approved food establishment that is capable of serving or preparing food at a location other than its primary location.

(Added to NAC by Bd. of Health, eff. 5-23-96)

Sec. 7. *“Certification number” means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.*

Sec. 8. 1. *“CIP equipment” or “cleaned-in-place equipment” means equipment that is 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, without limitation, the method used, in part, to clean and sanitize a frozen dessert machine.*

2. *The term does not include the cleaning of equipment, including, without limitation, band saws,*

slicers or mixers that are subjected to in-place manual cleaning without the use of a cleaned-in-place system.

Sec. 9. 1. *“Comminuted” means reduced in size, including, without limitation, by chopping, flaking, grinding or mincing.*

2. The term includes:

(a) Fish or meat products that are reduced in size and restructured or reformulated, including, without limitation, gefilte fish, gyros, ground beef and sausage; and

(b) A mixture of two or more types of meat that have been reduced in size and combined, including, without limitation, sausages made from two or more meats.

Sec. 10. *“Conditional employee” means a potential food employee to whom a job offer is made:*

1. Conditional on his or her responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food; and

2. In compliance with Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12111-12117.

Sec. 11. *“Consumer” means a person who:*

1. Is a member of the public;

2. Takes possession of food;

3. Is not functioning in the capacity of an operator of a food establishment or food processing establishment; and

4. Does not offer the food for resale.

Sec. 12. *“Counter-mounted equipment” means equipment that is not portable and is designed to be mounted off the floor on a table, counter or shelf.*

Sec. 409. NAC 446.0125 is hereby amended to read as follows:

446.0125 “Critical control point” means a point or procedure in a *specific food* system ~~[of receiving, storing, processing, preparing or serving food]~~ where ~~[nonadherence to procedures]~~ *loss of control* may result in an unacceptable health risk . ~~[to the patrons of a food establishment.]~~

Sec. 13. *“Critical item” means a provision of this chapter that, if not complied with, is more likely than other violations to contribute to food contamination, illness or an environmental health hazard.*

Sec. 14. *“Critical limit” means the maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to minimize the risk that an identified food safety hazard may occur.*

Sec. 15. *“Dealer” means a person who:*

- 1. Is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program;*
- 2. Is engaged in the sale of nursery plant stock; or*
- 3. Is engaged in the distribution of wholesale liquor.*

Sec. 16. *“Disclosure” means a written statement that clearly identifies:*

- 1. The animal-derived foods which are, or can be, ordered raw, undercooked or without otherwise being processed to eliminate pathogens; or*
- 2. Items that contain an ingredient which is raw, undercooked or without otherwise being processed to*

eliminate pathogens.

Sec. 410. NAC 446.0128 is hereby amended to read as follows:

446.0128 “Easily cleanable” means the ~~[characteristic]~~*characteristics* of a surface that ~~[allows the]~~:

1. *Allow effective removal of ~~[contaminants using]~~soil by normal cleaning methods ~~[+]~~;*
2. *Are dependent on the material, design, construction and installation of the surface; and*
3. *Vary 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.*

Sec. 17. *“Easily movable” means:*

1. *Portable, mounted on casters, gliders or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and*
2. *Having no utility connection, having a utility connection that disconnects quickly or having a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and the adjacent area.*

Sec. 18. 1. *“Egg” means the shell egg of avian species, including, without limitation, chicken, duck, goose, guinea, quail, ratites or turkey.*

2. *The term does not include:*

- (a) *A balut;*
- (b) *An egg of a reptile species, including, without limitation, alligator; or*
- (c) *An egg product.*

Sec. 19. 1. *“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, without limitation, dried, frozen or liquid eggs.

2. The term does not include food which contains eggs only in a relatively small proportion, including, without limitation, cake mixes.

Sec. 20. *“Employee” means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under a contractual agreement or any other person working in a food establishment.*

Sec. 21. *1. “Equipment” means an article that is used in the operation of a food establishment, including, without limitation, 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 warewashing machine.*

2. The term does not include any apparatus used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, including, without limitation, hand trucks, forklifts, dollies, pallets, racks and skids.

Sec. 22. *“Exclude” means to prevent a person from:*

- 1. Working as an employee in a food establishment; or*
- 2. Entering a food establishment as an employee.*

Sec. 411. NAC 446.013 is hereby amended to read as follows:

446.13 “Extensively remodeled” means the construction, building, repair or alteration of, or installation of new equipment in, a food establishment which requires a permit from the health authority ~~or~~ local building department. ~~[or as stated in the Uniform Plumbing Code or Uniform Building Code.]~~

Sec. 23. *“Farmers’ market” has the meaning ascribed to it in NRS 244.336.*

Sec. 24. *1. “Fish” means fresh or saltwater fin-fish, crustaceans and other forms of aquatic life,*

including, without limitation, alligator, frog, aquatic turtle, jellyfish, sea cucumber and sea urchin and the roe of such animals, other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.

2. The term includes an edible human food product derived in whole or in part from fish, including, without limitation, fish that have been processed in any manner.

Sec. 25. *“Food” means any food, drink, confection or beverage, or any component in the preparation or manufacture thereof, which is intended for human consumption and which is stored, being prepared or manufactured, displayed, offered for sale, sold or served in a food establishment.*

Sec. 26. *“Food additive” has the meaning ascribed to it in 21 C.F.R. § 170.3(e)(1).*

Sec. 27. *“Foodborne illness” means an illness caused by the consumption of contaminated food.*

Sec. 28. *“Food-contact surface” means a surface of equipment or a utensil:*

1. With which food normally comes into contact; or

2. From which food may drain, drip or splash:

(a) Into or onto food; or

(b) Onto a surface normally in contact with food.

Sec. 29. *“Food employee” means a person who works with unpackaged food, food equipment or utensils, or food-contact surfaces.*

NAC 446.0135 “Food establishment” defined. ([NRS 439.200](#), [446.940](#)) “Food establishment” has the meaning ascribed to it in [NRS 446.020](#).

(Added to NAC by Bd. of Health by R007-04, eff. 4-7-2004)

NAC 446.014 “Food processing establishment” defined. ([NRS 439.200](#), [446.940](#)) “Food processing establishment” has the meaning ascribed to it in [NRS 446.035](#) and includes any establishment that:

1. Processes:

(a) Vitamins;

(b) Food supplements;

- (c) Food additives;
 - (d) Spices;
 - (e) Tea;
 - (f) Coffee;
 - (g) Salsa;
 - (h) Jelly or jam;
 - (i) Condiments; or
 - (j) Candy; or
2. Cans food or packages food in packaging with a modified atmosphere.
(Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96)

Sec. 412. NAC 446.0145 is hereby amended to read as follows:

446.0145 **1.** “Game animal” means an animal, ~~other than cattle,~~ *the products of which are food, that is not classified as livestock*, sheep, swine, goat, *horse, mule or other equine, or as poultry* ~~domestically raised rabbit~~ or ~~domestically raised game bird, the product of which is food.~~ *fish.*

2. The term includes ~~without limitation,~~ *mammals, including, without limitation*, reindeer, elk, deer, antelope, water buffalo, bison, *rabbit*, squirrel, ~~bear,~~ *opossum, raccoon, nutria or muskrat*, ~~aquatic~~ and nonaquatic reptiles ~~aquatic mammals and exotic animals.~~ *such as land snakes.*

3. *The term does not include ratites.*

Sec. 30. *“General-use pesticide” means a pesticide that is not classified by the United States Environmental Protection Agency for restricted use.*

Sec. 31. **1.** *“Handwashing sink” means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands.*

2. *The term includes an automatic handwashing facility.*

Sec. 32. *“Hazard” means a biological, chemical or physical property that may cause an unacceptable consumer health risk.*

Sec. 33. *“Hazard analysis and critical control point plan” or “HACCP plan” means a written*

document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods to include pertinent critical items and critical limits.

Sec. 34. *“Health authority” means the officers and agents of:*

- 1. The Division of Public and Behavioral Health; or*
- 2. The applicable local boards of health.*

NAC 446.0146 “Health Division” defined. (NRS 439.200, 446.940) “Health Division” means the Health Division of the Department of Health and Human Services.

(Added to NAC by Bd. of Health, eff. 10-30-97)

Sec. 35. *“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 foods, to maintain the commercial sterility of its contents after processing.*

Sec. 36. *“Highly susceptible population” means persons who are more likely than other people in the general population to experience foodborne illness because those persons:*

- 1. Are immunocompromised, preschool-age children or older adults; and*
- 2. May obtain food at a facility that provides services such as custodial care, health care or assisted living, including, without limitation, a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services, including, without limitation, a senior center.*

Sec. 37. *“Injected” means manipulating meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat by processes which may be referred to as injecting, pinning or stitch pumping.*

Sec. 38. *1. “Juice” means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or purée.*

2. *The term does not include, for purposes of an HACCP plan, liquids, purées or concentrates that are not used as beverages or ingredients of beverages.*

Sec. 39. *“Kitchenware” means food preparation and storage utensils.*

Sec. 40. *“Linens” means fabric items, including, without limitation, cloth hampers, cloth napkins, table cloths, wiping cloths and work garments, including, without limitation, cloth gloves.*

Sec. 41. *“Meat” means the flesh of animals used as food, including, without limitation, the dressed flesh of cattle, swine, sheep, goats and other edible animals, except fish, poultry and wild game animals.*

Sec. 42. *“mg/L” means milligrams per liter, which is the metric equivalent of parts per million (ppm).*

Sec. 43. *“Misbranded” has the meaning ascribed to it in NRS 446.053 and 583.355.*

Sec. 413. NAC 446.015 is hereby amended to read as follows:

446.15 “Mobile unit” means any vehicle operating from an approved servicing ~~depot,~~
area 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 does not include a push cart or any similar operation.

Sec. 44. *“Molluscan shellfish” 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.*

Sec. 45. *“Natural and unprocessed state” means that an agricultural product of the soil is not cut, sliced, breached, shelled, canned, cooked, pickled, sealed, packaged, dried, milled, ground or otherwise altered from its original state after being harvested.*

Sec. 46. *“Nonprofit organization” means an entity which:*

- 1. Desires to be eligible for the discounted fee described in NAC 446.830; and*
- 2. Meets the requirements of chapter 82 of NRS or has tax-exempt status recognized by the Internal Revenue Service.*

Sec. 414. NAC 446.016 is hereby amended to read as follows:

446.16 “Ornamental attraction of water” means a fountain or similar aesthetic feature filled with water that is used for decorative purposes only. ~~[and is found in the dining area of a food establishment.]~~

Sec. 415. NAC 446.017 is hereby amended to read as follows:

1. “Packaged” means ~~[contained in a bottle, can or carton]~~ bottled, canned, cartoned, securely bagged or securely ~~[held in a bag or a wrap.]~~ wrapped, whether such activities are performed in a food establishment or food processing establishment.

2. The term does not include a wrapper, carry-out box or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

Sec. 47. *“Permit” means the document issued by the health authority that authorizes a person to operate a food establishment.*

Sec. 48. *“Permit holder” means the person who:*

- 1. Is legally responsible for the operation of a food establishment, including, without limitation, the owner, the owner’s agent or other person; and*
- 2. Possesses a valid permit to operate a food establishment.*

Sec. 416. NAC 446.020 is hereby amended to read as follows:

446.020 “Person” means ~~[any natural person, firm, partnership,]~~an association ~~[or], a~~ corporation ~~[,]~~, *individual, partnership, other legal entity, government, or governmental subdivision or agency.*

NAC 446.021 “Person in charge” defined. (NRS 439.200, 446.940) “Person in charge” means the person present at a food establishment who is responsible for the operation of the establishment at the time of an inspection.

(Added to NAC by Bd. of Health, eff. 5-23-96)

Sec. 49. 1. “Personal care items” means items or substances that:

- (a) May be poisonous, toxic or a source of contamination; and*
- (b) Are used to maintain or enhance a person’s health, hygiene or appearance.*

2. The term includes, without limitation, medicine, first-aid supplies, cosmetics and toiletries, including toothpaste and mouthwash.

Sec. 417. NAC 446.022 is hereby amended to read as follows:

446.022 “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 ~~[an aqueous]~~a solution. ~~[equal to the negative logarithm of the effective concentration of the hydrogen ion.]~~

Sec. 50. “Physical facilities” means the structure and interior surfaces of a food establishment, including, without limitation, accessories, soap and towel dispensers, attachments, light fixtures and heating or air conditioning system vents.

Sec. 51. “Plumbing fixture” means a receptacle or device that:

- 1. Is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or*
- 2. Discharges used water, waste materials or sewage directly or indirectly to the drainage system of the premises.*

Sec. 52. *“Poisonous or toxic materials” means substances that are not intended for ingestion and are included in one or more of the following categories:*

- 1. Cleaners and sanitizers, including, without limitation, cleaning and sanitizing agents, and other agents, including, without limitation, caustics, acids, drying agents, polishes and other chemicals.*
- 2. Both restricted- and general-use pesticides, except sanitizers, including, without limitation, substances such as insecticides and rodenticides.*
- 3. Substances necessary for the operation and maintenance of a food establishment or food processing establishment, including, without limitation, nonfood grade lubricants and personal care items that may be deleterious to health.*
- 4. Substances that are not necessary for the operation and maintenance of a food establishment or food processing establishment and are on the premises for retail sale, including, without limitation, petroleum products and paints.*

Sec. 418. NAC 446.024 is hereby amended to read as follows:

446.24 “Portable unit for service of food” means a piece of equipment operated within a building and pursuant to a contract with a food establishment or an approved servicing ~~depot~~ *area for the preparation and service of a limited menu that has been approved by the health authority.*

Sec. 53. *“Potable water” means any water from an approved source, including, without limitation, an approved domestic water supply, which:*

- 1. Is bacteriologically safe and otherwise suitable for drinking; and*
- 2. Meets the standards established by the State Environmental Commission pursuant to NRS 445A.855.*

Sec. 419. NAC 446.025 is hereby amended to read as follows:

446.25 1. “Potentially hazardous food ~~[2]~~*(time/temperature control for safety food)*”

means ~~[~~:

~~—(a) Food that consists, in whole or in part, of milk, products made from milk, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms.~~

~~—(b) Cereals, fruits, vegetables and dairy products, , including, without limitation, cooked rice, eggs, other than powdered eggs, baked or boiled potatoes, moist soy protein products, any mixture that includes garlic in oil, melons that have been cut, sliced or otherwise breached, whipped butter, products of margarine that contain butter or raw seed sprouts, that have been declared by the health authority to be potentially hazardous.~~

~~—2.— The term does not include foods which have a pH level of 4.1 or below or a value of water activity of 0.85 or less.~~

~~—3.— Synthetic ingredients used in pastry or baked products may be excluded from this definition if a report from an approved laboratory stating that the ingredients will not support the rapid and progressive growth of infectious or toxigenic microorganisms is filed with the health authority.]~~*a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.*

2. *The term includes:*

(a) An animal food that is raw or heat-treated, a plant food that is heat-treated or consists of raw seed sprouts, cut melons or garlic-in-oil mixtures which are not modified in a way that results in mixtures that do not support pathogenic microorganism growth or toxin formation; and

(b) Except as otherwise provided in paragraph (d) of subsection 3, 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:

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	> 4.6-5.6	> 5.6
≤ 0.92	non-PHF*/ non-TCS food**	non-PHF/ non- TCS food	non-PHF/ non-TCS food
> 0.92-0.95	non-PHF/ non-TCS food	non-PHF/ non- TCS food	PA***
> 0.95	non-PHF/ non-TCS food	PA	PA

- * “PHF” means potentially hazardous food
- ** “TCS food” means time/temperature control for safety food
- *** “PA” means Product Assessment required

Table B: Interaction of pH and a_w for Control of Vegetative Cells and Spores in Food not 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***

<i>> 0.90-0.92</i>	<i>non-PHF/ non-TCS food</i>	<i>non-PHF/ non-TCS food</i>	<i>PA</i>	<i>PA</i>
<i>> 0.92</i>	<i>non-PHF/ non-TCS food</i>	<i>PA</i>	<i>PA</i>	<i>PA</i>
<p><i>* “PHF” means potentially hazardous food</i></p> <p><i>** “TCS food” means time/temperature control for safety food</i></p> <p><i>*** “PA” means Product Assessment required</i></p>				

The term does not include:

- (a) An air-cooled hard-boiled egg with the shell intact, or an egg with the shell intact that is not hard-boiled but has been pasteurized to destroy all viable Salmonellae;*
- (b) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;*
- (c) Food that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-pH or a_w value, or interaction of a_w and pH values, is designated as a non-PHF/non-TCS food in Table A or B in subsection 2;*
- (d) A food that is designated as Product Assessment required (PA) in Table A or B in subsection 2 and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded because of:*
 - (1) Intrinsic factors, including added or natural characteristics of the food, including, without limitation, preservatives, antimicrobials, humectants, acidulants or nutrients;*
 - (2) Extrinsic factors, including environmental or operational factors that affect the food, including, without limitation, packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use,*

or temperature range of storage and use; or

(3) A combination of intrinsic and extrinsic factors; or

(e) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one or more of paragraphs (a) to (d), inclusive, even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

Sec. 54. “Poultry” means any:

1. Domesticated bird, including chickens, turkeys, ducks, geese, guineas, ratites or squabs, whether live or dead; and

2. Migratory waterfowl or game bird, including pheasant, partridge, quail, grouse or pigeon, whether live or dead.

Sec. 55. “Premises” means:

1. The physical facility, its contents and the contiguous land or property under the control of the permit holder; or

2. The physical facility, its contents and the land or property not described in subsection 1, if:

(a) The facility and its contents are under the control of the permit holder and may impact the personnel, facilities or operations of a food establishment; and

(b) The food establishment is only one component of a larger operation, including, without limitation, a health care facility, hotel, motel, school, recreational camp or prison.

Sec. 56. “Primal cut” means a basic major cut into which carcasses and sides of meat are separated, including, without limitation, a beef round, pork loin, lamb flank or veal breast.

Sec. 57. *“Produce” means any whole, fresh fruit or vegetable in its natural or unprocessed state.*

Sec. 58. *“Produce stand” means a food operation that sells, offers for sale or gives away produce.*

Sec. 59. *“Producer” means a person who produces fruit, nuts or vegetables by the practice of the agricultural arts upon the land that the person owns or controls, or both.*

NAC 446.027 “Product module” defined. (NRS 439.200, 446.940) “Product module” means a food container designed for the service of bulk food by direct or indirect means for customers who serve themselves. (Added to NAC by Bd. of Health, eff. 10-14-88)

Sec. 60. *“Ratite” means a flightless bird, including, without limitation, an emu, ostrich or rhea.*

Sec. 61. 1. *“Ready-to-eat food” means food which is in a form that is ready for immediate consumption or reasonably expected to be consumed in that form at the point of sale or which is edible without additional preparation to achieve food safety. Such food may be raw, cooked, hot or chilled, and may be consumed without further heat-treatment, including, without limitation, reheating.*

2. *The term includes:*

(a) *Raw animal food that is cooked as specified in this chapter and posted with the required disclosure and reminder statement.*

(b) *All potentially hazardous food (time/temperature control for safety food) that is unpackaged and cooked to the temperature and time required for that specific food.*

(c) *Raw fruits and vegetables that are thoroughly washed in water to remove soil and other visible contaminants before being cut, combined with other ingredients, cooked, served or offered for human consumption in ready-to-eat form.*

(d) *Fruits and vegetables that are cooked for hot holding.*

(e) *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.

(f) Substances derived from plants, including, without limitation, spices, seasonings and sugar.

(g) Bakery items, including, without limitation, bread, cakes, pies, fillings or icing for which further cooking is not required for food safety.

(h) The following products that are produced in accordance with guidelines established by the United States Department of Agriculture and have received a lethality treatment for pathogens:

(1) Dry, fermented sausages, including, without limitation, dry salami or pepperoni;

(2) Salt-cured meat and poultry products, including, without limitation, prosciutto ham, country cured ham and Parma ham;

(3) Dried meat and poultry products, including, without limitation, jerky or beef sticks;

and

(4) Thermally processed low-acid foods packaged in hermetically sealed containers.

3. The term does not include:

(a) Prepackaged food which does not require cooking or which will be cooked by the consumer in the package, or both, and regarding which the package prevents bare-hand contact with the food item.

(b) Raw fruits and vegetables that are intended to be washed by the consumer before consumption, as in grocery or retail sales.

(c) Plated or dished food which, with reasonable care, will not be touched during serving.

(d) Food prepared in accordance with a waiver that is granted by the health authority.

(e) Food that may receive additional preparation for palatability or aesthetic, epicurean, gastronomic or culinary purposes.

Sec. 62. *“Reconstituted” means the recombination of dehydrated food products with water or*

other liquids.

Sec. 63. 1. “Reduced oxygen packaging” means:

(a) The reduction of the amount of oxygen in a package by removing oxygen, displacing oxygen and replacing it with another gas or combination of gases, or otherwise controlling the oxygen content at a level below that normally found in the atmosphere (approximately 21 percent at sea level); and

(b) A process described in paragraph (a) that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form.

2. The term includes:

(a) 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.

(b) 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 because of the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes a reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases, including, without limitation, carbon dioxide or nitrogen.

(c) 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, without limitation, by using oxygen scavengers or a combination of the total replacement of oxygen, nonrespiring food and impermeable packaging material.

(d) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled or refrigerated at temperatures which inhibit the growth of psychrotrophic pathogens.

(e) 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 which inhibit the growth of psychrotrophic pathogens.

Sec. 64. *“Refuse” means solid waste not carried by water through the sewage system.*

Sec. 65. *“Reminder” means a written statement concerning the health risk of consuming animal foods raw, undercooked or without otherwise being processed to eliminate pathogens. The term includes the reminder described in section 167 of this regulation.*

Sec. 66. *“Re-served” means the transfer of food that is unused and returned by a consumer, after being served or sold and in the possession of the consumer, to another person.*

Sec. 67. *“Restrict” means to limit the activities of a food employee so that:*

- 1. There is no risk of transmitting a disease that is transmissible through food; and*
- 2. The food employee does not work with exposed food, clean equipment, utensils or linens, or unwrapped single-service or single-use articles.*

Sec. 68. *“Risk” means the likelihood that an adverse health effect will occur within a population as a result of a hazard in food.*

Sec. 420. NAC 446.030 is hereby amended to read as follows:

“Safe materials” means articles manufactured from or composed of materials that ~~are~~ may not reasonably be expected to ~~become~~ result, directly or indirectly, in their becoming a component of or otherwise affect the characteristics of any food.

Sec. 69. *“Sanitization” means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance.*

Sec. 70. *“Sealed” means free of cracks or other openings that could allow the entry or passage of*

moisture.

Sec. 71. *“Service animal” means an animal that has been trained to assist or accommodate a person with a disability.*

Sec. 421. NAC 446.031 is hereby amended to read as follows:

446.30 1. *“Servicing ~~[depot] area~~” means one or more locations approved by the health authority to which a mobile unit or transportation vehicle returns regularly for activities, including, but not limited to, food and supply storage, warewashing, food preparation, vehicle and equipment cleaning and maintenance, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.*

2. *The term* includes:

~~[1-]~~(a) An independent or separate facility that has been approved by the health authority;

~~[2-]~~(b) A mobile unit, if it has been deemed to be large enough by the health authority and meets the requirements of ~~[NAC 446.665 to 446.775, inclusive;]~~ *this chapter*; and

~~[3-]~~(c) Any other facility that has been issued a permit pursuant to the provisions of NRS 446.875 by the health authority.

Sec. 72. *“Sewage” means liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.*

Sec. 73. *“Shellfish control authority” means a state, federal, foreign, tribal or other governmental entity that is legally responsible for administering a program which includes certification of molluscan shellfish harvesters and dealers for purposes of interstate commerce.*

Sec. 74. *“Shellstock” means raw, in-shell molluscan shellfish.*

Sec. 75. *“Shucked shellfish” means molluscan shellfish from which one or both shells have been removed.*

Sec. 76. *“Single-service articles” means tableware, carry-out utensils and other items, including, without limitation, bags, containers, placemats, stirrers, straws, toothpicks and wrappers that are designed and constructed for one-time, one-person use, after which such items are intended to be discarded.*

Sec. 77. 1. *“Single-use articles” means utensils and bulk food containers that are designed and constructed to be used once and then discarded.*

2. *The term includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number 10 cans which do not meet the specifications for the materials, durability, strength and cleanability of multi-use utensils.*

Sec. 78. *“Smooth” means:*

1. *In the case of food-contact surfaces, a food-contact surface which is free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel.*

2. *In the case of nonfood-contact surfaces, a nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale.*

3. *In the case of floors, walls and ceilings, a floor, wall or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.*

NAC 446.033 “Special event” defined. ([NRS 439.200](#), [446.940](#)) “Special event” means any public gathering which is:

1. Temporary;
 2. For a specific purpose; and
 3. Includes the serving of food or a temporary food establishment as part of the event.
- (Added to NAC by Bd. of Health, eff. 9-16-92)

Sec. 422. NAC 446.035 is hereby amended to read as follows:

446.035 “Substantial health hazard” means any ~~violation of the provisions of this chapter which can injure the health of customers.~~ *factor or condition which has the potential to risk or*

cause injury to public health. Substantial health hazards include, but are not limited to, the following circumstances:

- 1. Food from an unapproved or unknown source, or food which is or may be adulterated, improperly labeled, misbranded, contaminated, showing evidence of temperature abuse or otherwise unfit for human consumption, which is found in a food establishment.*
- 2. Potentially hazardous food (time/temperature control for safety food) is held longer than established allowable time parameters for preparation or service at an ambient temperature which is greater than 41°F (5°C) or less than 135°F (57.2°C) or under any other condition capable of supporting the rapid growth of bacteria unless a waiver has been granted or time as a public health control is being properly used.*
- 3. Potentially hazardous food (time/temperature control for safety food) served to customers or exposed to other contamination is served again.*
- 4. A person infected with a communicable disease that can be transmitted by food is working as a food handler in an establishment.*
- 5. A person employed in a food establishment not practicing strict standards of cleanliness and personal hygiene which may result in the potential transmission of illness through food.*
- 6. Equipment, utensils and working surfaces are not cleaned and sanitized effectively and may contaminate food during preparation, storage or service.*
- 7. Sewage or liquid waste is not disposed of in an approved and sanitary manner, or the sewage or liquid waste contaminates or may contaminate any food, areas used to store or prepare food, or an area frequented by customers or employees.*
- 8. Toilets and facilities for washing hands are not provided, properly installed, designed, fully operable and accessible.*
- 9. The supply of potable water is not approved or does not meet the applicable requirements for*

sampling and public notification set forth in chapter 445A of NRS and any regulations adopted pursuant thereto, and an operator does not use items intended for a single-use and bottled drinking water from an approved source.

10. A defect or condition exists in the system supplying potable water which may result in contamination of the water.

11. There exists the presence of insects, rodents or other animals which may result in contamination of food.

12. There exists poisonous or toxic materials which are labeled, stored or used improperly or inadequately.

Sec. 79. *“Tableware” means bowls, cups, serving dishes, tumblers, plates, and eating, drinking and serving utensils for table use, including, without limitation, flatware such as forks, knives and spoons.*

Sec. 80. *“Temperature measuring device” means a thermometer, thermocouple, thermistor or other device that indicates the temperature of food, air or water.*

Sec. 81. *“Temporary food establishment” means a food establishment that operates for a period of not more than 14 consecutive days in conjunction with a single event or celebration.*

Sec. 82. *“Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food, including, without limitation, kitchenware or tableware that is multi-use, single-service or single-use, 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.*

NAC 446.038 “Value of water activity” defined. (NRS 439.200, 446.940) “Value of water activity,” as indicated by the symbol “aw,” means the quotient of the pressure of water vapor in a substance divided by the pressure of water vapor in pure water when the pure water is at the same temperature as the substance.

(Added to NAC by Bd. of Health, eff. 5-23-96)

Sec. 83. 1. *“Vending machine” means a self-service device that, upon the insertion of a coin, paper currency, token, card or key, or by optional manual operation, dispenses unit servings of food, in bulk or in packages, without the necessity of replenishing the device between each vending operation.*

2. The term does not include any device that dispenses only nuts, popcorn, ball gum, hard candy, prepackaged candy, cookies, crackers or similar snacks, beverages which are not potentially hazardous food (time/temperature control for safety food) or prepackaged ice.

Sec. 84. *“Waiver” means a written agreement between the health authority and a permit holder that authorizes a modification of one or more requirements of this chapter if, in the opinion of the health authority, a health hazard or nuisance will not result from the modification. Supporting documents for a waiver may include, but are not limited to, operational plans, scientific challenge studies, monitoring logs, validation studies from certified processing authorities and labeling.*

Sec. 85. *“Warewashing” means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.*

NAC 446.040 Severability. ([NRS 439.200](#), [446.940](#)) If any provision of this chapter or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity not affect the remaining provisions or applications to the extent that they can be given effect.

[Bd. of Health, Food Establishments Reg. Art. 20, eff. 9-17-82]

Sec. 423. NAC 446.042 is hereby amended to read as follows:

446.042 1. For a food establishment to be exempted pursuant to the provisions of ~~NRS 446.870,~~ *this chapter*, it must:

(a) Provide restroom facilities for its employees that meet the requirements of ~~NAC 446.445,~~ *this chapter*.

(b) Not serve, sell, give away, display or store potentially hazardous food ~~[-]~~ *(time/temperature control for safety food).*

- (c) Store all food to be sold or offered for sale within the establishment.
- (d) Ensure that the display or storage of food meets the requirements of ~~NAC 446.050 to~~ **446.195, inclusive.]** *this chapter.*
- (e) Ensure that food is not consumed on the premises.
- (f)) Not offer seating to the public.
- (g) Ensure that the primary business of the establishment is not related to food and that the portion of the establishment that is related to food does not occupy more than 25 percent of the total area of the establishment.

2. The food sold or offered for sale by a food establishment that has been exempted pursuant to the provisions of NRS 446.870 may include:

- (a) Commercially canned or bottled beverages;
- (b) Coffee or coffee beans;
- (c) Prepackaged snacks and candies; ~~and~~
- (d) Prepackaged food supplements such as spices, teas and herbs ~~];~~ **and**
- (e) *Whole fruits and vegetables in a natural and unprocessed state, provided that documentation can be presented which indicates that the produce was grown by a “certified grower” from the state in which it originated or is from an approved source.***

3. The handling of food, including cooking food, opening containers of bulk food and repackaging or processing food of any kind, is not allowed within such an establishment.

4. If a food establishment fails to comply with the requirements of this section, the health authority shall revoke the exemption and close the portion of the establishment that sells food. A food establishment that has had its exempt status revoked must obtain a permit pursuant to the provisions of NRS 446.875 before resuming any operation of a food establishment.

Sec. 86. 1. *Except as otherwise provided in this section, the State Board of Health hereby adopts by reference the most current edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials. The provisions of this subsection do not apply if the Board gives notice, in accordance with subsection 2, that the most current edition or revision of the Uniform Plumbing Code is not suitable for use in this State.*

2. The State Board of Health will review each edition or revision of the publication adopted by reference pursuant to subsection 1 to ensure its suitability for use in this State. If the Board determines that an edition or revision is not suitable for use in this State, the Board will hold a public hearing to review its determination within 6 months after the date on which the edition or revision was published, and give 30 days' notice of that hearing. If, after the public hearing, the Board does not change its determination, the Board will give notice within 30 days after the hearing that the applicable edition or revision is not suitable for use in this State. If the Board does not give such notice, the edition or revision shall be deemed part of the publication adopted by reference pursuant to subsection 1.

3. The Uniform Plumbing Code may be obtained from the International Association of Plumbing and Mechanical Officials by telephone at (909) 472-4208 or at the Internet address <http://www.iapmostore.org/>, for the following prices:

- (a) The 2012 Uniform Plumbing Code, \$111.00 for nonmembers and \$88.80 for members.*
- (b) The 2009 Uniform Plumbing Code, \$109.00 for nonmembers and \$87.20 for members.*

MANAGEMENT AND PERSONNEL

Sec. 87. *The permit holder must be the person in charge or must designate a person in charge, and shall ensure that a person in charge is present at the food establishment during all hours of operation.*

Sec. 88. 1. *Based on the risks inherent to the food operation, during inspections and upon request, the person in charge shall demonstrate to the health authority knowledge of the prevention of foodborne*

illness, application of the Hazard Analysis and Critical Control Point principles and the requirements of this chapter. The person in charge may demonstrate this knowledge by:

(a) Being a certified food protection manager who has shown proficiency in the required information through passing a test that is part of an accredited program; or

(b) For a low-risk food establishment or temporary food establishment, responding correctly to the questions of the health authority as they relate to the specific food establishment.

2. As used in this section:

(a) “Accredited program” means a program which certifies a person to be a food protection manager and which:

(1) Has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify persons as food protection managers; or

(2) Provides to such persons other training acceptable to the health authority.

(b) “Low-risk food establishment” means a food establishment, including, without limitation, most convenience stores, food establishments that prepare, serve or sell only prepackaged, nonpotentially hazardous foods (nontime/temperature control for safety foods)

and food establishments that heat only commercially processed, potentially hazardous foods (time/temperature control for safety foods) for hot holding. A low-risk food establishment:

(1) Does not include a food establishment where the cooling of potentially hazardous foods (time/temperature control for safety foods) takes place.

(2) May include, upon evaluation by the health authority, a food establishment that would otherwise be involved in more complex food preparation, but has shown by way of historical documentation to have achieved active managerial control of risk factors for foodborne illness related to the food establishment.

Sec. 89. *The person in charge at a food establishment shall ensure that:*

- 1. The operation of the food establishment is not conducted in a private home or in a room used as living or sleeping quarters as provided in NRS 446.020 and 446.870;*
- 2. Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage or warewashing 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 and single-use articles are protected from contamination;*
- 3. Employees and other persons, including, without limitation, delivery and maintenance personnel and pesticide applicators, entering the food preparation, food storage and warewashing areas, comply with this chapter;*
- 4. Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;*
- 5. Employees are visibly observing foods as they are received to determine that the foods are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated and accurately presented, by routinely monitoring the employees' observations and periodically evaluating food upon its receipt;*
- 6. Employees are properly cooking potentially hazardous food (time/temperature control for safety food), including being particularly careful in cooking those foods known to cause severe foodborne illness and death, including, without limitation, eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices which are properly scaled and calibrated;*
- 7. Employees are using proper methods to rapidly cool potentially hazardous foods (time/temperature control for safety foods) that are not held hot or are not for consumption within 4*

hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;

8. Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety;

9. Employees are properly sanitizing cleaned multi-use equipment and utensils before the equipment or utensils are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature and exposure time for chemical sanitizing;

10. Consumers are notified that clean tableware is to be used when they return to self- service areas, including, without limitation, salad bars and buffets;

11. Except when approval is obtained from the health authority, employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils, including, without limitation, deli tissue, spatulas, tongs, single-use gloves or dispensing equipment;

12. Employees are properly trained in food safety, including, without limitation, food allergy awareness, as it relates to their assigned duties;

13. Food employees and conditional employees are informed in a verifiable manner of their responsibility to report to the person in charge information about any symptoms they may have as those symptoms relate to diseases that are transmissible through food; and

14. Written procedures and plans, where specified by the requirements set forth in this chapter and as developed by the food establishment, are maintained and implemented as required.

Sec. 90. 1. *The person in charge shall ensure that a conditional employee:*

(a) Who exhibits or reports a symptom or who reports a diagnosed illness as provided in this chapter is prohibited from becoming a food employee until the conditional employee meets the relevant criteria for the specific symptoms or diagnosed illness as provided in this chapter.

(b) Who will work as a food employee in a food establishment that serves a highly susceptible population and who reports a history of exposure as provided in this chapter is prohibited from becoming a food employee until the conditional employee meets the relevant criteria provided in this chapter.

(c) Who has been exposed by attending or working in a setting where there is a confirmed disease outbreak or who is living in the same household as, and has knowledge about, a person who works in or attends a setting where there is a confirmed disease outbreak, or who is living in the same household as, and has knowledge about, a person diagnosed with an illness caused by:

(1) Norovirus within 48 hours after the last exposure;

(2) Enterohemorrhagic Escherichia coli, Shiga toxin-producing Escherichia coli, or Shigella species within 3 days after the last exposure;

(3) Salmonella typhi within 14 days after the last exposure; or

(4) The hepatitis A virus within 30 days after the last exposure,

↪ is prohibited from becoming a food employee until the conditional employee meets the relevant criteria provided in this chapter.

2. As used in this section:

(a) “Confirmed disease outbreak” means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and an epidemiological analysis implicates the food as the source of the illness.

(b) “Foodborne disease outbreak” means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

Sec. 91. 1. *In accordance with the provisions of this chapter and chapter 441A of NAC, the following employee health conditions apply:*

(a) A food employee shall not work in or around any place where unwrapped or unpackaged

food or beverage products are prepared, sold or offered for sale if the food employee knows that he or she has:

(1) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in paragraph (k);

(2) A diagnosed infection by a disease agent that can be transmitted from a food employee through food, including, without limitation, Salmonella species, Shigella species, Shiga toxin-producing Escherichia coli, Hepatitis A virus or Norovirus; or

(3) A lesion that appears inflamed or contains pus, including, without limitation, a boil or infected wound that is not covered with:

(I) An impermeable cover and a single-use glove if the lesion is on a hand or wrist;

(II) An impermeable cover if the lesion is on an arm; or

(III) A dry, durable, tight-fitting bandage if the lesion is on another part of the body.

(b) A food employee shall immediately report to the person in charge if the food employee knows he or she has:

(1) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in paragraph (k);

(2) A diagnosed infection by a disease agent that can be transmitted from a food employee through food, including, without limitation, Salmonella species, Shigella species, Shiga toxin-producing Escherichia coli, Hepatitis A virus or Norovirus; or

(3) A lesion that appears inflamed or contains pus and that is not covered as described in subparagraph (3) of paragraph (a).

(c) The person in charge shall, within 24 hours, notify the health authority about any food employee known to have:

(1) Jaundice, except as otherwise provided in paragraph (k); or

(2) A diagnosed infection by a disease agent that can be transmitted from a food employee through food, including, without limitation, *Salmonella* species, *Shigella* species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus or Norovirus.

(d) The person in charge shall restrict or exclude a food employee from working in or around any place where unwrapped or unpackaged food or beverage products are prepared, sold or offered for sale if the food employee is known to have:

(1) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in subsection 11; or

(2) A lesion that appears inflamed or contains pus and that is not covered as described in subparagraph (3) of paragraph (a).

(e) The person in charge shall exclude a food employee from working in or around any place where unwrapped or unpackaged food or beverage products are prepared, sold or offered for sale if the food employee is known to have a diagnosed infection by a disease agent that can be transmitted from a food employee through food, including, without limitation, *Salmonella* species, *Shigella* species, Shiga toxin-producing *Escherichia Coli*, Hepatitis A virus or Norovirus.

(f) If the population served by a food establishment is a highly susceptible population, the person in charge shall exclude from the food establishment a food employee who is known to have:

(1) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in paragraph (k);

(2) An infection by *Salmonella typhi* within the last 3 months, unless approved to be released from exclusion by the health authority; or

(3) An infection by *Shigella* species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus, Norovirus or a *Salmonella* species other than *Salmonella typhi*, within the last 30 days, unless the food employee is approved to be released from exclusion by the health authority.

(g) The person in charge and all employees of a food establishment shall cooperate with the health authority during an investigation of:

(1) An outbreak of an illness associated with food;

(2) An outbreak of an illness suspected to be associated with food; or

(3) A food employee suspected to be infected with a disease agent that can be transmitted from a food employee through food.

(h) When an incident of foodborne illness or a food-related injury is reported to an employee of a food establishment, the employee shall notify the person in charge of that fact. The person in charge shall:

(1) Record the complainant's name, address and telephone number;

(2) Record the nature of the complaint, including, without limitation, the food consumed and the time of the complaint; and

(3) Immediately report the incident to the health authority, and remove from sale and refrigerate any suspect foods until released by the health authority.

(i) When the health authority suspects that a food establishment or its employees may be a source of disease, the health authority shall take appropriate action to control the transmission of the disease. Such action may include, without limitation:

(1) Securing records that may enable identification of persons potentially exposed to the disease or requiring additional assistance in locating such persons, or both, including, without limitation, hotels, motels or other lodging facilities in which the food establishment is located or which are adjacent to the food establishment;

- (2) Securing an illness history of any food employee;*
- (3) Excluding an employee from working in the food establishment until, in the opinion of the health authority, there is no further risk of disease transmission;*
- (4) Closing the food establishment until, in the opinion of the health authority, there is no further risk of disease transmission;*
- (5) Restricting the work activities of any employee;*
- (6) Requiring medical and laboratory examinations of any food employee and of any discharge from his or her body;*
- (7) Obtaining samples of any suspect food for laboratory examination; and*
- (8) Requiring the destruction of suspect food or preventing such food from being served.*
- (j) The person in charge and the food employees of a food establishment shall comply with any order issued by the health authority for excluding employees from the food establishment or restricting employee activities because of a diagnosed or suspected infection by a disease agent that can be transmitted from a food employee through food until the health authority rescinds the order.*
- (k) Upon approval from the health authority, a food employee with a symptom of gastrointestinal illness, including, without limitation, diarrhea or jaundice, may work in food service without special restriction, provided that the food employee furnishes written medical documentation to the health authority from a health practitioner that the symptom is due to a medical condition not transmissible from the food employee through food, including, without limitation, Crohn's disease, irritable bowel syndrome, ulcerative colitis or Hepatitis C.*
- 2. As used in this section, "health practitioner" means a physician licensed to practice medicine or, if allowed by law, an advanced practitioner of nursing, physician assistant or a person with similar qualifications.*

Sec. 92. 1. *Except during a confirmed outbreak, the person in charge may reinstate a food employee who was symptomatic and not diagnosed if the food employee is asymptomatic for at least 24 hours.*

2. *The health authority shall allow a food employee who was infected with an enteric disease to return to work in a food establishment if laboratory confirmation determines the food handler is no longer infectious. Such return shall comply with provisions outlined in chapter 441A of NAC or as approved by the health authority.*

3. *As used in this section, “asymptomatic” means without obvious symptoms or not showing or producing indications of a disease or other medical condition, including, without limitation, a person infected with a pathogen who does not exhibit or produce any signs or symptoms of vomiting, diarrhea or jaundice. The term includes persons who do not show symptoms because the symptoms have resolved or subsided or because no symptoms manifested.*

HYGIENIC PRACTICES

Sec. 93. 1. *Food employees shall keep their hands and the exposed portions of their arms clean.*

2. *Except as otherwise provided in this chapter or by the health authority, whenever a provision of this chapter requires a food employee to keep his or her hands or arms clean, or to wash his or her hands or arms, the requirement applies to any surrogate prosthetic devices for hands or arms.*

Sec. 94. 1. *Except as otherwise provided in subsection 2:*

(a) Food employees must clean their hands and exposed portions of their arms for at least 20 seconds using a cleaning compound in an approved handwashing sink.

