

WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

August 26, 2016

MEMORANDUM

To: State Board of Health Members
From: Kevin Dick, Washoe County District Health Officer
Subject: Consideration and approval of the Regulations of the Washoe County District Board of Health Governing Food Establishments

At its regularly scheduled meeting on August 25, 2016, the Washoe County District Board of Health conducted a public hearing to take comment and consider adoption of proposed amendments to the Regulations of the Washoe County District Board of Health Governing Food Establishments. By unanimous vote (5-0 with two absent) the Board approved the proposed amendments.

Attached is the staff report provided to the Washoe County District Board of Health as well as the new food establishment regulations as approved by the Board. Approval of these regulations by the State Board of Health will constitute the final step needed to implement a food establishment inspection process that accurately reflects the occurrence of foodborne illness risk factors in Washoe County food establishments, and maintain consistency with the national regulatory standards in the current version of the U.S Food and Drug Administration Model Food Code.

If you have any questions, please contact Amber English, Senior Environmental Health Specialist in the Food Safety Program at the Washoe County Health District at (775) 328-2629.

STAFF REPORT
BOARD MEETING DATE: August 25, 2016

TO: District Board of Health

FROM: Amber English, Senior Environmental Health Specialist
775-328-2629, aeenglish@washoecounty.us

SUBJECT: Review, discussion and possible adoption of Proposed Amendments to the Regulations of the Washoe County District Board of Health Governing Food Establishments (proposing deletion of sections 240.060 and 240.065 related to grades and grading of food establishments, addition of provisions from the U.S. Food and Drug Administration Model Food Code, as well as minor edits and formatting corrections).

SUMMARY

The Washoe County District Board of Health must approve amendments to the Regulations of the Washoe County District Board of Health Governing Food Establishments. Per NRS 237 Business Impact Statements “must be considered by the governing body at its regular meeting next preceding any regular meeting held to adopt” the Proposed Amendments. At the July 28, 2016 District Board of Health meeting, the Board considered and accepted the Business Impact Statement as required and designated the next regular meeting of the Board, August 25, 2016, as the public hearing to consider adoption of the proposed amendments.

District Board of Health Strategic Priority: Healthy Environment: Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

PREVIOUS ACTION

The Washoe County District Board of Health last approved amendments to the Regulations on May 28, 2015.

The Business Impact Statement associated with the Proposed Amendments to the Regulations of the Washoe County District Board of Health Governing Food Establishments was considered and accepted by the District Board of Health at the regular District Board of Health meeting on July 28, 2016. The Board also approved the next regular meeting of the Board, August 25, 2016, as the public hearing to consider adoption of the proposed amendments.

BACKGROUND

The Food Safety Program is continuously striving to enhance the quality of services we provide to the public and promote active managerial control of risk factors most commonly associated with foodborne disease in food establishments. Although significant amendments to the Regulations of the Washoe County District Board of Health Governing Food Establishments were approved last year, additional amendments are required to achieve this goal. Below is a summary of the changes that are being proposed to the Regulations:

- Incorporate additional provisions from the most current version of the U.S Food and Drug Administration (FDA) Model Food Code.
- Delete portions of the Regulations pertaining to grades and grading of food establishments in order to implement a system that accurately reflects the occurrence of foodborne illness risk factors in food establishments.
- Minor edits and formatting corrections.

Links to the final version of the proposed revisions can be found at:

<https://www.washoecounty.us/health/files/regulations/ehs/FoodRegsInspectionFormUpdateMay2016.pdf>

In 2004, Environmental Health Services enrolled in the FDA's Voluntary National Retail Food Regulatory Program Standards. The Program Standards is a quality improvement program that provides a foundation upon which regulatory agencies can build through a continuous improvement process. It also allows for program evaluation and measures program effectiveness. The Program Standards consist of nine standards intended to enhance the quality of services we provide to the public and promote active managerial control of risk factors most commonly associated with foodborne disease in food establishments. Approval of the proposed Regulations and the subsequent implementation of the new food establishment inspection form and rating system will aid the Food Safety Program in meeting the criteria of Standard 1 – Regulatory Foundation, Standard 3 – Inspection Program Based on HACCP Principles and Standard 9 – Program Assessment.

In an effort to provide an overview of the proposed regulation revisions and inspection process, answer questions and receive input from interested persons, two public workshops were held on June 7, 2016 and June 9, 2016. The following methods were used to provide notice of the proposed regulatory revisions:

- A total of 1,810 notices were mailed to permit holders, giving notice of the proposed regulatory revisions and offering methods of providing input.
- The program's Food Safety Listserve was utilized to send email notices of the public workshops and hearings to food establishment operators, businesses, and other stakeholders.
- A press release was issued urging interested persons to attend the workshops and hearings.

- The Environmental Health Services Facebook page was utilized to invite followers to the workshops
- Workshop and hearing announcements and a copy of the proposed Regulations were posted on the Health District website.

A total of 18 individuals attended the workshops – eight attendees on June 7th and ten attendees on June 9th. Attendees included food establishment operators, business owners and representatives from the Nevada Restaurant Association and the Retail Association of Nevada.