(b) Food employees must use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms:

(1) Rinse under clean, running warm water;

(2) Apply an amount of cleaning compound recommended by the manufacturer of the cleaning

compound;

(3) Rub together vigorously for at least 10 to 15 seconds while:

(I) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and

(II) Creating friction on the surfaces of the hands and arms, finger tips and areas between the fingers;

(4) Thoroughly rinse under clean, running warm water; and

(5) Immediately follow the cleaning procedure with thorough drying using an approved method.

2. If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands and arms.

Sec. 95. *Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation, including, without limitation, working with exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles and:*

1. After touching bare human body parts other than clean hands and exposed portions of arms, including, without limitation, surrogate prosthetic devices for hands and arms;

2. After using the toilet room;

3. After caring for or handling service animals or aquatic animals;

4. After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking;

5. After handling soiled equipment or utensils;

6. During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;

7. *When switching between working with raw food and working with ready-to-eat food;*
8. *Before donning gloves for working with food; and*
9. *After engaging in other activities that contaminate the hands, including, without limitation, clearing tables or handling money.*

Sec. 96. *Food employees shall clean their hands and arms in a handwashing sink or approved automatic handwashing facility or device and may not clean such appendages in a sink used for food preparation or warewashing, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste, unless otherwise approved by the health authority.*

Sec. 97. 1. *A hand sanitizer used as a topical application, a chemical hand sanitizing solution used as a hand dip or an antiseptic soap for hands must:*

(a) Comply with one of the following:

(1) Be an approved drug that is listed in the publication of the United States Food and Drug Administration entitled, "Approved Drug Products with Therapeutic Equivalence Evaluations," as an approved drug based on safety and effectiveness; or

(2) Have active antimicrobial ingredients which are listed in the United States Food and Drug Administration's monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic hand wash;

(b) Comply with one of the following:

(1) Have components which are exempted from the requirement of being listed in federal regulations regarding food additives, as provided in 21 C.F.R. § 170.39; or

(2) Comply with and be listed in:

(I) Federal regulations regarding indirect food additives, 21 C.F.R. Part 178, as regulated for use as a food additive with conditions of safe use; or

(II) Federal regulations regarding direct or indirect food substances, 21 C.F.R.

Part 182, 184 or 186; and

(c) Be applied only to hands which have already been properly washed and which are clean.

2. If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria otherwise provided pursuant to paragraph (b) of subsection 1, its use must be:

(a) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or

(b) Limited to situations that involve no direct contact with food by bare hands.

3. A hand antiseptic solution used as a hand dip must be maintained clean and at a strength equivalent to at least 100 mg/L chlorine.

Sec. 98. *1. Food employees shall keep their fingernails trimmed, filed and maintained so the edges and surfaces are cleanable and not rough.*

2. Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

Sec. 99. *Employees may not wear jewelry on their hand or arms while preparing food, except that a medical identification bracelet may be worn on a wrist or a band with no stones or objects attached to it may be worn on a finger.*

Sec. 100. *Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.*

Sec. 101. *1. Except as otherwise provided in subsection 2, an employee shall not eat, drink or use any form of tobacco where the contamination of exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles, or other items needing protection can result.*

2. A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

- (a) The employee's hands;*
- (b) The container; and*
- (c) Any exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles.*

3. The premises must comply fully with the applicable provisions of chapter 202 of NRS, including, without limitation, the provisions of the Nevada Clean Indoor Air Act, NRS 202.2483.

Sec. 102. *Food employees experiencing persistent sneezing, coughing or a runny nose that causes discharges from the eyes, nose or mouth shall not work with exposed food, clean equipment, utensils or linens, or unwrapped single-service or single-use articles.*

Sec. 103. *1. Except as otherwise provided in subsection 2:*

(a) All food employees must restrain their hair by any effective means to keep the hair from contaminating exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles.

(b) All food handlers must wear a hair net if their hair is longer than the collar. Hair which is shorter than the collar may be restrained by any effective means.

2. This section does not apply to food employees, including, without limitation, counter staff who only serve beverages and wrapped or packaged foods, hostesses and wait staff if such personnel present a minimal risk of contaminating exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles.

3. All food handlers shall maintain their hair in a neat and clean condition.

4. Sideburns, beards and mustaches of all food handlers must be cropped closely and well groomed.

Sec. 104. *1. Except as otherwise provided in subsection 2, food employees may not care for or handle animals that may be present in the food establishment, including, without limitation, patrol dogs,*

service animals or pets that are allowed as provided in this chapter.

2. Food employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustaceans in display tanks, if they wash their hands as prescribed in this chapter.

Sec. 105. 1. Food employees shall wash their hands and arms as provided in this chapter.

2. Except when washing fruits and vegetables or as provided in subsection 4, food employees must not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils, including, without limitation, deli tissue, spatulas, tongs, single-use gloves or dispensing equipment when handling exposed, ready-to-eat food.

3. Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

4. Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:

(a) The permit holder obtains prior approval from the health authority;

(b) Written procedures are maintained in the food establishment, made available to the health authority upon request and include, without limitation:

(1) For each bare-hand contact procedure, a listing of the specific ready-to-eat foods that are authorized to be touched by bare hands; and

(2) Diagrams and other information showing that handwashing facilities installed, located, equipped and maintained as provided in this chapter are in an easily accessible location and in close proximity to the work station where the bare-hand contact procedure is conducted; and

(c) A written employee health policy details how the food establishment complies with the provisions of this chapter. Such a policy must include, without limitation, documentation that:

(1) Food employees acknowledge they have been informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases transmissible through food and comply with exclusionary orders;

(2) Food employees acknowledge they have received training in bare-hand contact risk, proper handwashing and fingernail maintenance, when and where to wash their hands, jewelry exclusion and good hygienic practices;

(3) Food employees wash hands before and during the preparation of food as necessary to prevent cross-contamination during all hours of operation when ready-to-eat foods are being prepared;

(4) Food employees contacting ready-to-eat food with bare hands use at least two of the following control measures to provide additional safeguards to hazards associated with bare- hand contact:

(I) Double handwashing;

(II) The use of a nail brush;

(III) The application of hand antiseptic; or

(IV) The use of other control measures approved by the health authority; and

(5) Corrective action is taken when any of the provisions of this section are not followed.

FOOD

Sec. 106. *A food employee may not use a utensil more than once to taste food that is to be sold or served.*

Sec. 424. NAC 446.050 is hereby amended to read as follows:

446.050 1. All food must be free from spoilage, filth, adulteration, misbranding and contamination, and must be safe for human consumption ~~and~~ *and honestly presented.*

2. Food must be protected from contamination and spoilage while it is being handled, packaged, stored, displayed, dispensed and transported.

3. Food must be protected from cross-contamination between foods, equipment, utensils or other surfaces which may come into contact with food and from contamination by insects, insecticides, rodents, rodenticides, probe price markers or probe identification markers.

~~[4.— 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.~~

~~—5.— Prepackaged sandwiches made for sale and consumption off the premises must have a label that has been approved by the health authority. The label must include:~~

~~—(a) The name of the food establishment;~~

~~—(b) The mailing address of the food establishment, including:~~

~~—(1) The number of the street or post office box;~~

~~—(2) The city;~~

~~—(3) The state; and~~

~~—(4) The zip code;~~

~~—(c) A list of ingredients in descending order of predominance; and~~

~~—(d) The last date of sale shown clearly as the three letters of the month followed by the date.~~

~~Frozen sandwiches that have been thawed must also be dated to indicate the last date of sale.~~

~~—6.— Food that is prepared and stored in a food establishment for later use must have a label that includes the contents and the date on which the food was prepared.~~

~~—7.— Packages of food, including packages of food repackaged from bulk that was prepared in this State, that are for sale in a food establishment must have a label which has been approved by the health authority.]~~

Sec. 107. 1. Food must be obtained from approved sources.

2. *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 or her by the health authority for that purpose.*

3. *Fish, other than molluscan shellfish, that are intended for consumption in their raw form, and not served to a highly susceptible population, may be offered for sale or service if they are obtained from a supplier who certifies that the fish are frozen for parasite destruction or that the fish is frozen on the premises using appropriate industry guidelines to ensure parasite destruction and records are retained as described in this chapter.*

4. *All meat, meat products, poultry and poultry products used in a food establishment must have been properly labeled and inspected for wholesomeness under an official program of the United States Department of Agriculture and applicable state law.*

Sec. 425. NAC 446.055 is hereby amended to read as follows:

446.055 ~~[1.]~~ Food ~~[may not be used in a food establishment if it was stored]~~ in a

hermetically sealed ~~[containers that were not prepared in]~~ *container must be obtained from food processing establishment [approved by the health authority.*

~~—2.— Hermetically sealed packages from an approved food processing establishment must be handled to maintain the integrity of the product and the containers.]~~ *which is regulated by the food regulatory agency that has jurisdiction over the establishment.*

Sec. 426. NAC 446.065 is hereby amended to read as follows:

446.065 ~~[1.]~~ Fluid milk and products made from milk used or served in a food establishment must be pasteurized and from a source approved by the health authority.

~~[2.— Dry milk and products made with dry milk must be made from pasteurized milk and products made with pasteurized milk.]~~

Sec. 428. NAC 446.160 is hereby amended to read as follows:

446.160 1. Milk and products made from milk for drinking must be served in an unopened package which was commercially filled, ~~and does not exceed 1 pint (473 milliliters) in capacity,~~ or must be drawn from a container which was commercially filled and stored in a dispenser which is mechanically refrigerated. If a dispenser for milk and products made from milk is not available, ~~and portions of less than 1/2 pint (236 milliliters) are required for mixed drinks, cereal or desserts,~~ milk and products made from milk may be poured from a container which was commercially filled. ~~and not larger than 1/2 gallon (1,893 milliliters) in capacity.~~

2. Cream, half-and-half and nondairy creamers must be served in a container intended for a single use, a protected pitcher that pours, or drawn from a refrigerated dispenser designed for such service.

3. *The dispensing tube of a bulk milk container must be cut diagonally, leaving not more than 1 inch of the tube protruding from the chilled dispensing head.*

Sec. 108. 1. *Except as otherwise provided in subsection 2, prepackaged juice must:*

(a) Be obtained from a processor with an HACCP system as provided in 21 C.F.R. Part 120; and

(b) Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as provided in 21 C.F.R. § 120.24.

2. *This section does not apply to fresh-squeezed juices that are produced or prepared on the premises of a permit holder.*

Sec. 109. *Juice packaged in a food establishment must:*

1. *Be treated under an approved HACCP plan to attain a 5-log reduction, which is equal to a 99.999 percent reduction of the most resistant microorganism of public health significance; or*

2. *If not treated to yield a 5-log reduction of the most resistant microorganism of public health*

significance, be labeled with the following: “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.”

Sec. 110. *1. Fish that are received for sale or service must be:*

(a) Commercially and legally caught or harvested; or

(b) Approved for sale or service.

2. Molluscan shellfish that are recreationally caught may not be received for sale or service.

Sec. 111. *1. Except as otherwise provided in this section and this chapter, if raw, raw-marinated, partially cooked or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records of the food establishment for 90 calendar days after the time of service or sale of the fish.*

2. If fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time which ensures parasite destruction as provided for in this chapter may substitute for the records otherwise required pursuant to subsection 1.

3. If raw, raw-marinated, partially cooked or marinated-partially cooked fish are served or sold in ready-to-eat form and the fish are raised and fed as provided in this chapter, a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as provided in this chapter must be obtained by the person in charge and retained in the records of the food establishment for 90 calendar days after the time of service or sale of the fish.

Sec. 112. *1. Except as otherwise provided in subsection 2, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked or marinated-partially cooked fish must be:*

(a) Frozen and stored at a temperature of -4°F (-20°C) or below for a minimum of 168 hours (7

days) in a freezer;

(b) Frozen at -31°F (-35°C) or below until solid and stored at -31°F (-35°C) or below for a minimum of 15 hours; or

(c) Frozen at -31°F (-35°C) or below until solid and stored at -4°F (-20°C) or below for a minimum of 24 hours.

2. The requirements set forth in subsection 1 do not apply to:

(a) Molluscan shellfish;

(b) Tuna of the species Thunnus alalunga (albacore), Thunnus albacares (yellowfin tuna), Thunnus atlanticus, Thunnus maccoyii (southern bluefin tuna), Thunnus obesus (bigeye tuna) or Thunnus thynnus (Atlantic bluefin tuna);

(c) Aquacultured fish, including, without limitation, salmon, that:

(1) If raised in open water, are raised in net-pens, or are raised in land-based operations, including, without limitation, ponds or tanks; and

(2) Are fed formulated feed, including, without limitation, pellets, that contains no live parasites which may be infective to the aquacultured fish; or

(d) Fish eggs that have been removed from the skein and rinsed.

Sec. 113. 1. Molluscan shellfish must be obtained from sources according to law and the requirements specified in the “National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish,” published by the United States Food and Drug Administration.

3. Molluscan shellfish received in interstate commerce must be from sources that are listed in the “Interstate Certified Shellfish Shippers List,” published by the United States Food and Drug Administration.

Sec. 114. 1. Raw shucked shellfish must be obtained in nonreturnable packages which bear a legible label that identifies the:

(a) Name and address of the original processor or the person who repacked them and the number for the interstate certification.

(b) The “sell by” date or the date the shellfish was shucked.

2. A package of raw shucked shellfish that does not comply with the above labeling guidelines must be subject to a hold order, seized or discarded.

Sec. 115. 1. Shellstock must be obtained in containers which bear legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships or reships the shellstock, as provided in the “National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish,” published by the United States Food and Drug Administration, and which set forth:

(a) On the harvester’s tag or label:

(1) The harvester’s identification number that is assigned by the shellfish control authority;

(2) The date of harvesting;

(3) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested;

(4) The type and quantity of shellfish; and

(5) The following statement in bold, capitalized type: “THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS”; and

(b) Except as otherwise provided in subsection 4, on each dealer’s tag or label:

(1) The dealer’s name and address and the certification number assigned by the shellfish control authority;

(2) The original shipper’s certification number, including the abbreviation of the name of the state or

country in which the shellfish are harvested;

(3) The same information as provided for a harvester's tag pursuant to subparagraphs (1) to (4), inclusive, of paragraph (a); and

(4) The following statement in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

2. A container of shellstock which does not bear a tag or label or which bears a tag or label that does not contain all of the information otherwise required pursuant to this section may be subject to a hold order, seized, discarded or destroyed.

3. If a place is provided on the harvester's tag or label for a dealer's name, address and certification number, the dealer's information must be listed first.

4. If the harvester's tag or label is designed to accommodate each dealer's identification as provided pursuant to paragraph (b) of subsection 1, individual dealer tags or labels need not be provided.

Sec. 116. *When received by a food establishment, shellstock must be reasonably free of mud, dead shellfish and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells must be discarded.*

Sec. 117. 1. *Except as otherwise provided in this section, molluscan shellfish must not be removed from the container in which they are received other than immediately before sale or preparation for service.*

2. For display purposes, shellstock may be removed from the container in which they are received, displayed on drained ice or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:

(a) The source of the shellstock on display is identified and recorded; and

(b) The shellstock are protected from contamination.

3. Shucked shellfish may be removed from the container in which they are received and held in a display container from which individual servings are dispensed upon a consumer's request if:

(a) The labeling information for the shellfish on display is retained and correlates to the date on which, or dates during which, the shellfish are sold or served; and

(b) The shellfish are protected from contamination.

4. Shucked shellfish may be removed from the container in which they are received and repacked in consumer self-service containers if:

(a) The labeling information for the shellfish is on each consumer self-service container;

(b) The labeling information is retained and correlates with the date on which, or dates during which, the shellfish are sold or served;

(c) The labeling information and dates provided pursuant to paragraph (b) are maintained for 90 days; and

(d) The shellfish are protected from contamination.

Sec. 118. 1. *Except as otherwise provided pursuant to paragraph (b) of subsection 2, shellstock tags must remain attached to the container in which the shellstock are received until the container is empty.*

2. The identity of the source of shellstock that is sold or served must be maintained by retaining the shellstock tags or labels for 90 calendar days after the date of harvest:

(a) By using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock is sold or served;

(b) If shellstock is removed from its tagged or labeled container, to preserve the source identification, by using a recordkeeping system as provided pursuant to paragraph (a); and

(c) When shellstock is sold in a raw form directly to the consumer, ensuring that shellstock from one

tagged or labeled container is not commingled with shellstock from another container that has different certification numbers, harvest dates or growing areas, as identified on the tag or label before being ordered by the consumer.

3. As used in this section, “commingle” means to combine:

(a) Shellstock harvested on different days or from different growing areas as identified on the tag or label; or

(b) Shucked shellfish from containers with different container codes or different shucking dates.

Sec. 119. 1. *Except as otherwise provided in subsection 2, refrigerated, potentially hazardous food (time/temperature control for safety food) must be at a temperature of 41°F (5°C) or below when received.*

2. If a temperature other than 41°F (5°C) for a potentially hazardous food (time/temperature control for safety food) is specified below, governing milk and molluscan shellfish, the food may be received at the specified temperature, including:

(a) Milk or other cultured products may be received at an internal temperature of 45°F (7.2°C) or below; and

(b) For molluscan shellfish:

(1) Molluscan shellstock is alive and cooled to an internal shellstock body temperature of 50°F (10°C) or below;

(2) Shucked or postharvest processed shellfish are cooled to a temperature of 45°F (7.2°C) or below; and

(3) The time-temperature indicating device shows that the ambient air temperature has exceeded 45°F (7.2°C) but the internal shellstock body temperature is 50°F (10°C) or below.

3. Raw eggs must be received in refrigerated equipment that maintains an ambient air temperature

of 45°F (7.2°C) or below.

4. Potentially hazardous food (time/temperature control for safety food) that is cooked to a temperature and for a time specified pursuant to this chapter and is received hot must be at a temperature of 135°F (57.2°C) or above.

5. A food that is labeled and shipped frozen by a food processing establishment must be received frozen.

6. Upon receipt, potentially hazardous food (time/temperature control for safety food) must be free of evidence of previous temperature abuse.

Sec. 120. *Food may not contain unapproved food additives or additives that exceed amounts specified in law. Food ingredients, sources of radiation and pesticide residues must not exceed the provisions specified in law.*

Sec. 121. 1. *Food must be protected from contamination that may result from the addition of misused, unsafe or unapproved food or color additives at any level.*

2. A food employee shall not:

(a) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or

(b) Except for grapes, serve or sell food described in paragraph (a) that is treated with sulfiting agents before receipt by the food establishment.

Sec. 427. NAC 446.080 is hereby amended to read as follows:

~~446.080 [1.—Only clean whole eggs with their shells intact or pasteurized liquid, frozen or dry eggs or products made from dry eggs may be used in a food establishment, except that eggs which have been hard-boiled, peeled and commercially prepared and packaged may]~~*Eggs must be received clean, from an approved source and within proper temperature parameters, and in sound*

condition. Eggs must not be used ~~[-~~.

~~—2.— A food establishment shall use pasteurized liquid, frozen or dry eggs or products made from pasteurized eggs instead of whole, fresh eggs in the preparation of dishes and condiments that are not cooked, such as a caesar salad, hollandaise or bernaise sauce, noncommercial mayonnaise, eggnog, ice cream or any beverage that is fortified with] if the eggs [-] do not meet the tolerances established by the United States Department of Agriculture or any applicable law of this State.~~

Sec. 122. Pasteurized eggs or egg products must be substituted for raw eggs in the preparation of ready-to-eat foods, including, without limitation, Caesar salad, hollandaise or béarnaise sauce, mayonnaise, meringue, eggnog, ice cream and egg-fortified beverages that are not cooked as otherwise provided pursuant to this chapter.

Sec. 123. 1. Egg products must be obtained pasteurized.

2. Fluid and dry milk and milk products must:

(a) Be obtained pasteurized; and

(b) Comply with grade A standards as specified in law.

3. All frozen desserts and mixes must be from a source approved by the health authority.

4. All cheese and related cheese products must be from a source approved by the health authority.

5. As used in this section, “grade A standards” means the requirements of the United States Food and Drug Administration in its publication “Grade ‘A’ Pasteurized Milk Ordinance” with which certain fluid and dry milk and milk products must comply.

Sec. 124. 1. If game animals or donated game animals are received for sale or service, such animals must be inspected and approved under an inspection program administered by the United States Department of Agriculture.

2. *Game animals that have not been inspected as described in subsection 1 must not be served in a food establishment.*
3. *Legally harvested game animals that have not been inspected as described in subsection 1 may be given to any charitable, religious or other nonprofit organization for use in accordance with subsection 5 of NRS 446.870.*
4. *Game animals used in accordance with subsection 5 of NRS 446.870 must be labeled as “not for sale.”*
5. *An animal killed by a vehicle on a highway or road must not be approved as a source of food.*
6. *A game animal must not be received for sale or service if it is a species of wildlife that is listed as endangered or threatened in 50 C.F.R. Part 17.*
7. *As used in this section, “donated game animal” means any game animal which is processed in an approved facility and which is given as a gift, grant or contribution that is not affected or restricted by any given condition, circumstance or monetary means.*

Sec. 125. *1. Except as otherwise provided in subsection 2, mushroom species picked in the wild must be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert.*

2. *This section does not apply to:*
 - (a) *Cultivated wild mushroom species that are grown, harvested and processed in an operation that is regulated by the food regulatory agency which has jurisdiction over the operation; or*
 - (b) *Wild mushroom species that are in packaged form and are the product of a food processing establishment that is regulated by the food regulatory agency which has jurisdiction over the establishment.*

Sec. 429. NAC 446.175 is hereby amended to read as follows:

- 446.175 1. ~~[See]~~ *When employees dispense ice* for customers, *the ice* must be dispensed ~~[only by employees]~~ using scoops, tongs or other utensils that have been approved by the health authority or by automatic equipment. Ice offered for sale must be packaged and labeled properly.
2. Utensils used for dispensing ice must be stored on a clean surface and in a manner that has been approved by the health authority or in the ice with the handles of the utensils extended out of the ice. Receptacles used to transfer ice must be stored so that they are protected from contamination when not in use.
3. Bins used for the storage of ice must be drained through an air gap.
4. Ice that has been packaged for sale at the establishment must be prepared in accordance with the provisions of ~~[NAC 446.050 to 446.210, inclusive.]~~ *this chapter*.
5. Only those items necessary for dispensing, packaging or transporting ice may be stored on top of an ice machine.

Sec. 126. 1. *After use as a medium for cooling the exterior surfaces of food, including, without limitation, melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, ice may not be used as food.*

2. *Ice used for food or as a cooling medium must be made from potable water.*

Sec. 127. 1. *Packaged food must not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping or container, or its position in the ice or water.*

2. *Except as otherwise provided in subsections 3 and 4, unpackaged food must not be stored in direct contact with undrained ice.*

3. *Whole, raw fruits or vegetables, and cut, raw vegetables, including, without limitation, celery, carrots or potatoes, and tofu, may be immersed in ice or water.*

4. Raw poultry and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service or sale.

Sec. 128. Food packages must be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

Sec. 129. Food must be protected from cross-contamination by:

1. Separating raw animal foods during storage, preparation, holding and display from:

(a) Raw ready-to-eat food, including, without limitation, other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food, including, without limitation, fruits and vegetables; and

(b) Cooked ready-to-eat food.

2. Except when combined as ingredients, separating types of raw animal foods from each other, including, without limitation, beef, fish, lamb, pork and poultry during storage, preparation, holding and display by:

(a) Using separate equipment for each type of raw animal food or arranging each type of raw animal food in equipment so that cross-contamination of one type with another is prevented; and

(b) Preparing each type of raw animal food at different times or in separate areas.

3. Cleaning and sanitizing equipment and utensils as approved.

4. Storing the food in packages, covered containers or wrappings. This subsection does not apply to:

(a) Whole, uncut, raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption;

(b) Primal cuts, quarters or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;

(c) Whole, uncut processed meats, including, without limitation, country hams and smoked or cured

sausages that are placed on clean, sanitized racks;

(d) Food being cooled in an approved manner; or

(e) Shellstock.

5. Cleaning hermetically sealed containers of food before opening.

6. Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.

7. Storing damaged, spoiled or recalled food being held in the food establishment in an area designated for that purpose pending proper disposition, unless such food is disposed of under the supervision of the health authority. These foods may not be allowed to contaminate other items.

8. Separating fruits and vegetables, before they are washed, from ready-to-eat food.

9. Storing or displaying frozen, commercially processed and packaged raw animal food with or above frozen, commercially processed and packaged ready-to-eat food.

Sec. 130. *Except for containers holding food that can be readily and unmistakably recognized, including, without limitation, dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the food establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices and sugar, must be identified with the common name of the food.*

Sec. 131. 1. *Except as otherwise provided in subsection 2, and except for whole, raw fruits and vegetables that are intended for washing by the consumer before consumption, raw fruits and vegetables must be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served or offered for human consumption in ready-to-eat form.*

2. Fruits and vegetables may be washed by using chemicals:

(a) Which are generally recognized as safe for the washing of food; or

(b) As approved by the health authority.

Sec. 132. *Food must only contact the surfaces of:*

- 1. Equipment and utensils that are cleaned and sanitized as specified in this chapter.*
- 2. Single-service and single-use articles.*

Sec. 133. *During pauses in food preparation or dispensing, utensils for the preparation or dispensing of food must be stored:*

- 1. Except as otherwise provided in subsection 2, in the food with their handles above the top of the food and the container;*
- 2. In food that is not potentially hazardous (time/temperature control for safety food), with their handles above the top of the food within containers or equipment that can be closed, including, without limitation, bins of sugar, flour or cinnamon;*
- 3. On a clean portion of the food preparation table or cooking equipment, but only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment, as applicable, are cleaned and sanitized at the approved frequency;*
- 4. In running water of sufficient velocity to flush particulates to the drain, if used with moist food, including, without limitation, ice cream or mashed potatoes;*
- 5. In a clean, protected location if the utensils, including, without limitation, ice scoops, are used only with a food that is not potentially hazardous (time/temperature control for safety food); or*
- 6. In a container of water if the water is maintained at a temperature of at least 135°F (57.2°C) and the container is cleaned and sanitized at the approved frequency.*

Sec. 134. *Linens and napkins must not be used in contact with food unless the linens and napkins are:*

- 1. Used to line a container for the service of foods; and*
- 2. Replaced each time the container is refilled for a new consumer.*

Sec. 135. 1. Cloths in-use for wiping food spills from tableware and carry-out containers

that occur as food is being served must be:

(a) Maintained in a dry condition; and

(b) Used for no other purpose.

2. Cloths in-use for wiping counters and other equipment surfaces must be:

(a) Held between uses in a chemical sanitizer solution at an approved concentration; and

(b) Laundered daily.

3. Cloths in-use for wiping surfaces in contact with raw animal foods must be kept separate from cloths used for other purposes.

4. Dry wiping cloths and the chemical sanitizing solutions specified in paragraph (a) of subsection 2, in which wet wiping cloths are held between uses, must be free of food debris and visible soil.

5. Containers of chemical sanitizing solutions specified in paragraph (a) of subsection 2, in which wet wiping cloths are held between uses, must be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single-use articles.

6. Single-use disposable sanitizer wipes must be used in accordance with the manufacturer's label use instructions that are approved by the Environmental Protection Agency.

Sec. 136. 1. If used, single-use gloves must be:

(a) Used for only one task, including, without limitation, working with ready-to-eat food or raw animal food;

(b) Used for no other purpose; and

(c) Discarded when damaged or soiled, or when interruptions occur in the operation.

2. Except as otherwise provided in subsection 3, slash-resistant gloves that are used to protect the hands during operations requiring cutting must be used in direct contact only with food that is

subsequently cooked to an approved temperature, including, without limitation, frozen food or a primal cut of meat.

3. Slash-resistant gloves may be used with ready-to-eat food that will not subsequently be cooked if the slash-resistant gloves:

- (a) Have a smooth, durable and nonabsorbent outer surface;*
- (b) Are covered with a smooth, durable and nonabsorbent glove; or*
- (c) Are covered with a single-use glove.*

4. Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked to an approved temperature, including, without limitation, frozen food or a primal cut of meat.

Sec. 137. 1. *Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees must not use tableware, including, without limitation, single-service articles that have been soiled by the consumer, to provide second portions or refills.*

2. Except as otherwise provided in subsection 4, self-service consumers must not be allowed to use soiled tableware, including, without limitation, single-service articles, to obtain additional food from a display or serving equipment.

3. A sign must be posted to notify customers to use a clean plate each time they serve themselves.

The sign must also state that:

- (a) No eating is allowed while serving food; and*
- (b) Customers must handle food using only the utensils provided for that purpose.*

4. Drinking cups and containers may be reused by self-service consumers if refilling is an approved, contamination-free process as described in this chapter.

Sec. 138. 1. *A take-home food container that is returned to a food establishment must not be refilled*

at the food establishment with a potentially hazardous food (time/temperature control for safety food).

2. Except as otherwise provided in subsection 3, a take-home food container which is refilled with food that is not potentially hazardous (time/temperature control for safety food) must be cleaned by an approved method.

3. Personal take-out beverage containers, including, without limitation, thermally insulated bottles, non-spill coffee cups and promotional beverage glasses, may be refilled by employees or the consumer if refilling is an approved, contamination-free process.

Sec. 139. *1. Except as otherwise provided in subsections 2 and 3, food must be protected from contamination by storing the food:*

(a) In a clean, dry location;

(b) Where it is not exposed to splash, dust or other contamination; and

(c) At least 6 inches (15 centimeters) above the floor.

2. Food in packages and working containers may be stored less than 6 inches (15 centimeters) above the floor on case lot handling equipment.

3. Pressurized beverage containers, cased food in waterproof containers, including, without limitation, bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

Sec. 140. *Food may not be stored or prepared:*

1. In locker rooms;

2. In toilet rooms;

3. In dressing rooms;

4. In garbage rooms;

5. In mechanical rooms;

6. *Under sewer lines that are not shielded to intercept potential drips;*
7. *Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;*
8. *Under open stairwells; or*
9. *Under other sources of contamination.*

Sec. 141. *Bulk food or unpackaged food must be protected from environmental sources of contamination during preparation and dispensing.*

Sec. 142. *1. Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer before consumption, food on display must be protected from contamination by the use of:*

- (a) Packaging;*
- (b) Counter, service line or salad bar food guards;*
- (c) Display cases; or*
- (d) Other effective means.*

2. Bulk food containers in the retail display area must be constructed from safe materials which are resistant to corrosion, nonabsorbent, smooth, easy to clean and durable under conditions of normal use.

3. Containers of bulk pet food and bulk nonfood items must be separated from food items by a barrier or open space of not less than 12 inches (30 centimeters).

4. Bulk food in retail stores must be dispensed only from containers that are protected by individual covers which fit closely and close automatically. Access by customers to bulk food must be controlled to avoid the introduction of contaminants. Means considered suitable include:

- (a) Providing a product module depth of not more than 18 inches (45 centimeters);*
- (b) Locating product modules with access from the top so that there is at least 30 inches (75*

centimeters) between the access point and the floor; or

(c) If the product module access point is less than 30 inches (75 centimeters) above the floor, providing access from the side or at an angle if, when the product module is open, the cover extends across the surface of the product and provides overhead protection.

5. Tethers for utensils used for bulk food must be designed to be easily removable from the product module for cleaning.

Sec. 143. 1. *Condiments must be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.*

2. Condiments at a vending machine location must be in individual packages or provided in dispensers that are filled at an approved location, including, without limitation, the food establishment which provides food to the vending machine location, a food processing establishment which is regulated by the agency that has jurisdiction over the operation or a properly equipped facility which is located on the site of the vending machine location.

Sec. 144. 1. *Raw, unpackaged animal food, including, without limitation, beef, lamb, pork, poultry and fish may not be offered for consumer self-service. This subsection does not apply to:*

(a) Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish;

(b) Ready-to-cook individual portions for immediate cooking and consumption on the premises, including, without limitation, consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or

(c) Raw, frozen, shell-on shrimp or lobster.

2. Consumer self-service operations for ready-to-eat foods must be provided with suitable utensils or

effective dispensing methods that protect the food from contamination.

3. Consumer self-service operations, including, without limitation, buffets and salad bars, must be monitored by food employees trained in safe operating procedures.

Sec. 145. 1. *Except as otherwise provided in subsection 2, 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.*

2. Except as otherwise specified in this chapter, a container of food that is not potentially hazardous (time/temperature control for safety food) may be re-served from one consumer to another if:

(a) The food is dispensed so that it is protected from contamination and the container is closed between uses, including, without limitation, a narrow-neck bottle containing catsup, steak sauce or wine; or

(b) The food, including, without limitation, crackers, salt or pepper, is in an unopened original package and is maintained in sound condition.

Sec. 146. *Food must be protected from contamination that may result from a factor or source not specified in this chapter.*

Sec. 147. 1. *Except as otherwise provided in this section, raw animal foods, including, without limitation, eggs, fish, meat, poultry and foods containing such raw animal foods, must be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:*

(a) At a temperature of 145°F (62.8°C) or above for 15 seconds for:

(1) Raw eggs that are broken and prepared in response to a consumer's order and for immediate service; and

(2) Except as otherwise provided in paragraphs (b) and (c) and in subsections 2 and 3, fish and

meat, including, without limitation, game animals commercially raised for food as specified in this chapter and game animals subject to a voluntary inspection program.

(b) At a temperature of 155°F (68.3°C) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, mechanically tenderized meats and injected meats, raw eggs that are not prepared as specified pursuant to paragraph (a) and, if comminuted, fish, meat, game animals commercially raised for food as specified in this chapter and game animals subject to a voluntary inspection program as specified in this chapter:

<u>Minimum</u>	
<u>Temperature °F (°C)</u>	<u>Time</u>
<u>Minimum</u>	
<u>Temperature °F (°C)</u>	<u>Time</u>
145°(62.8°)	3 minutes
150°(65.6°)	1 minute
158°(70°)	< 1 second (instantaneous)

(c) At a temperature of 165°F (73.9°C) or above for 15 seconds for poultry, baluts, wild game animals as specified in this chapter, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites or stuffing containing fish, meat, poultry or ratites.

2. Whole meat roasts including beef, corned beef, lamb, pork and cured pork roasts, including, without limitation, ham, must be cooked:

(a) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

<u>Oven Type</u>	<u>Oven Temperature Based on Roast Weight</u>	
	<u>Less than 10 lbs (4.5 kg)</u>	<u>10 lbs (4.5 kg) or More</u>
<i>Still Dry</i>	<i>350°F (177°C) or above</i>	<i>250°F (121°C) or above</i>
<i>Convection</i>	<i>325°F (163°C) or above</i>	<i>250°F (121°C) or above</i>
<i>High Humidity¹</i>	<i>250°F (121°C) or below</i>	<i>250°F (121°C) or below</i>
<i>¹ Relative humidity greater than 90 percent for at least 1 hour as measured in the cooking chamber or exit of the oven, or in a moisture-impermeable bag that provides 100 percent humidity.</i>		

(b) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time which corresponds to that temperature:

<i>Temperature °F (°C)</i>	<i>'Time in Minutes</i>	<i>Temperature °F (°C)</i>	<i>'Time in Seconds</i>
<i>130°F (54.4°C)</i>	<i>112</i>	<i>147°F (63.9°C)</i>	<i>134</i>
<i>131°F (55.0°C)</i>	<i>89</i>	<i>149°F (65.0°C)</i>	<i>85</i>
<i>133°F (56.1°C)</i>	<i>56</i>	<i>151°F (66.1°C)</i>	<i>54</i>
<i>135°F (57.2°C)</i>	<i>36</i>	<i>153°F (67.2°C)</i>	<i>34</i>
<i>136°F (57.8°C)</i>	<i>28</i>	<i>155°F (68.3°C)</i>	<i>22</i>
<i>138°F (58.9°C)</i>	<i>18</i>	<i>157°F (69.4°C)</i>	<i>14</i>
<i>140°F (60.0°C)</i>	<i>12</i>	<i>158°F (70.0°C)</i>	<i>0</i>
<i>142°F (61.1°C)</i>	<i>8</i>	<i>155°F (68.3°C)</i>	<i>22</i>

<i>144°F (62.2°C)</i>	<i>5</i>	<i>157°F (69.4°C)</i>	<i>14</i>
<i>145°F (62.8°C)</i>	<i>4</i>	<i>158°F (70.0°C)</i>	<i>0</i>
<i>¹ Holding time may include postoven heat rise.</i>			

3. A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:

(a) The food establishment serves a population that is not a highly susceptible population;

(b) The steak is labeled to indicate that it meets the definition of “whole-muscle, intact beef”;

and

(c) The steak is cooked on both the top and bottom to a surface temperature of 145°F (63°C) or above and a cooked color change is achieved on all external surfaces.

4. A raw animal food, including, without limitation, raw egg, raw fish, raw-marinated fish, raw molluscan shellfish or steak tartare, or a partially cooked food, including, without limitation, lightly cooked fish, soft cooked eggs or rare meat other than whole-muscle, intact beef steaks as specified in this section, may be served or offered for sale upon consumer request or selection in a ready-to-eat form if:

(a) The food establishment serves a population that is not a highly susceptible population, the food, if served or offered for service by consumer selection from a children’s menu, does not contain comminuted meat and the consumer is informed as provided pursuant to this chapter that, to ensure safety, the food should be cooked as specified in subsection 1 or 2; or

(b) The health authority grants a waiver from this section, as provided in this chapter, based on a plan which:

(1) Is submitted by the permit holder and approved as otherwise provided pursuant to this chapter;

(2) Documents scientific data or other information showing that a lesser time and temperature

regimen results in a safe food; and

(3) Verifies that equipment and procedures for food preparation and the training of food employees at the food establishment meet the conditions of the waiver.

5. As used in this section, “whole-muscle, intact beef” means whole-muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Sec. 148. *Raw animal foods cooked in a microwave oven must be:*

- 1. Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;*
- 2. Covered to retain surface moisture;*
- 3. Heated to a temperature of at least 165°F (73.9°C) in all parts of the food; and*
- 4. Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.*

Sec. 149. *Fruits and vegetables that are cooked for hot holding must be cooked to a temperature of 135°F (57.2°C).*

Sec. 150. *Raw animal foods that are cooked using a noncontinuous cooking process must be:*

- 1. Subject to an initial heating process that is no longer than 60 minutes in duration;*
- 2. After initial heating, immediately cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature control for safety food) set forth within this chapter;*
- 3. After cooling, held frozen or cold, as specified for potentially hazardous food (time/temperature control for safety food) within this chapter;*
- 4. Before sale or service, cooked using a process that heats all parts of the food to a temperature of at least 165°F (73.9°C) for 15 seconds, or in a manner that otherwise ensures compliance with established safe cooking temperatures as specified in this chapter;*

5. Cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature for control for safety food) as set forth in this chapter if the applicable food will not be:

- (a) Held using heat as a public health control as specified in this chapter;
- (b) Served immediately; or
- (c) Held using time as a public health control as specified in this chapter after complete cooking; and

6. Prepared and stored according to written procedures that:

- (a) Have been approved by the health authority;
- (b) Are maintained in the food establishment and made available to the health authority upon request;
- (c) Describe:

(1) How the requirements specified in subsections 1 to 5, inclusive, are to be monitored and documented by the permit holder; and

(2) The corrective actions to be taken if those requirements are not met;

(d) Describe how the foods, after initial heating but before complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified within this chapter before being offered for sale or service; and

(e) Describe how the foods, after initial heating but before cooking as specified in this chapter, are to be separated from ready-to-eat foods as specified in this chapter.

Sec. 151. Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer's order may be served at any temperature.

Sec. 152. 1. Except as otherwise provided in subsections 2, 3 and 5, potentially hazardous food (time/temperature control for safety food) that is cooked, cooled and reheated for hot holding must be reheated so that all parts of the food reach a temperature of at least 165°F (73.9°C) for 15 seconds. Except as otherwise provided in subsection 3, potentially hazardous food (time/temperature control for safety food)

reheated in a microwave oven for hot holding must be reheated so that all parts of the food reach a temperature of at least 165°F (73.9°C) and the food is rotated or stirred, covered and allowed to stand covered for 2 minutes after reheating.

2. 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 which has jurisdiction over the establishment, must be heated to a temperature of at least 135°F (57.2°C) for hot holding.

3. Reheating for hot holding as specified in subsections 1, 2 and 3 must not exceed 2 hours.

4. Remaining unsliced portions of meat roasts that are cooked to an approved temperature may be reheated for hot holding using the oven parameters and minimum time and temperature conditions provided in this chapter.

5. Steam tables, bainmaries, warmers, crock pots and similar facilities for holding hot foods are prohibited for use in the rapid reheating of potentially hazardous foods (time/temperature control for safety food).

Sec. 153. *Stored frozen foods must be maintained frozen.*

Sec. 154. *1. Frozen potentially hazardous food (time/temperature control for safety food) that is slacked to moderate the temperature must be held:*

(a) Under refrigeration that maintains the food temperature at 41°F (5°C) or below, or at 45°F (7.2°C) or below, as specified in this chapter; or

(b) At any temperature, if the food remains frozen.

2. As used in this section, “slacking” means the process of moderating the temperature of a food, including, without limitation, allowing a food to gradually increase from a temperature of -10°F (-23°C) to 25°F (-4°C) in preparation for deep-fat frying, or to facilitate even heat penetration during the

cooking of previously block-frozen food, such as shrimp.

Sec. 155. 1. *Except as otherwise provided in subsection 2, potentially hazardous food (time/temperature control for safety food) must be thawed using one of the following methods:*

(a) Under refrigeration which maintains the food temperature at 41°F (5°C) or below, or at 45°F (7.2°C) or below, as specified in this chapter.