During the workshops, a presentation was given on the specific proposed regulatory changes and the new inspection process and rating system. One food establishment operator asked whether we would provide a template to help operators develop the required written procedures when using a non-continuous cooking process. Staff agreed to provide additional guidance and resources to help operators develop the non-continuous cooking written procedures. Other sections of the proposed Regulations and the new inspection rating process were discussed and after clarification, no negative comments were received. All attendees seemed generally accepting of the proposed regulatory changes and new inspection process. A copy of the PowerPoint presentation is attached for reference and links to the Food Establishment Inspection Field Guide and Inspection Form can be found at:

<https://www.washoecounty.us/health/programs-and-services/food-protection-services/food-safety-news.php>

Notice of the proposed Regulation Amendment public hearing was posted in the Reno Gazette Journal on July 21, 22, and 25, 2016.

Next Steps:

Should the Washoe County District Board of Health approve the proposed amendments to the Regulations, additional public workshops to discuss the new inspection form and process will be conducted September 12, 13, and 14, 2016.

FISCAL IMPACT

There are no fiscal impacts resulting from the Board adopting the revisions to the Regulations as the changes will not require any modifications to the existing administrative duties associated with the implementation of the program.

RECOMMENDATION

Staff recommends the Washoe County District Board of Health review, discuss and adopt the Amendments to the Regulations of the Washoe County District Board of Health Governing Food Establishments (proposing deletion of sections 240.060 and 240.065 related to grades and grading of food establishments, addition of provisions from the U.S. Food and Drug Administration Model Food Code, as well as minor edits and formatting corrections).

Subject: Food Establishment Proposed Regulation Amendments

Date: August 25, 2016

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POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be "Move to adopt the Amendments to the Regulations of the Washoe County District Board of Health Governing Food Establishments (proposing deletion of sections 240.060 and 240.065 related to grades and grading of food establishments, addition of provisions from the U.S. Food and Drug Administration Model Food Code, as well as minor edits and formatting corrections)."

RECEIVED

JUN 15 2015
INT. *Nancy Parent*
NANCY PARENT
WASHOE COUNTY CLERK

WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

REGULATIONS
OF
THE WASHOE COUNTY DISTRICT BOARD OF HEALTH
GOVERNING

FOOD ESTABLISHMENTS

Washoe County Health District
1001 East Ninth Street
PO Box 11130
Reno, NV 89520
(775) 328-2434

ADOPTED BY THE WASHOE COUNTY DISTRICT BOARD OF HEALTH ON MAY 28, 2015
APPROVED BY THE NEVADA STATE BOARD OF HEALTH ON JUNE 12, 2015



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APPENDIX NRS 446 182

AUTHORITY

Whereas, unsanitary conditions in food establishments constitute a serious hazard to the public health, safety and welfare; and

Whereas, the Nevada Revised Statutes, particularly NRS 439.130, 439.150, 439.200, 444.350, 585.300, 585.310, and 585.350, and Chapter 446, authorize and require the regulation of sanitation of food establishments,

Now, therefore, the Washoe County District Board of Health does hereby adopt the following Regulations of the Washoe County District Board of Health Governing Food Establishments on May 28, 2015. Approved by the Nevada State Board of Health on June 12, 2015.

**THE REGULATIONS
OF THE
WASHOE COUNTY DISTRICT BOARD OF HEALTH
GOVERNING FOOD ESTABLISHMENTS**

CHAPTER 010

DEFINITIONS

General

As used in these regulations, unless the context otherwise requires, the words and terms set forth in sections 010.005 through 010.905 have the meanings ascribed to them in those sections.

010.005 “Accessible” defined. “Accessible” means:

- A. When applied to equipment; fabricated to be exposed for cleaning and inspection using simple tools such as hand-held screwdrivers, pliers, and open-end wrenches;
- B. When applied to plumbing fixtures, connections, appliances or equipment; having access thereto, but which first may require the removal of an access panel, door, or similar obstruction; or
- C. Not blocked by equipment or other barrier.

010.010 “Accrediting organization” defined. “Accrediting organization” means an independent organization that determines whether a food protection manager certification program meets the standards set by the CFP.

010.015 “Adulterated food” defined. “Adulterated food” has the meaning ascribed in Nevada Revised Statutes (NRS) 585.300 through 585.310. A food shall be deemed adulterated if:

- A. It bears or contains any poisonous or deleterious substance which may render it injurious to health unless the substance is not an added substance and the quantity of the substance does not ordinarily render it injurious to health;
- B. It consists in whole or in part of a diseased, contaminated, filthy or decomposed substance, or if it is otherwise unfit for food;
- C. It has been produced, prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth or rendered diseased, unwholesome or injurious to health;
- D. It is the product of an animal which is diseased, died otherwise than by slaughter or was fed upon the uncooked offal from a slaughterhouse;
- E. Its container is composed, in whole or in part, of any poisonous or deleterious substance, which may render the contents injurious to health;
- F. It bears or contains any color additive, which is unsafe within the meaning of the Federal Act;
- G. Any valuable constituent has been in whole or in part omitted or abstracted there from;

- H. Any substance has been substituted wholly or in part therefore;
- I. Damage or inferiority has been concealed in any manner; or
- J. Any substance has been added thereto or mixed or packed therewith so as to increase bulk or weight or reduce its quality or strength, or make it appear better or of greater value than it is.