(b) Completely submerged under running water at a water temperature of 70°F (21.1°C) or below and with sufficient water velocity to agitate and float off loose particles in an overflow and:

(1) If the food is ready-to-eat food, for a period of time that does not allow thawed portions of the food to rise above 41°F (5°C) or 45°F (7.2°C); or

(2) If the food is raw animal food, for a period of time that does not allow thawed portions of the food requiring cooking to be above 41°F (5°C) for more than 4 hours, including:

(I) The time the food is exposed to the running water and the time needed for preparation for cooking; or

(II) The time it takes under refrigeration to lower the food temperature to 41°F (5°C) or 45°F (7.2°C).

(c) As part of a cooking process if the food that is frozen is:

(1) Cooked as specified in this chapter; or

(2) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process.

2. *Potentially hazardous food (time/temperature control for safety food) may be thawed using any procedure if a portion of frozen, ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.*

Sec. 156. 1. *Cooked potentially hazardous food (time/temperature control for safety food) must*

be cooled:

(a) Within 2 hours from 135°F (57.2°C) to 70°F (21.1°C); and

(b) Within a total of 6 hours from 135°F (57.2°C) to 41°F (5°C) or below.

2. Potentially hazardous food (time/temperature control for safety food) must be cooled within 4 hours to 41°F (5°C) if prepared from ingredients at ambient temperature, including, without limitation, reconstituted foods and canned tuna.

3. Except as otherwise provided in subsection 4, a potentially hazardous food (time/temperature control for safety food) received in compliance with this chapter allowing a temperature above 41°F (5°C) during shipment from the supplier, including, without limitation, milk and molluscan shellfish, must be cooled within 4 hours to 41°F (5°C) or below.

4. Raw eggs must be received in refrigerated equipment that maintains an ambient air temperature of 45°F (7.2°C) or below and must be placed immediately in refrigerated equipment that maintains an ambient air temperature of 45°F (7.2°C) or below.

Sec. 157. 1. *Cooling must be accomplished in accordance with the time and temperature parameters approved in this chapter by using one or more of the following methods based on the type of food being cooled*

(a) Placing the food in shallow pans;

(b) Separating the food into smaller or thinner portions;

(c) Using rapid cooling equipment;

(d) Stirring the food in a container placed in an ice water bath;

(e) Using containers that facilitate heat transfer;

(f) Adding ice as an ingredient; or

(g) Other effective methods.

2. *When placed in cooling or cold holding equipment, food containers in which food is being cooled must be:*

(a) *Arranged in the equipment to provide maximum heat transfer through the container walls; and*

(b) *Loosely covered or uncovered, if protected from overhead contamination, during the cooling period to facilitate heat transfer from the surface of the food.*

Sec. 158. 1. *Except during preparation, cooking or cooling, or when time is used as a public health control as described in this chapter and, except as otherwise provided in subsection 2, potentially hazardous food (time/temperature control for safety food) must be maintained:*

(a) *At 135°F (57.2°C) or above, except that roasts cooked or reheated as specified in this chapter may be held at a temperature of 130°F (54.4°C) or above; or*

(b) *At a temperature of 41°F (5°C) or below.*

3. *Eggs that have not been treated to destroy all viable Salmonellae must be stored in refrigerated equipment that maintains an ambient air temperature of 45°F (7.2°C) or below.*

Sec. 159. 1. *Except when packaging food using a reduced oxygen packaging method, and except as specified in this chapter, refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) prepared and held in a food establishment for more than 24 hours must be clearly marked to indicate the date or day on which the food was prepared or the date or day by which the food must be consumed on the premises, sold or discarded, based on the temperature and time combinations specified in this section. The day of preparation must be counted as “day 1.” Food must be maintained at a temperature of 41°F (5°C) or below for a maximum of 7 days.*

2. *Except as otherwise provided in subsections 4, 5 and 6, refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) that is prepared and packaged by a food processing establishment must be clearly marked at the time the original container is opened in a food*

establishment and, if the food is held for more than 24 hours, must indicate the date or day by which the food must be consumed on the premises, sold or discarded, based on the temperature and time combinations set forth in subsection 1. The day the original container is opened in the food establishment must be counted as “day 1,” and the food held for a maximum of 7 days, except that the day or date marked by the food establishment may not exceed a manufacturer’s use-by date if the manufacturer determined the use-by date based on food safety.

3. A refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) ingredient or a portion of a refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) that is subsequently combined with additional ingredients or portions of food must retain the date marking of the earliest-prepared or first- prepared ingredient.

4. A date marking system that meets the criteria set forth in subsections 1 and 2 may include:

(a) Using a method approved by the health authority for refrigerated, ready-to-eat potentially hazardous food (time/temperature control for safety food) that is frequently rewrapped, including, without limitation, lunch meat or a roast, or for which date marking is impractical, including, without limitation, soft serve mix or milk in a dispensing machine;

(b) Marking the date or day of preparation, accompanied by a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold or discarded as provided in subsection 1;

(c) Marking the date or day the original container is opened in a food establishment, accompanied by a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold or discarded as provided in subsection 2; or

(d) Using calendar dates, days of the week, color-coded marks or other effective marking methods, provided that the marking system is disclosed to the health authority upon request.

5. *Subsections 1 and 2 do not apply with respect to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.*

6. *Subsection 2 does not apply with respect to the following foods prepared and packaged by a food processing establishment that is inspected by a health authority:*

(a) *Deli salads, including, without limitation, ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad and macaroni salad, that are manufactured in accordance with this chapter;*

(b) *Hard cheeses containing not more than 39 percent moisture;*

(c) *Semisoft cheeses containing more than 39 percent moisture, but not more than 50 percent moisture;*

(d) *Cultured dairy products;*

(e) *Preserved fish products, including, without limitation, pickled herring and dried or salted cod, and other acidified fish products;*

(f) *Shelf stable, dry fermented sausages, including, without limitation, pepperoni and Genoa salami, that are not labeled "Keep Refrigerated" and which retain the original casing on the product; or*

(g) *Shelf stable, salt-cured products, including, without limitation, prosciutto and Parma (ham), that are not labeled "Keep Refrigerated."*

7. *As used in this section, "casing" means a tubular container for sausage products made of either natural or artificial (synthetic) material.*

Sec. 160. 1. *A food specified in this chapter must be discarded if it:*

(a) *Exceeds either of the temperature and time combinations specified in this chapter, except time that the product is frozen;*

(b) *Is in a container or package that does not bear a date or day; or*

(c) *Is appropriately marked with a date or day that exceeds a temperature and time combination*

as specified in this chapter.

3. *Refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) that is prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control must be discarded if the food exceeds an approved temperature and time combination.*

Sec. 161. 1. *Except as otherwise provided in subsection 4, if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food (time/temperature control for safety food) before cooking, or for ready-to-eat potentially hazardous food (time/temperature control for safety food) that is displayed or held for service, written procedures must be prepared in advance, maintained in the food establishment and made available to the health authority upon request. Such procedures must specify:*

- (a) Methods of compliance with this section; and*
- (b) Methods of compliance for cooling food that is prepared, cooked and refrigerated before time*

is used as a public health control.

2. *If time only, rather than time in conjunction with temperature control, up to a maximum of 4 hours, is used as the public health control:*

(a) The food must have an initial temperature of 41°F (5°C) or below if removed from cold holding temperature control or 135°F (57.2°C) or above if removed from hot holding temperature control;

(b) The food must be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;

(c) The food must be cooked and served, served if ready-to-eat or discarded within 4 hours after the point in time when the food is removed from temperature control; and

(d) The food, if in unmarked containers or packages or marked to exceed a 4-hour limit, must be

discarded.

(3) If time only, rather than time in conjunction with temperature control, up to a maximum of 6 hours, is used as the public health control

(a) The food must have an initial temperature of 41°F (5°C) or below when removed from temperature control and the food temperature may not exceed 70°F (21.1°C) within a maximum time period of 6 hours;

(b) The food must be monitored to ensure the warmest portion of the food does not exceed 70°F (21.1°C) during the 6-hour holding period, unless an ambient air temperature is maintained that ensures the food does not exceed 70°F (21.1°C) during the 6-hour period;

(c) The food must be marked or otherwise identified to indicate:

a. The time when the food is removed from 41°F (5°C) or below cold holding temperature control; and

b. The time that is 6 hours past the point in time when the food is removed from cold holding temperature control;

(d) The food must be:

a. Discarded if the temperature of the food exceeds 70°F (21.1°C); or

b. Cooked and served, served if ready-to-eat or discarded within a maximum of 6 hours after the point in time when the food is removed from 41°F (5°C) or below cold holding temperature control; and

(e) The food, if in unmarked containers or packages or marked with a time that exceeds the 6-hour limit, must be discarded immediately.

3. A food establishment that serves a highly susceptible population may not use time as provided pursuant to subsection 1, 2 or 3 as the public health control for raw eggs.

Sec. 162. *A food establishment operator shall submit and obtain a waiver by approval of a written plan from the health authority before:*

1. *Smoking food as a method of food preservation rather than as a method of flavor enhancement;*
2. *Curing food;*
3. *Using food additives or adding components, including, without limitation, vinegar:*
 - (a) *As a method of food preservation rather than as a method of flavor enhancement; or*
 - (b) *To render a food so that it is not potentially hazardous (time/temperature control for safety food);*
4. *Packaging food using a reduced oxygen packaging method, except as specified in this chapter, where a barrier to Clostridium botulinum in addition to refrigeration exists;*
5. *Operating a molluscan shellfish life-support system display tank used to store and display shellfish that are offered for human consumption;*
6. *Custom processing animals that are for personal use as food and not for sale or service in the food establishment;*
7. *Preparing food by another method that is determined by the health authority to require a waiver; or*
8. *Sprouting seeds or beans.*

Sec. 163. *1. Except for a food establishment that obtains a waiver and except as otherwise provided in subsections 3, 4 and 5, a food establishment that packages potentially hazardous food (time/temperature control for safety food) using a reduced oxygen packaging method shall ensure that there are at least two barriers in place to control the growth and toxin formation of Clostridium botulinum and the growth of Listeria monocytogenes.*

- 2 *A food establishment that packages potentially hazardous food (time/temperature control for safety food) using a reduced oxygen packaging method must have an approved HACCP plan in addition*

to requiring:

(a) Identification of the food to be packaged;

(b) Except as otherwise provided in subsections 3, 4 and 5, the packaged food be maintained at 41°F (5°C) or below and meets at least one of the following criteria:

(1) Has an a_w of 0.91 or less;

(2) Has a pH of 4.6 or less;

(3) Is a meat or poultry product cured at a food processing establishment regulated by the United States Department of Agriculture using substances specified in 9 C.F.R. § 424.21, “Use of food ingredients and sources of radiation,” and is received in an intact package; or

(4) Is a food with a high level of competing organisms, including, without limitation, raw meat, raw poultry or raw vegetables;

(c) A description of how the package will be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:

(1) Maintain the food at 41°F (5°C) or below; and

(2) Discard the food if, within 14 calendar days after its packaging, the food is not served for on-premises consumption or consumed if served or sold for off-premises consumption;

(d) A limit on the refrigerated shelf life of not 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;

Written operational procedures that

(1) Prohibit contacting food with bare hands;

(2) Identify a designated work area and the method by which:

(I) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize

cross-contamination; and

(II) Access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation; and

(3) Delineate cleaning and sanitization procedures for food-contact surfaces; and

(e) A training program which ensures that the person responsible for the reduced oxygen packaging operation understands the:

(1) Concepts required for a safe operation;

(2) Equipment and facilities; and

(3) Procedures specified in paragraph (e) and this chapter.

2. Except for fish that is frozen before, during and after packaging, a food establishment must not package fish using a reduced oxygen packaging method.

3. Except as otherwise provided in subsection 3, a food establishment may package food using a cook-chill or sous vide process without obtaining a waiver if:

(a) The food establishment implements an HACCP plan that has been approved in advance by the health authority;

(b) The food is:

(1) Prepared and consumed on the premises or prepared and consumed off the premises but within the same business entity with no distribution or sale of the bagged product to another business entity or a consumer;

(2) Cooked to heat all parts of the food to a temperature approved in this chapter;

(3) Protected from contamination after cooking;

(4) Placed in a package or bag with an oxygen barrier before cooking or placed in a package or bag immediately after cooking and before reaching a temperature below 135°F (57.2°C);

- (5) Cooled to 41°F (5°C) in the sealed package or bag as specified in this chapter and subsequently:*
- (I) Cooled to 34°F (1.1°C) within 48 hours after reaching 41°F (5°C) and held at that temperature until consumed or discarded within 30 days after the date of packaging;*
 - (II) Cooled to 34°F (1.1°C) within 48 hours after reaching 41°F (5°C), removed from refrigeration equipment that maintains the food temperature at 34°F (1.1°C), and then held at 41°F (5°C) or below for not more than 72 hours, at which time the food must be consumed or discarded;*
 - (III) Cooled to 38°F (3.3°C) or below within 24 hours after reaching 41°F (5°C) and held there for no more than 72 hours after 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;*
- (6) 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 at least twice daily. If approved by the health authority, manual temperature monitoring may be used;*
- (7) If transported off-site to a satellite location of the same business entity, equipped with a verifiable electronic monitoring device to ensure that times and temperatures are monitored during transportation; and*
- (8) Labeled with the product name and the date on which it was packaged;*
- (c) The records required to confirm that cooling and cold holding refrigeration time and temperature parameters are required as part of the HACCP plan, are maintained and are:*
- (1) Made available to the health authority upon request; and*
 - (2) Retained for at least 6 months; and*
- (d) Written operational procedures as specified in paragraph (e) of subsection 2 and a training program as specified in paragraph (f) of subsection 2 are carried out.*

4. A food establishment may package cheese using a reduced oxygen packaging method without obtaining a waiver if it:

(a) Limits the cheeses packaged to those which are commercially manufactured in a food processing establishment with no ingredients added in the food establishment and which meet the Standards of Identity as specified in 21 C.F.R. § 133.150, “Hard cheeses,” 21 C.F.R. § 133.169, “Pasteurized process cheese,” or 21 C.F.R. § 133.187, “Semisoft cheese”;

(b) Has an HACCP plan that has been approved by the health authority and as specified under:

(1) Paragraph (a) of subsection 2;

(2) Subparagraph (1) of paragraph (c) of subsection 2;

(3) Paragraph (e) of subsection 2; and

(4) Paragraph (f) of subsection 2;

(c) Labels the package on the principal display panel with a “use-by” date that does not exceed 30 days after its packaging or the original manufacturer’s “sell-by” or “use-by” date, whichever occurs first; and

(d) Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within 30 calendar days after its packaging.

Sec. 164. 1. Food must be offered for human consumption in a way that does not mislead or misinform the consumer.

2. Food additives, color additives, colored overwraps or lights must not be used to misrepresent the true appearance, color or quality of any food.

Sec. 165. 1. Packages of food, including, without limitation, processed foods, dietary supplements and packages of food repackaged from bulk prepared in this State, that are for sale in a food establishment, must have labels which have been approved by the health authority. The labels must be

printed in English in addition to any other languages required by the health authority. Such labels must be reviewed and approved by the health authority and any fees required must be paid in full before any label may be used.

2. Food that is prepared and stored in a food establishment for later use must have a label that includes the contents and the date on which the food was prepared.

3. Food packaged in a food establishment for retail sale must be labeled as provided in law, including 21 C.F.R. Part 101, "Food labeling," and 9 C.F.R. Part 317, "Labeling, marking devices, and containers." Unless otherwise approved in advance by the health authority, label information must include, without limitation:

(a) The name of the food establishment and the place of business of the manufacturer, packer or distributor;

(b) The address of the food establishment, including, without limitation:

(1) The city;

(2) The state; and

(3) The zip code;

(c) The common name of the food or, absent a common name, an adequately descriptive identity statement;

(d) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including, without limitation, a declaration of artificial color or flavor and chemical preservatives, if contained in the food;

(e) An accurate declaration of the quantity of contents;

(f) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient;

(g) When requested by the health authority:

(1) The telephone number of the food establishment; and

(2) The street number or post office box of the food establishment;

(h) Except as otherwise exempted in 21 U.S.C. § 343(q)(3)-(5), nutrition labeling as specified in 21 C.F.R. Part 101, “Food labeling,” and 9 C.F.R. Part 317, Subpart B, “Nutrition labeling”; and

(i) For any salmonid fish containing canthaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, including, without limitation, a counter card, that discloses the use of canthaxanthin.

4. Prepackaged foods prepared in a food establishment, including frozen sandwiches that have been thawed and other potentially hazardous food (time/temperature control for safety food) contained in boxed lunches that are made for sale and consumption off the premises must have a label that has been approved by the health authority. Unless otherwise approved in advance by the health authority, the label must include:

(a) The name of the food establishment;

(b) The mailing address of the food establishment, including, without limitation:

(1) The street number or post office box;

(2) The city;

(3) The state; and

(4) The zip code;

(c) A list of ingredients in descending order of predominance;

(d) The last date of sale shown clearly as three letters of the month followed by the date;

(e) A list of known allergens, including, without limitation, ingredients made from or containing nuts; and

- (f) When requested by the health authority, the telephone number of the food establishment.*
- 5. Bulk food that is available for consumer self-dispensing must be prominently labeled with the following information in plain view of the consumer:*
- (a) The manufacturer's or processor's label that was provided with the food; or*
 - (b) A card, sign or other method of notification that includes the following information:*
 - (1) The common name of the food or, absent a common name, an adequately descriptive identity statement;*
 - (2) A list of ingredients in descending order of predominance by weight including, without limitation, a declaration of artificial color or flavor and chemical preservatives, if found in the food and if the food is made from two or more ingredients; and*
 - (3) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient.*
- 6. Bulk, unpackaged foods, including, without limitation, bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:*
- (a) A health, nutrient content or other claim is not made;*
 - (b) There are no state or local laws requiring labeling; and*
 - (c) The 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 and is regulated by the health authority that has jurisdiction.*
- 7. Upon review of a dietary supplement, a letter from the health authority will be issued which states that the labels have been reviewed for content only and that the health authority makes no implied or written warranty or guarantee as to the safety of these supplements. Labels for dietary supplements must*

include:

- (a) The name and place of business of the manufacturer, packer or distributor;*
- (b) The name of the supplement;*
- (c) The net quantity of the contents by capsule count;*
- (d) The directions for use, including the quantity of supplement to be taken per day;*
- (e) The supplement facts panel; and*
- (f) Other ingredients in descending order of predominance.*

8. In addition to the required labeling information, questionable and uncommon ingredients, including those listed by the manufacturer as “other ingredients,” must be fully defined and explained, when requested by the health authority, to prove that the questionable ingredient is safe for use.

9. As used in this section, “major food allergen” means:

- (a) Milk, eggs, fish, such as bass, flounder, cod, crab, lobster and shrimp, tree nuts, such as almonds, pecans and walnuts, wheat, peanuts and soybeans; or*
- (b) A food ingredient that contains protein derived from a food described in paragraph (a).*

↪ The term does not include any highly refined oil derived from a food described in paragraph (a) or any ingredient derived from such a highly refined oil.

Sec. 166. 1. *If required by law, consumer warnings must be provided.*

2. *Food establishment or manufacturers’ dating information on foods may not be concealed or altered.*

Sec. 167. 1. *Except as otherwise provided in this chapter, if an animal food, including, without limitation, beef, eggs, fish, lamb, milk, pork, poultry or shellfish, is served or sold raw, undercooked or without otherwise being processed to eliminate pathogens, either as a ready- to-eat food or as an ingredient in another ready-to-eat food, the permit holder shall inform consumers of the significantly increased risk*

of consuming such foods by way of a disclosure and reminder, as specified in subsections 2 and 3, using brochures, deli case or menu advisories, label statements, table tents, placards or other effective written means.

2. The disclosure required pursuant to this section must include:

(a) A description of the animal-derived foods, including, without limitation, “oysters on the half shell” (raw oysters), “Caesar salad” (dressed with raw egg dressing), and “hamburgers” (those that can be cooked to order); or

(b) Identification of the animal-derived foods by asterisking them to a footnote which states that the items are served raw or undercooked, or that the items contain raw or undercooked ingredients.

3. A reminder required pursuant to this section must include asterisking the animal- derived foods requiring disclosure to a footnote which states that:

(a) Regarding the safety of these items, written information is available upon request;

(b) Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness; or

(c) Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

Sec. 168. 1. *A food that is unsafe, adulterated or not honestly presented must be discarded or reconditioned according to an approved procedure.*

2. Food that is not from an approved source must be discarded.

3. Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded must be discarded.

4. Food that is contaminated by food employees, consumers or other persons through contact with their hands, bodily discharges, including, without limitation, nasal or oral discharges, or other means

must be discarded.

Sec. 169. *In a food establishment that serves a highly susceptible population:*

1. The following criteria apply to juice:

(a) For the purposes of this subsection, children who are 9 years of age or less and who receive food in a school, day care setting or similar facility that provides custodial care, are included as highly susceptible populations; Prepackaged juice or a prepackaged beverage containing juice that bears a warning label as specified in 21 C.F.R. § 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 packaged juice or a beverage containing juice that bears a warning label as described in this paragraph may not be served or offered for sale; and

(b) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form must be processed under an HACCP plan preapproved by the health authority, including, without limitation, provisions found in 21 C.F.R. Part 120, “Hazard Analysis and Critical Control Point (HACCP) systems,” including, without limitation, Subpart B, “Pathogen reduction,” and 21 C.F.R. § 120.24, “Process controls.”

2. Pasteurized eggs or egg products must be substituted for raw eggs in the preparation of:

(a) Foods, including, without limitation, Caesar salad, hollandaise or béarnaise sauce, mayonnaise, meringue, eggnog, ice cream and egg-fortified beverages; and

(b) Except as otherwise provided in subsection 6, recipes or preparations in which more than one egg is broken and the eggs are combined.

3. The following foods may not be served or offered for sale in a ready-to-eat form:

(a) Raw animal foods, including, without limitation, raw fish, raw marinated fish, raw molluscan

shellfish and steak tartare;

(b) A partially cooked animal food, including, without limitation, lightly cooked fish, rare meat, soft-cooked eggs made from raw eggs and meringue; and

(c) Raw seed sprouts.

4. Food employees may not contact ready-to-eat food with bare hands.

5. Time only as the public health control may not be used for raw eggs.

6. Paragraph (b) of subsection 2 does not apply if:

(a) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under this chapter and served immediately, including, without limitation, as an omelet, soufflé or scrambled eggs;

(b) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin or bread; or

(c) The preparation of the food is conducted under an HACCP plan which:

(1) Identifies the food to be prepared;

(2) Prohibits contacting ready-to-eat food with bare hands;

(3) Includes specifications and practices that ensure:

(I) Salmonella enteritidis growth is controlled before and after cooking; and

(II) Salmonella enteritidis is destroyed by cooking the eggs according to the

temperature and time specified in this chapter;

(4) Contains the information in an approved HACCP plan, including procedures that:

(I) Control cross-contamination of ready-to-eat food with raw eggs; and

(II) Delineate cleaning and sanitization procedures for food-contact surfaces; and

(5) Describes the training program which ensures that the food employee responsible for the

preparation of the food understands the procedures to be used.

- *7. Except as otherwise provided in subsection 8, food may be re-served provided that it is not potentially hazardous (time/temperature control for safety food) and may be re-served from one consumer to another if:*
 - a. The food is dispensed so that it is protected from contamination and the container is closed between uses, including, without limitation, a narrow-neck bottle containing catsup, steak sauce or wine; or*
 - b. The food, including, without limitation, crackers, salt or pepper, is in an unopened original package and is maintained in sound condition.*

8. Food must not be re-served under the following conditions:

- (a) Any food served to patients or clients who are under contact precautions in medical isolation or quarantine or protective environment isolation must not be re-served to others outside the isolation or quarantine.*
- (b) Packages of food from any patients, clients or other consumers must not be re-served to persons in protective environment isolation.*

EQUIPMENT, UTENSILS AND LINENS

Sec. 170. *Materials that are used in the construction of utensils and food-contact surfaces of equipment must not allow the migration of deleterious substances or impart colors, odors or tastes to food, and under normal use conditions must be:*

- 1. Safe;*
- 2. Durable, corrosion-resistant and nonabsorbent;*
- 3. Sufficient in weight and thickness to withstand repeated warewashing;*

4. *Finished to have a smooth, easily cleanable surface; and*
5. *Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.*

Sec. 171. 1. *Except as otherwise provided in subsections 2 and 3, cast iron may not be used for utensils or food-contact surfaces of equipment.*

2. *Cast iron may be used as a surface for cooking.*
3. *Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.*

Sec. 172. 1. *Ceramic, china and crystal utensils, and decorative utensils, including, without limitation, hand-painted ceramic or china that are used in contact with food, must be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:*

<u><i>Utensil Category</i></u>	<u><i>Ceramic Article Description</i></u>	<u><i>Maximum Lead (mg/L)</i></u>
<i>Beverage Mugs, Cups and Pitchers</i>	<i>Coffee Mugs</i>	<i>0.5</i>
<i>Large Hollowware (excluding pitchers)</i>	<i>Bowls ≥ 1.16 Quart (1 Liter)</i>	<i>1</i>
<i>Small Hollowware (excluding cups and mugs)</i>	<i>Bowls < 1.16 Quart (1 Liter)</i>	<i>2.0</i>
<i>Flat Tableware</i>	<i>Plates and Saucers</i>	<i>3.0</i>

2. *Pewter alloys containing lead in excess of 0.05 percent may not be used as a food- contact surface.*

3. *Solder and flux containing lead in excess of 0.2 percent may not be used as a food- contact surface.*

Sec. 173. *1. Except as otherwise provided in subsection 2, copper and copper alloys, including, without limitation, brass, may not be used in contact with a food that has a pH below 6, such as vinegar, fruit juice or wine, or for a fitting or tubing installed between a backflow prevention assembly and a carbonator.*

2. Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the pre-fermentation and fermentation steps of a beer brewing operation, including, without limitation, a brewpub or microbrewery.

Sec. 174. *Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.*

Sec. 175. *Sponges may not be used in contact with cleaned and sanitized or in-use food- contact surfaces.*

Sec. 176. *1. Except as otherwise provided in subsections 2 and 3, wood and wood wicker may not be used as a food-contact surface.*

2. Hard maple or an equivalently hard, close-grained wood may be used for:

(a) Cutting boards, cutting blocks, bakers' tables and utensils, including, without limitation, rolling pins, doughnut dowels, salad bowls and chopsticks; and

(b) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230°F (110°C) or above.

3. Whole, uncut, raw fruits and vegetables and nuts in the shell may be kept in the wood shipping containers in which they were received until the fruits, vegetables or nuts are used.

4. If the nature of the food requires the removal of rinds, peels, husks or shells before

consumption, the whole, uncut, raw food may be kept in:

(a) Untreated wood containers; or

(b) Treated wood containers if the containers are treated with a preservative that meets the federal standards specified in 21 C.F.R. § 178.3800, “Preservatives for wood.”

Sec. 177. *Mollusk and crustacean shells may not be used more than once as serving container.*

Sec. 178. *Multi-use kitchenware, including, without limitation, frying pans, griddles, sauce pans, cookie sheets and waffle bakers that have a perfluorocarbon resin coating, must be used with nonscoring or nonscratching utensils and cleaning aids.*

Sec. 179. *Nonfood-contact surfaces of equipment which are exposed to splash, spillage or other food soiling or which require frequent cleaning must be constructed of a corrosion-resistant, nonabsorbent and smooth material.*

Sec. 180. *Materials that are used to make single-service and single-use articles:*

1. Must not:

(a) Allow the migration of deleterious substances; or

(b) Impart colors, odors or tastes to food; and

2. Must be:

(a) Safe; and

(b) Clean.

Sec. 181. *Single-service and single-use articles must not be reused.*

Sec. 182. *Equipment and utensils must be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.*

Sec. 183. *Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating, including,*

without limitation, candy thermometers, may be used.

Sec. 184. 1. Multi-use food-contact surfaces must be:

(a) Smooth;

(b) Free of breaks, open seams, cracks, chips, inclusions, pits and similar imperfections;

(c) Free of sharp internal angles, corners and crevices

(d) Finished to have smooth welds and joints; and

(e) Except as otherwise provided in subsection 2, accessible for cleaning and inspection by one of the following methods:

(1) Without being disassembled;

(2) Disassembling without the use of tools; or

(3) Easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel, including, without limitation, screwdrivers, pliers, open- end wrenches and Allen wrenches.

2. The provisions of paragraph (e) of subsection 1 do not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.

Sec. 185. 1. CIP equipment must be designed and constructed so that:

(a) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and

(b) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and

2. CIP equipment that is not designed to be disassembled for cleaning must be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

Sec. 186. *Except for hot oil cooking or filtering equipment, “V” type threads may not be used on food-contact surfaces.*

Sec. 187. *Hot oil filtering equipment must meet industry standards for construction and cleaning and must be readily accessible for filter replacement and cleaning of the filter.*

Sec. 188. *Cutting or piercing parts of can openers must be readily removable for cleaning and for replacement.*

Sec. 189. *Nonfood-contact surfaces must be free of unnecessary ledges, projections and crevices, and be designed and constructed to allow easy cleaning and to facilitate maintenance.*

Sec. 190. *Kick plates must be designed so that the areas behind them are accessible for inspection and cleaning by being easily removable or capable of being rotated open without unlocking equipment doors, if any.*

Sec. 191. *Filters or other grease extracting equipment must be designed to be readily removable for cleaning and replacement if not designed to be cleaned-in-place.*

Sec. 192. 1. *Food temperature measuring devices must be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures.*

2. *A temperature measuring device with a suitable small diameter probe that is designed to measure the temperature of thin masses must be provided and readily accessible to accurately measure the temperature in thin foods, including, without limitation, meat patties and fish filets.*

Sec. 193. 1. *Food temperature measuring devices that are scaled only in Celsius (°C) or dually scaled in Celsius and Fahrenheit must be accurate to plus or minus 1°C in the intended range of use.*

2. *Food temperature measuring devices that are scaled only in Fahrenheit must be accurate to plus or minus 2°F in the intended range of use.*

Sec. 194. 1. *Ambient air and water temperature measuring devices that are scaled in Celsius (°C) or*

dually scaled in Celsius and Fahrenheit must be designed to be easily readable and accurate to plus or minus 1.5°C in the intended range of use.

2. Ambient air and water temperature measuring devices that are scaled only in Fahrenheit must be accurate to plus or minus 3°F in the intended range of use.

Sec. 195. *1. In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device must be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.*

2. Except as otherwise provided in subsection 3, cold or hot holding equipment used for potentially hazardous food (time/temperature control for safety food) must be designed to include, and must be equipped with, at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

3. The provisions of subsection 2 do 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, without limitation, calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers and salad bars.

4. Temperature measuring devices must be designed to be easily readable.

5. Food temperature measuring devices and water temperature measuring devices on warewashing machines must have a numerical scale, printed record or digital readout in increments no greater than 2°F or 1°C in the intended range of use.

Sec. 196. *1. Utensils must be:*

(a) Maintained in a state of repair or condition that complies with the requirements of this chapter; or

(b) Discarded.

2. Food temperature measuring devices must be calibrated in accordance with the

manufacturer's specifications as necessary to ensure their accuracy.

3. Ambient air temperature measuring devices, water pressure measuring devices and water temperature measuring devices must be:

- (a) Maintained in good repair; and*
- (b) Accurate within the intended range of use.*

Sec. 197. Exhaust ventilation hood systems in food preparation and warewashing areas, including, without limitation, components such as hoods, fans, guards and ducting, must be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

Sec. 198. Equipment compartments that are subject to accumulation of moisture because of conditions such as condensation, food or beverage drip or water from melting ice must be sloped to an outlet that allows complete draining.

Sec. 199. 1. A cover or lid for equipment must overlap the opening and be sloped to drain.

2. An opening located within the top of a unit of equipment that is designed for use with a cover or lid must be flanged upward at least two-tenths of an inch (5 millimeters).

3. Except as otherwise provided in subsection 4, fixed piping, temperature measuring devices, rotary shafts and other parts extending into equipment must be provided with a watertight joint at the point where the particular item enters the equipment.

4. If a watertight joint is not provided:

(a) The piping, temperature measuring devices, rotary shafts and other parts extending through the openings must be equipped with an apron designed to deflect condensation, drips and dust from the openings into the food; and

(b) The opening must be flanged as provided pursuant to subsection 2.

Sec. 200. *In equipment that dispenses or vends liquid food or ice in an unpackaged form:*

1. The delivery tube, chute, orifice and splash surfaces directly above the container receiving the food must be designed in a manner, including, without limitation, with barriers, baffles or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.

2. The delivery tube or chute and orifice of the equipment must be protected from manual contact, such as by being recessed.

3. The delivery tube or chute and orifice of the equipment used to vend liquid food or ice in an unpackaged form to self-service consumers must be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents and other contamination by a self-closing door if the equipment is:

(a) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents and other contaminants which are present in the environment; or

4. Available for self-service during hours when it is not under the full-time supervision of a food employee.

5. The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment must be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

6. Any dispensing equipment in which potentially hazardous food (time/temperature control for safety food) in a homogenous liquid form is maintained outside of the temperature control requirements as specified in this chapter must:

(a) Be specifically designed and equipped to maintain the commercial sterility of aseptically packaged food in a homogenous liquid form, for a specified duration, from the time of opening the packaging within the equipment; and

(b) Conform to the requirements for such equipment as specified in Standard 18-2006, “Manual Food and Beverage Dispensing Equipment,” adopted by NSF International and the American National Standards Institute.

Sec. 201. Equipment containing bearings and gears that require lubricants must be designed and constructed so the lubricant cannot leak, drip or be forced into food or onto food-contact surfaces.

Sec. 202. Except for cold plates that are constructed integrally with an ice storage bin, beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice.

Sec. 203. Liquid waste drain lines may not pass through an ice machine or ice storage bin.

Sec. 204. 1. Except as otherwise provided in subsection 2, molluscan shellfish life-support system display tanks may not be used to store or display shellfish which are offered for human consumption and must be conspicuously marked so it is obvious to the consumer that the shellfish are for display only.

2. Molluscan shellfish life-support system display tanks that are used to store or display shellfish which are offered for human consumption must be operated and maintained in accordance with approval of a waiver from the health authority and with an HACCP plan which:

(a) Is submitted by the permit holder and approved in advance by the health authority; and

(b) Ensures that:

(1) Water used with fish other than molluscan shellfish does not flow into the molluscan tank;

(2) The safety and quality of the shellfish as they were received are not compromised by the use of the tank; and

(3) The identity of the source of the shellstock is retained as specified in this chapter.

Sec. 205. Apparatuses, including, without limitation, dollies, pallets, racks and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, must be

designed to be moved by hand or by conveniently available apparatuses such as hand trucks and forklifts.

Sec. 206. *Only food equipment that is certified or classified for sanitation by an American National Standards Institute accredited certification program is deemed to comply with the provisions of this chapter.*

Sec. 207. *Equipment for cooling and heating food, and holding cold and hot food, must be sufficient in number and capacity to provide food temperatures as specified in this chapter.*

Sec. 208. *A food dispensing utensil must be available for each container displayed at a consumer self-service unit, including, without limitation, a buffet or salad bar.*

Sec. 209. *A test kit or other device that accurately measures the concentration in (ppm) of all sanitizing solutions must be provided.*

EQUIPMENT: LOCATION AND INSTALLATION

Sec. 210. 1. *A cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles, may not be located:*

- (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 on which water has condensed;*
- (g) Under open stairwells; or*

(h) Under other sources of contamination.

2. If a mechanical clothes washer or dryer is provided, it must be located so that the washer or dryer is protected from contamination and only where there is no exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles.

Sec. 211. *1. Equipment that is fixed because it is not easily movable must be installed so that it is:*

(a) Spaced to allow access for cleaning along the sides, and behind and above the equipment;

(b) Spaced from adjoining equipment, walls and ceilings at a distance of not more than one thirty-second inch (1 millimeter); or

(c) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

2. Counter-mounted equipment that is not easily movable must be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

(a) Sealed; or

(b) Elevated on legs.

Sec. 212. *1. Except as otherwise provided in subsections 2 and 3, floor-mounted equipment that is not easily movable must be sealed to the floor or elevated on legs which provide a clearance of at least 6 inches (15 centimeters) between the floor and the equipment.*

2. If no part of the floor under the floor-mounted equipment is more than 6 inches (15.24 centimeters) from the point of cleaning access, the clearance space may be only 4 inches (10.16 centimeters).

3. This section does not apply to display shelving units, display refrigeration units and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained in a clean condition.

4. Except as otherwise provided in subsection 5, counter-mounted equipment that is not easily movable must be elevated on legs that provide a clearance of at least 4 inches (10.16 centimeters) between

the table and the equipment.

(a) The clearance space between the table and counter-mounted equipment may be: Three inches (7.62 centimeters), if the horizontal distance of the table top under the equipment is not more than 20 inches (50.80 centimeters) from the point of access for cleaning; or

(b) Two inches (5.08 centimeters), if the horizontal distance of the table top under the equipment is not more than 3 inches (7.62 centimeters) from the point of access for cleaning.

Sec. 213. *If a condenser unit is an integral component of equipment, the condenser unit must be separated from the food and food storage space by a dustproof barrier.*

Sec. 214. 1. *Equipment must be maintained in a state of good repair and condition.*

2. *Equipment components, including, without limitation, doors, seals, hinges, fasteners and kick plates, must be kept intact, tight and adjusted in accordance with the manufacturer's specifications.*

3. *Cutting or piercing parts of can openers must be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.*

EQUIPMENT: MECHANICAL, AUTOMATIC AND MANUAL WAREWASHING

Sec. 215. *When used for warewashing, the wash compartment of a sink, mechanical warewasher or wash receptacle of alternative manual warewashing equipment must 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.*

Sec. 216. *The washing, rinsing and sanitizing solutions must be maintained clean.*

Sec. 217. *A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at approved exposure times must meet the sanitizer criteria specified in this chapter and must be used as*

follows:

1. A chlorine solution must have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

<u>Minimum Concentration</u>	<u>Minimum Temperature</u>	
	<u>pH 10 or less °F (°C)</u>	<u>pH 8 or less °F (°C)</u>
<i>25</i>	<i>120 °F (48.9°C)</i>	<i>120°F (48.9°C)</i>
<i>50</i>	<i>100 °F (37.8°C)</i>	<i>75 °F (23.9°C)</i>
<i>100</i>	<i>55 °F (12.8°C)</i>	<i>55 °F (12.8°C)</i>

2. An iodine solution must have:

(a) A minimum temperature of 68°F (20°C);

(b) A pH of 5.0 or less or a pH not higher than the level for which the manufacturer specifies the solution is effective; and

(c) A concentration between 12.5 mg/L and 25 mg/L.

3. A quaternary ammonium compound solution must:

(a) Have a minimum temperature of 75°F (23.9°C);

(b) Have a concentration as indicated by the manufacturer's use directions included in the labeling; and

(c) Be used only in water with 500 mg/L hardness or less, or in water having a hardness not greater than specified by the manufacturer's label.

4. If another solution of a chemical specified in subsection 1, 2 or 3 is used, the permit holder must demonstrate to the health authority that the solution achieves sanitization and the use of the solution must be approved. If a chemical sanitizer other than chlorine, iodine or a quaternary

ammonium compound is used, the sanitizer must be applied in accordance with the manufacturer's directions for use included in the labeling.

Sec. 218. *A warewashing machine must be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operation specifications including the:*

- 1. Temperatures required for washing, rinsing and sanitizing;*
- 2. Pressure required for the fresh water sanitizing rinse, unless the machine is designed to use only a pumped sanitizing rinse; and*
- 3. Conveyor speed for conveyor machines or cycle time for stationary rack machines.*

Sec. 219. *Warewashing machine wash and rinse tanks must be equipped with baffles, curtains or other means to minimize internal cross-contamination of the solutions in wash and rinse tanks.*

Sec. 220. *Ventilation hood systems and devices must be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.*

Sec. 221. *A warewashing machine must be equipped with a temperature measuring device that indicates the temperature of the water:*

- 1. In each wash and rinse tank; and*
- 2. As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.*

Sec. 222. *A warewashing machine that is installed after the effective date of this regulation must be equipped to:*

- 1. Automatically dispense detergents and sanitizers; and*
- 2. Incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and*

sanitizing cycles.

Sec. 223. 1. *Except as otherwise provided in subsection 2:*

(a) Warewashing machines that provide a fresh hot water sanitizing rinse must be equipped with a pressure gauge or similar device, including, without limitation, a transducer, which measures and displays the water pressure in the supply line immediately before entering the warewashing machine; and

(b) If the flow-pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device must be mounted in a one-fourth inch or 6.4 millimeter Iron Pipe Size (IPS) valve.

2. *Subsection 1 does not apply to a machine that uses only a pumped or recirculated sanitizing rinse.*

Sec. 224. 1. *A warewashing machine and its auxiliary components must be operated in accordance with the machine's data plate and other manufacturer's instructions.*

2. *A warewashing machine's conveyor speed or automatic cycle times must be maintained so as to be accurately timed in accordance with the manufacturer's specifications.*

Sec. 225. *Soiled items to be cleaned in a warewashing machine must 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; and*

2. *Allows the items to drain.*

Sec. 226. *Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse must have increments of 1 pound per square inch (7 kilopascals) or smaller and must be accurate to plus or minus 2 pounds per square inch (plus or minus 14 kilopascals) in the 15 to 25 pounds per square inch (100-170 kilopascals) range.*

Sec. 227. 1. *The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than:*

- (a) For a stationary rack, single temperature machine, 165°F (73.9°C);*
- (b) For a stationary rack, dual temperature machine, 150°F (65.6°C);*
- (c) For a single tank, conveyor, dual temperature machine, 160°F (71.1°C); or*
- (d) For a multitank, conveyor, multitemperature machine, 150°F (65.6°C).*

2. The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than 120°F (48.9°C).

Sec. 228. 1. *Except as otherwise provided in subsection 2, in a mechanical operation the temperature of the fresh hot water sanitizing rinse as it enters the manifold must not be more than 194°F (90°C) or less than:*

- (a) For a stationary rack, single temperature machine, 165°F (73.9°C); or*
- (b) For all other machines, 180°F (82.2°C).*

2. The maximum temperature specified in subsection 1 does not apply to high pressure and temperature systems with wand-type, handheld spraying devices used for the in-place cleaning and sanitizing of equipment, including, without limitation, meat saws.

Sec. 229. *The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve, must be within the range specified on the machine manufacturer's data plate and may not be less than 5 pounds per square inch (35 kilopascals) or more than 30 pounds per square inch (200 kilopascals).*

Sec. 230. *If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink must be:*

1. Designed with an integral heating device that is capable of maintaining water at a temperature not less than 171°F (77.2 °C); and

2. *Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.*

Sec. 231. *The temperature of the washing solution in manual warewashing equipment must be maintained at not less than 110°F (43.3°C) or the temperature specified on the cleaning agent manufacturer's label instructions.*

Sec. 232. *If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step must be the same detergent-sanitizer that is used in the washing step.*

Sec. 233. *Concentration of the sanitizing solution must be accurately determined by using a test kit, test strips or other approved device.*

Sec. 234. *If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water must be maintained at 171°F (77.2°C) or above.*

Sec. 235. *Drain boards, utensil racks or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation must be provided for necessary utensil holding before cleaning and after sanitizing.*

Sec. 236. *Sinks and drain boards of warewashing sinks and machines must be integrated and self-draining.*

Sec. 237. *If washing in sink compartments or a warewashing machine is impractical, such as when the equipment is fixed or the utensils are too large, washing must be done by using alternative manual warewashing equipment as follows:*

1. *Equipment must be disassembled as necessary to allow access of the detergent solution to all parts;*
2. *Equipment components and utensils must be scraped or rough cleaned to remove food particle accumulation; and*

3. *Equipment and utensils must be washed with an approved method.*

Sec. 238. 1. *Except as otherwise provided in subsection 3, a sink with at least three compartments must be provided for manually washing, rinsing and sanitizing equipment and utensils.*

2. *Sink compartments must be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment, as provided in subsection 3, must be used.*

3. *Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved by the health authority. Alternative manual warewashing equipment may include:*

- (a) High-pressure detergent sprayers;*
- (b) Low- or line-pressure spray detergent foamers;*
- (c) Other task-specific cleaning equipment;*
- (d) Brushes or other implements;*
- (e) Two-compartment sinks in accordance with the requirements of subsections 4 and 5; and*
- (f) Receptacles that substitute for the compartments of a multicompartment sink.*

4. *Before a two-compartment sink is used:*

- (a) The permit holder must have its use approved; and*
- (b) The permit holder must limit the number of kitchenware items cleaned and sanitized in the two-compartment sink, and must limit warewashing to batch operations for cleaning kitchenware, such as between cutting one type of raw meat and another, or cleanup at the end of a shift and must:*

(1) Make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use; and

(2) Use a:

(I) Detergent-sanitizer to sanitize and must apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified under this chapter; or

(II) Hot water sanitization immersion step as specified under this chapter.

5. A two-compartment sink must not be used for warewashing operations in which cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

Sec. 239. *In manual warewashing operations, a temperature measuring device must be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.*

Sec. 240. 1. *A warewashing sink must not be used for handwashing.*

3. *If a warewashing sink is used to wash wiping cloths, wash produce or thaw food, the sink must be cleaned and sanitized before and after each such use.*

CLEANING OF EQUIPMENT AND UTENSILS

Sec. 431. NAC 446.390 is hereby amended to read as follows:

446.390 ~~[If adequate and effective]~~ *A food establishment without facilities for cleaning and sanitizing ~~[utensils are not available,]~~ kitchenware and tableware must provide or use only ~~[articles designed for a single use may be used.]~~ the following:*

- 1. Single-use kitchenware;*
- 2. Single-service articles;*
- 3. Single-use articles for use by food employees; and*
- 4. Single-service articles for use by consumers.*

Sec. 241. 1. *Utensils and food-contact surfaces of equipment must be clean to sight and touch.*

2. *The food-contact surfaces of cooking equipment and pans must be kept free of encrusted*

grease deposits and other soil accumulations.

3. The nonfood-contact surfaces of equipment must be kept free of an accumulation of dust, dirt, food residue and other debris.

Sec. 242. 1. Equipment, food-contact surfaces and utensils must be cleaned:

(a) Except as otherwise provided in subsection 2, before each use of a different type of raw animal food, including, without limitation, beef, fish, lamb, pork or poultry;

(b) Each time there is a change from working with raw foods to working with ready-to-eat foods;

(c) Between uses with raw fruits and vegetables and with potentially hazardous food (time/temperature control for safety food);

(d) Before using or storing a food temperature measuring device; and

(e) At any time during the operation when contamination may have occurred.

2. The provisions of paragraph (a) of subsection 1 do not apply if the food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature than the previous food, including, without limitation, preparing raw fish followed by cutting raw poultry on the same cutting board.

3. Except as otherwise provided in subsection 4, if used with potentially hazardous food (time/temperature control for safety food), utensils and food-contact surfaces of equipment must be cleaned throughout the day not less frequently than every 4 hours.

4. Surfaces of utensils and equipment contacting potentially hazardous food (time/temperature control for safety food) may be cleaned less frequently than every 4 hours if:

(a) In storage, containers of potentially hazardous food (time/temperature control for safety food) and their contents are maintained at required temperatures and the containers are cleaned when they are empty;

(b) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures set forth in subparagraph (1) and:

(1) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

<u><i>Temperature</i></u>	<u><i>Cleaning Frequency</i></u>
<i>41°F (5.0°C) or below</i>	<i>24 hours</i>
<i>>42°F - 45°F (5.0°C - 7.2°C)</i>	<i>20 hours</i>
<i>>46°F - 50°F (7.2°C - 10 °C)</i>	<i>16 hours</i>
<i>>51°F - 55°F (10°C - 12.8°C)</i>	<i>10 hours</i>

(2) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment;

(c) Containers in serving situations, including, without limitation, salad bars, delicatessens and cafeteria lines, hold ready-to-eat potentially hazardous food (time/temperature control for safety food) that is maintained at approved temperatures, are intermittently combined with additional supplies of the same food that is at the required temperature and are cleaned at least once every 24 hours;

(d) Temperature measuring devices are maintained in contact with food, including, without limitation, when left in a container of deli food or in a roast, held at the required temperature;

(e) Equipment is used for storage of packaged or unpackaged food, including, without limitation, a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude the accumulation of soil residues;

(f) The cleaning schedule is approved based on consideration of:

(1) Characteristics of the equipment and its use;

(2) The type of food involved;

(3) The amount of food residue accumulation; and

(4) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or

(g) In-use utensils are intermittently stored in a container of water in which the water is maintained at 135°F (57.2°C) or above and the utensils and container are cleaned at least once every 24 hours or at a frequency necessary to preclude the accumulation of soil residues.

5. Except when dry cleaning methods are used, surfaces of utensils and equipment contacting food that is not potentially hazardous food (time/temperature control for safety food) must be cleaned:

(a) At any time when contamination may have occurred;

(b) At least once every 24 hours for iced tea dispensers and consumer self-service utensils, including, without limitation, tongs, scoops or ladles;

(c) Before restocking consumer self-service equipment and utensils, including, without limitation, condiment dispensers and display containers; and

(d) In equipment, including, without limitation, ice bins and beverage dispensing nozzles, and enclosed components of equipment, such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders and water vending equipment:

(1) At a frequency specified by the manufacturer; or

(2) Absent the manufacturer's specifications, at a frequency necessary to preclude the accumulation of soil or mold.

Sec. 243. *Surfaces, including, without limitation, cutting blocks and boards that are subject to scratching and scoring must be resurfaced if they can no longer be effectively cleaned and sanitized, or*

discarded if they are not capable of being resurfaced.

Sec. 244. *The nonfood-contact surfaces of equipment must be cleaned at a frequency necessary to preclude the accumulation of soil residues.*

Sec. 245. 1. *The food-contact surfaces of cooking and baking equipment must be cleaned at least once every 24 hours. This subsection does not apply to hot oil cooking and filtering equipment if it is cleaned on an approved schedule.*

2. *The cavities and door seals of microwave ovens must be cleaned at least once every 24 hours by using the manufacturer's recommended cleaning procedure.*

Sec. 246. *A warewashing machine, the compartments of sinks, basins or other receptacles used for washing and rinsing equipment, utensils or raw foods, or laundering wiping cloths, and drain boards must be cleaned:*

- 1.** *Before use;*
- 2.** *Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and*
- 3.** *If used, at least once every 24 hours.*

Sec. 247. 1. *Food debris on equipment and utensils must be scraped over a waste disposal unit or garbage receptacle or must be removed in a warewashing machine with a prewash cycle.*

2. *If necessary for effective cleaning, utensils and equipment must be preflushed, presoaked or scrubbed with abrasives.*

Sec. 248. 1. *If used, dry cleaning methods, including, without limitation, brushing, scraping and vacuuming, must contact only surfaces that are soiled with dry food residues that are not potentially hazardous food (time/temperature control for safety food).*

2. *Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other*

purpose.

Sec. 249. 1. Utensils and food-contact surfaces of equipment must be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary, including, without limitation, the application of detergents containing wetting agents and emulsifiers, acid, alkaline or abrasive cleaners, hot water, brushes, scouring pads, high- pressure sprays or ultrasonic devices.

2. The washing procedures selected pursuant to this section must be based on the type and purpose of the equipment or utensil and on the type of soil to be removed.

Sec. 250. Washed utensils and equipment must be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent- sanitizer solution by using one of the following procedures:

1. Use of a distinct, separate water rinse after washing and before sanitizing if using:

(a) A three-compartment sink;

(b) Alternative manual warewashing equipment equivalent to a three-compartment sink;

or

(c) A three-step washing, rinsing and sanitizing procedure in a warewashing system for CIP equipment;

2. Use of a detergent-sanitizer if using:

(a) Alternative warewashing equipment that is approved for use with a detergent-sanitizer;

or

(b) A warewashing system for CIP equipment;

3. Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two-compartment sink operation;

4. If using a warewashing machine that does not recycle the sanitizing solution as described in

subsection 5 or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:

(a) Integrated in the application of the sanitizing solution; and

(b) Wasted immediately after each application; or

5. If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

Sec. 251. *Utensils and food-contact surfaces of equipment must be sanitized before use after cleaning.*

Sec. 252. 1. *Except as otherwise provided in subsections 2 and 3, returned empty containers intended for cleaning and refilling with food must be cleaned and refilled in a regulated food processing establishment.*

2. A food-specific container for beverages may be refilled at a food establishment if:

(a) Only a beverage that is not a potentially hazardous food (time/temperature control for safety food) is to be refilled;

(b) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;

(c) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;

(d) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only by or to the same consumer; and

(e) The container is refilled by:

(1) An employee of the food establishment; or

(2) The owner of the container if the beverage system includes a contamination-free transfer

process that cannot be bypassed by the container owner.

3. Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

Sec. 253. *After being cleaned, utensils and food-contact surfaces of equipment must be sanitized in:*

1. Hot water manual operations by immersion for at least 30 seconds with a temperature of 171°F (77.2°C) or above;

2. Hot water mechanical operations by being cycled through equipment that is set up according to the manufacturer's instructions and achieving a utensil surface temperature of 160°F (71.1°C) as measured by an irreversible registering temperature indicator; or

3. Chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing or pressure spraying methods, using a solution as specified on the manufacturer's label as approved by the United States Environmental Protection Agency, and by providing:

(a) An exposure time of at least 10 seconds for a chlorine solution with approved concentrations and temperatures;

(b) An exposure time of at least 30 seconds for other chemical sanitizing solutions; or

(c) An exposure time used in relationship with a combination of temperature, concentration and pH that, when evaluated for efficacy, yields approved levels of sanitization.

LAUNDERING

Sec. 254. *1. Except as otherwise provided in subsection 2, if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer must be provided and used.*

2. If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths

are air-dried in a manner which prevents contamination of food, equipment, utensils, linens, single-service articles and wiping cloths, a mechanical clothes washer and dryer need not be provided.

Sec. 255. Clean linens must be free from food residues and other soiling matter.

Sec. 256. 1. Linens that do not come in direct contact with food must be laundered between operations if they become wet, sticky or visibly soiled.

2. Cloth gloves must be laundered before being used when handling a different type of raw animal food, including, without limitation, beef, fish, lamb, pork or poultry.

3. Linens, napkins and cloth napkins must be laundered between each use.

4. Wet wiping cloths must be laundered daily.

5. Dry wiping cloths must be laundered as necessary to prevent the contamination of food and clean serving utensils.

Sec. 257. Soiled linens must be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent the contamination of food, clean equipment and utensils, and single-service and single-use articles.

Sec. 258. 1. Except as otherwise provided in subsection 2, linens must be mechanically washed.

2. In food establishments in which only wiping cloths are laundered, the wiping cloths may be laundered in a mechanical washer, a sink designated only for laundering wiping cloths or a warewashing or food preparation sink that is cleaned with an approved method.

Sec. 259. 1. Except as otherwise provided in subsection 2, laundry facilities on the premises of a food establishment must be used only for the washing and drying of items used in the operation of the establishment.

4. Separate laundry facilities located on the premises of a food establishment for the purpose of general laundering, including, without limitation, for institutions providing boarding and lodging, may also

be used for laundering food establishment items.

PROTECTION OF CLEAN ITEMS

Sec. 260. *After cleaning and sanitizing, equipment and utensils:*

- 1. Must be air-dried or used after adequate draining before contact with food; and*
- 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.*

Sec. 261. *Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer must be air-dried in a location and in a manner that prevents the contamination of food, equipment, utensils, linens, single-service and single-use articles and the wiping cloths. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution.*

Sec. 262. *Lubricants must be applied to food-contact surfaces which require lubrication in a manner that does not contaminate the food-contact surfaces.*

Sec. 263. *Equipment must be reassembled so that food-contact surfaces are not contaminated.*

Sec. 264. *1. Except as otherwise provided in subsection 4, cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles must be stored:*

- (a) In a clean, dry location;*
- (b) Where they are not exposed to splash, dust or other contamination; and*
- (c) At least 6 inches (15 centimeters) above the floor.*

2. Clean equipment and utensils must be stored as provided in subsection 1 and must be stored:

- (a) In a self-draining position that allows air drying; and*

(b) In a manner that is covered or inverted.

3. Single-service and single-use articles must be stored as provided in subsection 1 and must be kept in the original protective package or stored by using other means that afford protection from contamination until used.

4. Items that are kept in closed packages may be stored less than 6 inches (15 centimeters) above the floor on dollies, pallets, racks and skids that are designed to be easily movable.

Sec. 265. *Cleaned and sanitized equipment and utensils, laundered linens, and single- service and single-use articles may 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; or*
- 8. Under other sources of contamination.*

Sec. 266. *1. Single-service and single-use articles and cleaned and sanitized utensils must be handled, displayed and dispensed so that contamination of food- and lip-contact surfaces is prevented.*

2. Knives, forks and spoons that are not prewrapped must be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

3. Except as otherwise provided in subsection 2, single-service articles that are intended for food- or lip-contact must be furnished for consumer self-service with the original individual wrapper intact or

from an approved dispenser.

Sec. 267. *Soiled tableware must be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.*

Sec. 268. 1. *Tableware that is preset must be protected from contamination by being wrapped, covered or inverted.*

2. *When tableware is preset, exposed or unused settings must be:*

(a) Removed when a consumer is seated; or

(b) Cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

WATER, PLUMBING AND WASTEWATER

Sec. 432. NAC 446.395 is hereby amended to read as follows:

446.395 1. Potable water of a sufficient amount to meet the demands of a food establishment must be ~~provided~~*obtained* from ~~a~~*an approved* source that is ~~approved~~*permitted* by the ~~health~~*Division of Environmental Protection of the State Department of Conservation and Natural Resources or the local administrative* authority . ~~and licensed by the Health Division.~~

2. ~~A~~*Hot water generation and distribution systems must be sufficient to meet the peak hot water demands throughout the* food establishment . ~~that was issued a permit pursuant to the provisions of NRS 446.875 before September 16, 1992, may provide water which is not piped directly if all potable water which is not piped directly to the food establishment from the source is transported in a system for the transportation of water in bulk and is delivered to a water system which is closed. Both of these systems must be constructed, licensed, operated and approved by the Health Division.~~

4. *Water under pressure must be provided to all fixtures, equipment and nonfood equipment that are required to use water, except that water supplied to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.*

Sec. 269. *Bottled drinking water used or sold in a food establishment must be obtained from approved sources.*

Sec. 270. 1. *Potable water must be made available for a mobile unit or for a temporary food establishment without a permanent water supply by:*

- (a) A supply of containers of commercially bottled drinking water;*
- (b) One or more closed portable water containers;*
- (c) An enclosed vehicular water tank;*
- (d) An on-premises water storage tank; or*
- (e) Piping, tubing or hoses connected to an adjacent approved source.*

2. *In the event of an emergency which results in the temporary interruption of the water supply to a food establishment, the health authority may approve an alternative plan for water service to assure the protection of public health.*

Sec. 434. NAC 446.420 is hereby amended to read as follows:

446.420 All plumbing, *including individual sewage disposal system piping*, must be:

- 1. Properly sized, installed and maintained *in good repair* by the owner of an establishment;
- 2. Composed of nontoxic materials; ~~and~~
- 3. *Repaired in accordance with applicable state or local law; and*
- 4. Approved by the health authority.

Sec. 271. 1. *Toilets and urinals must be easy to clean. Trough-type urinals are prohibited.*

2. Fixtures must be kept clean and in good repair.

Sec. 272. *1. Each handwashing sink must have hot and cold water tempered by a mixing valve or combination faucet. The hot water must be at a temperature of at least 100°F (37.8°C).*

2. A steam mixing valve may not be used at a handwashing sink.

3. Any faucet which closes automatically, closes slowly or is metered must provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

4. Handwashing sinks, dispensers for soap, devices for drying hands and all related fixtures must be easily cleanable and must be kept clean and in good repair.

5. An automatic handwashing facility must be installed in accordance with the manufacturer's instructions.

6. At least one handwashing sink for convenient use by employees must be installed in the food preparation area.

Sec. 273. *1. A supply of soap or detergent for cleaning hands and disposable towels or a hand drying device as specified in this chapter must be available at each handwashing sink.*

2. A sign or poster that notifies food employees to wash their hands must be provided at all handwashing sinks used by food employees and must be clearly visible to all food employees.

3. Handwashing sinks must be accessible to employees at all times and may not be used for purposes other than washing hands.

4. If approved in advance by the health authority, when food exposure is limited and handwashing sinks are not conveniently available, including, without limitation, in some mobile food, vending machine or temporary food establishments, employees may use chemically treated towelettes for handwashing.

5. Unless otherwise approved in advance by the health authority, a sink used for food

preparation or utensil washing or a cleaning sink may not be provided with handwashing aids or devices such as soap and towels.

Sec. 435. NAC 446.425 is hereby amended to read as follows:

446.425 1. There may be no cross connection between ~~{the}~~:

(a) *The* supply of potable water ; and ~~{any}~~

(b) *Any* water which is nonpotable , or may be nonpotable ~~{nor}~~, *or* any source of pollution

by which the potable water might become contaminated.

2. A system of nonpotable water which meets the limitations established by the State for levels of bacteria may only be used for purposes such as air-conditioning, cleaning, flushing toilets and fire protection and only if the system is approved by the health authority and does not come into direct or indirect contact with food, potable water or equipment that comes in contact with food or utensils. The piping of any nonpotable water must be clearly and permanently identified so that it is readily distinguishable from piping that carries potable water.

3. The system for potable water must be installed to preclude the possibility of backflow. Devices must be installed to protect against backflow and back siphonage on all fixtures and equipment which do not have an air gap which is at least twice the diameter of the inlet for the water between the inlet and the fixture's flood level rim. A hose may not be attached to a faucet unless a device to prevent backflow is installed.

4. A ~~{device designed to prevent}~~ backflow ~~{or back siphonage that is installed on a water supply system must comply with the standards for construction, installation, maintenance, inspection and testing of the Uniform Plumbing Code for that specific application and type of device, as those standards existed on May 23, 1996. The State Board of Health hereby adopts those standards by reference. A copy of the standards may be obtained from the International~~

~~Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825, at a price of \$45.45.~~

~~5. The use of lead solder on lines carrying potable water is prohibited.]~~ *prevention assembly must be located so that it may be serviced and maintained.*

5. A device, including, without limitation, a water treatment device or backflow preventer must be scheduled for inspection and service in accordance with the manufacturer's instructions and as necessary to prevent device failure based on local water conditions. Records demonstrating inspection and service must be maintained by the person in charge.

6. If not provided with an air gap, a backflow prevention assembly consisting of two independent check valves with an intermediate vent to the atmosphere, preceded by a screen of not less than 100 mesh to 1 inch (100 mesh to 25.4 mm), must be installed upstream from a carbonating device and downstream from any copper in the water supply line.

7. A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention assembly has otherwise been provided.

8. The piping of a nonpotable water system must be durably identified so that it is readily distinguishable from piping that carries potable water.

Sec. 274. *A water filter, screen and other water conditioning device installed on water lines must be designed and located to facilitate disassembly for periodic servicing and cleaning. A water filter element must be of the replaceable type.*

Sec. 438. NAC 446.445 is hereby amended to read as follows:

446.445 1. If a food establishment is the only occupant of a building, the establishment must have toilets which are conveniently located within the building. Except as otherwise provided in ~~[subsection 8,]~~ *this chapter*, if a food establishment occupies part of a building, the

establishment must have toilets which are conveniently located within the part which it occupies. The toilets must be accessible to the employees of the establishment at all times.

2. ~~[A]~~*Except as otherwise provided in subsection 3, a food establishment that provides public seating ~~[or where the consumption of food is authorized]~~ must have separate rooms with toilets for males and females. As used in this subsection, “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 feet of the establishment.*

3. ~~[Toilets and urinals must be easy to clean. Trough-type urinals are prohibited.~~

~~—4. 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 tableware.]~~ *If, in the judgment of the health authority, no risk to public health will be created and if site restrictions, architectural or historical preservation restrictions make the installation of two toilet rooms infeasible within the building, the establishment may be permitted to install one toilet room for use by males, females and employees, provided that the total seating affiliated with the establishment, as described in subsection 2, does not exceed 15 total seats.*

4. *If the provisions of subsection 3 apply and the toilet facility serving the food establishment at any time fails or become otherwise inoperable, the food establishment must immediately cease operation, close for business and notify the health authority. The food establishment must remain closed until the health authority approves the food establishment to reopen.*

5. Fixtures must be kept clean and in good repair. A supply of toilet tissue must be provided at each toilet at all times. Receptacles which are easy to clean must be provided for waste.

6. ~~Rooms with toilets must have at least one covered receptacle for waste that is in close proximity to the toilet.~~

~~7.]~~ Exhaust fans and restroom facilities for persons with a disability must be installed in all new facilities and in existing facilities if the food establishment is extensively remodeled.

~~8.]7.~~ Food establishments are not required to supply toilets within the facility if ~~all of~~ *the following conditions are satisfied:*

(a) Food is sold only for consumption off the premises of the seller and at least 50 percent of the food sold is prepackaged. ~~]~~

(b) No preparation or manufacturing of food occurs on the premises. ~~]~~

(c) The food establishment is located in a covered mall, casino, airport or similar location where toilet facilities are located conveniently to the establishment and where indoor access exists. ~~]~~

(d) A *handwashing* sink ~~for washing hands]~~ is conveniently located as required by ~~NAC 446.450; and]~~ *this chapter.*

(e) 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.

8. Where applicable, the number and type of required toilet facilities must be determined by the local building authority.

Sec. 275. At least one mop sink or one curbed cleaning facility equipped with a floor drain must be provided and conveniently located for the cleaning of mops or similar wet-floor cleaning tools and for the disposal of mop water and similar liquid waste. Lavatories or sinks normally used for preparing food or washing utensils or equipment may not be used for this purpose.

Sec. 276. 1. A reservoir that is used to supply water to a device such as a produce fogger must be:

(a) Maintained in accordance with the manufacturer's specifications; and

(b) Cleaned in accordance with the manufacturer's specifications or according to the procedures set forth in subsection 2, whichever is more stringent.

2. Cleaning procedures must include at least the following steps and must be conducted at least once a week:

(a) Draining and complete disassembly of the water and aerosol contact parts;

(b) Brush-cleaning the reservoir, aerosol tubing and discharge nozzles with a suitable detergent solution;

(c) Flushing the complete system with water to remove the detergent solution and particulate accumulation; and

(d) Rinsing by immersing, spraying or swabbing the reservoir, aerosol tubing and discharge nozzles with at least 50 mg/L of hypochlorite solution.

Sec. 437. NAC 446.435 is hereby amended to read as follows:

446.435 1. ~~{There may be no}~~A direct connection *must not exist* between the ~~{sewerage}~~ *sewage system* and ~~{any drains}~~*a drain* originating from equipment in which food, ~~{ice,}~~ portable equipment or utensils are placed ~~{,}~~ *except where floor drains located in refrigerated spaces are constructed as an integral part of the applicable building.*

2. If a dishwashing machine is located within 5 feet (1.52 meters) of a floor drain with a trap, the waste outlet for the dishwasher may be connected directly to the drain on the side containing the inlet if the trap is properly vented.

3. ~~{A walk-in refrigerator must have a floor which is graded so that it drains to the outside through a waste pipe, doorway or other opening. The health authority may authorize a floor drain with an approved device to prevent backflow in a walk-in refrigerator if the slope of the floor is extreme.}~~

~~4.]~~ Every drain, overflow or relief vent from the water supply system must have an indirect connection to the waste system. Drain lines from equipment must not discharge wastewater in a manner that floods any floor or causes water to flow across any work area or area which is difficult to clean.

4. All indirect waste piping must discharge into the drainage system of the applicable building through an airgap or airbreak. Where a drainage airgap is required by the health authority, the minimum vertical distance as measured from the lowest point of the indirect waste pipe or the fixture outlet to the flood-level rim of the receptor must not be less than 1 inch (25.4 mm).

5. A floor drain must be provided in any area where meat, fish or poultry is processed.

6. *As used in this section:*

(a) *“Airbreak” means a physical separation, including, without limitation, a low inlet into an indirect waste receptor from a fixture, appliance or other device indirectly connected thereto.*

(b) *“Drainage airgap” means the unobstructed vertical distance through the free atmosphere between:*

(1) The lowest opening from a pipe, plumbing fixture, appliance or appurtenance conveying waste to a receptor; and

(2) The flood-level rim of the receptor.

Sec. 436. NAC 446.430 is hereby amended to read as follows:

446.430 ~~[Interceptors for]~~

1. If used, a grease trap or interceptor must be easily accessible for cleaning and not present a risk of contamination of food, food-contact surfaces, equipment or utensils, including during cleaning or pumping operations. Grease interceptors must be installed at any food establishment which generates grease that ~~[may-~~ ~~enter]~~ enters a sewer system and where

deemed necessary by the health authority or ~~[public works department of the appropriate local~~

~~government.] sewer utility serving the establishment.~~

2. An interceptor ~~[must be located so that it is easy to clean. A trap]~~ for grease, *rather than a grease trap*, must ~~[not] be [used.]~~ *the preferred method for the interception of grease from a food establishment.*

3. *When the location of a food establishment, or other mitigating circumstances, makes the installation of a grease interceptor infeasible, the health authority may approve the use of a grease trap.*

Sec. 433. NAC 446.415 is hereby amended to read as follows:

446.415 1. All sewage, including liquid waste, must be disposed of in a manner approved by the health authority.

2. Facilities for the disposal of sewage which do not use water, including ~~[chemical]~~ *nonsewered* toilets, are prohibited except as permitted by the health authority for a temporary food establishment which is in a remote area or because of special situations.

REFUSE, RECYCLABLES AND RETURNABLES

Sec. 277. *If located within the food establishment, a storage area for refuse, recyclables and returnables must meet the requirements set forth by the health authority.*

Sec. 278. 1. *An outdoor storage surface for refuse, recyclables and returnables must be smooth and durable, maintained in good repair and constructed of nonabsorbent material, including, without limitation, concrete or asphalt, unless otherwise approved by the health authority.*

2. *A drain must be installed in an outdoor solid-waste staging area when such an area is used:*
(a) To store bin-type grease receptacles or compactors not equipped with leak-proof drainage containment compartments;

(b) To dispose of liquid waste; or

(c) To rinse or wet clean equipment, including, without limitation, solid waste containers, storage bins, floor mats, mops and similar items.

3. If approved by the health authority, off-premises based cleaning services for dumpsters and trash receptacle areas may be used if on-premises cleaning implements and supplies are not available on the premises. If a food establishment needs to use off-premises based cleaning services, a letter from the cleaning service specifying the agreed upon location and frequency of the cleaning operation must be provided to the health authority for verification.

Sec. 279. If used, an outdoor enclosure for refuse, recyclables and returnables must be constructed of durable and cleanable materials.

Sec. 280. 1. Except as otherwise provided in subsection 2, receptacles and waste handling units for refuse, recyclables and returnables, and for use with materials containing food residue, must be durable, cleanable, insect and rodent resistant, leak proof and nonabsorbent.

2. Plastic bags and wet-strength paper bags may be used to line receptacles for storage inside the food establishment or within closed outside receptacles.

3. Receptacles and waste handling units for refuse, recyclables and returnables, including, without limitation, an on-site compactor, must be installed so that the 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 receptacle or unit.

Sec. 281. 1. An inside storage room and area, an outside storage area and enclosure and receptacles must be of sufficient capacity to hold refuse, recyclables and returnables that accumulate.

2. A receptacle must 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.

Sec. 282. *A toilet room used by females must be provided with a covered receptacle for sanitary napkins that is easily accessible from within the stall.*

Sec. 283. 1. *Except as otherwise provided in subsection 2, suitable cleaning implements and supplies, including, without limitation, high-pressure pumps, hot water, steam and detergent, must be provided as necessary for the effective cleaning of receptacles and waste handling units for refuse, recyclables and returnables.*

2. If approved, off-premises based cleaning services may be used if on-premises cleaning implements and supplies are not provided on the premises.

Sec. 284. 1. *An area designated for refuse, recyclables and returnables and, except as otherwise provided in subsection 2, a redeeming machine for recyclables or returnables, must be located so that:*

(a) It is separate from food, equipment, utensils, linens, and single-service and single-use articles; and

(b) A public health hazard or nuisance is not created.

2. A redeeming machine may be located in the packaged food storage area or consumer area of a food establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.

3. The location of receptacles and waste handling units for refuse, recyclables and returnables must not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

Sec. 285. 1. *Except as otherwise provided in subsection 2, refuse receptacles not meeting the requirements specified in this chapter, including, without limitation, receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue, must not be stored outside.*

2. Cardboard or other packaging material that does not contain food residue and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a

covered receptacle if it is stored so that it does not create a rodent harborage problem.

Sec. 286. *Receptacles and waste handling units for refuse, recyclables and returnables must be kept covered:*

1. Inside the food establishment if the receptacles and units:

(a) Contain food residue and are not in continuous use; or

(b) After they are filled; and

2. By the use of tight-fitting lids or doors if kept outside the food establishment.

Sec. 287. *Drains in receptacles and waste handling units for refuse, recyclables and returnables must have drain plugs in place.*

Sec. 288. *A storage area and enclosure for refuse, recyclables or returnables must be maintained free of unnecessary items.*

Sec. 289. *Refuse, recyclables and returnables must be removed from the premises at a frequency not to exceed 7 days to minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.*

Sec. 290. *1. Receptacles and waste handling units for refuse, recyclables and returnables must be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and wastewater must be disposed of as specified under this chapter.*

3. Soiled receptacles and waste handling units for refuse, recyclables and returnables must be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

PHYSICAL FACILITIES

Sec. 291. *Materials for indoor floor, wall and ceiling surfaces under conditions of normal use*

must be:

- 1. Smooth, durable and easily cleanable for areas where food establishment operations are conducted;*
- 2. Closely woven and easily cleanable carpet for carpeted areas; and*
- 3. Nonabsorbent for areas subject to moisture, including, without limitation, food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile unit servicing areas and areas subject to flushing or spray cleaning methods.*

Sec. 292. 1. The outdoor walking and driving areas of a food establishment or food processing establishment must be surfaced with concrete, asphalt or gravel, or other materials that have been effectively treated to minimize dust, facilitate maintenance and prevent muddy conditions.

- 2. Exterior ground surfaces of buildings and mobile units must be of weather-resistant materials.*

Sec. 293. Except as specified under this chapter and except for antislip floor coverings or applications that may be used for safety reasons, floors, floor coverings, walls, wall coverings and ceilings must be designed, constructed and installed so they are smooth and easily cleanable.

Sec. 294. 1. Exposed utility service lines and pipes must be installed so they do not obstruct or prevent the cleaning of floors, walls or ceilings.

- 2. Exposed horizontal utility service lines and pipes may not be installed on the floor.*

Sec. 295. 1. In a food establishment in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures must be coved and closed to no larger than 1/32 inch (1 mm).

2. The floors in a food establishment in which water flush cleaning methods are used must be provided with drains and be graded to drain, and the floor and wall junctures must be coved and sealed.

Sec. 296. 1. A floor covering such as carpeting or similar material must not be installed as a floor

covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing sinks, toilets and urinals are located, refuse storage rooms or other areas where the floor is subject to moisture, flushing or spray cleaning methods.

2. If carpeting is installed as a floor covering in areas other than those specified in subsection 1, it must be:

(a) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method approved by the health authority; and

(b) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or other means approved by the health authority.

Sec. 297. Mats and duckboards must be designed to be removable and easily cleanable.

Sec. 298. 1. Wall and ceiling covering materials must be attached so they are easily cleanable.

2. Except in dry storage areas, concrete, porous blocks or bricks used for indoor wall construction must be finished and sealed to provide a smooth, nonabsorbent and easily cleanable surface.

3. In all new food establishments, extensively remodeled food establishments or when required by the health authority due to an operator's inability to properly maintain smooth and easily cleanable surfaces, the splash zones on all walls must be constructed of a water-resistant material such as fibre-reinforced plastic (FRP).

4. As used in this section, "dry storage area" means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods, including, without limitation, single-service items.

Sec. 299. 1. Attachments to walls and ceilings, including, without limitation, light fixtures,

mechanical room ventilation system components, vent covers, wall mounted fans, decorative items and other attachments, must be easily cleanable.

2. In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet the requirement set forth in subsection 1 if such items and attachments are kept clean.

Sec. 430. NAC 446.225 is hereby amended to read as follows:

446.225 1. All shelves located in refrigerators and freezers must be made of metal or plastic with surfaces which can be easily cleaned and must be completely portable or, for a walk-in refrigerator or freezer, have wheels attached. These shelves may not be covered with aluminum foil, metal sheets or any other material that prevents the circulation of air within a refrigerator or freezer.

2. Shelves located in areas for dry storage may be made of wood which has been rendered nonabsorbent by a paint or sealant that:

- (a) Is of a light color;
- (b) Can be cleaned repeatedly; and
- (c) Has been approved by the health authority.

3. Shelves that are located in an area where food is prepared or an area where utensils are washed must be made of metal or plastic and have surfaces that can be cleaned easily and are resistant to corrosion.

4. Shelves constructed of pressure-treated wood products which are impregnated or otherwise treated with chemicals to inhibit rotting or insect infestation must not be used in a food establishment.

5. Shelving in a food establishment must not be covered or lined with cardboard, aluminum foil or contact paper.

Sec. 300. *Studs, joists and rafters may not be exposed in areas subject to moisture.*

Sec. 301. *1. Except as otherwise provided in subsection 2, light bulbs must be shielded, coated or*

otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils or linens, or unwrapped single-service or single-use articles.

2. Shielded, coated or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages if:

(a) The integrity of the packages cannot be affected by broken glass falling onto them; and

(b) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

3. An infrared or other heat lamp must be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

Sec. 302. *Heating, ventilating and air conditioning systems must be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment or utensils.*

Sec. 303. 1. *Except as otherwise provided in this section, 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 tableware.*

2. Rooms with toilets that are not located immediately adjacent to dining room areas or not located in areas of food preparation or washing of equipment, utensils or tableware are not required to be completely enclosed with solid, tight-fitting doors that close automatically.

Sec. 304. 1. *Except as otherwise provided in this section, the outer openings of a food establishment must be protected against the entry of insects and rodents by:*

(a) Filling or closing holes and other gaps along floors, walls and ceilings;

(b) Closed, tight-fitting windows; and

(c) Solid, self-closing and tight-fitting doors.

2. A food establishment may open into a larger structure, including, without limitation, a mall, airport or office building, or into an attached structure, such as a porch, if the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

3. Exterior doors used as exits need not be self-closing if they are:

(a) Solid and tight-fitting;

(b) Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the food establishment; and

(c) Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

4. Except as otherwise provided in subsections 2 and 5, if the 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 other purposes, or a temporary food establishment is not provided with windows and doors as specified in this chapter, the openings must be protected against the entry of insects and rodents by:

(a) Sixteen mesh to 1 inch (16 mesh to 25.4 mm) screens;

(b) Properly designed and installed air curtains to control flying insects; or

(c) Other effective means approved by the health authority.

5. The provisions of subsection 4 do not apply if flying insects and other pests are absent due to the location of the food establishment, the weather or other limiting conditions.

Sec. 305. *The perimeter walls and roofs of a food establishment must effectively protect the establishment from the weather and from the entry of insects, rodents and other animals.*

Sec. 306. *1. A food establishment may not be located in a private home unless:*

(a) The food establishment can meet all the applicable provisions in this chapter;

- (b) A dedicated exterior entrance has been provided;*
- (c) The areas used for conducting food-establishment operations are physically separated from the living or sleeping quarters by walls or self-closing doors; and*
- 2. The areas used for food-establishment operations are not used as thoroughfares.*
 - 3. Except as otherwise provided in subsection 3, restrooms must be provided in accordance with this chapter.*
 - 4. If every employee of the food establishment resides in the private home, the restroom located within the private home may be used to meet the requirements of this chapter.*
 - 5. When a permit to operate is issued to a homeowner or resident of a home allowing the operation of a food establishment from a portion of a private residence, the portion of the private home, residence or their premises shall no longer be considered part of the private home or residence and shall be considered a food establishment, the operation of which is subject to all laws and regulations applicable to food establishments, including those requiring inspections.*

Sec. 307. *Living or sleeping quarters located on the premises of a food establishment, including, without limitation, those provided for lodging registration clerks or resident managers, must be separated from rooms and areas used for food-establishment operations by complete partitioning and solid, self-closing doors.*

- Sec. 308.** *The light intensity must be:*
- 1. At least 10 foot candles (108 lux) at a distance of 30 inches (75 cm) above the floor, in walk-in refrigeration units and dry-food storage areas and in other areas and rooms during periods of cleaning;*
 - 2. At least 20 foot candles (215 lux):*
 - (a) At a surface where food is provided for consumer self-service, including, without limitation, buffets and salad bars, or where fresh produce or packaged foods are sold or offered for*

consumption;

(b) Inside equipment such as reach-in and under-counter refrigerators; and

(c) At a distance of 30 inches (75 cm) above the floor in areas used for handwashing, warewashing and equipment and utensil storage, areas for garbage, refuse and recyclables and in toilet rooms; and

3. At least 50 foot candles (540 lux) at a surface where an employee is working with food or working with utensils or equipment, including, without limitation, knives, slicers, grinders or saws, where employee safety is a factor.

Sec. 309. *Where necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes, mechanical ventilation of sufficient capacity must be provided.*

Sec. 439. NAC 446.580 is hereby amended to read as follows:

446.580 1. If employees routinely change clothes in the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas may not be used for the preparation, storage or service of food or for washing or storing utensils.

2. Enough lockers or other suitable facilities must be ~~used~~ *provided* for the orderly storage of the employees' clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in rooms or areas used to store only packaged articles designed for a single use.

Sec. 310. *1. Handwashing sinks must be easily accessible and located within 25 feet (7.62 meters) of all work stations and food preparation and warewashing areas.*

2. All new food establishments and food establishments which are extensively remodeled must also have handwashing sinks located within the area used for the preparation of food.

3. Handwashing sinks must be located in or immediately adjacent to rooms with toilets or vestibules.

4. Sinks used for preparing food or for washing equipment or utensils may not be used for washing

hands.

5. A supply of single use towels or a device providing heated air for drying hands must be conveniently located near each handwashing sink. Hand blow dryers must not be used at handwashing sinks in food preparation or warewashing areas.

6. Shared towels are prohibited. If disposable towels are used, trash receptacles which can be easily cleaned must be conveniently located near the handwashing sink.

Sec. 311. *1. Toilet rooms must be conveniently located and accessible to employees during all hours of operation.*

2. A minimum of one employee restroom is required. Men's and women's restrooms are required and must include at least one urinal in the men's restroom for facilities that allow the on-site consumption of alcohol.

3. Restrooms must be conveniently located within 200 feet (60.96 meters) of all food related areas and be accessible to employees and provide a written legal agreement if restrooms are shared with other facilities.

Sec. 312. *Except during cleaning and maintenance operations, toilet room doors must be kept closed.*

Sec. 313. *1. Areas designated for employees to eat, drink and use tobacco must be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.*

2. Lockers or other suitable facilities must be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles cannot occur.

Sec. 314. *Products that are held by the permit holder for credit, redemption or return to the distributor, including, without limitation, damaged, spoiled or recalled products, must be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.*

Sec. 315. *The physical facilities of a food establishment must be maintained in good repair.*

Sec. 316. *1. The physical facilities of a food establishment must be cleaned as often as necessary to keep them clean.*

2. Except for cleaning that is necessary because of a spill or other accident, cleaning must be done during periods when the least amount of food is exposed, such as after closing.

Sec. 317. *1. Except as otherwise provided in this section, only dustless methods of cleaning must be used, including, without limitation, wet cleaning, vacuum cleaning, mopping with treated dust mops or sweeping using a broom and dust-arresting compounds.*

2. Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:

(a) Without the use of dust-arresting compounds; and

(b) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

Sec. 318. *1. Intake and exhaust air ducts must be cleaned and filters changed so they are not a source of contamination by dust, dirt and other materials.*

2. If vented to the outside, ventilation systems must not create a public health hazard.

Sec. 319. *Food preparation sinks, handwashing sinks and warewashing equipment must not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.*

Sec. 320. *After use, mops must be placed in a position that allows them to air-dry without soiling walls, equipment or supplies.*

Sec. 321. *Except as otherwise specified in this chapter, wood shavings, granular salt, baked clay, diatomaceous earth or similar materials must not be used on floors.*

Sec. 322. *Plumbing fixtures, including, without limitation, handwashing sinks, toilets and urinals*

must be cleaned as often as necessary to keep them clean and maintained.

Sec. 323. 1. Maintenance tools, including, without limitation, brooms, mops, vacuum cleaners and similar items, must be:

(a) Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and

(b) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

2. Water that has been used for mopping:

(a) Must not be left standing in any area used for preparing food or washing utensils; and

(b) Must be disposed of properly and immediately after the mopping is completed.

Sec. 324. The premises must be free of:

1. Items that are unnecessary to the operation or maintenance of the food establishment, including, without limitation, equipment that is nonfunctional or no longer used; and

2. Litter.

Sec. 440. NAC 446.625 is hereby amended to read as follows:

446.625 1. Except as otherwise provided in this section, live animals, including birds and turtles, are not allowed on the premises of a food establishment or on adjacent areas under the control of the *permit* holder ~~[of the permit]~~ for the operation of the food establishment. Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in a display tank may be present on the premises of a food establishment if food, equipment, utensils, linens or unwrapped articles designed for a single service or a single use are not contaminated.

2. Dogs accompanying security or police officers are permitted in offices, storage areas and dining areas. Sentry dogs may be permitted to run loose in outside fenced areas for security

reasons. ~~[Guide dogs]~~ *Service animals* accompanying persons with a visual, aural or physical disability, or trainers who are training ~~[guide dogs]~~ *service animals*, are permitted in dining or sales areas. ~~[Such dogs]~~

3. *Service animals* are not allowed *in shopping carts or* on the *benches*, seats or tables of a food establishment.

~~[3.]~~4. Food handlers must not care for or handle any pets while on duty.

~~[4.]~~5. Live or dead fish bait must be stored separately from food or food products in retail stores.

6. *Therapy and comfort animals are not allowed in food establishments.*

Sec. 325. *The presence of insects, rodents and other pests must be controlled to minimize their presence on the premises by:*

1. *Routinely inspecting incoming shipments of food and supplies;*
2. *Routinely inspecting the premises for evidence of pests;*
3. *Using methods, if pests are found, such as trapping devices or other means of pest- control as specified in this chapter; and*
4. *Eliminating harborage conditions.*

Sec. 326. *Dead or trapped birds, insects, rodents and other pests must be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition or the attraction of pests.*

POISONOUS OR TOXIC MATERIALS

Sec. 327. *Rodent bait must be contained in a covered, tamper-resistant bait station.*

Sec. 328. 1. *Except as otherwise provided in subsection 2, a tracking-powder pesticide must not be used in a food establishment.*

2. If used, a nontoxic tracking powder, including, without limitation, talcum or flour, must not contaminate food, equipment, utensils, linens, and single-service and single-use articles.

Sec. 329. *Containers of poisonous or toxic materials and personal care items must bear a legible manufacturer's label identifying the product.*

Sec. 330. *Working containers used for storing poisonous or toxic materials, including, without limitation, cleaners and sanitizers taken from bulk supplies, must be clearly and individually identified with the common name of the material.*

Sec. 331. 1. *Poisonous or toxic materials must be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:*

(a) Separating the poisonous or toxic materials by spacing or partitioning; and

(b) Locating the poisonous or toxic materials in a location that is not above food, equipment, utensils, linens, or single-service or single-use articles.

2. The provisions of subsection 1 do not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

Sec. 332. *Poisonous or toxic materials must be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:*

1. Separating the poisonous or toxic materials by spacing or partitioning; and

2. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens or single-service or single-use articles.

NAC 446.488 **Devices to electrocute flying insects.** ([NRS 439.150](#), [439.200](#), [446.940](#))

1. Devices designed to electrocute flying insects are acceptable for use at a food establishment if they are positioned so that dead insects are prevented from falling on exposed food, food contact surfaces, or clean equipment and utensils. The trays holding dead insects must be emptied at least weekly.

2. For the purposes of subsection 1, a device is properly positioned if the requirements of this subsection are met. Only devices mounted on a wall may be used. Ceiling units are not acceptable in areas where food, food contact surfaces, equipment or utensils are exposed. Devices must be installed:

(a) So that the center of the device is not more than 3 feet (91 centimeters) above the floor.

(b) Not closer than 5 feet (151 centimeters) from exposed food.

3. The following safety factors must be considered when purchasing or installing these devices:

(a) The device must be accepted for testing, certified, listed and labeled by a nationally recognized testing laboratory such as Underwriters Laboratories Inc.

(b) Arcing equipment must be isolated from combustible material.

(c) Electrically charged parts must be guarded to prevent shock to persons working near the device.

(d) The device must be properly grounded.

(e) The device must be located or positioned so that employees are not required to work continuously within 3 feet (91 centimeters) of the device.

(Added to NAC by Bd. of Health, eff. 10-14-88)

Sec. 333. 1. *Poisonous or toxic materials must be:*

(a) Used according to:

(1) The manufacturer's use directions included in the labeling and, for a pesticide, the manufacturer's label instructions which state that use is allowed in a food establishment; and

(2) The conditions of certification, if certification is required, for use of the pest control materials; and

(b) Applied so that:

(1) A hazard to employees or other persons is not constituted; and

(2) Contamination, including, without limitation, toxic residues because of drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles, is prevented, which, for a restricted-use pesticide, must be achieved by:

(I) Removing the items;

(II) Covering the items with impermeable covers or taking other appropriate preventive actions; and

(III) Cleaning and sanitizing equipment and utensils after the application.

2. A restricted-use pesticide must meet the requirements specified under 40 C.F.R. Part 152, Subpart I, "Classification of pesticides," and must be applied only by a person licensed in Nevada.

3. As used in this section, "restricted-use pesticide" means a pesticide product that is limited to use by or under the direct supervision of a certified applicator, or as defined in NRS 586.205.

Sec. 334. A container previously used to store poisonous or toxic materials must not be used to store, transport or dispense food, including, without limitation, ice.

Sec. 335. Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, including, without limitation, for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, may be allowed in a food establishment. This section does not apply to packaged poisonous or toxic materials that are offered for retail sale.

Sec. 336. Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces must be used in accordance with the manufacturer's instructions as listed on the product label.

Sec. 337. Chemicals used to wash or peel raw, whole fruits and vegetables must be used in accordance with the manufacturer's instructions as listed on the product label and approved by the health authority.

Sec. 338. Chemicals used as boiler water additives must meet the requirements specified in 21 C.F.R. § 173.310, "Boiler water additives."

Sec. 339. Drying agents used in conjunction with sanitization must be used in accordance with the manufacturer's instructions as listed on the product label and approved by the health authority.

Sec. 340. 1. Lubricants must meet the requirement specified in 21 C.F.R. 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 which are located so that lubricants may leak, drip

or be forced into food or onto food-contact surfaces.

2. Equipment with bearings and gears that require unsafe lubricants must be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto food- contact surfaces.

Sec. 341. 1. *Except for medicines that are stored or displayed for retail sale, only those medicines that are necessary for the health of employees must be allowed in a food establishment.*

2. Medicines that are in a food establishment for the employees' use must be labeled as specified under this chapter and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

Sec. 342. *First aid supplies that are in a food establishment for the employees' use must be:*

1. Labeled as specified in this chapter; and

2. Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

MOBILE UNITS AND SERVICING AREAS

Sec. 447. NAC 446.665 is hereby amended to read as follows:

446.665 Mobile units must comply with the requirements of ~~[NAC 446.050 to 446.625, inclusive, where applicable, and with the requirements of NAC 446.665 to 446.815, inclusive. A]~~
this chapter. The health authority may impose additional requirements *or restrictions* when needed to protect against health hazards.

Sec. 343. *A health permit is not transferable from one vehicle to another vehicle.*

Sec. 344. *Properly prepared plans and specifications of a mobile unit and servicing area must be submitted to the health authority for approval before the mobile unit or servicing area is constructed or remodeled. The plans must include, without limitation:*

1. Menu and food preparation procedures;

2. *A plot plan;*
3. *A location and elevation drawing of all food equipment, plumbing, electrical services and mechanical ventilation, potable water and wastewater holding units;*
4. *Equipment specifications, including, without limitation, the make and model numbers of all food equipment;*
5. *The type and color of material to be used on all floors, walls, ceilings, counters and similar surfaces;*
6. *The lighting intensity to be installed;*
7. *The proposed service route, itinerary or sites to be served;*
8. *A source of potable water;*
9. *A site to be used for sewage and wastewater disposal;*
10. *The availability of public restrooms; and*
11. *The site of the base of operation for the mobile servicing area.*

Sec. 345. *Every mobile unit must be readily identifiable by the business name being printed, permanently affixed and prominently displayed upon at least two sides and the rear of each unit, in letters not less than three inches (7.62 centimeters) in height, and of a color contrasting with the background color of the vehicle.*

Sec. 346. *The health authority must be notified in advance any time a mobile unit participates at a special event.*

Sec. 347. *1. Prepackaged food must be properly labeled, except when prepared inside a mobile unit for immediate service.*

2. Preparation of potentially hazardous food (time/temperature control for safety food) inside a mobile unit must be accomplished daily, for service that same day.

3. *Cooling of hot, prepared and potentially hazardous food (time/temperature control for safety food) inside a mobile unit is prohibited.*

4. *When potentially hazardous foods (time/temperature control for safety foods) which have been cooked and cooled at the servicing area are to be served hot, such foods must be reheated to 165°F (73.9°C) and either:*

(a) Served immediately to the customer; or

(b) Hot-held at a temperature of 135° F (57.2°C).

5. *Hot and cold holding equipment must be preheated or prechilled to appropriate holding temperatures before loading potentially hazardous food (time/temperature control for safety food) onto a mobile unit.*

6. *Thermometers must be carried in a mobile unit and used to monitor the temperature of potentially hazardous food (time/temperature control for safety food). Refrigerators must have indicating thermometers, accurate to within plus or minus 2°F (1 C°).*

Sec. 348. 1. *Only employees and those persons authorized by the health authority may be present in food preparation areas of a mobile unit.*

2. *The operator of a mobile unit must be in attendance at all times when the unit is open for business.*

Sec. 349. 1. *Cold-holding of potentially hazardous food (time/temperature control for safety food) must be accomplished by the use of mechanical refrigeration.*

2. *Hot and cold holding equipment must be capable of maintaining proper temperatures in all climatic conditions, including subfreezing and extremely hot weather.*

3. *A mobile unit must provide only single-service articles for use by consumers.*

Sec. 350. 1. *If a mobile unit has a water system, the source and system design must be approved by*

the health authority.

2. The tank which supplies potable water must be sloped to completely drain. The tank, pump and hoses must be flushed and sanitized before being placed in service after construction, repair or modification and periods during which they were not used.

3. The system must be of sufficient capacity, but not less than 40 gallons (152 liters), to furnish enough hot and cold water under pressure for each of the following procedures, if such procedures occur on the mobile unit:

- (a) Food preparation;*
- (b) Utensil cleaning;*
- (c) Sanitizing;*
- (d) Handwashing; and*
- (e) Mobile-unit cleaning.*

4. The water inlet must be located so that it, and any tank vents, will not be contaminated by waste discharge, road dust, oil or grease, and the water inlet must be capped. The water filler hose must be equipped with an approved back-flow prevention device.

5. The water filler hose must be of an approved material and stored with the ends connected or covered when not in use. The water filler hose must not be used for any purpose other than supplying potable water to the mobile unit.

6. The water filler hose must be identified either by color coding or tagging.

7. The water system must be operable under all climatic conditions, including subfreezing temperatures.

8. If a tank is designed with an access port for inspection and cleaning, the opening must be in the top of the tank and flanged upward at least 1/2 inch (13 mm), equipped with a port cover assembly that includes a gasket and a device for securing the cover in place, and flanged to overlap the opening and

sloped to drain.

9. Tank vents must be terminated in a downward direction and be covered, screened or equipped with a protective filter if not otherwise protected from windblown dirt and debris.

Sec. 351. 1. Materials that are used in the construction of water tanks and appurtenances for a mobile unit must be:

- (a) Safe;*
- (b) Durable, corrosion resistant and nonabsorbent; and*
- (c) Finished to have a smooth and easily cleanable surface.*

2. When compressed air is used to pressurize the tank, a filter that does not pass oil or oil vapors must be installed in the line that supplies the air, between the compressor and potable water system.

3. As used in this section, “corrosion resistant” means that a material maintains acceptable surface cleanability characteristics under:

- (a) Prolonged influence of the food to be contacted;*
- (b) The normal use of cleaning compounds and sanitizing solutions; and*
- (c) Other conditions of the use environment.*

Sec. 352. A cap and keeper chain, closed cabinet, closed storage tube or other approved protective cover or device must be provided for a water inlet, outlet and hose.

Sec. 353. 1. Liquid waste must be stored in a waste retention tank that has at least 15 percent more capacity than the water tank. The bottom of the waste retention tank must be sloped to a drain.

2. All liquid waste must be retained on the mobile unit until emptied and flushed into an approved dump station, in a manner approved by the health authority.

3. A waste retention tank with an outlet for overflow is prohibited.

4. The wastewater system must be operable under all climatic conditions, including subfreezing

temperatures.

Sec. 354. 1. *Refuse containers must be of sufficient design, size and capacity to accommodate the daily accumulation of customer food service garbage and trash.*

2. A refuse container with a cover or lid must be installed inside a mobile unit.

Sec. 355. 1. *A separate handwashing sink must be provided in a mobile unit and include the following:*

(a) An adequate amount of warm, running potable water under pressure from an approved source;

(b) Pump soap; and

(c) Individual paper towels that are accessible and available for food handlers and other employees at all times.

2. The requirements for handwashing may be waived or modified when foods served are limited to fully wrapped, prepackaged foods.

3. Toilet facilities for food employees must be available and readily accessible along the route.

4. Documentation that the toilet facilities described in subsection 3 are available for use must be submitted to the health authority upon request.

Sec. 448. NAC 446.742 is hereby amended to read as follows:

446.742 **1.** A mobile unit must not be operated from a specific *fixed* location, other than a special event, for more than ~~half an hour.~~ *4 hours.*

2. If restrooms are not available to the food employees, a mobile unit may not stay longer than 1 hour in any one location unless prior approval is received from the health authority.

Sec. 356. 1. *All interior wall, floor and ceiling surfaces of a mobile unit must be constructed of a light-colored, durable and completely washable material, including, without limitation, stainless steel, galvanized steel, aluminum or plastic, and must be free of open joints or cracks. Floors must be finished*

with an impervious, skid-resistant material and the junctures of floors, walls and adjoining fixtures must be watertight and covered.

2. There must be adequate ceiling height in the mobile unit so that food handling can be conducted in a safe manner.

3. The interior of the mobile unit must be completely enclosed with the exception of the service openings. The service openings must be open only when serving food.

4. Doors, windows and covers must close tightly and must be closed when the vehicle is being moved.

5. When cooking is conducted, mechanical ventilation must be provided.

6. Lighting within the mobile unit must provide at least 50 foot candles (540 lux) of light on all working surfaces at all times during use. Lights must be shielded or shatterproof.

7. A three-compartment sink, with hot and cold running water under pressure, to wash, rinse and sanitize utensils is required when equipment and utensils are reused by a mobile unit. In addition:

(a) The warewashing sinks must be large enough to immerse utensils and equipment requiring intermittent cleaning. This requirement may be waived or modified when limited food preparation is done or additional clean utensils are available and utensil washing can take place in a servicing area.

(b) The warewashing sink must have a swivel faucet which is capable of depositing water into each sink compartment and which is equipped with a mixing valve.

8. All connections on the vehicle used for servicing the mobile unit's waste disposal facilities must be of a different size or type than those used for supplying potable water to the mobile unit.

9. The waste connection must not be located above the potable water inlet connection.

Sec. 357. 1. *A mobile unit must operate from an approved servicing area and must report daily to that location for supplies, cleaning and servicing operations, unless otherwise approved by the health authority.*

2. *If the mobile unit operator is not the permit holder of the servicing area, a letter from the permit holder authorizing use of the facility must be provided to the health authority.*
3. *A written agreement, signed by the permit holder of the servicing area, must be provided to the health authority before the mobile unit is operated. The written agreement must state that the approved food establishment is willing to allow the mobile unit to:*
 - (a) *Store food products inside the food establishment;*
 - (b) *Use the facilities of the food establishment for the maintenance of hot and cold potentially hazardous food (time/temperature control for safety food), and utensils and equipment;*
 - (c) *Deposit used cooking grease and refuse in the food establishment's trash disposal and grease rendering facilities;*
 - (d) *Prepare food items that will be served inside the mobile unit; and*
 - (e) *Be allowed full access to the food establishment during hours or days in which the food establishment might not otherwise operate.*
4. *In the event that the servicing area lessens its scope of food preparation, changes ownership or is out of business for any reason, the mobile unit must cease operations and immediately advise the health authority.*
5. *A servicing area that is located outside the jurisdiction of the health authority may be approved if:*
 - (a) *The operator of the mobile unit satisfies the requirements of this chapter and obtains a permit issued pursuant to the provisions of NRS 446.875;*
 - (b) *Provides a copy of a valid health permit issued by the health authority which has jurisdiction;*
and
 - (c) *Provides a copy of the most recent health inspection.*
6. *There must be a location provided for the flushing and drainage of liquid waste separate*

from the location provided for potable water servicing and for the loading and unloading of food and related supplies.

7. Food storage and preparation in a servicing area must be separate from the area used for vehicle servicing operations such that no contamination of food storage or preparation areas occurs.

8. Vehicle cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization must be done with potable water and must be done in a manner which will not contaminate the mobile unit's food storage or food preparation areas or equipment.

Sec. 358. *1. Any proposed change of location, equipment or operation of a mobile unit must receive prior approval from the health authority.*

2. Compressed gas bottles must be securely fastened to a wall or other stationary object in such a manner as to prevent damage to the valve mechanism.

3. When facilities or equipment are inadequate to protect the public health, the health authority, after due consideration of all pertinent factors, may restrict the mode of operation of a mobile unit.

TEMPORARY FOOD ESTABLISHMENTS

Sec. 441. NAC 446.630 is hereby amended to read as follows:

446.630 1. A temporary food establishment must comply with all the requirements of ~~[NAC 446.050 to 446.625, inclusive,]~~ *this chapter* which are applicable to its operation.

2. If, in the opinion of the health authority, ~~[an imminent]~~ *a substantial health* hazard ~~[to the public health]~~ will not result, temporary food establishments which do not fully comply with all the requirements of ~~[NAC 446.050 to 446.625, inclusive,]~~ *this chapter* may operate when the preparation and service of food are restricted and deviations from full compliance are covered by the requirements set forth in ~~[NAC 446.635 to 446.660, inclusive,]~~ *this chapter*.

3. A temporary food establishment may only be operated at a fair, carnival, circus, public exhibition,

celebration or similar transitory gathering.

4. The location from which a temporary food establishment is operated must be approved by the health authority.

5. *All potentially hazardous food (time/temperature control for safety food) prepared off- site for service at a temporary food establishment must be prepared at an approved food establishment.*

Sec. 359. 1. *It is unlawful for any person to operate a temporary food establishment unless the health authority has issued a valid permit therefor.*

2. *The permit issued pursuant to this section is not transferable from person to person or from place to place.*

3. *The health authority may impose additional requirements to protect against potential health hazards related to the operation of such food establishments.*

4. *Operators may be required to provide documentation which proves that food to be served at a temporary food establishment was obtained from an approved source.*

Sec. 360. *The health authority may establish and collect a fee and may issue an annual temporary food permit for temporary food establishment operators engaged in the practice of frequently providing food to the public. The permit may be renewed annually, provided that the permit has not been suspended or revoked for chronic or repeated sanitation violations. The permit is valid only for the calendar year in which it was purchased. Following the suspension or revocation of an annual temporary food permit, a reinstatement fee must be submitted before reactivation of the permit to operate. Any violation that prompted the suspension or revocation of a permit must be corrected before the request for reinstatement is submitted.*

Sec. 361. *The health authority may exempt a temporary food establishment from the provisions of this chapter if the health authority determines that the particular 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. The health authority may compile a list of beverages and foods that it determines do not constitute a potential or actual hazard to the public health. The list may include, without limitation:

- 1. Bottled water and canned soft drinks.*
- 2. Coffee or tea, or both, with powdered nondairy creamer or ultra-pasteurized dairy creamer packaged in individual servings. This subsection does not include beverages such as lattes and espresso that are mixed with a dairy product by the vendor during preparation.*
- 3. Commercially prepared acidic beverages, including, without limitation, orange juice, lemonade and other similar beverages, that are served from the original, properly labeled container without the addition of ice or other regulated food products.*
- 4. Draft beer and other alcoholic beverages that are served without the addition of ice or potentially hazardous food (time/temperature control for safety food).*
- 5. Foods from an approved source prepared for a “cook-off” or judging contest in which food is not provided to the general public.*
- 6. Hermetically sealed and unopened containers of nonpotentially hazardous beverages which do not require refrigeration.*
- 7. Hot chocolate prepared without the use of potentially hazardous food (time/temperature control for safety food) or reconstituted dairy products.*
- 8. Nonpotentially hazardous prepackaged baked goods, with proper labeling, from an approved source and requiring no on-site preparation.*
- 9. Nonpotentially hazardous and unopened prepackaged food from an approved source with proper labeling, including, without limitation, honey, jerked meats, potato chips, popcorn and other similar foods.*

10. Produce sold from a produce stand at which no food preparation, breaching of produce or product sampling is performed.

11. Commercially prepared, prepackaged and unopened individual ice cream containers and ice cream bars that are appropriately labeled as to ingredients and manufacturer.

12. Shelled or unshelled nuts, including flavored nuts for sample or sale, unless the nuts are processed at the event site.

13. Food supplements that are offered for sample or sale without the addition of regulated food items. Such food supplements include, but are not limited to, vitamins, minerals, protein powder mixes, energy drinks and herbal mixtures, provided that they are from an approved source.

Sec. 442. NAC 446.635 is hereby amended to read as follows:

446.635 ~~[1.]~~ Potentially hazardous foods ~~[requiring]~~ *(time/temperature control for safety foods):*

1. Which require cooking must be cooked to heat all parts of the food to a temperature as specified in this chapter.

2. Which require limited preparation may be prepared or served at a temporary food establishment only if the health authority has approved the foods before their preparation and service.

~~[2.—This section does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of NAC 446.045 to 446.195, inclusive, is obtained in individual servings, stored at a temperature of 40°F (4.44°C) or below or 140°F (60°C) or above in facilities meeting the requirements of NAC 446.045 to 446.195, inclusive, and is served directly in the unopened container in which it was packaged.~~

~~—3.—Potentially hazardous foods served]~~

3. Served at a temporary food establishment must be prepared and served in the same day and must not

be saved for service on any following day.

4. ~~[Potentially hazardous food prepared]~~ *Prepared or stored* in a private home must not be served in a temporary food establishment.

Sec. 362. *Potentially hazardous food (time/temperature control for safety food) that is prepared in an approved food establishment or food processing establishment in a ready-to-eat form and packaged in a container for refrigeration must be marked with a label by the manufacturer to indicate the date by which the food must be sold, served or frozen.*

Sec. 443. NAC 446.640 is hereby amended to read as follows:

446.640 **1.** Ice which is intended for human consumption or which will come in contact with food or be used as a source of refrigeration must be obtained from an approved source.

2. Ice intended for use in beverages must be manufactured in a chipped, crushed or cubed form.

3. The ice must be obtained in plastic bags which are designed for a single use and are filled and sealed at the point of manufacture. The ice must remain in the bag until dispensed in a way that protects it from contamination.

4. *Unpackaged foods may not be stored in direct contact with undrained ice.*

Sec. 444. NAC 446.645 is hereby amended to read as follows:

446.645 **1.** Equipment must be located and installed in a way that prevents the contamination of food and that also facilitates cleaning.

2. Surfaces of equipment which come in contact with food must be protected from contamination by customers or other contaminating agents. If necessary, effective shields must be used.

3. If facilities for cleaning and sanitizing tableware are not effective, only *single-service* articles ~~[intended for a single use]~~ may be used.

Sec. 363. **1.** *Temperature measuring devices appropriate to the food establishment operation*

must be used for monitoring the temperatures of potentially hazardous food (time/temperature control for safety food).

2. A thermocouple or metal stem thermometer must be provided to check the internal temperatures of potentially hazardous food (time/temperature control for safety food). Food temperature measuring devices that are scaled only in Fahrenheit must be accurate to plus or minus 2°F (plus or minus 1°C) in the intended range of use.

3. Each refrigeration unit must have a numerically scaled thermometer accurate to plus or minus 2°F (plus or minus 1°C) to measure the air temperature of the unit.

Sec. 445. NAC 446.650 is hereby amended to read as follows:

446.650 1. ~~[A convenient facility for washing hands which has:]~~ *Each permit holder must have a handwashing station approved by the health authority. The handwashing station must be accessible and available for food handlers and employees at all times.*

2. A handwashing station must be in the immediate vicinity of food preparation or warewashing areas.

3. The number of handwashing sinks will be determined by the health authority.

4. Handwashing sinks must be adequately serviced, stocked and maintained and must include the following:

(a) An adequate amount of ~~[warm,]~~ running, potable water from an approved source;

(b) ~~[Soap;]~~ *Pump soap;* and

(c) Individual paper towels,

↳ ~~[must be]~~ accessible and available for food handlers and other employees at all times.

~~[2.]~~ *5. The health authority may impose additional handwashing requirements based upon menu considerations and the risk to the public health.*

6. An adequate supply of potable water from an approved source must be used to prepare food and operate the business.

7. *Unless a waiver has been granted by the health authority, a temporary food establishment without hot and cold running water must provide a container with a spigot or other apparatus that will dispense water without continuous manual contact, holding a minimum of 5 gallons (18.94 liters) of water for the purpose of handwashing.*

8. *Wastewater generated must empty into a spill-proof container.*

Sec. 364. 1. *Wastewater, including water from warewashing and food preparation activities, must be emptied and flushed into a sanitary sewer that has been approved by the health authority.*

2. *The tank must be emptied at least daily or as often as is necessary to prevent overflowing, the development of odors or the attraction of vermin.*

3. *Hoses used to drain or flush wastewater must be permanently and distinctly labeled for such use, used for no other purpose and stored in a manner that protects them from contamination.*

Sec. 365. 1. *Grease and waste cooking oil must be disposed of in a manner approved by the health authority. Disposal of grease or waste cooking oil to the sanitary sewer system or storm drain system is prohibited. Wastewater must not be dumped into containers dedicated to grease and waste cooking oil.*

2. *Disposal of grease or waste cooking oil on the ground is prohibited.*

Sec. 366. 1. *All solid waste generated at a temporary food establishment must be stored in and disposed of in leak-proof containers. Solid waste must be collected and dumpsters must be emptied as often as necessary to prevent an excessive accumulation of solid waste.*

2. *Putrescible waste must be disposed of frequently enough to prevent odors and attraction for vermin.*

Sec. 446. NAC 446.655 is hereby amended to read as follows:

446.655 1. If required by the health authority, floors must be constructed of concrete, asphalt, tightly fitted wood or other similar cleanable material and must be kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring if it is covered with clean, removable platforms or duckboards.

2. Ceilings must be made of wood, canvas or other material that protects the interior of the establishment from the weather. The walls and ceilings of areas used for preparing food must be constructed so that insects are not present.

3. *Ceiling canopies or covers over food preparation areas must be capable of protecting food storage areas, food preparation areas and warewashing areas from bird droppings or other sources of environmental contamination.*

4. If required by the health authority, doors must be solid or screened and must close automatically.

~~4.~~5. Screening material used for walls, doors or windows must be at least 16 mesh to the inch.

Sec. 367. 1. *Food preparation must be limited to areas inaccessible to the public to protect food from contamination.*

2. *The placement of heating or cooking equipment must be in an area inaccessible to the public.*

3. *Food preparation areas, food storage areas and warewashing areas must be made inaccessible from public access by the use of partitions, planters, walls or similar means.*

4. *Children are not allowed in the food preparation or food service areas of a temporary food establishment.*

Sec. 368. 1. *All food must be protected from customer handling, coughing, sneezing or other contamination by wrapping, the use of food shields or other effective barriers, including, without*

limitation, containers that can be closed, covered or otherwise protected.

2. Condiments must be dispensed in single-service packaging, in pump-style dispensers or in protected squeeze bottles, shakers or similar dispensers which prevent contamination of the food items by food handlers, patrons, insects or other sources.

Sec. 369. 1. *The health authority shall consider whether to approve the location of a temporary food establishment based on factors including, without limitation:*

- (a) Existing or potential sources of contamination;*
- (b) The ability of the food establishment to protect food;*
- (c) The presence of birds, insects and vermin; and*
- (d) Overhanging trees, wires or other overhead impediments.*

2. A temporary food establishment must not be located down gradient of runoff in a drainage zone such that nonsewered toilets or animal pens present a risk to the public health.

3. A temporary food establishment must not be used during inclement weather, dust storms, floods and infestations of insects or vermin, or under any other circumstances in which the protection of food cannot be ensured.

Sec. 370. 1. *All food holding, service and cooking equipment must be clean, in good repair, able to maintain food at approved temperatures and in such condition as to present no risk to the public health. All equipment used in a temporary food establishment is subject to approval by the health authority.*

2. Chafing dishes or similar types of equipment, which are not heated electrically, are prohibited for use at outdoor temporary food establishments.

3. Steam tables, bainmaries, warmers, crockpots or other slow-cookers must not be used for the reheating of potentially hazardous food (time/temperature control for safety food).

4. *Cooling or reheating, or both, of potentially hazardous food (time/temperature control for safety food) is prohibited, unless approved in advance by the health authority.*

5. *Adequate power must be supplied to a temporary food establishment that requires electrical or mechanical means to hold food products at approved temperatures. A contingency plan may be required by the health authority for the recovery and safe storage of food if electrical power is lost during a special event.*

Sec. 371. 1. *Frozen potentially hazardous food (time/temperature control for safety food) must be thawed for use in temporary food establishment operations using one of the following methods:*

(a) In a refrigerated unit which can maintain a temperature of 41°F (5°C) or below;

(b) In an insulated container with enough ice to maintain 41°F (5°C). The food must remain covered during the thawing process so as not to allow direct contact with the ice and uneven thawing from external heat sources such as nearby cooking equipment or sunlight; or

(c) In a permitted food establishment, under potable, running water with a temperature of 70°F (21°C) or below, and with sufficient velocity to agitate and float off loose food particles into the overflow.

2. *Defrosting potentially hazardous food (time/temperature control for safety food) in standing water or in a warewashing or handwashing sink is strictly prohibited.*

Sec. 372. *Wet storage of canned or bottled beverage containers is acceptable when the water contains at least 10 mg/l of available chlorine and the water is changed frequently to keep it clean.*

Without the approved level of sanitizer, self-service to the general public is prohibited. Liquid wastewater from the wet storage of canned or bottled beverages must be disposed of in a manner that does not create a nuisance or hazard to the public health.

Sec. 373. 1. *Food service utensils and tableware must be washed, rinsed and sanitized as needed following each day of operation, or an adequate supply of clean and sanitary utensils must be available*

for daily operation.

2. Cutting boards and utensils used to cut, slice or prepare potentially hazardous food (time/temperature control for safety food) must be washed, rinsed and sanitized every 2 hours. If facilities are not available to accomplish this, additional cleaned and sanitized cutting boards and utensils must be on site for use.

Sec. 374. *Local regulations must govern ventilation and fire protection requirements.*

Sec. 375. *Adequate lighting by artificial or natural means must be provided. A minimum of 35 foot-candles of artificial light must be provided after dusk in all food-preparation, food-service or warewashing areas. Lighting above food-preparation or food-service areas must be shielded.*

Sec. 376. *Personal clothing or belongings must be stored at a designated place away from the food-preparation, food-service or warewashing areas.*

Sec. 377. *Poisonous or toxic materials must be properly labeled and stored so they do not contaminate food, equipment, utensils, and single-service and single-use articles. Only such chemicals necessary for the food service operation may be present.*

BED AND BREAKFAST FACILITIES

Sec. 453. NAC 446.845 is hereby amended to read as follows:

446.845 As used in NAC 446.845 to 446.860, inclusive, unless the context otherwise requires, “bed and breakfast facility” means a commercial home offering bed and breakfast accommodations to one or more persons . ~~[per night for a period of less than 1 week.]~~

Sec. 454. NAC 446.850 is hereby amended to read as follows:

446.850 1. A bed and breakfast facility which exceeds the capacity of 10 persons must:

(a) Comply with the provisions of ~~[NAC 446.845 to 446.860, inclusive,]~~ *this chapter* and all

the requirements of ~~[NAC 446.050 to 446.625, inclusive,]~~ *this chapter* which are applicable to its operation; and

(b) Pay the applicable fees pursuant to ~~[NAC 446.830.]~~ *this chapter*.

2. If, in the opinion of the health authority, ~~[an imminent]~~ *a substantial* hazard to the public health will not result, a bed and breakfast facility which does not exceed the capacity of 10 persons and which does not fully comply with all the requirements of ~~[NAC 446.050 to 446.625, inclusive,]~~ *this chapter* may operate if the preparation and service of food are restricted and deviations from full compliance are covered by the provisions of ~~[NAC 446.845 to 446.860, inclusive.]~~ *this chapter*.

Sec. 455. NAC 446.855 is hereby amended to read as follows:

446.855 1. ~~[Only breakfast, consisting of foods requiring limited preparation, may be served in a bed and breakfast facility. Except as otherwise provided in subsection 2, acceptable items include eggs, hot cakes, toast, french toast, waffles, rolls, hash browns, bacon, sausage, cheese, fresh fruit and juices or commercially canned fruit and fruit juices, and breakfast beverages.]~~ *All food items must be preapproved by the health authority.*

2. All food must be prepared fresh with no foods held over to another day. ~~[Milk must be served in its individual container from an approved milk plant.]~~

3. Various breakfast rolls, cakes and pastries may be baked and served.

4. *No home-canned, low-acid foods may be served.*

Sec. 378. *In order to protect the public health, the health authority may impose additional requirements to protect against health hazards related to the operation of a bed and breakfast facility. The health authority may:*

1. *Limit the amount of food preparation or procedures.*
2. *Prohibit some food items.*
3. *Require written standard operating procedures for some food items.*

NAC 446.860 Equipment. ([NRS 439.150](#), [439.200](#), [446.940](#)) Equipment in a bed and breakfast facility must be located and installed in a way that prevents contamination of food and facilitates cleaning. Equipment designed for use in a private home, such as cooking units, refrigerators, dishwashers, cabinets, hoods and utensils are acceptable if they are effective, do not cause a health problem for the public and are in good repair.
(Added to NAC by Bd. of Health, eff. 10-14-88)

VENDING MACHINES

Sec. 456. NAC 446.870 is hereby amended to read as follows:

446.870 The sale of food through a vending machine must comply with the provisions of

~~[NAC 446.865 to 446.910, inclusive, and all the requirements of NAC 446.050 to 446.625, inclusive, which apply.]~~ *this chapter.*

NAC 446.875 Milk and nondairy creaming agents. ([NRS 439.150](#), [439.200](#), [446.940](#)) Milk and fluid milk products and fluid nondairy products or creaming agents may not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.
(Added to NAC by Bd. of Health, eff. 10-14-88)

Sec. 379. *The company name and telephone number of the operator of the vending machine, the health permit number and the vending unit number must be prominently displayed on a vending machine.*

Sec. 457. NAC 446.880 is hereby amended to read as follows:

446.880 1. Potentially hazardous food (*time/temperature control for safety food*) offered for sale through vending machines must be dispensed to the consumer in the individual, original container or package into which it was placed at:

- (a) A food establishment having a permit issued by the health authority; or
- (b) The plant of the manufacturer or processor.

2. Vending machines which dispense potentially hazardous food (*time/temperature control for safety food*) must be provided with adequate refrigerating or heating units and thermostatic controls which ensure the maintenance of refrigerated foods at a temperature of ~~[40°F (4.44°C)]~~ *41°F (5°C)* or below and hot foods at a temperature of ~~[140°F (60°C)]~~ *135°F (71°C)* or above.

Such a machine must 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 (*time/temperature control for safety food*) until it has been serviced by the operator.

3. Potentially hazardous food (*time/temperature control for safety food*) which fails to conform to the requirements of this section must be removed from the vending machine, rendered unusable for human consumption and properly discarded.

NAC 446.885 Containers for storage of food. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. Nonpressurized containers used for the storage of food sold through vending machines, including water, must be provided with covers which prevent contamination from reaching the interior of the containers. The covers must have a flange which overlaps the opening and must be sloped to provide drainage from the cover wherever the collection of condensation, moisture or splash is possible. Any opening through the cover must be flanged upward at least three-sixteenths of an inch (5 millimeters) and provided with an overlapping cover flanged downward.

2. Aprons which deflect condensation, drips and dust must be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container unless a watertight joint is provided.

(Added to NAC by Bd. of Health, eff. 10-14-88)

NAC 446.890 Receipt and removal of bulk food. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. The delivery tube or chute and orifice of all vending machines used for the sale of bulk food must be protected from normal manual contact, dust, insects, rodents and other contamination. Such machines must be designed to divert condensation or moisture from the normal filling position of the container which receives the food.

2. The vending stage of such machines must be provided with a door which fits tightly, closes automatically and is kept closed except when food is being removed.

(Added to NAC by Bd. of Health, eff. 10-14-88)

Sec. 458. NAC 446.895 is hereby amended to read as follows:

446.895 1. Water used in vending machines must be potable and from ~~[a]~~ *an approved* source. ~~[which has been approved by the health authority.]~~ If used, water filters or other devices

used for water conditioning must be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements must be handled in a sanitary manner.

2. Vending machines directly connected to the water supply must be properly equipped with devices to prevent backflow. These devices must be:

- (a) Approved by the health authority;
- (b) Located to facilitate servicing and maintenance; and
- (c) Inspected and cleaned or replaced annually.

Sec. 459. NAC 446.900 is hereby amended to read as follows:

446.900 1. *All vending machine units used for the display or sale of potentially hazardous food (time/temperature control for safety food) must be constructed and certified in accordance with standards adopted by the National Sanitation Foundation and American National Standards Institute, or the National Automatic Merchandising Association, and may not be modified.*

2. All door and panel openings to the spaces of vending machines used for food and container storage must fit tightly and be sealed with gaskets if necessary to prevent the entrance of dust, moisture, insects and rodents.

~~[2.]~~3. Ventilation openings of vending machines must be covered with screening material that has 16 mesh to the inch or equivalent.

~~[3.]~~4. Screening material for openings into the condenser units of vending machines must not be less than 8 mesh to the inch. All condenser units must be separated from the food and container storage space and sealed from that space.

~~[4.]~~5. All vending machines must be constructed to facilitate cleaning under the machine.

NAC 446.905 Materials. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. In postmix soft drink vending machines, copper tubing or other potentially toxic tubing used for water systems must not come into contact with carbonated water.

2. In vending machines in which carbon dioxide is used as a propellant, all devices designed to prevent backflow and all food contact surfaces must be of such a material as to preclude the production of toxic substances which may result from interaction with carbon dioxide or carbonated water.

(Added to NAC by Bd. of Health, eff. 10-14-88)

NAC 446.910 Receptacles for trash. ([NRS 439.150](#), [439.200](#), [446.940](#)) Trash receptacles must be provided in the vicinity of each vending machine or group of vending machines, but not within the vending machine. The receptacles must close automatically, must be leak proof, easily cleaned, insect proof and rodent proof, and must be cleaned daily to prevent the attraction of insects and rodents.

(Added to NAC by Bd. of Health, eff. 10-14-88; A 5-23-96)

Sec. 380. *Cutting or piercing parts of can openers on vending machines must be protected from manual contact, dust, insects, rodents and other contamination.*

BARBECUES

Sec. 460. NAC 446.915 is hereby amended to read as follows:

446.915 A barbecue must meet the requirements of ~~[NAC 446.050 to 446.840, inclusive, and 446.920 to 446.940, inclusive.]~~ *this chapter.*

NAC 446.920 Plan for operation. ([NRS 439.150](#), [439.200](#), [446.940](#)) A plan must be submitted to, and approved by, the health authority before a food establishment may construct or operate a barbecue. The plan must include the equipment to be used in the construction or operation of the barbecue and describe the facility for, and the operation of, the barbecue.

(Added to NAC by Bd. of Health, eff. 9-16-92)

NAC 446.925 Compliance with local building or fire codes or ordinances. ([NRS 439.150](#), [439.200](#), [446.940](#)) If a barbecue is subject to local building or fire codes or ordinances, the food establishment must receive approval for the barbecue, in writing, from the appropriate authority and furnish the health authority with evidence of such approval upon request.

(Added to NAC by Bd. of Health, eff. 9-16-92)

Sec. 461. NAC 446.930 is hereby amended to read as follows:

446.930 1. All equipment used in the construction or operation of a barbecue must be nontoxic, easy to clean and kept in good repair.

2. A barbecue must be located on the property where the food establishment is located and it must not be

more than 50 feet (*15.24 meters*) from the structure housing the establishment.

3. The site where the barbecue is located must be drained properly to ensure that water will not pool, collect or cause a nuisance. The walking surfaces within 25 feet (*7.63 meters*) of the barbecue must be kept clean and free of organic materials, such as bark and pine needles.

4. The area underlying a barbecue must be a hard, cleanable surface.

5. Wood chips, bark or other organic materials used for smoking and flavoring in the cooking process must be stored at the barbecue in a manner which will not lead to the contamination of the wood chips, bark or other organic materials or food.

6. The barbecue must be located in an open area where there are no overhanging trees, wires or other impediments above the barbecue.

7. In the area surrounding a barbecue, dust must be minimized by using:

(a) A device to block wind; or

(b) A type of ground cover,

↳ that has been approved by the health authority.

8. A fixed or permanent barbecue may not be located in a parking lot.

9. A barbecue must be kept clean and free from food, debris, grease, soot, ashes and soil by brushing or otherwise cleaning it before each use or as necessary.

10. A handwashing station approved by the health authority must be readily accessible within 10 feet (3.04 meters) of the barbecue equipment.

NAC 446.935 Protection from contamination; construction and maintenance of surfaces. NRS 439.150, 439.200, 446.940

1. The operator of a food establishment must make reasonable efforts to ensure that insects, rodents and other sources of contamination do not affect a barbecue or its operations.

2. A barbecue may not be used during a dust storm, flood, infestation of insects or vermin or under any other circumstances where the protection of food cannot be ensured.

3. Surfaces which may come into contact with food, utensils and equipment used in the operation of a barbecue must be made of nontoxic materials and constructed and maintained in such a manner that they are easy to clean and keep in good repair.

(Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96)

Sec. 462. NAC 446.940 is hereby amended to read as follows:

446.940 1. Any methods for preparing food and the kinds of food to be cooked at a barbecue must be approved by the health authority.

2. All food cooked at a barbecue must be protected from contamination by keeping it at an appropriate temperature or by covering it properly.

3. The preparation of food must be completed in the food establishment before the food is transported to the barbecue.

4. All food at a barbecue must be cooked immediately and ~~{served}~~:

(a) *Served* to the customer ; or ~~{transported}~~

(b) *Transported* to a proper area for *hot holding*, storage ~~{+}~~, *preparation, packaging and sale*.

5. A barbecue must be attended by an employee of the food establishment at all times it is in operation and may only be operated by an employee of the establishment.

6. Customers of the food establishment must be separated from the barbecue by a distance of not less than 5 feet (1.52 meters) by partitions, planters, walls or similar means.

PORTABLE UNITS FOR SERVICE OF FOOD

Sec. 463. NAC 446.946 is hereby amended to read as follows:

446.946 A portable unit for service of food must comply with the requirements of ~~NAC 446.10 to 446.625, inclusive,~~ *this chapter* that apply to the operation of portable units for service of food . ~~[and with the requirements of NAC 446.946 to 446.9472, inclusive.]~~ The health authority may establish additional requirements for a portable unit for service of food if necessary to protect against hazards to health.

Sec. 464. NAC 446.9462 is hereby amended to read as follows:

446.9462 A portable unit for service of food ~~[: 1. —May]~~ *may* only be used to serve a menu that ~~[has]:~~

1. *Has* been approved by the health authority. ~~[The menu must be]~~

2. *Is* comprised chiefly of foods that are not potentially hazardous foods ~~[:]~~ (*time/temperature control for safety foods*), such as beverages and baked foods.

~~[2. —Must have:~~

~~—(a) A refrigerator which is large enough to store safely all potentially hazardous foods carried on the unit. The refrigerator must have a thermometer that is accurate to plus or minus 2°F (1°C), and if any shelving is contained in the refrigerator, it must be constructed of metal or plastic.~~

~~—(b) A tank which can supply an adequate amount of potable water to wash hands, prepare food and clean utensils and equipment, and a heater which can produce enough hot water for these purposes. The hoses used to fill the tank must have been used for no other purpose and must be approved for use with potable water, permanently and distinctly labeled for such use, used for no other purpose and stored in a manner that protects them from contamination.~~

~~—(c) A convenient facility with hot and cold pressurized running water, soap and a supply of~~

sanitary paper towels for washing hands.

~~—(d) A tank for wastewater with a capacity at least equal to the capacity of the tank for potable water. The wastewater must be emptied and flushed into a sanitary sewer that has been approved by the health authority. The tank must be emptied at least daily or as often as is necessary to prevent overflowing, the development of odors or the attraction of vermin. Hoses used to drain or flush the wastewater must be permanently and distinctly labeled for such use, used for no other purpose and stored in a manner that protects them from contamination.~~

~~—(e) A covered receptacle for refuse located adjacent to the unit. The receptacle must be of sufficient size for daily needs and must be constructed, designed and placed so it can be easily cleaned and does not create a nuisance. Receptacles intended for use by customers must have large, legible signs on the covers stating “Deposit Trash Here” or similar wording that has been approved by the health authority.]~~

NAC 446.9464 Toilet facilities. ([NRS 439.150](#), [439.200](#), [446.940](#)) A toilet facility for employees who work at a portable unit for service of food must be conveniently located within the building where the portable unit is located and open for use by such employees during all hours of operation. The facility must be equipped with a sink with hot and cold pressurized running water, soap and a supply of sanitary paper towels for washing hands.

(Added to NAC by Bd. of Health, eff. 5-23-96)

Sec. 381. *A portable unit for the service of food must have the following equipment:*

- 1. A refrigerator which is large enough to store safely all potentially hazardous foods (time/temperature control for safety food) placed in the unit. Such a refrigerator must have a thermometer that is accurate to plus or minus 2°F (1°C), and if any shelving is contained in the refrigerator, it must be constructed of metal or plastic.*
- 2. A tank which can supply an adequate amount of potable water to wash hands, prepare food and clean utensils and equipment, and a heater which can produce enough hot water for these purposes. The hoses used to fill the tank must have been used for no other purpose and*

must be approved for use with potable water, permanently and distinctly labeled for such use, used for no other purpose and stored in a manner that protects the hoses from contamination.

3. A convenient facility with hot and cold pressurized running water, soap and a supply of sanitary paper towels for washing hands.

4. A tank for wastewater with a capacity at least equal to the capacity of the tank for potable water. The wastewater must be emptied and flushed into a sanitary sewer that has been approved by the health authority. The tank must be emptied at least daily or as often as is necessary to prevent overflowing, the development of odors and the attraction of vermin. Hoses used to drain or flush the wastewater must be permanently and distinctly labeled for such use, used for no other purpose and stored in a manner that protects the hoses from contamination.

5. A covered receptacle for refuse located adjacent to the unit. Such a receptacle must be of sufficient size for daily needs and must be constructed, designed and placed so it can be easily cleaned and does not create a nuisance.

Sec. 465. NAC 446.9466 is hereby amended to read as follows:

446.9466 The holder of a permit for the operation of a food establishment shall obtain approval from the health authority before making any changes to the equipment, operation or menu of a portable unit for service of food or to the food establishment or servicing ~~depot~~ *area* in which the portable unit is located.

Sec. 466. NAC 446.9468 is hereby amended to read as follows:

446.9468 *1.* The holder of a permit for the operation of a food establishment shall ~~at least daily,~~ clean and sanitize the surfaces which may come into contact with food on a portable unit for service of food ~~[by using the sink with three compartments]~~ *as often as necessary to maintain sanitary conditions.*

2. *Cleaning of the portable unit for service of food must be performed* in the servicing ~~[depot]~~*area* or food establishment in which the portable unit is located. If the portable unit has an integral cleaning and sanitizing system built into the unit, it must be operated so that the surfaces which may come into contact with food are cleaned daily.

NAC 446.947 Items intended for a single use. (NRS 439.150, 439.200, 446.940) Items intended for a single use, including, but not limited to, cups, stirring sticks, trays, flatware, napkins and plates, must be dispensed at a portable unit for service of food in a manner which protects them from contamination and excessive handling. These articles must not be stored under exposed water and drainage lines such as those located in the lower interior portions of the portable unit for service of food.

(Added to NAC by Bd. of Health, eff. 5-23-96)

Sec. 467. NAC 446.9472 is hereby amended to read as follows:

446.9472 Baked goods served at a portable unit for service of food, including, but not limited to, pastries, cookies and donuts, must be displayed under a cover or in a display case that has been approved by the health authority. ~~[The person in charge at the portable unit shall serve the baked goods using tongs or other devices that minimize or eliminate human contact with the baked goods.]~~*Food service employees shall not contact exposed, ready-to-eat food with their bare hands and must use suitable utensils, including, without limitation, deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.*

COMPLIANCE AND ENFORCEMENT

Sec. 382. *A person may not operate a food establishment without a valid permit to operate or a valid permit exemption from the permit requirement issued by the health authority.*

Sec. 383. 1. *Upon acceptance of a permit issued by the health authority, the permit holder, to retain the permit, shall post the permit in a location in the food establishment that is conspicuous to consumers and complies with the provisions of this chapter, including, without limitation, any conditions granted through a waiver.*

2. *If a food establishment is required to operate under an HACCP plan, operation of the establishment must comply with the conditions set forth in that plan.*
3. *The permit holder shall immediately contact the health authority to report the illness of a food employee or conditional employee.*
4. *The permit holder shall immediately discontinue operations and notify the health authority if a substantial health hazard exists.*
5. *The permit holder shall allow representatives of the health authority access to the food establishment as specified under NRS 446.885.*
6. *The permit holder shall replace existing facilities and equipment with facilities and equipment that comply with this chapter if:*
 - (a) *The health authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria under which the facilities and equipment were accepted;*
 - (b) *The health authority directs the replacement of the facilities and equipment because of a change of ownership; or*
 - (c) *The facilities and equipment are replaced in the normal course of operation.*
7. *The permit holder shall comply with directives of the health authority, including, without limitation, time frames for corrective actions specified in inspection reports, notices, orders, warnings and other directives issued by the health authority in regard to the permit holder's food establishment, or in response to community emergencies.*
8. *The permit holder shall accept notices issued and served by the health authority.*
9. *The permit holder is subject to the administrative, civil, injunctive and criminal remedies authorized in this chapter for failure to comply with a directive of the health authority, including time frames for*

corrective actions specified in inspection reports, notices, orders, warnings and other directives.

Sec. 384. 1. *Except as otherwise provided in this section, a permit holder shall immediately discontinue operations and notify the health authority if a substantial health hazard may exist because of an emergency, including, without limitation, a fire, flood, interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger the public health.*

2. A permit holder need not discontinue operations in an area of a food establishment that is unaffected by the substantial health hazard if approved by the health authority to continue to operate.

Sec. 385. *If operations are discontinued for an emergency as specified in this chapter, the permit holder shall obtain approval from the health authority before resuming operations.*

Sec. 386. *If a substantial health hazard exists in or on the premises of a food establishment, the health authority shall suspend the health permit and the food establishment must immediately cease food operations unless the violation is immediately corrected or an approved alternative plan for continued operation can be arranged and approved while the health authority is on the premises.*

Sec. 387. 1. *Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include, without limitation:*

- (a) The applicant's full name and post office address.*
- (b) A statement as to whether the applicant is a natural person, firm or corporation and, if a partnership, the names of the partners, together with their addresses.*
- (c) A statement of the location and type of the proposed food establishment.*
- (d) The signature of the applicant or applicants.*

2. An application for a permit to operate a temporary food establishment must also include the

inclusive dates of the proposed operation.

3. Upon receipt of an application, the health authority shall conduct a full review of the application, evaluating all food safety and source parameters as proposed. If the health authority determines that the application complies with the applicable provisions of this chapter, the health authority shall issue a permit to the applicant. After issuing a permit to an applicant, the health authority shall conduct an inspection of the applicable food establishment to determine compliance with the provisions of this chapter.

4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.

5. A permit or permit exemption issued pursuant to this section is not transferable from one person to another person, or from one location to another location.

Sec. 388. *1. An application for a permit to operate a food establishment must be accompanied by the fee established by the health authority.*

2. Permit renewal fees must be paid within proper time constraints and before the date on which the permit is set to expire.

3. The health authority may assess a fee for late payments.

Sec. 450. NAC 446.827 is hereby amended to read as follows:

446.827 1. A person who has reason to believe that an action taken by the **[Health]**

Division *of Public and Behavioral Health* pursuant to this chapter or chapter 446 of NRS is incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.

2. If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business

days after the date scheduled for the informal discussion, submit a written request to the ~~[Bureau]~~ *Division* for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the ~~[Bureau,]~~ *Division*, except that the informal conference must be held no later than 60 days after the date on which the ~~[Bureau]~~ *Division* received the written request.

3. Except as otherwise provided in subsection 4, the determination of the ~~[Bureau]~~ *Division* resulting from the informal conference cannot be appealed and is the final remedy available to the aggrieved person.

4. An applicant for or holder of a permit issued pursuant to this chapter or chapter 446 of NRS who is aggrieved by an action of the ~~[Health]~~ *Division* relating to the denial of an application for or the renewal of such a permit or the suspension or revocation of such a permit may appeal that action in accordance with ~~[NAC 439.300 to 439.395, inclusive,]~~ *the provisions of this chapter*, after exhausting the informal procedures set forth in this section, except that the ~~[Bureau]~~ *Division* may waive the informal procedures, or any portion thereof, by giving written notice to the aggrieved person.

~~[5.—As used in this section, “Bureau” means the Bureau of Health Protection Services of the Health Division or its successor.]~~

Sec. 451. NAC 446.830 is hereby amended to read as follows:

446.830 1. The ~~[Health]~~ *Division of Public and Behavioral Health* shall charge and collect fees for annual permits and other services in accordance with the following schedule, except as otherwise provided in NRS 576.128 and except in areas where the laws and regulations governing food establishments are administered by local health authorities:

Main Facilities

Fees

For a restaurant, establishment for drinking, main kitchen, bar for beer, snack bar, concession, service bar, portable food unit or buffet

For the first 40 seats\$200

Plus \$1.50 for each additional seat

For a restaurant which provides food to take out

For the first 40 seats 200

Plus \$1.50 for each additional seat

For each window of a drive-in or service station 55

Main Facilities

Fees

For a food establishment that has been exempted pursuant to NRS 446.870.....50

For a caterer.....125

For a food establishment within:

A bed and breakfast facility.....166

A charter school, private school or public school.....150

A correctional facility.....166

A child care facility166

Supporting Facilities

Fees

For a special kitchen, kitchen for the preparation of banquets, kitchen for a bakery, kitchen for

the preparation of meat, pantry for a kitchen, garde manger for cold meat or buffet
 having an area of:

500 square feet or less	\$115
More than 500 square feet	130
Portable bars, annual fee for each	85
Barbecue.....	110
Wholesale or Retail Services for Food.....	Fees

For a market, a service providing candy, package liquor, health food, dry storage, meat,
 poultry, seafood, refrigerated storage, storage of produce or bakery sales, a food
 warehouse or a market for produce which has an area of:

Less than 1,000 square feet	\$166
1,000 - 3,000 square feet.....	210
3,001 - 5,000 square feet.....	230
More than 5,000 square feet	332

Wholesale or Retail Processors of Food **Fees**

For a plant for bottling, processing plant for food, market for meat, processing plant for
 game, bakery, plant for ice, delicatessen or processing plant for candy which has an
 area of:

Less than 1,000 square feet	\$166
1,000 - 3,000 square feet.....	210
3,001 - 5,000 square feet.....	249

More than 5,000 square feet	332
For a temporary food establishment, per unit	50

Wholesale or Retail Processors of Food Fees

For a temporary food establishment which is operated by a religious, charitable or other nonprofit organization if the sale of food from the establishment occurs off the premises of the organization, per unit 25

For a food processing establishment, for each label reviewed 83

For the testing of food products at a food processing establishment Actual costs

2. As used in this section:

(a) ~~“(Bed and breakfast facility” has the meaning ascribed to it in NAC 446.845.~~

~~“(b) “Charter school” has the meaning ascribed to it in NRS 385.007.~~

~~“(b) “Child care facility” means an establishment licensed pursuant to chapter 432A of NRS to provide care for 10 or more children.~~

~~“(c) “Correctional facility” means any local detention facility, county jail, state prison, reformatory or other correctional center, including, without limitation, any facility for the detention of juvenile offenders, operated by or under the supervision of the State or a subdivision of the State for the custody, care or training of offenders.~~

~~“(d) “Private school” has the meaning ascribed to it in NRS 394.103.~~

~~“(e) “Public school” has the meaning ascribed to it in NRS 385.007.~~

~~“(f) “Religious, charitable or other nonprofit organization” means a corporation for public benefit as defined in NRS 82.021 ~~“or which has tax-exempt status recognized by the Internal Revenue Service.~~~~

NAC 446.835 Fees for reviewing plans. ([NRS 439.150](#), [439.200](#), [446.940](#)) The Health Division shall charge and collect the following fees for reviewing plans for food establishments, except in areas where the laws and regulations governing food establishments are administered by local health authorities:

For a plan for a new establishment.....	\$498
Plus an amount equal to the fee for an annual permit for the establishment being reviewed.	
For a plan for remodeling an establishment which has a permit.....	332
Plus an amount equal to one-half of the fee for an annual permit for the establishment after remodeling.	

[Bd. of Health, Food Establishments Reg. Art. 19 § 19.1 subsec. 19.1.2, eff. 9-17-82]—(NAC A 6-23-86; 8-31-89; R101-07, 10-31-2007)

Sec. 452. NAC 446.840 is hereby amended to read as follows:

446.840 The ~~Health~~ Division *of Public and Behavioral Health* shall charge and collect fees for its services in accordance with the following schedule, except in areas where the laws and regulations governing the sanitation of mobile units and servicing ~~depots~~*areas* are administered by local health authorities:

For an annual permit for each mobile unit for food and drink, self-service mobile unit, including a self-service mobile unit for ice cream and candy, or a servicing depot <i>area</i>	\$166
For reviewing plans of a mobile unit, a self-service mobile unit or a servicing depot <i>area for a mobile unit</i>	166
For reviewing plans for remodeling a mobile unit, a self-service mobile unit or a servicing depot <i>area for a mobile unit</i> which has a permit	166

NAC 446.843 Exemption from certain fees: Interpretation of “natural and unprocessed state” as used in [NRS 576.128](#). ([NRS 439.170](#), [439.200](#), [446.940](#)) As used in paragraph (b) of subsection 3 of [NRS 576.128](#), the State Board of Health will interpret the term “natural and unprocessed state” to mean that an agricultural

product of the soil is not cut, sliced, breached, shelled, canned, cooked, pickled, sealed, packaged, dried, milled, ground or otherwise altered from its original state after being harvested.

(Added to NAC by Bd. of Health, eff. 1-30-98)

NAC 446.844 Certificate of free sale: Application; issuance; transferability; fee. ([NRS 439.150, 439.200, 446.940](#))

1. A holder of a permit issued pursuant to this chapter or [chapter 446](#) of NRS may apply to the Health Division for a certificate of free sale. The application must be submitted on a form approved by the Health Division and include:

- (a) The full name and post office address of the applicant;
- (b) A statement concerning whether the applicant is a natural person, firm or corporation and, if a partnership, the names of the partners, together with their addresses; and
- (c) The signature of the applicant or applicants.

2. Upon receipt of an application for a certificate of free sale and the fee required pursuant to subsection 4, the Health Division shall determine whether the applicant is in compliance with the provisions of this chapter and [chapter 446](#) of NRS. If the Health Division determines that the applicant is in compliance with the provisions of this chapter and [chapter 446](#) of NRS, the Health Division may issue a certificate of free sale to the applicant.

3. A certificate of free sale issued pursuant to this section is not transferable from person to person or from place to place.

4. The Health Division shall charge and collect \$41 for each certificate of free sale.

5. As used in this section, "certificate of free sale" means a certificate issued by the Health Division which verifies compliance with the provisions of this chapter and [chapter 446](#) of NRS.

(Added to NAC by Bd. of Health by R007-04, 4-7-2004; A by R101-07, 10-31-2007)

FOOD PROCESSING ESTABLISHMENTS


Sec. 468. NAC 446.955 is hereby amended to read as follows:

446.955 1. A food processing establishment must comply with the provisions of ~~NAC 446.050 to 446.625, inclusive, 446.830, 446.835 and 446.840 and the requirements of this section.~~ *this chapter.*

2. If, after ~~September 16, 1992,~~ *January 1, 2011*, a food processing establishment is constructed or extensively remodeled, or if an existing structure is converted for use as a food processing establishment, properly prepared plans and specifications for such construction, remodeling or alteration showing layout, arrangement and construction materials of work areas and the location, size and type of fixed equipment and facilities must be submitted to the health authority for approval before such work is begun.

Where full-time city, county or district health departments exist, such plans and specifications must be submitted to such health authorities for approval before such work is begun. Such plans must be accompanied by a detailed description of the operation of food processing and any other documentation required by the health authority, including:

- (a) The food to be handled, processed or packaged.
 - (b) Any label for packaging which has been proposed for a food product. Such a label must be reviewed and approved by the health authority and any fees required must be paid before the label may be used.
 - (c) A description of all of the steps required to process each food product. The description must 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) Rates of cooling and heating the food product; and
 - (5) The process for handling food by employees of the establishment.
 - (d) If the processing involves heating or cooling food products, the methods used, such as ovens, warmers, blast chillers, walk-in refrigerators and similar equipment. Such methods must be approved by the health authority.
3. If the processing involves potentially hazardous food (*time/temperature control for safety food*) or if the steps are critical in regard to bacterial growth, the health authority may require supporting laboratory data, including, without limitation:
- (a) The results of a pH test;
 - (b) The results of a bacterial culture test;
 - (c) The results of a water activity test;
 - (d) A determination of the level of salinity;

- (e) An analysis of the cooling or heating temperature used for the food product; and
- (f) A complete program for the analysis of hazards and critical control points for food processing 

by an approved processing authority.

4. Any information required by the provisions of this section must be reviewed and approved by the health authority, in writing, before a plan required by subsection 2 may be carried out. Additional documentation or information may be required by the health authority before the approval is granted.

5. If there is a change in any of the information required by this section, the applicant must submit an amended statement of information to the health authority for written approval before the new or modified process may be carried out.

Sec. 389. 1. *A permit applicant or permit holder shall not engage in an activity or process that requires a waiver or HACCP plan before receiving written approval from the health authority.*

2. *If the health authority grants a waiver as specified in this chapter or an HACCP plan is otherwise required, the permit holder shall:*

(a) Comply with the HACCP plans and procedures that are submitted as specified under this chapter and approved as a basis for the modification or waiver; and

(b) Maintain and provide to the health authority, upon request, records specified under this chapter which demonstrate that the following are routinely carried out:

(1) Procedures for monitoring the critical control points;

(2) Monitoring of the critical control points;

(3) Verification of the effectiveness of the operation or process; and

(4) Necessary corrective actions if there is failure at a critical control point.

PLAN REVIEW AND SUBMITTAL

Sec. 390. *A permit applicant or permit holder shall submit to the health authority properly*

prepared plans and specifications for review and approval before:

- 1. The construction of a food establishment;*
- 2. The conversion of an existing structure for use as a food establishment; or*
- 3. The remodeling of a food establishment or a change of type of food establishment or food operation*
if the health authority determines that plans and specifications are necessary to ensure compliance with
this chapter.

Sec. 391. *The plans and specifications for a food establishment must include, as required by the health authority based on the type of operation, type of food preparation and foods prepared, the following information to demonstrate conformance with the provisions of this chapter:*

- 1. The intended menu;*
- 2. The anticipated volume of food to be stored, prepared, and sold or served;*
- 3. The proposed layout, mechanical schematics, construction materials and finish schedules;*
- 4. Proposed equipment types, manufacturers, model numbers, locations, dimensions,*
performance capacities and installation specifications;
- 5. Evidence that standard procedures which ensure compliance with the requirements of this chapter*
are developed or are being developed; and
- 6. Any other information that may be required by the health authority for the proper review of the*
proposed construction, conversion or modification, and procedures for operating a food establishment.

Sec. 392. *The health authority shall conduct one or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and has established standard operating procedures as specified in compliance with law and this chapter. The health authority may establish and collect a fee for on-site preoperational inspections.*

Sec. 393. 1. *Before engaging in an activity that requires an HACCP plan, a permit applicant or permit holder must submit to the health authority for approval a properly prepared HACCP plan and the relevant provisions of this chapter if:*

(a) Submission of an HACCP plan is required by the health authority;

(b) A waiver is required by the health authority; or

(c) The health authority determines that a food preparation or processing method requires a waiver based on a plan submitted in response to an inspectional finding, or a waiver request.

3. *A permit applicant or permit holder must have a properly prepared HACCP plan as specified in this chapter.*

Sec. 449. NAC 446.821 is hereby amended to read as follows:

446.821 ~~1.—An applicant for a permit issued pursuant to the provisions of NRS 446.875 must include with his or her application a description of how the requirements of that section will be met, including a description of a menu for the proposed food establishment.]~~The health authority may require an applicant to include ~~[a plan for analyzing the hazards of critical control points.]~~*an HACCP plan.* If the food establishment is required to have such a plan, the plan must include:

~~[(a)]1.~~ A categorization of the types of potentially hazardous foods (*time/temperature control for safety foods*) that are specified in the menu, such as soups and sauces, salads and bulk, solid foods, such as meat roasts, and other foods that are specified by the health authority.

~~[(b)]2.~~ A diagram that identifies critical control points for specific foods or categories of food and provides:

~~[(1)](a)~~ The ingredients, materials and equipment used in the preparation of each food or category of food; and

~~[(2)](b)~~ The procedures to ensure that each food or category of food is prepared safely.

~~[(e)]3.~~ A training plan for food handlers and supervisors that addresses issues of safety in the preparation of food.

~~[(4)]4.~~ A statement of standard operating procedures that identifies:

~~[(1)](a)~~ Each critical control point.

~~[(2)](b)~~ Limits for each critical control point.

~~[(3)](c)~~ The method and frequency for monitoring and controlling each critical control point by the employee designated by the person in charge.

~~[(4)](d)~~ The method and frequency for the person in charge to verify routinely that an employee is following standard operating procedures and monitoring critical control points.

~~[(5)](e)~~ Actions to be taken by the person in charge if the limits for each critical control point are not met.

~~[(6)](f)~~ The records required to be maintained by the person in charge to demonstrate that the ~~[plan for analyzing the hazards of critical control points]~~ *HACCP plan* is properly operated and managed.

~~[(e)]5.~~ Additional scientific data or other information, as required by the health authority, supporting the determination that the safety of the food served will be ensured.

~~[2.— All permits issued by the health authority pursuant to NRS 446.875 must be in writing.]~~

FARMERS' MARKETS

Sec. 394. *A producer of organic agricultural products of the soil who possesses a certificate of organic certification issued by the State Department of Agriculture, or who can provide documentation indicating that the produce offered for sale is from an approved source, is exempt*

from the requirements set forth in NAC 576.300 to 576.440, inclusive, and all applicable provisions of this chapter. The exemption set forth in this section does not allow for sampling of produce.

Sec. 395. *All other food vendors selling food in affiliation with any farmers' market must comply with all applicable provisions of this chapter.*

Sec. 396. *All food offered for sale or given away at a farmers' market must be produced, prepared, compounded, packed, stored, transported, kept for sale and served so as to be pure, free from contamination, adulteration and spoilage, must be obtained from approved sources and must otherwise be fit for human consumption.*

Sec. 397. *The producer of the farm products to be sold at a farmers' market must be certified by the State Department of Agriculture. A certificate issued to such a producer from another state, if equivalent to those issued by the State Department of Agriculture, shall be deemed acceptable. A copy of the certification must be provided to the health authority.*

Sec. 398. *Farmers' markets must comply with the following provisions:*

1. All food must be stored at least 5 inches (12.5 centimeters) above the floor or ground, or under conditions that are approved in advance by the health authority.

2. Preparation and service of samples of produce is allowed, provided that the proper permits have been obtained from the health authority and the following sanitary requirements are met:

(a) Samples must be kept in approved, clean and sanitized containers.

(b) All food samples must be distributed by the producer in a sanitary manner.

(c) Clean, disposable plastic gloves must be used when cutting food samples.

(d) Food intended for consumption must be washed or cleaned with potable water to remove soil or other contaminants.

(e) Potable water must be available for handwashing and sanitizing.

(f) Samples of potentially hazardous food (time/temperature control for safety food) samples must be maintained at or below 41°F (5°C). All other food samples must be disposed of within 2 hours after cutting.

(g) Utensil and handwashing water must be disposed of in an approved sewerage system or in a manner approved by the health authority.

(h) Utensils and cutting surfaces must be smooth, easily cleanable and nonabsorbent. The requirement set forth in this paragraph does not preclude the use of single-service utensils, including, without limitation, toothpicks or similar items used to serve samples.

(i) Cutting boards and utensils used to cut, slice or prepare potentially hazardous food (time/temperature control for safety food) must be washed, rinsed and sanitized every 2 hours. If facilities are not available to accomplish the requirements set forth in this paragraph, additional cleaned and sanitized utensils and cutting boards must be on site and readily available for use.

Sec. 399. Produce stands offering samples of produce must meet the construction standards established for temporary food establishments set forth in this chapter

Sec. 400. Approved toilet facilities must be available within 200 feet (61.5 meters) of any premises of a farmers' market or located as approved by the health authority.

Sec. 401. Approved handwashing facilities must be present at each vendor's temporary food establishment. Paper towels and hand soap in a dispensing unit must be present at each handwashing station.

Sec. 402. No live animals, birds or fowl may be kept or allowed within 20 feet (6 meters) of any area where food is stored or offered for sale. This section does not apply to service animals.

Sec. 403. Fresh poultry eggs are allowed for sale at a farmers' market, provided that the following requirements are met:

- 1. The eggs must be sold by a producer certified by the State Department of Agriculture;*
- 2. The eggs must be candled and graded with a minimum of Grade A;*
- 3. An application for Direct Marketing of Poultry Eggs at Farmers' Markets must be on file with the State Department of Agriculture;*
- 4. All records, including, without limitation, temperature maintenance logs required by the State Department of Agriculture and the health authority, must be maintained and available for review;*
- 5. The temperature at the shell in stored eggs following harvest up to the point of sale must not exceed 45°F (7.2°C); and*
- 6. All eggs must be transported, stored and displayed in a safe and sanitary manner to minimize breakage and contamination.*

Sec. 404. Except for certified producers of organic agricultural products and those producers who possess a certificate as a producer of farm products issued by the State Department of Agriculture or an equivalent federal, state or local agency, it is unlawful for any person to operate a produce stand in conjunction with a farmers' market or to sell food at a farmers' market unless such person possesses a valid health permit issued by the health authority.

Sec. 405. 1. Except for certified producers of organic agricultural products and those producers who possess a certificate as a producer of farm products issued by the State Department of Agriculture or an equivalent federal, state or local agency, any person desiring to operate a produce stand in conjunction with a farmers' market must comply with the requirements of NRS 446.875.

2. The health authority may restrict or disallow the sampling or sale, or both, of food items based on the findings of an inspection or an unacceptable risk to the public health.

Sec. 469. NAC 446.018, 446.023, 446.036, 446.037, 446.045, 446.060, 446.070, 446.075,

446.085, 446.090, 446.095, 446.100, 446.105, 446.110, 446.115, 446.120, 446.122, 446.125, 446.130, 446.145, 446.147, 446.150, 446.155, 446.157, 446.165, 446.170, 446.180, 446.185, 446.190, 446.195, 446.198, 446.200, 446.205, 446.210, 446.211, 446.212, 446.213, 446.214, 446.215, 446.220, 446.230, 446.235, 446.240, 446.245, 446.250, 446.255, 446.260, 446.265, 446.270, 446.275, 446.280, 446.285, 446.290, 446.295, 446.300, 446.305, 446.310, 446.315, 446.318, 446.320, 446.325, 446.330, 446.335, 446.340, 446.345, 446.350, 446.355, 446.360, 446.365, 446.370, 446.375, 446.385, 446.400, 446.405, 446.410, 446.440, 446.447, 446.450, 446.455, 446.460, 446.470, 446.475, 446.480, 446.485, 446.490, 446.495, 446.500, 446.505, 446.510, 446.515, 446.520, 446.525, 446.530, 446.535, 446.545, 446.555, 446.560, 446.565, 446.570, 446.575, 446.585, 446.595, 446.600, 446.605, 446.610, 446.615, 446.620, 446.660, 446.670, 446.675, 446.680, 446.685, 446.690, 446.695, 446.700, 446.705, 446.710, 446.715, 446.720, 446.730, 446.735, 446.740, 446.745, 446.750, 446.755, 446.760, 446.765, 446.770, 446.775, 446.810, 446.815, 446.823 and 446.865 are hereby repealed.

TEXT OF REPEALED SECTIONS

~~446.018 “Packaging with a modified atmosphere” defined. (NRS 439.200, 446.940) “Packaging with a modified atmosphere” means packaging material in which the oxygen has been:~~

- ~~1. Reduced by mechanical evacuation;~~
- ~~2. Displaced with another gas or combination of gases; or~~

3. Otherwise reduced to less than 21 percent.

→ The term includes, without limitation, methods of packaging that may be referred to as “sous vide,” altering the atmosphere, controlling the atmosphere, reducing the oxygen, lowering the oxygen or vacuum packaging.

~~446.023 “Plan for analyzing the hazards of critical control points” defined. (NRS 439.200, 446.940)~~

————— “Plan for analyzing the hazards of critical control points,” commonly known as an “HACCP plan,” means a written document created by a food establishment that sets forth the formal procedures for following the principles of the “Hazard Analysis and Critical Control Point System,” developed by the National Advisory Committee on Microbiological Criteria for Foods and available from the United States Department of Agriculture, 1255 22nd Street N.W., Washington, D.C. 20250-3700.

~~“Support animal” defined. (NRS 439.200, 446.940) “Support animal” means an animal that is necessary for a person with a visual, aural or physical disability to conduct his or her daily activities.~~

~~446.36 “Surface which may come into contact with food” defined. (NRS 439.200, 446.940)~~

————— “Surface which may come into contact with food” means the surface of a piece of equipment or a utensil:

1. With which food normally comes into contact; or
2. From which food may drain, drip or splash:
 - (a) Into food; or
 - (b) Onto a surface with which food normally comes into contact.

~~446.045 Substantial health hazards. (NRS 439.150, 439.200, 446.940) Substantial health hazards include, but are not limited to, the following circumstances:~~

1. Food from an unapproved or unknown source, or food which is or may be adulterated, contaminated or otherwise unfit for human consumption, is found in a food establishment.

~~2.— Potentially hazardous food is held longer than necessary for preparation or service at an ambient temperature which is greater than 40°F (4.44°C) or less than 140°F (60°C) or under any other condition capable of supporting the rapid growth of bacteria.~~

~~3.— Potentially hazardous food served to customers or exposed to other contamination is served again.~~

~~4.— A person infected with a communicable disease that can be transmitted by food is working as a food handler in an establishment.~~

~~5.— Persons not practicing strict standards of cleanliness and personal hygiene which may result in the potential transmission of illness through food are employed in an establishment.~~

~~6.— Equipment, utensils and working surfaces are not cleaned and sanitized effectively and may contaminate food during preparation, storage or service.~~

~~7.— Sewage or liquid waste is not disposed of in an approved and sanitary manner, or the sewage or liquid waste contaminates or may contaminate any food, areas used to store or prepare food, or an area frequented by customers or employees.~~

~~8.— Toilets and facilities for washing hands are not provided, properly installed, designed, accessible or convenient.~~

~~9.— The supply of potable water is not approved or does not meet the applicable requirements for sampling and public notification set forth in chapter 445A of NRS and any regulations adopted pursuant thereto, and an operator does not use items intended for a single use and bottled water from an approved source.~~

~~10.— A defect or condition exists in the system supplying potable water which may result in the contamination of the water and become a substantial health hazard.~~

~~11.— Insects, rodents or other animals have contaminated food.~~

~~12.— Toxic items are labeled, stored or used improperly or inadequately.~~

~~**446.060 — Bulk food. (NRS 439.150, 439.200, 446.940)**~~

~~1.— Bulk food must be labeled by common name if stored in something other than its original container unless the food can be identified.~~

~~2.— Bulk food sold at retail must be labeled with:~~

~~(a) The bulk container labeling of the manufacturer or processor in plain view; or~~

~~(b) A counter card, sign or other appropriate device,~~

→ bearing prominently and conspicuously the common name of the product, a list of ingredients in descending order of predominance and a declaration of any artificial color or flavor or chemical preservative contained in the product.

3.— Labels or marking pens must be made available to customers to identify the food they select from a bulk container for purchase.

4.— Only containers in the display area that comply with subsections 1 and 8 of NAC 446.215, NAC 446.230 and subsection 1 of NAC 446.235 may be filled with bulk food.

~~446.070— Frozen desserts. (NRS 439.150, 439.200, 446.940)~~ All frozen desserts and mix must be from a source approved by the health authority.

~~446.075— Shellfish. (NRS 439.150, 439.200, 446.940)~~

1.— Except as otherwise provided in subsection 3, fresh and frozen shellfish, such as oysters, clams or mussels, must be packed in nonreturnable packages which are labeled with the name and address of the original processor or the person who repacked them, and the number for interstate certification. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used.

2.— Each container of unshucked shellfish, such as oysters, clams or mussels, must be identified by a tag attached to the container, to be retained for 90 days, that states the name and address of the original processor, the kind and quantity of shellfish in the container, and the number for interstate certification issued by the state or a foreign agency.

3.— Fresh shellfish may be displayed in a tank that is designed to support the life of shellfish if:

- (a) No water that is used for fish other than shellfish is able to flow into the tank for shellfish.
- (b) The operation of the tank does not adversely affect the safety and quality of the shellfish.

~~(c) The shellfish are identified pursuant to subsection 1.~~

~~**446.085 — Meat, game animals, fish and poultry. (NRS 439.150, 439.200, 446.940)** — All meat, products made from meat, game animals, products made from game animals, fish, products made from fish, poultry and products made from poultry must be from a source approved by the health authority.~~

~~**446.090 — Baked products. (NRS 439.150, 439.200, 446.940)**~~

~~1. — Baked products must be prepared in an approved food establishment or food processing establishment, and handled and transported in an approved manner.~~

~~2. — Baked products filled with synthetic ingredients that will not support the rapid and progressive growth of infectious or toxigenic microorganisms must be labeled to state that refrigeration is not required.~~

~~**446.095 — Storage of potentially hazardous food. (NRS 439.150, 439.200, 446.940)**~~

~~Except as otherwise provided in this chapter, potentially hazardous food must be stored at a temperature of 40°F (4.44°C) or below or 140°F (60°C) or above.~~

~~**446.100 — Emergencies. (NRS 439.150, 439.200, 446.940)** — If the occurrence of an emergency such as a fire, flood, loss of power or similar event might result in the contamination of food or prevent potentially hazardous food from being stored at required temperatures, the person in charge at the food establishment shall immediately contact the health authority. Upon receiving notice of the emergency, the health authority will take any action necessary to protect the public health.~~

~~**446.105 — Storage of food. (NRS 439.150, 439.200, 446.940)**~~

1.— ~~Except as otherwise provided in subsection 3, if food is removed from the container or package in which it was obtained, it must be stored in a clean covered container unless it is being prepared or served.~~

2.— ~~The cover of the container must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering containers for bread or rolls. The linens or napkins must be changed or discarded after each use.~~

3.— ~~Solid cuts of meat must be covered while in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food is stored beneath the meat. No meat may be stored in direct contact with shelves.~~

4.— ~~Whole, uncut and raw fruits and vegetables, and nuts in their shells may be kept in their original shipping containers until they are used.~~

446.110— Storage of food, containers of food and packaged food; resale of food from bulk containers. (NRS 439.150, 439.200, 446.940)

1.— ~~Containers of food in a food establishment must be stored at least 6 inches (15 centimeters) above the floor in a manner that protects the food from contamination and permits easy cleaning of the storage area with the following exceptions:~~

(a) ~~Metal containers for beverages which have been pressurized and cases of food packaged in cans, glass or other waterproof containers need not be elevated when the containers are not exposed to moisture on the floor.~~

(b) ~~Containers may be stored on dollies, racks or pallets if such equipment is easy to move.~~

2.— ~~Food and containers of food must not be stored under any exposed or unprotected sewer lines or waterlines, unless the lines are automatic sprinklers required by law.~~

~~3.— Food may not be stored in rooms with toilets, vestibules or lockers, or in rooms containing garbage or mechanical facilities.~~

~~4.— Packaged food may not be stored in a wet environment. However, packaged food placed in containers made of impervious glass or metal may be stored in drained ice. Wrapped sandwiches may not be stored in direct contact with ice.~~

~~5.— Food which:~~

~~(a) Is spoiled;~~

~~(b) Is in a container that has sustained damage which may affect it; or~~

~~(c) Has been returned to or is being detained by the food establishment because of public health considerations;~~

~~→ must be segregated and held in designated areas pending proper disposition unless it is disposed of under the supervision of the health authority. For the purposes of this subsection, a hermetically sealed container that has sustained damage to the seams on the top, bottom or side of the container or that has sustained sharp or creasing dents to areas other than the seams shall be deemed a container that has sustained damage that may affect the food contained inside the container.~~

~~6.— Food from bulk containers returned to a retail store by a customer may not be offered for resale.~~

~~7.— Containers of bulk pet food and bulk nonfood items must be separated from food items by a barrier or open space of not less than 12 inches (30 centimeters).~~

~~**446.115 — Refrigerated storage. (NRS 439.150, 439.200, 446.940)**~~

~~1.— There must be adequate facilities for refrigeration at a food establishment, which are conveniently located, to ensure that potentially hazardous food can be stored at the required temperature.~~

~~2.— Each refrigerated facility used to store potentially hazardous food must have at least one integral or permanently affixed indicating thermometer which is numerically scaled or a recording thermometer, accurate to plus or minus 2°F (1°C), located in the warmest part of the facility where it can be easily read.~~

~~3.— Potentially hazardous food which requires refrigeration after its preparation must be rapidly cooled to an internal temperature of 40°F (4.44°C) or below and then stored at or below that temperature.~~

~~4.— Large quantities of potentially hazardous food must be rapidly cooled utilizing such methods as shallow pans, dividing the food into smaller or thinner portions, agitation, quick-chilling, adding ice as an ingredient or the circulation of water external to the container of food so that the period of cooling from 140°F (60°C) to 70°F (21°C) does not exceed 2 hours and from 70°F (21°C) to 40°F (4.44°C) does not exceed 4 hours.~~

~~5.— Frozen food must be kept frozen and stored at a temperature of 0°F (-18°C) or below.~~

~~6.— Ice may not be used as a food product after it has been used to cool the exterior of cooling coils, tubes of equipment or food, including packaged foods.~~

~~7.— In food establishments where meats that are not inspected, such as wild game, are processed to the order of customers, a minimum space of 5 feet (1.52 meters) or a physical barrier must be maintained in all refrigerated storage areas between meats which have been inspected and the meats that are not inspected. Any meat that is not inspected must be marked~~

~~“Not for Sale” on a tag that is attached to the meat. The tag must also indicate the owner’s name in clear and legible writing.~~

~~**446.120—Maintenance and storage of hot food. (NRS 439.150, 439.200, 446.940)**~~

~~1.—There must be adequate facilities at a food establishment to maintain hot food. These facilities must be conveniently located to ensure the maintenance of food at the required temperature.~~

~~2.—Each piece of equipment used for the maintenance of potentially hazardous hot food must have at least one integral or permanently affixed indicating thermometer which is numerically sealed or a recording thermometer, accurate to plus or minus 2°F (1°C), located in the coolest part of the piece of equipment where it can be easily read.~~

~~3.—If it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cat rod units or insulated carriers for transporting foods, an accurately calibrated probe thermometer must be available and used to check the internal temperature of the food.~~

~~4.—The internal temperature of potentially hazardous foods which require hot storage must be 140°F (60°C) or above except during periods of preparation.~~

~~**446.122—Reusable containers for beverages. (NRS 439.150, 439.200, 446.940)**~~

~~1.—A food establishment may refill a reusable beverage container which is owned by a customer with a product that is not potentially hazardous if the refill is for that customer.~~

~~2.—The design of such containers, when considered in conjunction with the design of the rinsing component of the equipment used to refill the container, must permit the effective cleaning of the container.~~

~~3.— A facility for cleaning such containers which uses fresh, hot water under pressure that has not been recirculated, must be provided as a part of the dispensing operation.~~

~~4.— A system for refilling such containers, when used by a customer, must include a transfer process which is free from contamination and which the customer cannot bypass.~~

~~5.— The Board may exempt from the requirements of this section water vending operations.~~

~~446.125— Preparation of food: General requirements. (NRS 439.150, 439.200, 446.940)~~

~~1.— Food must be prepared at a food establishment with the least possible manual contact, using gloves designed for a single use or suitable utensils on surfaces that have been cleaned, rinsed and sanitized to prevent contamination before being used.~~

~~2.— Surfaces which may come into contact with food and utensils in a food establishment must be cleaned and sanitized whenever there is a change in processing between species such as raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw foods to foods that are ready to eat. Salads and other foods that are ready to eat must be prepared in separate rooms or in areas that are separated from areas used for processing potentially hazardous raw food products by a barrier, an open space of at least 12 inches (30 centimeters) or in another manner approved by the health authority.~~

~~3.— Potentially hazardous foods that are in a form to be consumed without further cooking, such as salads, sandwiches and filled pastry products, must be prepared from chilled ingredients.~~

~~4.— Meats that are not inspected, such as wild game, must be processed in such a manner as to ensure that cross contamination of food or surfaces which may come into contact with food does not occur. The processing of meats that are not inspected must be conducted in areas or at times that have been approved by the health authority.~~

~~446.130— Preparation of food: Raw fruits and vegetables. (NRS 439.150, 439.200, 446.940)~~—Raw fruits and vegetables must be thoroughly washed:

~~1.— With potable water before being cooked, prepared, processed, served or dispensed.~~

~~2.— In a sink which:~~

~~(a) Has a drain that is indirectly connected to a floor sink in compliance with the *Uniform Plumbing Code*;~~

~~(b) Runs hot and cold water that is tempered by a mixing valve or combination faucet; and~~

~~(c) Is located in an area that has been approved by the health authority.~~

~~446.145— Preparation of food: Potentially hazardous foods. (NRS 439.150, 439.200, 446.940)~~

~~1.— Potentially hazardous foods which have been frozen must be thawed:~~

~~(a) In refrigerated units at an ambient temperature not exceeding 40°F (4.44°C);~~

~~(b) Under potable running water at a temperature of 70°F (21°C) or below, with a sufficient water velocity to agitate and float off loose particles of food;~~

~~(c) In a microwave oven, if the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire cooking process takes place without interruptions in the microwave oven; or~~

~~(d) As part of the conventional cooking process.~~

~~2.— Potentially hazardous foods which require cooking must be cooked to heat all parts of the food to a temperature of at least 145°F (63°C) for at least 15 seconds, with the following exceptions:~~

~~(a) Poultry, stuffing for poultry, stuffed meats and stuffings containing meats must be cooked to heat all parts of the food to at least 165°F (74°C) for at least 15 seconds with no interruption in the cooking.~~

~~(b) Pork, any food containing pork, game animals, injected meats, comminuted fish and meats, including hamburger, must be cooked to heat all parts of the food to at least 155°F (68°C) for at least 15 seconds or, if cooked in a microwave oven, to at least 170°F (77°C).~~

~~(c) Roast beef must be cooked to an internal temperature of at least 130°F (55°C) or, if cooked in a microwave oven, to at least 145°F (63°C). Beef steak must be cooked to an internal temperature of at least 130°F (55°C), unless otherwise ordered by the immediate customer.~~

~~(d) Fishery products which are not cooked throughout to 145°F (63°C) or above must, before their service or sale in a form which is ready to eat, be blast frozen to 31°F (-35°C) or below for 15 hours or regularly frozen to 4°F (-20°C) or below for 168 hours (7 days). Records which establish compliance with this paragraph must be retained by the operator for 90 days after the service or sale of the fishery products, unless the products were frozen by the supplier and a written statement is provided by the supplier stipulating that the products supplied were frozen to the temperature and for the time specified in this paragraph, in which case the supplier's written statement must be retained by the operator for 90 days.~~

~~3. Potentially hazardous foods which have been prepared to be ready to eat and then refrigerated for more than 24 hours must be marked with the date of preparation. These foods must not be used for human consumption if not sold, served or frozen within 10 calendar days after preparation.~~

~~4. Potentially hazardous foods which have been prepared by another food establishment or food processing plant to be ready to eat and packaged in a container for refrigeration must be~~

~~marked by the manufacturer to indicate the date by which the food must be sold, served or frozen. These foods must be discarded if not sold, served or frozen:~~

~~(a) Within 10 calendar days after the original container is opened; or~~

~~(b) On or before the date by which the food must be sold or used, as indicated on the container;~~

~~→ whichever occurs first.~~

~~5.— Potentially hazardous foods that have been cooked and refrigerated must be reheated rapidly so that the food reaches a temperature of 165°F (74°C) or above throughout the entire product for at least 15 seconds before being served or placed in a facility for maintaining hot food. Steam tables, bainmaries, warmers, crockpots and similar facilities for holding hot foods may not be used for the rapid reheating of potentially hazardous foods.~~

~~6.— Metal indicating thermometers which are numerically scaled and accurate to plus or minus 2°F (1°C) must be used to ensure the attainment and maintenance of proper internal temperatures for cooking, holding or refrigerating all potentially hazardous foods. At least one such thermometer must be available for use by employees at all times. The thermometers must be washed, rinsed and sanitized before insertion into a food.~~

~~**446.147— Use of packaging with a modified atmosphere; contents of plan for analyzing the hazards of critical control points. (NRS 439.150, 439.200, 446.940)**~~

~~1.— A food establishment that packages food using packaging with a modified atmosphere must have a plan for analyzing the hazards of critical control points that:~~

~~(a) Contains the information specified in NAC 446.821;~~

~~(b) Identifies the food that is packaged in packaging with a modified atmosphere;~~

~~(c) Limits the food packaged in packaging with a modified atmosphere to food that does not support the growth of *Clostridium botulinum* because the food:~~

~~(1) Has a value of water activity of 0.91 or less;~~

~~(2) Has a pH of 4.6 or less;~~

~~(3) Is a product made from meat that was:~~

~~(I) Processed in a processing plant that is regulated by the United States Department of Agriculture;~~

~~(II) Cured with a combination of nitrites, nitrates and salt which had a concentration of sodium nitrite that is 120 mg/l or higher and a combination of brine that was at least 3.5 percent sodium chloride; and~~

~~(III) Received by the food establishment in an intact package; or~~

~~(4) Is a food with a high level of competing organisms, such as raw meat or raw poultry;~~

~~(d) Specifies methods for maintaining food that is packaged in packaging with a modified atmosphere at 40°F (4.44°C) or below;~~

~~(e) Requires packaging with a modified atmosphere to display prominently and conspicuously on the principal display panel, in bold type with a contrasting background, instructions to:~~

~~(1) Maintain the food packaged therein at 40°F (4.44°C) or below; and~~

~~(2) Discard the food packaged therein if, within 14 days after its packaging, it is not frozen or served for consumption on or off the premises of the recipient;~~

~~(f) Prohibits food that is packaged in packaging with a modified atmosphere to be held for more than 14 calendar days after the date of packaging or beyond the manufacturer's date by~~

~~which the food must be used or sold, whichever comes first, unless the product is frozen for storage within that period;~~

~~(g) Includes operational procedures that:~~

~~(1) Prohibit bare hands from coming into contact with food that is packaged in packaging with a modified atmosphere;~~

~~(2) Identify designated areas for raw foods and foods that are ready to eat and minimize the possibility of cross-contamination between those foods;~~

~~(3) Restrict access to processing equipment to trained personnel who are familiar with the potential hazards of the operation; and~~

~~(4) Delineate cleaning and sanitization procedures for surfaces which may come into contact with food; and~~

~~(h) Include a training program that ensures that the person responsible for packaging food in packaging with a modified atmosphere understands the:~~

~~(1) Procedures required for the safe operation of the packaging; and~~

~~(2) Equipment and facilities used in the packaging process.~~

~~2. A food establishment may not package fish in packaging with a modified atmosphere unless the fish is frozen before packaging and will remain frozen during and after packaging.~~

~~**446.150 Service of food: Protection of food. (NRS 439.150, 439.200, 446.940)**~~

~~1. Food in a salad bar, serving line or other kind of display must be protected against contamination by customers or the environment through the operator's use of protective devices, such as glass shields, easily cleanable counters, packaging, display cases or other effective means.~~

~~2.— Bulk food in retail stores must be dispensed only from containers that are protected by individual covers which fit closely and close automatically. Access by customers to bulk food must be controlled to avoid the introduction of contaminants. Means considered suitable include:~~

~~(a) Providing a product module depth of not more than 18 inches (45 centimeters);~~

~~(b) Locating product modules with access from the top so that there is at least 30 inches (75 centimeters) between the access point and the floor; or~~

~~(c) If the product module access point is less than 30 inches (75 centimeters) off the floor, providing access from the side or at an angle if, when the product module is open, the cover extends across the surface of the product and provides overhead protection.~~

~~3.— Food that may have been contaminated by an employee who has been restricted from performing certain tasks in a food establishment or excluded from the food establishment must be discarded.~~

446.155—Service of food: Potentially hazardous and frozen foods; raw or undercooked food of animal origin. (NRS 439.150, 439.200, 446.940)

~~1.— Except as otherwise provided in NAC 446.157, potentially hazardous food must be kept at an internal temperature of 40°F (4.44°C) or below or at 140°F (60°C) or above while being displayed or served, except that rare roast beef may be held for service at a temperature of at least 130°F (55°C).~~

~~2.— Adequate facilities for maintaining or displaying potentially hazardous hot or cold food must be available to maintain the required temperature of the potentially hazardous food.~~

~~3.— Foods intended for sale in a frozen state must be displayed at an ambient temperature of 0°F (–18°C) or below, except for defrost cycles and brief periods of loading or unloading. Frozen~~

foods must be displayed below or behind product food lines according to the specifications of the cabinet manufacturer.

4. Except as otherwise provided in this subsection, exposed raw food of animal origin may not be offered in a manner in which a customer is allowed to serve himself or herself. Raw food of animal origin may be offered for immediate consumption as a raw food at a buffet or salad bar if the raw food is first prepared for consumption by an employee of the food establishment. Raw food of animal origin may be offered for immediate consumption as a cooked food if a customer selects the raw food and other ingredients and an employee of the food establishment cooks and prepares all the ingredients.

5. If raw or undercooked food of animal origin is offered ready to eat at a food establishment or in a vending machine, or as an ingredient in another food that is ready to eat, the holder of the permit to operate the food establishment must give written notice to customers of the significantly increased risk associated with eating such foods in a raw or undercooked form on a brochure, delicatessen case, menu or placard or in another location that is readily visible to customers.

446.157—Service, storage and display of food: Potentially hazardous food kept at an internal temperature above 40°F (4.44°C) or below 140°F (60°C). (NRS 439.150, 439.200, 446.940)

1. Potentially hazardous food may be kept at an internal temperature above 40°F (4.44°C) or below 140°F (60°C) if held for no longer than the time limitations set forth in this subsection. While being stored before cooking or while being served or displayed for immediate service, potentially hazardous food may be kept at an internal temperature above 40°F (4.44°C) or below 140°F (60°C) if:

~~(a) The food is cooked or served within 4 hours after the time its temperature exceeds 40°F (4.44°C) or goes below 140°F (60°C);~~

~~(b) The food is marked or otherwise identified with the hour of the day by which it must be cooked, served or discarded; and~~

~~(c) The holder of the permit for the operation of the food establishment creates and maintains, on the premises and available for review by the health authority, written procedures ensuring compliance with paragraphs (a) and (b).~~

~~2. Potentially hazardous food that has been refrigerated since receipt by the food establishment may be kept at an internal temperature above 40°F (4.44°C) or below 45°F (7.2°C) while being stored before cooking or while being displayed for immediate service if:~~

~~(a) The food is cooked or served within 72 hours after the time its temperature exceeds 40°F (4.44°C) or goes below 45°F (7.2°C);~~

~~(b) The food is marked or otherwise identified with the hour of the day by which it must be cooked, served or discarded;~~

~~(c) The food is constantly refrigerated; and~~

~~(d) The holder of the permit for the operation of the food establishment creates and maintains, on the premises and available for review by the health authority, written procedures ensuring compliance with paragraphs (a), (b) and (c).~~

~~3. Any potentially hazardous food kept pursuant to subsection 1 or 2:~~

~~(a) In a container or package which does not have the hour by which it must be cooked, served or discarded marked on it; or~~

~~(b) For longer than the time specified in those subsections,
→ must be discarded.~~

~~446.165~~— Service and storage of fruit and vegetables. (NRS ~~439.150, 439.200, 446.940~~)

- ~~1.— Fruit or vegetables displayed or offered for sale must be at least 18 inches (45 centimeters) above the floor.~~
- ~~2.— If a melon is cut, sliced or otherwise breached, it must be protected properly and:
 - ~~(a) Stored at a temperature of 40°F (4.44°C) or below; or~~
 - ~~(b) Disposed of properly within 4 hours after the time it was cut, sliced or otherwise breached.~~~~
- ~~3.— Fruit or vegetables must not be stored under anaerobic conditions where the temperature may exceed 40°F (4.44°C).~~

~~446.170~~— Service of food: Condiments. (NRS ~~439.150, 439.200, 446.940~~)

- ~~1.— Condiments, seasonings and dressings for customers who serve themselves must be provided in single packages, from approved dispensers, or from containers which are protected from contamination by customers.~~
- ~~2.— Condiments provided at a table or counter must be individually portioned, except that catsup and other sauces, if in dispenser type containers, may be served in the original containers or in other approved dispensers that pour.~~
- ~~3.— Sugar must be provided in single packages or in covered dispensers that pour.~~

~~446.180~~— Service of food: Dispensing utensils. (NRS ~~439.150, 439.200, 446.940~~)

- ~~1.— Suitable dispensing utensils, adequate in number, must be used by employees when serving food or provided to customers who serve themselves.~~
- ~~2.— When not being used to serve food, dispensing utensils must be:
 - ~~(a) Stored in the food with the handle of the utensil extended out of the food;~~
 - ~~(b) Clean and dry when stored;~~~~

~~(c) Stored in running water; or~~

~~(d) Stored in a dipper well of running water.~~

~~3. If bulk food sold at retail is dispensed by customers who serve themselves, manual contact of foods by the customer during dispensing must be avoided. Some methods considered suitable include:~~

~~(a) The use of mechanical dispensing devices, including gravity dispensers, pumps, extruders and augers.~~

~~(b) The use of wrapping or sacking.~~

~~(c) The use of a tether for the utensil. Such a tether must be:~~

~~(1) Constructed of easily cleanable material;~~

~~(2) Of such a length that the utensil cannot contact the floor;~~

~~(3) Designed to prevent interference with covers which fit closely; and~~

~~(4) Easily removable for cleaning.~~

~~(d) Storage of the utensil in a sleeve or protective housing attached or adjacent to the display unit when not in use, or by utilizing a utensil designed so that the handle cannot contact the product if left in the product module.~~

~~4. If ladles and spatulas are used in other than dry foods, they must be stored in the food with handles extending to the outside and the handles must not prevent the lid from closing.~~

~~**446.185 Service of food: Tableware and plates. (NRS 439.150, 439.200, 446.940)**~~

~~1. Except as otherwise provided in subsection 4, soiled tableware, including tableware intended for a single use, which has been used by customers who are serving themselves and returning to the serving areas for additional food, may not be used again.~~

~~2.— A sign must be posted to notify customers to use a clean plate each time they serve themselves. The sign must also state that no smoking or eating is allowed while serving food and that customers must use only the utensils provided for handling food.~~

~~3.— Tableware may be preset if:~~

~~(a) It is wrapped to protect it from contamination or is preset no sooner than one meal period before it is used; and~~

~~(b) Extra settings of preset tableware are removed from the table when the customers are seated.~~

~~4.— Cups and glasses are exempt from the requirements of this section.~~

~~**446.190— Service of food: Leftover food. (NRS 439.150, 439.200, 446.940)**— Portions of a customer's leftover food may not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be served again. Fruit with the exterior surface intact may be served again.~~

~~**446.195— Transportation of food. (NRS 439.150, 439.200, 446.940)**~~

~~1.— During transportation, food and utensils used with food must be kept in covered containers or completely wrapped or packaged. The provisions of this subsection do not apply to hanging parts of carcasses, quarters, sides of meat, or raw fruits and vegetables.~~

~~2.— Foods in original single packages do not need to be wrapped again or covered if the original package has not been torn or broken.~~

~~3.— During transportation, including transportation to another location for service or catering operations, food must meet the requirements of this chapter relating to its protection, temperature and storage.~~

~~446.198— Person in charge and holder of permit: Qualifications and responsibilities.~~

~~(NRS 439.150, 439.200, 446.940)~~

~~1.— The responsibility for assuring that the employees of a food establishment comply with the provisions of this chapter must be clearly assigned to the person in charge of the establishment.~~

~~2.— The person in charge must be the holder of the permit for the operation of the establishment or a person designated by the holder of the permit to be in charge. The holder of the permit shall ensure that a person in charge is present at the food establishment during all hours of operation.~~

~~3.— The person in charge of a food establishment must be able to demonstrate a knowledge of and apply the provisions of this chapter regulating the protection and sanitation of food, including, but not limited to, a knowledge of:~~

- ~~(a) The proper sources of food;~~
- ~~(b) Safe temperatures and time relationships for potentially hazardous food;~~
- ~~(c) The elements of good personal hygiene;~~
- ~~(d) Approved procedures for washing equipment and utensils;~~
- ~~(e) The storage and use of toxic items; and~~
- ~~(f) The control of insects, rodents and other animals.~~

~~4.— A food establishment in which customers serve themselves must be supervised by persons who are trained in procedures for correcting any unsanitary conditions created by the customers.~~

~~446.200— Employees required to keep hands clean; use of gloves. (NRS 439.150, 439.200,~~

~~446.940)~~

~~1.— Employees of food establishments must thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work, after using tobacco, eating, drinking or using the toilet, before and after handling raw meat, raw poultry or raw seafood, before handling clean tableware and after handling soiled tableware, including ashtrays, after caring for or handling support animals, after coughing, sneezing or using a handkerchief or disposable tissue, or as often as is necessary to keep them clean.~~

~~2.— Employees must keep their fingernails clean and trimmed.~~

~~3.— When washing their hands, employees must use a nailbrush to clean their fingertips, under their fingernails and between their fingers.~~

~~4.— A supply of nailbrushes intended for a single use must be available at each sink that is used by food handlers for washing hands. One nailbrush intended to be used more than once may be supplied instead of nailbrushes intended for a single use if it is stored in a sanitizing solution of 50 parts per million (ppm) of chlorine or another sanitizer that has been approved by the health authority.~~

~~5.— An employee of a food establishment must not use a pair of gloves intended for a single use for more than one purpose and must discard the gloves after they are damaged or soiled or after the process of preparing food has been interrupted.~~

~~**446.205— Clothing and hair. (NRS 439.150, 439.200, 446.846, 446.940)**~~

~~1.— The outer clothing of all employees must be clean.~~

~~2.— Except as otherwise provided in this subsection, employees shall restrain their hair to prevent the contamination of food or surfaces that may come into contact with food. Restraints may include nets, caps, hats and hair spray. The health authority may exempt from the provisions of this subsection and subsection 4 employees who serve only beverages and wrapped or~~

~~packaged foods and hostesses, waiters and waitresses, if the health authority determines that their duties involve minimal risk of contamination to food, equipment, tableware, items intended for a single use and linens.~~

~~3.— All food handlers shall maintain their hair in a neat and clean condition.~~

~~4.— All food handlers must wear a hair net if their hair is longer than the collar. Hair which is shorter than the collar may be restrained by any effective means.~~

~~5.— Sideburns, beards and mustaches must be cropped closely and well-groomed.~~

~~**446.210— Required and prohibited behavior: Consumption of food and beverages; use of tobacco; handling of soiled tableware; hygiene; jewelry. (NRS 439.150, 439.200, 446.940)**~~

~~1.— Except as otherwise provided in subsection 2, employees may consume food only in areas designated for that purpose. Food may not be consumed in an area where the contamination of other food, equipment, utensils or other items needing protection may occur.~~

~~2.— A food handler may consume, in all areas of a food establishment, a beverage from a container that has a lid and a permanent straw, if the straw has no cap on it and if the container is handled to prevent the contamination of:~~

~~(a) The employee's hands;~~

~~(b) The container;~~

~~(c) Any exposed food;~~

~~(d) Clean equipment;~~

~~(e) Utensils;~~

~~(f) Linens; and~~

~~(g) Unwrapped articles intended to be disposed of by the customer after a single use.~~

~~3. Employees may not use tobacco in any form while preparing or serving food or in areas used for washing equipment or utensils or for preparing food.~~

~~4. Employees may use tobacco only in areas designated for that purpose. Tobacco may not be used in an area where the contamination of food, equipment, utensils or other items needing protection may occur.~~

~~5. Employees shall handle soiled tableware, including ashtrays, in a way that minimizes the contamination of their hands. An employee assigned to remove soiled tableware shall not set clean tableware if the employee's hands become contaminated unless he or she first washes his or her hands.~~

~~6. Employees shall maintain a high degree of personal cleanliness and conform to good hygienic practices while working in the food establishment.~~

~~7. Employees may not wear jewelry on their hands or arms while preparing food, except that a plain band with no stone or object attached to it may be worn on a finger.~~

~~**446.211 Food handler required to report on health and diseases; presence of infected or ill food handler prohibited. (NRS 439.150, 439.200, 446.935, 446.940)**~~

~~1. The holder of a permit for the operation of a food establishment shall require each food handler and each applicant to become a food handler to report verbally to the holder of the permit information about his or her health and activities as they relate to diseases that may be transmitted through food.~~

~~2. A person in charge shall prohibit the physical presence of a food handler in the food establishment if the food handler:~~

~~(a) Is diagnosed as carrying any of the following infectious agents:~~

~~(1) *Salmonella typhi*;~~

~~(2) *Shigella* spp.;~~

~~(3) *Escherichia coli* 0157:H7; or~~

~~(4) Hepatitis A virus infection;~~

~~(b) Has a symptom that is associated with acute gastrointestinal illness, such as abdominal cramps, diarrhea, fever, loss of appetite for 3 or more consecutive days, vomiting or jaundice; or~~

~~(c) Has a pustular lesion on any exposed part of his or her body, including, without limitation, a boil or an open or draining infected wound, unless the lesion is covered by a dry, durable bandage that fits tightly.~~

~~**446.212 — Return to work of food handler infected with *Salmonella typhi*. (NRS 439.150, 439.200, 446.935, 446.940)**~~

~~1. The health authority shall allow a food handler who was infected with *Salmonella typhi* to return to work in a food establishment if three consecutive cultures developed from stool specimens of the food handler test negative for *Salmonella typhi* and if each stool specimen was obtained:~~

~~(a) Not earlier than 1 month after the onset of the infection;~~

~~(b) At least 48 hours after the food handler stopped taking antibiotics; and~~

~~(c) At least 24 hours after the previous specimen, if any, was obtained.~~

~~2. If one of the cultures obtained pursuant to this section tests positive, the next culture may be obtained not sooner than 1 month after the positive culture was obtained.~~

~~**446.213 — Return to work of food handler infected with *Shigella* spp. or *Escherichia coli* 0157:H7. (NRS 439.150, 439.200, 446.935, 446.940)** — The health authority shall allow a food handler who was infected with *Shigella* spp. or *Escherichia coli* 0157:H7 to return to work in a food establishment if two consecutive cultures developed from stool specimens of the food~~

handler test negative for *Shigella* spp. or *Escherichia coli* 0157:H7 and if each stool specimen was obtained:

1. At least 48 hours after the food handler stopped taking antibiotics; and
2. At least 24 hours after the previous specimen, if any, was obtained.

446.214 ~~Return to work of food handler infected with hepatitis A virus. (NRS 439.150, 439.200, 446.935, 446.940)~~—The health authority shall allow a food handler who was infected with hepatitis A virus to return to work in a food establishment if:

1. Symptoms cease; or
2. At least two blood tests indicate a decrease in liver enzymes.

446.215 ~~Materials for equipment and utensils. (NRS 439.150, 439.200, 446.940)~~

1. Equipment and utensils designed for multiple use must be constructed and repaired with safe materials and must be resistant to corrosion, nonabsorbent, smooth, easy to clean and durable under conditions of normal use.
2. Articles designed for a single use must be made from materials which are clean, sanitary and safe.
3. Equipment, utensils and articles designed for a single use must not impart any odor, color or taste, or contribute to the contamination of food.
4. If solder is used, it must be nontoxic, free of cadmium, lead, antimony and bismuth and resistant to corrosion.
5. Hard maple or materials which are equivalently nonabsorbent, nontoxic, smooth and free of cracks, crevices or open seams may be used for cutting blocks, cutting boards, salad bowls, bakers' tables and wooden paddles used in confectionary operations for pressure scraping kettles when confections are manually prepared at a process temperature of 230°F (110°C) or above.

~~6.— Wood may be used for articles designed for a single use, such as chop sticks, stirrers or spoons for ice cream.~~

~~7.— Except as otherwise provided in subsections 5 and 6, surfaces which come into contact with food may not be made of wood.~~

~~8.— Materials such as plastic or rubber that resist scratching, scoring, decomposition, crazing, chipping and distortion under normal use and are of a sufficient weight and thickness to permit cleaning and sanitizing by normal methods, may be used repeatedly as long as they remain smooth, nonabsorbent and easy to clean.~~

~~446.220— Articles designed for single use. (NRS 439.150, 439.200, 446.940)~~

~~1.— Mollusk and crustacea shells may be used only once as serving containers.~~

~~2.— Articles which are designed for a single use may not be used more than once.~~

~~3.— Plastic bags or disposable liners used as product modules and designed for a single use must be of nontoxic materials and of sufficient thickness to resist tears and cuts.~~

~~446.230— Equipment and utensils required to be durable. (NRS 439.150, 439.200, 446.940)~~
~~All equipment and utensils, including equipment and utensils made of plastic, must be durable under normal use and must resist denting, buckling, pitting, chipping and crazing.~~

~~446.235— Surfaces which may contact food. (NRS 439.150, 439.200, 446.940)~~

~~1.— Surfaces which may come into contact with food must be easily cleanable, smooth and free of breaks, open seams, cracks, chips, pits and similar imperfections. These surfaces must be free of internal corners and crevices which are difficult to clean.~~

~~2.— Copper and copper alloys, such as brass, may not be used in contact with a food that has a pH below 7.0, such as vinegar, fruit juice or wine, or for a fitting or tubing installed between a carbonator and a device to prevent backflow.~~

~~3.— Galvanized metal may not be used for utensils or surfaces which may come into contact with food that are on equipment used for beverages, moist food or hygroscopic food.~~

~~4.— Except as otherwise provided in this subsection, linens and napkins may not be used in contact with food. Linens and napkins may be used to line containers used for the service of food if the linens or napkins are replaced each time the container is refilled.~~

~~5.— Cloth gloves and gloves made of a material that is resistant to cuts may be used in direct contact with food that is subsequently cooked, such as frozen food or a primal cut of meat.~~

~~6.— Pewter may not be used as a surface which may come into contact with food.~~

~~7.— Cast iron may be used as a surface which may come into contact with food only if the food is nonacidic and the surface is heated.~~

~~8.— Unless designed for cleaning in place, surfaces which come into contact with food must be accessible for cleaning and inspection:~~

~~(a) Without being disassembled;~~

~~(b) By disassembling without the use of tools; or~~

~~(c) By easy disassembling with the use of only simple tools such as a mallet, screwdriver or open ended wrench. Such tools must be kept clean and maintained near the equipment and must be stored in such a manner that they do not contaminate food or surfaces which may come into contact with food.~~

~~9.— Product modules, lids, dispensing units and utensils must be designed and fabricated to comply with this section.~~

~~10.— Cold plates or other devices that are used to chill liquids must be built into a bin used for the storage of ice.~~

~~**446.240— Surfaces which do not contact food. (NRS 439.150, 439.200, 446.940)**~~

1.— Surfaces of equipment not intended for contact with food, but which are exposed to splashed liquids or debris or which otherwise require frequent cleaning, must be smooth, washable, free of unnecessary ledges, projections or crevices and readily accessible for cleaning. The surfaces must be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

2.— Tethers for utensils used for bulk food must be designed to be easily removable from the product module for cleaning.

446.245— Threads in equipment. (NRS 439.150, 439.200, 446.940)

1.— Threads in any equipment must be easy to clean.

2.— Ordinary “V” type threads are prohibited on surfaces which may come in contact with food, except that in equipment such as ice makers, cooking equipment using hot oil or filtering systems for hot oil, such threads may be used but must be minimized.

446.250— Lubricants for equipment. (NRS 439.150, 439.200, 446.940)

1.— Equipment with bearings and gears that require unsafe lubricants must be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto surfaces which may come into contact with food.

2.— Safe lubricants must be used on all other equipment with bearings and gears which require lubrication or on surfaces that may come into contact with food.

446.255— Tubes for beverages. (NRS 439.150, 439.200, 446.940)— Tubes which convey beverages or ingredients for beverages to the head of a dispenser may not touch stored ice that is intended for use as food.

446.260— Cleaning of equipment fixed in place. (NRS 439.150, 439.200, 446.940)

1.— Equipment intended for cleaning in place must be designed and fabricated so that:

~~(a) Solutions for cleaning and sanitizing can be circulated through a fixed system using an effective cleaning and sanitizing regimen;~~

~~(b) Solutions for cleaning and sanitizing will contact all interior surfaces which come in contact with food; and~~

~~(c) The system drains automatically or can be completely evacuated.~~

~~2. Equipment which is fixed in place and which must be cleaned and sanitized by using a pressure spray must have electrical wiring, switches and connections which are sealed.~~

~~3. Equipment which is fixed in place and not designed to be disassembled for cleaning must be designed with points that allow access to ensure that all interior surfaces which may come into contact with food are being cleaned effectively.~~

~~**446.265 — Indicating thermometers for food; devices for measuring food temperature.**~~

~~(NRS 439.150, 439.200, 446.940)~~

~~1. Indicating thermometers for food must:~~

~~(a) Have a metal stem;~~

~~(b) Be numerically scaled;~~

~~(c) Be calibrated in accordance with the manufacturer's specifications to ensure their accuracy; and~~

~~(d) Be accurate to plus or minus 2°F.~~

~~2. Devices for measuring food temperature must not have sensors or stems constructed of glass, unless they are encased in a shatterproof coating.~~

~~**446.270 — Hoods for ventilation; filters for grease. (NRS 439.150, 439.200, 446.940)**~~

~~1. Hoods and devices for ventilation must prevent grease or condensation from collecting on walls and ceilings, or from dripping into food or onto surfaces which come in contact with food.~~

~~2.— Filters or other equipment used to extract grease must be easy to remove for cleaning and replacement if not designed to be cleaned in place.~~

~~**446.275— Requirements for installation and maintenance of equipment installed before and after certain dates. (NRS 439.150, 439.200, 446.940)**~~

~~1.— Equipment that was installed in a food establishment before October 14, 1988, and does not meet all of the requirements of NAC 446.230 to 446.275, inclusive, may be acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition and the surfaces which may come into contact with food are not toxic.~~

~~2.— All new and replacement equipment installed after August 12, 1992, and before May 23, 1996, must:~~

~~(a) Comply with all applicable standards of the NSF International in effect as of January 31, 1988; or~~

~~(b) In the absence of any applicable standard, be approved by the health authority.~~

~~3.— All new and replacement equipment installed after May 23, 1996, must:~~

~~(a) Comply with all applicable standards of the NSF International in effect as of May 23, 1996; or~~

~~(b) In the absence of any applicable standard, be approved by the health authority.~~

~~4.— A copy of the standards of the NSF International may be purchased from the NSF International, P.O. Box 130140, Ann Arbor, Michigan 48113-0140, at the following prices:~~

No. 1. Soda Fountain and Luncheonette Equipment.....	\$35
No. 2. Food Service Equipment.....	40
No. 3. Commercial Spray Type Dishwashing Machines	40

No. 4. Commercial Cooking, Rethermalization and Powered Hot Food Holding and Transport Equipment.....	40
No. 5. Water Heaters, Hot Water, Supply Boiler and Heat Recovery Equipment.....	40
No. 6. Dispensing Freezers.....	35
No. 7. Food Service Refrigerators and Storage Freezers.....	25
No. 8. Commercial Powdered Food Preparation Equipment.....	35
No. 12. Automatic Ice Making Equipment.....	30
No. 18. Manual Food and Beverage Dispensing Equipment.....	30
No. 20. Commercial Bulk Milk Dispensing Equipment.....	25
No. 25. Vending Machines.....	25
No. 26. Pot, Pan and Utensil Washers.....	30
No. 29. Detergent Chemical Feeders for Commercial Spray Type Dishwashing Machines.....	25
No. 35. Laminated Plastics for Surfacing Food Service Equipment.....	25
No. 36. Dinnerware.....	25
No. 37. Air Curtains for Entrances in Food and Food Service Establishments.....	40
No. 51. Plastic Materials and Components Used in Food Equipment.....	40
No. 52. Supplemental Flooring.....	25
No. 59. Food Carts.....	35

~~446.280~~ Location of equipment. (NRS 439.150, 439.200, 446.940)

~~1. Equipment, including ice makers and equipment for storing ice, may not be located under exposed or unprotected sewer lines or waterlines, open stairwells or other sources of contamination.~~

~~2.—The requirement of subsection 1 does not apply to automatic sprinklers required by law.~~

~~446.285—Equipment mounted on table or counter. (NRS 439.150, 439.200, 446.940)~~

~~1.—Equipment mounted on a table or counter, unless portable, must be sealed to the table or counter or elevated on legs with a clearance of at least 4 inches (10 centimeters) between the table or counter and the equipment. The equipment must be installed to facilitate the cleaning of the equipment and adjacent areas.~~

~~2.—For the purposes of this section, equipment is portable if:~~

~~(a) It weighs 30 pounds (14 kilograms) or less and is mounted on casters, gliders or rollers, or is equipped with a mechanical system that requires no more than 30 pounds (14 kilograms) of force to safely tilt it; and~~

~~(b) It has no utility connection, has a utility connection that disconnects quickly or has a flexible utility connection of sufficient length to permit the equipment to be moved for easy cleaning.~~

~~446.290—Equipment mounted on floor. (NRS 439.150, 439.200, 446.940)~~

~~1.—Equipment which is mounted on the floor, unless it can be moved easily, must be:~~

~~(a) Sealed to the floor;~~

~~(b) Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing and clearance; or~~

~~(c) Elevated on legs with a clearance of at least 6 inches (15 centimeters) between the floor and the equipment, except that mixers which are vertically mounted may be elevated to allow a clearance of at least 4 inches (10 centimeters) between the floor and the mixer if no part of the floor under the mixer is more than 6 inches (15 centimeters) from access for cleaning.~~

~~2.—Equipment mounted on the floor is considered to be easy to move if:~~

(a) ~~It is mounted on wheels or casters; and~~

(b) ~~It has no utility connection, has a utility connection that disconnects quickly or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.~~

~~**446.295 — Spaces between equipment. (NRS 439.150, 439.200, 446.940)**~~

~~1. Unless sufficient space is provided for easy cleaning between, behind and above each unit of equipment which is fixed in place, the space between it and adjoining equipment and adjacent walls or the ceiling must not be more than one thirty second of an inch. If exposed to seepage, the equipment must be sealed to the adjoining equipment or adjacent walls or ceilings.~~

~~2. Aisles and working spaces between equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties without contaminating the food or surfaces which come in contact with food. All storage equipment which can be moved easily, such as pallets, racks and dollies, must be positioned to provide accessibility to working areas.~~

~~**446.300 — Cleaning tableware, kitchenware, utensils and other equipment. (NRS 439.150, 439.200, 446.940)**~~

~~1. Tableware must be washed, rinsed and sanitized after each use.~~

~~2. Kitchenware and surfaces which come in contact with food must be washed, rinsed and sanitized:~~

~~(a) After each use;~~

~~(b) Following any interruption of operations during which contamination may have occurred;~~

~~and~~

~~(c) If contamination is observed or suspected.~~

~~3.— Utensils and tethers for utensils used by customers in retail stores must be cleaned and sanitized at least daily or at more frequent intervals as required for the type of food or because of the accumulation of food particles.~~

~~4.— Product modules, lids and other equipment must be cleaned:~~

~~(a) Before they are restocked;~~

~~(b) If they are soiled; or~~

~~(c) At periodic intervals, depending upon the type of food and the accumulation of food particles.~~

~~**446.305— Equipment and utensils used to prepare potentially hazardous foods. (NRS 439.150, 439.200, 446.940)**—Where equipment and utensils are used for preparing potentially hazardous foods on a continuous basis or in a production line, the utensils and the surfaces of the equipment which come in contact with food must be washed, rinsed and sanitized at intervals throughout the day according to a schedule based on the temperature of the food, the type of food and the amount of accumulated particles of food.~~

~~**446.310— Cleaning of grills. (NRS 439.150, 439.200, 446.940)**~~

~~1.— The surfaces of grills, griddles and similar cooking devices and the cavities and seals around the doors of microwave ovens which come in contact with food must be cleaned at least once a day. This requirement does not apply to hot oil cooking equipment and hot oil filtering systems.~~

~~2.— The surfaces of all cooking equipment coming in contact with food must be kept free of encrusted deposits of grease and other accumulated soil.~~

~~**446.315— Cleaning of equipment which does not contact food. (NRS 439.150, 439.200, 446.940)**—Surfaces of equipment which do not come in contact with food must be cleaned as~~

often as necessary to keep the equipment free of accumulated dust, dirt, particles of food and other debris.

~~446.318—Maintenance and cleaning of fogger for produce. (NRS 439.150, 439.200, 446.940)~~—The holder of a permit for the operation of a food establishment shall ensure that the reservoir that is used to supply water to a fogger for produce is maintained and cleaned according to the manufacturer's specifications or at least once a week according to all the following specifications:

1. ~~The parts that contact water or aerosol, or both, must be completely disassembled and drained.~~
2. ~~The reservoir, aerosol tubing and discharge nozzles must be cleaned with a brush and a solution of hot water and detergent.~~
3. ~~The complete system must be flushed with water to remove the solution of hot water and detergent and any accumulation of particles.~~
4. ~~The reservoir, aerosol tubing and discharge nozzles must be rinsed by immersing those parts in, or spraying or swabbing those parts with, a solution containing at least 50 parts per million (ppm) of hypochlorite.~~

~~446.320—Cloths used to wipe up food. (NRS 439.150, 439.200, 446.940)~~

1. ~~Cloths to be used by cooks for wiping up food spilled on tableware, such as a plate or bowl containing food for a customer, must be clean, dry and used for no other purpose.~~
2. ~~Moist cloths used for wiping up food spilled on kitchenware and surfaces of equipment which come in contact with food and for cleaning surfaces of equipment which do not come in contact with food, such as counters, serving trays, tops of dining tables and shelves, must be clean and rinsed frequently in a sanitizing solution as specified in subsection 4 of NAC 446.330.~~

Such cloths must be used for no other purpose and must be stored in the sanitizing solution between uses.

~~446.325~~ Washing of utensils and equipment. (NRS ~~439.150, 439.200, 446.940~~)

1. For the manual washing, rinsing and sanitizing of utensils and equipment, a sink having at least three compartments and two integral drain boards of similar material that are each self-draining and of adequate size for the proper handling of soiled utensils and equipment before cleaning and for cleaned utensils following sanitizing must be used. The compartments of the sink must be large enough to accommodate the equipment and utensils, and all junctures within the compartments must be covered for easy cleaning. Each compartment must be supplied with hot and cold potable running water.

2. Fixed equipment and utensils which are too large to be cleaned in a sink must be washed manually or cleaned by using a pressurized spray. When a pressurized spray is used, the equipment must be disassembled as necessary to allow access of the pressurized spray to all parts and surfaces which must be cleaned.

3. Equipment and utensils must be preflushed or prescraped and, if necessary, presoaked to remove gross particles of food and other soil.

~~446.330~~ Sequence of manual washing. (NRS ~~439.150, 439.200, 446.940~~) Except for equipment which is fixed in place and utensils too large to be cleaned in a sink, manual washing, rinsing and sanitizing must be conducted in the following sequence:

1. Sinks must be cleaned before use.
2. Equipment and utensils must be thoroughly washed in the first compartment with a detergent solution at a temperature of 110°F (43°C) or more that is changed frequently.

3. ~~Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.~~

4. ~~Equipment and utensils must be sanitized in the third compartment according to one of the following methods:~~

~~(a) Immersion for at least 1/2 minute in clean hot water at a temperature of at least 170°F (77°C).~~

~~(b) Immersion for at least 1 minute in a clean solution containing at least 50 parts per million (ppm) of available chlorine as a hypochlorite, at a temperature of at least 75°F (24°C).~~

~~Equipment and utensils must be in contact with a chlorine solution at least 10 seconds if one of the following combinations of pH, water temperature and concentration of free available chlorine is used:~~

Minimum Temperature	Concentration	
F. (C.)	pH 8.0 or less	pH 8.1-10.0
120° (48.9°)	25 ppm	25 ppm
100° (39.4°)	50	50
75° (23.9°)	50	100
55° (12.8°)	100	100

~~(c) Immersion for at least 1 minute in a clean solution containing at least 12.5 parts per million (ppm) of available iodine and having a pH not higher than 5.0, at a temperature of at least 75°F (24°C).~~

~~(d) Immersion of 1 minute in a clean solution containing any other agent used for sanitizing which is approved by the health authority and provides the equivalent bactericidal effect of a solution containing at least 50 parts per million (ppm) of available chlorine as a hypochlorite, at a temperature of at least 75°F (24°C). For example, quaternary ammonium compounds must be at the concentration which is indicated by the manufacturer's instructions on the label. However, these compounds must be used only in water with 500 parts per million (ppm) hardness or less.~~

~~(e) Treatment with steam which is free from materials or additives other than those approved by the health authority for equipment which is too large to sanitize by immersion, but in which steam can be confined.~~

~~(f) Rinsing, spraying or swabbing with a sanitizing solution of at least twice the strength required for that particular sanitizing solution as listed in this section for equipment which is too large to sanitize by immersion, and then rinsing, spraying or swabbing with clean water.~~

~~**446.335 — Facilities for sanitizing equipment using hot water. (NRS 439.150, 439.200, 446.940)** — When hot water is used for sanitizing, the following facilities must be used:~~

~~1. A device or fixture for heating which is installed in, on or under the sanitizing compartment of the sink and is capable of maintaining the water at a temperature of at least 170°F (77°C).~~

~~2. An indicating thermometer which is numerically scaled and accurate to plus or minus 2°F (1°C) and is convenient for frequent checks of the temperature of the water.~~

~~3.— Dish baskets of a size and design which permit the complete immersion of the tableware, kitchenware and equipment.~~

~~**446.340— Chemicals for sanitizing equipment. (NRS 439.150, 439.200, 446.940)**~~

~~1.— If chemicals are used for sanitizing equipment and utensils, they must not have concentrations higher than the maximum permitted by the health authority.~~

~~2.— A kit for testing or other device that accurately measures the concentration of the solution in parts per million must be used.~~

~~**446.345— Dishwashing machines: General requirements. (NRS 439.150, 439.200, 446.940)**~~

~~1.— Cleaning and sanitizing may be done by dishwashing machines which spray or immerse the dishes or by any other type of machine or device if the machine or device thoroughly cleans and sanitizes the equipment and utensils. These machines and devices must be properly installed and maintained in good repair.~~

~~2.— Machines and devices must be operated in accordance with the manufacturer's instructions.~~

~~3.— Utensils and equipment placed in the machine or device must be exposed to all dishwashing cycles.~~

~~4.— Dispensers of automatic detergents, wetting agents and liquid sanitizers must be properly installed, operated and maintained.~~

~~5.— The pressure of the water used for the final rinse in dishwashing machines may not be less than 15 nor more than 25 pounds per square inch, measured in the waterline immediately adjacent to the valve that controls the final rinse. A 1/4-inch (6.35 millimeters) internal pipe size valve and pressure gauge mounted in the valve must be used immediately upstream from the~~

~~valve that controls the final rinse to permit a check of the pressure of the flow of the water. The pressure gauge must have an accuracy of plus or minus 2 pounds per square inch in the 15 to 25 pounds per square inch use range. The provisions of this subsection do not apply to pumped or recirculated rinse.~~

~~6.—An indicating thermometer which is numerically scaled, mounted in the machine or at the waterline and accurate to plus or minus 2°F (1°C) must be used to indicate the temperature of the water in each tank of the machine and the temperature of the water used for the final rinse as it enters the manifold.~~

~~7.—Tanks for water used to rinse the dishes must be protected by baffles, curtains or other effective means to minimize the entry of the water used to wash the dishes. Conveyors in dishwashing machines must be accurately timed to ensure proper exposure in all cycles in accordance with the manufacturer's specifications.~~

~~8.—Integral drain boards of an adequate size that are self draining must be used for the proper handling of soiled utensils before washing and of clean utensils following sanitization and must be located and constructed so that they do not interfere with the proper use of the dishwashing facilities.~~

~~9.—Equipment and utensils must be flushed or scraped and, if necessary, soaked to remove gross particles of food and other soil before being washed in a dishwashing machine unless the machine has a prewash cycle. Equipment and utensils must be placed in racks, trays, baskets or on conveyors so that surfaces coming in contact with food are exposed to the unobstructed application of detergent and clean water.~~

~~10.—Equipment and utensils must drain freely.~~

~~11. Dishwashing machines and devices must have an easily accessible and readable plate that is affixed to the machine by the manufacturer and indicates the machine's design and operating specifications. All dishwashing machines must conform to the manufacturer's specifications.~~

~~**446.350 Dishwashing machines: Use of chemicals. (NRS 439.150, 439.200, 446.940)**~~

~~Dishwashing machines that use chemicals for sanitization may be used if:~~

- ~~1. The temperature of the water used for washing is not less than 120°F (49°C);~~
- ~~2. The water used for washing is kept clean;~~
- ~~3. The chemicals added for sanitization are automatically dispensed;~~
- ~~4. Utensils and equipment are exposed to the final rinse in accordance with the manufacturer's specifications for time and concentration;~~
- ~~5. The temperature of the water used for rinsing is not less than 120°F (49°C) or less than the temperature specified by the manufacturer of the machine;~~
- ~~6. The chemicals used meet the requirements of the health authority; and~~
- ~~7. A kit for testing or other device that accurately measures the concentration of the solution in parts per million is available and is used.~~

~~**446.355 Dishwashing machines: Use of hot water. (NRS 439.150, 439.200, 446.940)**~~

~~Dishwashing machines using hot water for sanitizing may be used if the water used for washing and the water used for rinsing is kept clean and is maintained at not less than the following temperatures:~~

- ~~1. Machines with a single tank, stationary rack and a dual washing temperature:—~~

~~Temperature for washing.....150°F (66°C)~~

~~Temperature for final rinse.....180°F (82°C)~~

2. ~~Machines with a single tank, stationary rack and a single washing temperature:~~

Temperature for washing.....165°F (74°C)

Temperature for final rinse.....165°F (74°C)

3. ~~Machines with a single tank and a conveyor:~~

Temperature for washing.....160°F (71°C)

Temperature for final rinse.....180°F (82°C)

4. ~~Machines with multiple tanks and a conveyor:~~

Temperature for washing.....150°F (66°C)

Temperature for pumped rinse.....160°F (71°C)

Temperature for final rinse.....180°F (82°C)

5. ~~Machines used to wash pots, pans and utensils having a single tank and a stationary or moving rack:~~

Temperature for washing.....140°F (60°C)

Temperature for final rinse.....180°F (82°C)

~~446.360 Dishwashing machines: Cleaning of machines. (NRS 439.150, 439.200,~~

~~446.940) All dishwashing machines, including food screens, spray arms and flaps, must be cleaned thoroughly at the end of each 8-hour shift or when necessary to maintain them in a satisfactory operating condition.~~

~~446.365 Equipment and utensils required to be dried with air. (NRS 439.150, 439.200,~~

~~446.940) After sanitization, all equipment and utensils must be dried with air.~~

~~446.370 Handling of equipment and utensils after cleaning. (NRS 439.150, 439.200, 446.940)~~

~~1.— Equipment and utensils which have been cleaned and sanitized must be handled in a way that protects them from contamination.~~

~~2.— Spoons, knives and forks must be touched only by their handles.~~

~~3.— Cups, glasses, bowls, plates and similar items must be handled without contact with their inside surfaces or surfaces that contact the user's mouth.~~

~~4.— Utensils that have been dried with air may be polished with cloths that are kept clean and dry.~~

~~**446.375— Storage of sanitized utensils and equipment. (NRS 439.150, 439.200, 446.940)**~~

~~1.— Cleaned and sanitized utensils and equipment must be stored at least 6 inches (15-centimeters) above the floor in a clean, dry location in a way that protects them from contamination. The surfaces of fixed equipment which may come into contact with food must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines or waterlines, unless the lines are automatic sprinklers required by law.~~

~~2.— Glasses and cups must be stored inverted on a nonabsorbent, cleanable surface. Other stored utensils must be covered or inverted, wherever practical.~~

~~3.— Facilities for the storage of knives, forks and spoons must be designed and used to present the handle of the utensils to the employee or the customer. Unless tableware is prewrapped, holders for knives, forks and spoons at locations where customers serve themselves must protect these articles from contamination and present the handle of the utensil to the customer.~~

~~**446.385— Handling and storage of articles designed for single use. (NRS 439.150, 439.200, 446.940)**~~

~~1.— Articles designed for a single use must be handled and dispensed in a manner that prevents the contamination of surfaces which may come into contact with food or with the mouth of the user.~~

~~2.— Knives, forks and spoons packaged in bulk and designed for a single use must be inserted into holders or be wrapped by an employee who has washed his or her hands immediately before sorting or wrapping the utensils. Unless knives, forks and spoons designed for a single use are prewrapped or prepackaged, holders must be provided which protect these items from contamination and present the handle of the utensil to the customer.~~

~~3.— The storage of equipment, utensils or articles designed for a single use in rooms with toilets or their vestibules or in rooms containing garbage or mechanical fixtures is prohibited.~~

~~4.— Articles designed for single use must be stored at least 6 inches (15 centimeters) above the floor in closed cartons or containers which protect them from contamination. They may not be placed or stored under exposed sewer lines or waterlines, unless the lines are automatic sprinklers required by law.~~

~~**446.400— Bottled and packaged potable water. (NRS 439.150, 439.200, 446.940)**~~

~~1.— Bottled and packaged potable water must be obtained from a source approved by the health authority and must be handled and stored in a way that protects it from contamination.~~

~~2.— Bottled and packaged potable water must be dispensed from the original container.~~

~~**446.405— Water under pressure; system for hot water. (NRS 439.150, 439.200, 446.940)**~~

~~Water which is under pressure and maintained at the required temperature must be provided to all fixtures and equipment that use water. The system that generates and distributes hot water must be capable of meeting the demands of the entire food establishment at all times.~~

~~446.410— Steam which contacts food. (NRS 439.150, 439.200, 446.940)— Steam used in contact with food or surfaces which come in contact with food must be free from any materials or additives other than those approved by the health authority.~~

~~446.440— Location of lines which carry waste. (NRS 439.150, 439.200, 446.940)— A line which carries waste must not be installed over any area used for the preparation or storage of food or the cleaning of equipment or utensils unless the line is separated from that area by the floor immediately above or any other barrier or method that has been approved by the health authority.~~

~~446.447— Toilet facilities for special events. (NRS 439.150, 439.200, 446.940)~~

- ~~1.— The operator of a special event shall provide toilet facilities.~~
- ~~2.— The health authority shall determine the number of toilet facilities required for a special event based on the needs of each event.~~
- ~~3.— As used in this section, “toilet facilities” include portable toilets with facilities for washing hands that are equipped with an adequate supply of potable running water and hand soap and paper towels that are dispensed properly.~~

~~446.450— Sinks for washing hands. (NRS 439.150, 439.200, 446.940)~~

- ~~1.— Sinks for washing hands must be located to permit convenient use by all employees in areas used to prepare food and wash utensils. All new establishments and establishments which are extensively remodeled must also have sinks for washing hands located within the area used for the preparation of food.~~
- ~~2.— Sinks for washing hands must be accessible to employees at all times and may not be used for purposes other than washing hands.~~

~~3.— Sinks for washing hands must be located in or immediately adjacent to rooms with toilets or vestibules. Sinks used for preparing food or for washing equipment or utensils may not be used for washing hands.~~

~~4.— Each sink for washing hands must have hot and cold water tempered by a mixing valve or combination faucet. Any faucet which closes automatically, closes slowly or is metered must provide a flow of water for at least 20 seconds. Valves which mix steam are prohibited.~~

~~5.— A supply of soap or detergent for cleaning hands must be available at each sink for washing hands.~~

~~6.— A supply of sanitary towels or a device providing heated air for drying hands must be conveniently located near each sink for washing hands. Shared towels are prohibited. If disposable towels are used, receptacles which can be easily cleaned must be conveniently located near the sink for washing hands.~~

~~7.— Sinks for washing hands, dispensers for soap, devices for drying hands and all related fixtures must be easily cleanable and must be kept clean and in good repair.~~

~~**446.455— Containers for garbage. (NRS 439.150, 439.200, 446.940)**~~

~~1.— Garbage and refuse, including refuse to be recycled or returned, must be kept in containers which are durable, easy to clean, protected against insects and rodents and do not leak or absorb liquids. Plastic bags and paper bags which are strong when wet may be used to line these containers. These bags may also be used for storage inside the food establishment.~~

~~2.— Containers in areas used for preparing food and washing utensils must be kept covered after they are filled.~~

~~3.— Containers stored outside the establishment, dumpsters and compactors must be easy to clean and have lids, doors or covers that fit tightly. These containers must be kept covered when not in use.~~

~~4.— Containers designed with drains must have their plugs in place at all times except during cleaning.~~

~~5.— There must be a sufficient number of conveniently located containers to hold all of the garbage and refuse, including refuse to be recycled or returned, that accumulate.~~

~~6.— Soiled containers must be cleaned at a frequency to prevent attracting insects and rodents. Each container must be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or areas used for preparing food. If the operator of a food establishment cleans garbage containers at the establishment, hot water and detergent or steam must be provided and used for cleaning the containers.~~

~~7.— Liquid wastes from compacting or cleaning operations must be drained to the sewer through a drain that has been approved by the health authority. The health authority or public works department of the appropriate local government may require that any waste draining from the cleaning operation flow through an interceptor for grease.~~

~~446.460— Storage of garbage and refuse. (NRS 439.150, 439.200, 446.940)~~

~~1.— Garbage and refuse on the premises, including refuse to be recycled or returned, must be stored in a manner to make them inaccessible to insects and rodents.~~

~~2.— Unprotected plastic bags, paper bags or baled units containing garbage or refuse may not be stored outside.~~

~~3.— Cardboard or other packaging material which is free of garbage and other waste need not be stored in covered containers, but such packaging material must be contained to prevent scattering.~~

~~4.— Storage rooms for garbage or refuse, including refuse to be recycled or returned, must be constructed of materials which are easy to clean, nonabsorbent and washable. They must be kept clean, protected against insects and rodents, have adequate light, including not less than 20 foot-candles of light in the area of work, must be large enough to store the containers that accumulate and must be maintained free of unnecessary items.~~

~~5.— Storage areas or enclosures which are outside must be large enough to store the containers that accumulate and must be kept clean.~~

~~6.— Containers for garbage and refuse, including refuse to be recycled or returned, dumpsters, containers or bins for grease and compactors located outside must be stored on or above a reasonably smooth pad of concrete or asphalt, kept clean and maintained in good repair. The pad of concrete or asphalt must be sloped adequately with a curb for drainage to a sewer drain that has been approved by the health authority.~~

~~**446.470— Time for disposal of garbage and refuse. (NRS 439.150, 439.200, 446.940)**~~

~~1.— All garbage and refuse, including refuse to be recycled or returned, must be removed from the premises often enough to prevent it from developing an odor and attracting insects and rodents, but in any event it must be disposed of within intervals of 7 days, unless otherwise approved by the health authority.~~

~~2.— Areas around incinerators must be clean and orderly.~~

~~**446.475— Establishment required to be kept free of litter. (NRS 439.150, 439.200, 446.940)**~~

1.— ~~A food establishment and all property used in connection with its operation must be kept free of litter.~~

2.— ~~The walking and driving surfaces of all exterior areas of food establishments must be covered with concrete, asphalt, gravel or similar material which is effectively treated to facilitate maintenance, minimize dust and prevent muddy conditions. These surfaces must be graded to prevent pooling and must be kept free of litter.~~

~~**446.480— Use of measures to minimize or eliminate presence of insects and rodents required. (NRS 439.150, 439.200, 446.940)**— Effective measures to minimize the presence of rodents, flies, cockroaches and other insects on the premises, including routine inspections to detect the presence of such specimens, must be utilized. The premises, including the contiguous land or property under the control of the holder of the permit for the operation of the food establishment, must be kept in a condition designed to prevent or eliminate the harboring or feeding of insects or rodents.~~

~~**446.485— Protection of openings to outside. (NRS 439.150, 439.200, 446.940)**~~

1.— ~~Openings to the outside must be effectively protected against the effects of the weather and the entrance of rodents and insects by the use of doors which fit tightly and close automatically, closed windows, screens, controlled air currents, air curtains or other means approved by the health authority.~~

2.— ~~Doors with screens must close automatically and screens for windows, doors, skylights, transoms, intake and exhaust air ducts and other openings to the outside must fit tightly and be free of breaks.~~

3.— ~~Material for screens may not be less than 16 mesh to the inch.~~

~~446.490— Use of pesticides, rodenticides and insecticides. (NRS 439.150, 439.200,~~

~~446.940)~~

~~1.— Only pesticides and rodenticides approved by the State Department of Agriculture for use in a food establishment may be used.~~

~~2.— If a general use pesticide is used:~~

~~(a) Automatic spray dispensers must be installed pursuant to the manufacturer's instructions, but in no case directly above food, and at least 15 lineal feet (4.57 meters) from any packaged or unpackaged food or any surface which may come into contact with food or utensils.~~

~~(b) The active material dispensed through the automatic spray dispenser must be limited to pyrethrins, piperonyl butoxide and MGK-264 (N-octylbicycloheptene dicarboximide).~~

~~(c) The pesticide 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) A "bait station" must be:~~

~~(1) Covered;~~

~~(2) Designed so that it cannot be tampered with; or~~

~~(3) If open, maintained so that the pesticide is kept within the station.~~

~~(e) A tracking powder may not be used.~~

~~3.— If a restricted use pesticide is used, it must be applied by a certified applicator pursuant to the applicable law.~~

~~4.— An operator of a food establishment who engages in the regular application of insecticide or pesticide at the establishment after September 16, 1992, must submit a plan for application to the health authority. The plan must be approved by the health authority and include:~~

~~(a) The name of the applicator, if the operator contracts for such services;~~

- ~~(b) The names and purposes of the chemicals to be used;~~
- ~~(c) The dates or frequency that the chemicals will be used;~~
- ~~(d) The method or methods to be used for the protection of food, equipment and persons; and~~
- ~~(e) The method to be used for cleaning the establishment after the application of the insecticide or pesticide.~~

↪ Any changes to such a plan must be submitted to the health authority before another application may occur.

~~**446.495 Coverings for floors. (NRS 439.150, 439.200, 446.841, 446.940)**~~

~~1. The floors and the coverings for floors in all areas used for the preparation and storage of food and for washing utensils, and in all refrigerators, dressing rooms, locker rooms, rooms with toilets and vestibules, must be constructed of smooth, durable material, such as sealed concrete, terrazzo, ceramic tile, commercial and durable grades of linoleum or plastic, or tight wood impregnated with plastic, and must be maintained in good repair. Nothing prohibits the use of a covering designed to prevent falls in areas where it is necessary for safety if the covering is kept in good repair, can be cleaned properly and is maintained in a clean condition.~~

~~2. Carpeting must be closely woven, properly installed, easy to clean and must be maintained in good repair. Carpeting and area rugs are prohibited in any area used for the preparation of food or drinks or for washing equipment and utensils. Carpeting is also prohibited where food is stored and in areas where urinals or toilets and related fixtures are located.~~

~~3. Only sawdust sifted through a number 10 screen with all the fine dust removed and treated with a 10 percent saline solution may be used on the floors of butcher shops. If sawdust is used in a butcher shop:~~

- ~~(a) The sawdust must be changed daily or as necessary.~~

~~(b) The application or use of the sawdust must not cause the contamination of food or surfaces that may come into contact with food. If such contamination occurs, the use of sawdust is prohibited.~~

~~(c) The sawdust must not be tracked into walk-in refrigerators or freezers.~~

~~(d) The operator of the butcher shop shall, upon request by the health authority, demonstrate that he or she is in compliance with the provisions of NRS 446.841.~~

~~**446.500 — Height of ceilings. (NRS 439.150, 439.200, 446.940) —** Ceilings may not be less than 8 feet (240 centimeters) high in food establishments.~~

~~**446.505 — Floors flushed with water for cleaning. (NRS 439.150, 439.200, 446.940) —** Drains with traps must be used in floors that are flushed with water for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where a pressure spray is used for cleaning equipment. Such floors must be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and must be graded to drain.~~

~~**446.510 — Mats and duckboards. (NRS 439.150, 439.200, 446.940)**~~

~~1. Mats and duckboards must be made of nonabsorbent materials which are resistant to grease, easy to clean and designed to be removable for easy cleaning.~~

~~2. Duckboards may not be used as storage racks.~~

~~**446.515 — Junctures between walls and floors. (NRS 439.150, 439.200, 446.940) —** In all new or extensively remodeled establishments with floors made of concrete, terrazzo, ceramic tile or similar materials that are cleaned by being flushed with water, the junctures between the walls and the floors must be coved with a minimum radius of one-half inch (12.7 millimeters) and sealed. In all other cases, the junctures between walls and floors must not present an open seam of more than one thirty-second of an inch (0.79 millimeters) around coving materials.~~

446.520—Utility lines and pipes. (NRS 439.150, 439.200, 446.940)

1.—Utility lines and pipes which are exposed must not obstruct or prevent the cleaning of the floor. In all new or extensively remodeled establishments, the installation of horizontal utility lines and pipes on the floor is prohibited. In existing establishments, they are prohibited if they present a safety hazard or if they prevent the floor from being cleaned properly.

2.—Utility lines and pipes which are exposed must not obstruct or prevent the cleaning of the walls and ceilings. Utility lines and pipes must not be unnecessarily exposed on the walls or ceilings of refrigerators, areas used for preparing food or washing equipment and utensils, and rooms with toilets and vestibules. Utility lines and pipes must, as is reasonably possible, be located inside walls and floors.

446.525—Closures required to be in good repair. (NRS 439.150, 439.200, 446.940)

Walls, ceilings, doors, windows, skylights and similar closures must be maintained in good repair.

446.530—Walls and ceilings. (NRS 439.150, 439.200, 446.940)—The walls, nonsupporting partitions, coverings for walls, the ceilings of walk-in refrigerators or freezers, areas used for preparing food or washing equipment and utensils, and rooms with toilets and vestibules must be light colored, smooth, nonabsorbent, durable and easy to clean. The health authority may authorize a limited amount of texture for the walls. The walls and ceilings of walk-in refrigerators in all new establishments must be coved at all junctures and constructed of sheet metal made out of aluminum or stainless steel, plastic, tile or other impervious materials. Blocks made of concrete or pumice which are used for the construction of walls in these locations must have a smooth finish with no roughness, projections, pits, seams or texture, and must be sealed to provide a surface which is easy to clean.

~~446.535 — Studs, joists and rafters. (NRS 439.150, 439.200, 446.940) — Studs, joists and rafters may not be exposed in refrigerators, areas used for preparing food or washing equipment and utensils, and rooms with toilets and vestibules. If exposed in other rooms or areas, they must be finished to provide surfaces which are easy to clean.~~

~~446.545 — Equipment attached to walls or ceilings. (NRS 439.150, 439.200, 446.940) — Light fixtures, covers for vents, fans mounted on walls or ceilings, decorative materials and similar equipment attached to walls or ceilings must be easy to clean and must be maintained in good repair.~~

~~446.555 — Cleaning of floors and walls. (NRS 439.150, 439.200, 446.940)~~

~~1. — Floors and walls must be cleaned when the least amount of food is exposed, such as after closing or between meals, except in an emergency.~~

~~2. — Floors, mats, duckboards, walls, ceilings, attached equipment and decorative materials must be kept clean.~~

~~3. — Only methods of cleaning floors and walls which inhibit dust may be used, such as vacuum cleaning, wet cleaning or the use of sweeping compounds.~~

~~4. — In new or extensively remodeled establishments, at least one sink for cleaning or a curbed cleaning facility with a drain in the floor must be used for the cleaning of mops or similar tools used to clean wet floors and for the disposal of water used for mopping or similar liquid wastes. Lavatories or sinks normally used for preparing food or washing utensils or equipment may not be used for this purpose.~~

~~446.560 — Artificial sources of light. (NRS 439.150, 439.200, 446.940)~~

~~1.— Artificial sources of light which are permanently fixed must be installed to provide at least 50 foot-candles of light on all surfaces used for preparing food and at work levels used to wash equipment or utensils.~~

~~2.— Artificial sources of light which are permanently fixed must be installed to provide at a distance of 30 inches (75 centimeters) from the floor:~~

~~(a) At least 20 foot-candles of light in areas used to store equipment and utensils, in sales areas and in lavatories and rooms with toilets; and~~

~~(b) At least 20 foot-candles of light for cleaning in refrigerators, areas used to store dry food and in all other areas, including dining areas.~~

~~**446.565— Shatterproof light bulbs or shields for lighting fixtures required. (NRS 439.150, 439.200, 446.940)**— Coated, shatterproof light bulbs or shielding designed to prevent broken glass from falling onto unpackaged food must be used for all artificial lighting fixtures which are located over, by or within facilities used for the storage, preparation, service and display of food, for cleaning and storing utensils, equipment and linens, or for storing unwrapped articles designed for a single service or single use.~~

~~**446.570— Lamps used for heat. (NRS 439.150, 439.200, 446.940)**— Infrared or other lamps used for heat must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.~~

~~**446.575— Ventilation. (NRS 439.150, 439.200, 446.940)**~~

~~1.— All rooms must have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems must not, when vented to the outside, create an unsightly or harmful discharge.~~

~~2.— Intake and exhaust air ducts must be designed and maintained to prevent dust, dirt and other materials from contaminating food, utensils and equipment.~~

~~3.— In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate must be mechanically vented to the outside.~~

446.585 — Poisonous or toxic materials. (NRS 439.150, 439.200, 446.940)

~~1.— Except as otherwise provided in this subsection, only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils and controlling insects and rodents may be present in food establishments. Packaged poisonous or toxic materials that are offered for retail sale and employees' items for personal use may be present in food establishments.~~

~~2.— Containers of poisonous or toxic materials which are in use, and any of the employees' items for personal use which have been stored at the establishment, must be prominently and distinctly labeled for easy identification of contents.~~

~~3.— Poisonous or toxic materials and any of the employees' items for personal use may not be used or stored in a way that contaminates food, equipment or utensils, constitutes a hazard to employees or other persons, or other than in full compliance with the manufacturer's labeling.~~

~~4.— Poisonous or toxic materials consist of the following categories:~~

~~(a) Insecticides and rodenticides; and~~

~~(b) Detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes and other chemicals.~~

~~5.— Each category of poisonous or toxic materials must be stored separately. All poisonous or toxic materials must be stored in cabinets used for no other purpose and, when displayed for retail sale, must be separated by spacing, dividers or partitioning from food and articles designed~~

~~for a single use. Poisonous or toxic materials must not be stored above food, equipment used with food, utensils or articles designed for a single use, except that detergents or sanitizers may be conveniently placed by stations for washing dishes or utensils.~~

~~6.—A food container may not be used to store, transport or dispense poisonous or toxic materials.~~

~~7.—Original containers of poisonous or toxic materials must bear a legible manufacturer's label.~~

~~8.—A container previously used to store poisonous or toxic materials may not be used to store, transport or dispense food.~~

~~**446.595—Medications; first-aid supplies. (NRS 439.150, 439.200, 446.940)**~~

~~1.—Except as otherwise provided in this section, personal medications may not be stored in areas used for the storage, preparation or service of food. The health authority may approve the storage of a medication in a refrigerator that is used for the storage of food if:~~

~~(a) The medication requires refrigeration;~~

~~(b) The medication is kept in a covered and locked container that does not leak and to which only the user of the medication has a key;~~

~~(c) The container is labeled as a medication for an employee's use; and~~

~~(d) The container is stored on the lowest shelf of the refrigerator.~~

~~2.—First aid supplies must be stored in a way that prevents them from contaminating food and surfaces which come in contact with food.~~

~~**446.600—Articles stored on premises. (NRS 439.150, 439.200, 446.940)**~~

~~1.—Only those articles which are necessary for the operation and maintenance of the establishment may be stored on the premises.~~

2.— Equipment that is no longer in use because it is nonfunctional or irreparable may not be stored on the premises.

446.605—Restriction of persons in areas for preparing food or washing utensils. (NRS 439.150, 439.200, 446.940)—Unauthorized persons, including infants and toddlers, may not pass through or otherwise be present in the areas used for preparing food or washing utensils.

446.610—Establishments required to be separate entities. (NRS 439.150, 439.200, 446.940)

1.— No establishment may be operated in any room used as living or sleeping quarters.

2.— The serving or selling of food must be separated from any living or sleeping quarters by a complete partition and by solid doors which close automatically.

446.615—Laundry. (NRS 439.150, 439.200, 446.940)

1.— Laundering in a food establishment is restricted to the washing and drying of linens, cloths, uniforms and aprons which are necessary to the operation of the establishment unless the item does not need to be dried and is used immediately after being laundered. If such items are laundered on the premises, an electric or gas dryer must be used.

2.— Laundry facilities must be placed in a separate room except that laundering may be conducted in storage rooms containing only packaged foods or packaged articles intended for a single use. These facilities must be properly vented.

3.— Clean clothes and linens must be stored not less than 6 inches (15.24 centimeters) above the floor in a clean place and protected from contamination until used.

4.— Soiled clothes and linens must be stored in nonabsorbent containers or washable bags until removed for laundering and must be stored to prevent contamination of food and equipment and utensils used in the preparation of food. A container or bag used to hold soiled clothes and

linens must be so marked by letters that are not less than 2 inches (5 centimeters) high and of a contrasting color with the background.

5. Except as otherwise provided in this subsection, soiled clothes, linens or cloths may not be stored in cold storage rooms. The health authority may exempt a food establishment that processes meat, poultry or fish from the requirements of this subsection if the soiled clothes and linens are stored separate from the food.

446.620—Maintenance and storage of cleaning tools; use of sinks. (NRS 439.150, 439.200, 446.940)

1. Maintenance and cleaning tools, such as brooms, mops, buckets for mops, vacuum cleaners and similar equipment, must be maintained and stored in a way that does not contaminate food, utensils, equipment or linens and must be stored in an orderly manner.

2. Mops must be cleaned after each use and must be placed in a position and location that allows them to dry with air without soiling walls, equipment or supplies. Water that has been used for mopping must:

- (a) Not be left standing in any area used for preparing food or washing utensils; and
- (b) Must be disposed of properly and immediately after the mopping is completed.

3. Sinks for preparing food, sinks for washing hands and equipment for washing tableware may not be used for cleaning maintenance tools, preparing or holding maintenance materials or dispensing water used to clean a surface or similar liquid wastes.

446.660—Service openings. (NRS 439.150, 439.200, 446.865, 446.940)

1. Service openings at the counter may not be larger than necessary for the particular operation conducted.

~~2.— If required by the health authority, service openings must have solid or screened doors or windows which fit tightly or must have fans.~~

~~3.— Screened service openings in the counter must be kept closed except when in actual use.~~

~~**446.670— Enclosure of unit; service openings. (NRS 439.150, 439.200, 446.940)**~~

~~1.— The interior of a mobile unit must be of sufficient size, with equipment and fixtures conveniently located, and be completely enclosed with the exception of the service openings. Doors providing access to the outside must be equipped with mechanisms that cause the doors to close automatically and must be kept closed.~~

~~2.— Service openings may not be larger than 18 inches (45 centimeters) wide or 18 inches (45 centimeters) high and must be located away from areas used to prepare and dispense food and beverages. They must be open only while food and beverages are being dispensed, or fans must be used.~~

~~**446.675— Floors, walls and ceilings. (NRS 439.150, 439.200, 446.940)**~~

~~1.— Floors must be made of an impervious material.~~

~~2.— Junctures of floors, walls and adjoining fixtures must be watertight and coved.~~

~~3.— Walls and ceilings must be made of light colored, smooth, washable material which is free of open cracks and joints.~~

~~**446.680— Ventilation. (NRS 439.150, 439.200, 446.940)**— Ventilation must be provided by a fan and must include refrigeration when necessary to keep the interior temperature comfortable and to prevent the unnecessary opening of doors and service openings.~~

~~**446.685— Lighting. (NRS 439.150, 439.200, 446.940)**— Lighting within the mobile unit must provide at least 20 foot candles of light on all working surfaces at all times during use.~~

~~446.690~~ **Equipment and utensils.** (NRS ~~439.150, 439.200, 446.940~~)—Equipment, dispensers and utensils for the handling, processing, storage, dispensing and service of frozen desserts, mixes, beverages, food, dairy products and cups and utensils designed for a single use must be approved by the health authority.

~~446.695~~ **Refrigerators.** (NRS ~~439.150, 439.200, 446.940~~)—A mobile unit must have a refrigerator which is large enough to store safely all potentially hazardous foods. The refrigerator must have at least one integral or permanently affixed indicating thermometer accurate to within plus or minus 2°F (1°C). Only metal or plastic racks may be used in the refrigerator.

~~446.700~~ **Sinks.** (NRS ~~439.150, 439.200, 446.940~~)—A sink with three compartments which are each large enough to immerse utensils and which are supplied with running water at a temperature of at least 120°F (49°C) must be used. The sink must have a swivel faucet which is equipped with a mixing valve.

~~446.705~~ **Syrups.** (NRS ~~439.150, 439.200, 446.940~~)

- ~~1.~~—Syrups used to make sundaes, milkshakes and similar items must be kept in containers which are designed for a single use and which may be replaced daily.
- ~~2.~~—The container must have a cover which is one piece, made of a noncorrosive material and has a ladle attached to its underside.
- ~~3.~~—All syrups must be refrigerated and kept at less than 40°F (4.44°C).
- ~~4.~~—Pumps for syrup or milk may not be used.

~~446.710~~ **Tank for supply of water; inlet and outlet for water; filter; basin for washing hands; cleaning of tank.** (NRS ~~439.150, 439.200, 446.940~~)

- ~~1.~~—A tank which supplies potable water must have a minimum capacity of 40 gallons (152 liters), a sloped bottom and an outlet drain located at the lowest point of the tank.

~~2.—The inlet for water must be removable, made of flexible copper or other approved tubing and equipped with an approved vacuum breaker and nozzle for connecting a hose. The inlet must be capped when not in use. The inlet and outlet must be located to prevent contamination from the discharge of waste, dust from the road, oil or grease. The filler and drain hoses must be clearly and permanently identified, used for no other purposes than their intended purposes, and hung with the ends connected or covered when stored. If water is added only at the servicing depot, the vacuum breaker may be installed on the water tap at the depot.~~

~~3.—When compressed air is used to pressurize the tank, a filter that does not pass oil or oil vapors must be installed in the line that supplies the air, between the compressor and potable water system.~~

~~4.—A basin with warm, running, pressurized water, a nailbrush, soap and towels must be used for washing hands.~~

~~5.—The tank which supplies potable water, pump and hoses must be flushed and sanitized before being placed in service after construction, repair, modification and periods during which they were not used.~~

~~446.715 Tanks for waste. (NRS 439.150, 439.200, 446.940)~~

~~1.—A tank for waste that has a capacity at least 15 percent larger than the combined capacities of the tanks holding the water supply, is constructed with the bottom sloped to a drain that has an inner diameter of at least 1 inch (25 millimeters) and is equipped with a shut off valve must be used.~~

~~2.—The contents of the tank must be gauged.~~

~~3.— The tank must be emptied and flushed as often as necessary into an approved installation in the service depot or other sanitary station approved by the health authority in a manner which maintains sanitary conditions.~~

~~4.— A tank with an outlet for overflow may not be used.~~

~~**446.720— Containers for refuse. (NRS 439.150, 439.200, 446.940)**~~

~~1.— A can for refuse with a cover must be installed inside a mobile unit. Containers for the deposit of used cups, dishes, napkins and similar waste with openings to the inside of the mobile unit must also be installed.~~

~~2.— These containers must be of sufficient size for daily needs and must be constructed, designed and placed so they can be readily cleaned, be kept clean and do not create a nuisance.~~

~~3.— Containers intended for use by customers must have large, clear signs on the covers stating “Deposit Trash Here” or similar wording that has been approved by the health authority.~~

~~**446.730— Posting of notice of instructions. (NRS 439.150, 439.200, 446.940)**— A notice must be posted within mobile units with instructions relating to:~~

~~1.— Personal cleanliness;~~

~~2.— The proper handling and maintenance of food, beverages, dairy mixes and containers, including the maintenance of required temperatures;~~

~~3.— The proper methods of cleaning and sanitizing equipment, utensils and equipment used in supplying water; and~~

~~4.— The proper disposal of liquid wastes that are stored in a holding tank and of refuse.~~

~~**446.735— Proposed changes required to be submitted to health authority. (NRS 439.150, 439.200, 446.940)**— Any proposed changes in servicing depots, routes, zones, equipment or the~~

operation of a mobile unit must be submitted to and approved by the health authority before the proposed changes are made.

~~446.740—Operation of unit from servicing depot; operation of depot. (NRS 439.150, 439.200, 446.940)~~

1.—All mobile units must be operated from a servicing depot as authorized by a permit from the health authority.

2.—Each mobile unit must report to its respective depot at least once each day for sanitizing and servicing.

3.—The depot must comply with the requirements of NAC 446.050 to 446.625, inclusive, where applicable, and with the requirements of NAC 446.665 to 446.815, inclusive.

4.—A depot that is based outside the jurisdiction of the health authority may be operated in this State if the operator satisfies the requirements of subsection 3 and obtains the permit issued pursuant to the provisions of NRS 446.875.

~~446.745—Room for cleaning units. (NRS 439.150, 439.200, 446.940)~~

1.—A room large enough to accommodate a mobile unit, with properly constructed walls, ceiling and floors, and proper ventilation and lighting must be provided at a servicing depot for cleaning the units.

2.—Floors must be properly sloped and drains suitably constructed for receiving waste from the mobile unit.

~~446.750—Refrigerating or storage areas required to be separate from cleaning areas.—~~

~~(NRS 439.150, 439.200, 446.940)~~—Areas in a servicing depot for refrigerating or storing food, beverages, supplies and equipment must be separated by proper partitions from the area used for cleaning mobile units.

~~446.755~~— Hoses and water for washing units. (NRS ~~439.150, 439.200, 446.940~~)

~~1.— There must be a sufficient hose for washing a mobile unit at a servicing depot and a facility to hang the hose to prevent its contamination.~~

~~2.— There must be a sufficient amount of steam or hot water, at a temperature of at least 170°F (77°C), to sanitize properly the mobile unit and equipment which is not sanitized with chemical disinfectants.~~

~~446.760~~— Sinks and drain boards. (NRS ~~439.150, 439.200, 446.940~~)— A sink with three compartments and integral drain boards that are self draining, that is constructed of material which will not corrode and is of a sufficient size to accommodate the largest equipment, container or utensil washed therein, and metal racks for drying utensils, containers and equipment must be used at a servicing depot.

~~446.765~~— Vacuum breakers. (NRS ~~439.150, 439.200, 446.940~~)

~~1.— The supply of water at a servicing depot must be equipped with a vacuum breaker.~~

~~2.— The hose connection used for flushing the waste tank of the mobile unit must be protected with a vacuum breaker.~~

~~446.770~~— Disposal of liquid waste. (NRS ~~439.150, 439.200, 446.940~~)— The tank which retains liquid waste must be thoroughly flushed and drained during servicing. All liquid waste must be discharged into a sanitary system for the disposal of sewerage in accordance with the provisions of NAC 446.395 to 446.450, inclusive.

~~446.775~~— Posting of daily schedule of units. (NRS ~~439.150, 439.200, 446.940~~)— A daily schedule of the mobile units which operate from a servicing depot must be posted on the exterior of the depot. The schedule must reflect the specified routes that the units will cover on any particular day.

~~446.810 Attendance of operator required. (NRS 439.150, 439.200, 446.940) The operator of a mobile unit shall be in attendance at all times when the mobile unit is open for business.~~

~~446.815 Doors or covers for compartments. (NRS 439.150, 439.200, 446.940) If a mobile unit has compartments from which customers serve themselves, compartments must have doors which close tightly or covers which properly protect the unit from bad weather, effectively exclude dust and protect the interior of the unit. The compartments must be closed while the unit is being moved.~~

~~446.823 Knowledge of provisions of chapter. (NRS 439.150, 439.200, 446.940) The health authority may require the holder of a permit issued pursuant to the provisions of NRS 446.875, or his or her designated agent, to demonstrate a knowledge of the provisions of this chapter by:~~

- ~~1. Passing an examination, which may be written or oral; or~~
- ~~2. Completing a course of instruction that has been approved by the health authority.~~

~~446.865 "Vending machine" defined. (NRS 439.200, 446.940)~~

~~1. As used in NAC 446.865 to 446.910, inclusive, unless the context otherwise requires, "vending machine" means any device designed for customers who serve themselves and which, upon the insertion of money or tokens, dispenses unit servings of food, in bulk or in packages, without the necessity of replenishing the device between each vending operation.~~

~~2. The term does not include any device which dispenses only nuts, popcorn, ball gum, hard candy, prepackaged candy, cookies, crackers or similar snacks, beverages which are not potentially hazardous food or prepackaged ice.~~

HEALTH DIVISION
PUBLIC HEALTH AND CLINICAL SERVICES
ENVIRONMENTAL HEALTH

LCB File No. R069-10

Information Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation.
The proposed changes to NAC 446 bring the State's food rule current with guidelines established in the United States Food and Drug Administration 2005 Model Food Code with certain provisions from the 2009 Model Food Code. Changing this code will ensure that the state has the most uniform food rules between the state and county health jurisdictions ever. This benefits industry in that uniformity in rules makes it much easier to interpret and understand regulatory requirements thereby enhancing food safety for the State of Nevada.
2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.
A notice of workshop, small business impact questionnaire and instructions on how to view the proposed regulations were sent to all local health authorities and all food establishment permit holders. The proposed regulations are also posted on the NSHD website.
3. The number of persons who:
 - (a) Attended the hearing;
Workshop: 6
 - (b) Testified at each hearing; and
Workshop: 2 Board of Health Meeting: 0
 - (c) Submitted to the agency written statements.
None
4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing.
 - (a) Name;
 - (b) Telephone number;
 - (c) Business address;
 - (d) Business telephone number
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented.Of the two people who participated in the workshop, neither provided any of the information listed in (a)-(f).
5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.
A notice of workshop, small business impact questionnaire and instructions on how to view the proposed regulations were sent to all food establishment permit holders. The proposed

regulations are also posted on the NSHD website. Below is a table summarizing the number of responses from the mailings.

Total Number of Responses:	29
Meeting Small Business Definition	29
Having Direct Adverse Effect:	11
Having Direct Beneficial Effect:	2
Having No Adverse or Beneficial Effect:	10
Did Not Complete Survey:	6

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed. The regulations were adopted without changes as no requests for changes to the proposed regulations were received from the public during the public comment period.
7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:
 - (a) Both adverse and beneficial effects; and
 The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects:
 - Regulated businesses: Based on the comments from the majority of the questionnaires, the proposed changes will not have an adverse economic effect.
 - Public: Based on the comments from the majority of the questionnaires, the proposed changes will not have an adverse economic effect.
 - (b) Both immediate and long term effects.
 The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects:
 - Regulated businesses: Based on the comments from the majority of the questionnaires, the proposed changes will not have an adverse economic effect.
 - Public: Based on the comments from the majority of the questionnaires, the proposed changes will not have an adverse economic effect.
8. The estimated cost to the agency for enforcement of the proposed regulation.
 The cost for enforcing the proposed regulations is the same as current costs to enforce existing regulations.
9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or

overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

The proposed regulations do not duplicate regulations of any state or governmental agencies.

10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

None.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Fees are unchanged.

Draft Formatting - Un-codified