- 010.020 "Approved" defined.** "Approved" means acceptable to the Health Authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health.
- 010.025 " a_w " defined.** " a_w " means the symbol for water activity.
- 010.030 "Balut" defined.** "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.
- 010.035 "Barbecue" defined.** "Barbecue" means an area or facility at a food establishment, other than the main area for preparing food that has equipment for cooking food.
- 010.040 "Bed and breakfast facility" defined.** "Bed and breakfast facility" means a commercial home offering bed and breakfast accommodations to one (1) or more persons.
- 010.045 "Beverage" defined.** "Beverage" means a liquid for drinking, including water.
- 010.050 "Board of Health" defined.** "Board of Health" means the District Board of Health of the Washoe County Health District created pursuant to Chapter 439 of the Nevada Revised Statutes and by the interlocal agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada.
- 010.055 "Bottled drinking water" defined.** "Bottled drinking water" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.
- 010.060 "Bulk food" defined.** "Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the customer are withdrawn. The term includes a self-service operation.
- 010.065 "Casing" defined.** "Casing" means a tubular container for sausage products made of either natural or artificial (synthetic) material.
- 010.070 "Caterer" defined.** "Caterer" means an approved food establishment that is capable of serving or preparing food at a location other than its primary location.
- 010.075 "Certification number" defined.** "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.

- 010.0850** **“Certified Food Protection Manager” defined.** “Certified Food Protection Manager” means a person who has demonstrated by means of a food safety certification examination to a certification organization that they have the knowledge, skills, and abilities required to protect the public from foodborne disease.
- 010.0805** **“Certification organization” defined.** “Certification organization” means an organization that provides an accredited certification program for food protection manager certification, including a recognized examination, and issues a certificate for passage of the examination.
- 010.090** **“CFP” defined.** “CFP” is the acronym for the Conference for Food Protection.
- 010.095** **“Child care facility” defined.** “Child care facility” means a facility as defined in the Washoe County Department of Social Services Regulations for Child Care Facilities.
- 010.100** **“Cleaned-in-place” defined.** “Cleaned-in-place” means:
- A. 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, such as the method used, in part, to clean and sanitize a frozen dessert machine.
 - B. Cleaned-in-place does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a cleaned-in-place system.
- 010.105** **“Closed” defined.** “Closed” means fitted together snugly, leaving no openings large enough to permit the entrance of vermin.
- 010.110** **“Commingle” defined.** “Commingle” means:
- A. To combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or
 - B. “Commingle” means to combine shucked shellfish from containers with different container codes or different shucking dates.
- 010.115** **“Communicable disease” defined.** “Communicable disease” means a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism. Communicable diseases are those listed in NAC 441A.040.
- 010.120** **“Comminuted” defined.** “Comminuted” means:
- A. To reduce in size by methods including chopping, flaking, grinding, or mincing.
 - B. “Comminuted” includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

- 010.125 "Conditional employee" defined.** "Conditional employee" means a potential food employee to whom a job offer is made, conditional on 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 done in compliance with Title I of the Americans with Disabilities Act of 1990.
- 010.130 "Consumer" defined.** "Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing establishment, and does not offer food for resale.
- 010.135 "Control" defined.** "Control" means to manage the operations of a food establishment to maintain compliance with established food protection standards, applicable laws and regulations. The state where correct procedures are being followed and compliance is being met.
- 010.140 "Control point" defined.** "Control point" means any point or procedure at which a biological, chemical, or physical hazard can be controlled.
- 010.145 "Corrosion-resistant" defined.** "Corrosion-resistant" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.
- 010.150 "Counter-mounted equipment" defined.** "Counter-mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.
- 010.155 "Critical control point" defined.** "Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.
- 010.160 "Critical item" defined.** "Critical item" means a provision of these regulations that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.
- 010.165 "Critical limit" defined.** "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 the identified food safety hazard may occur.
- 010.170 "Cut leafy greens" defined.** "Cut leafy greens" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e. immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula, and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.
- 010.175 "Direct supervision" defined.** "Direct supervision" means the training and supervision of a designated person-in-charge, by a Certified Food Protection Manager, to operate a permitted food establishment in compliance with all applicable laws and regulations pertaining to food when the Certified Food Protection Manager is absent from the food establishment.

010.180 "Disclosure" defined. "Disclosure" means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

010.185 "Donated game animals" defined. "Donated game animals" means any game animals that are processed in an approved facility which are given as a gift, grant or contribution; a donation which is not affected or restricted by any given condition, circumstance or monetary means.

010.190 "Dry storage area" defined. "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 such as single-service items.

010.195 "Easily cleanable" defined. "Easily cleanable" means a characteristic of a surface that:

- A. Allows effective removal of soil by normal cleaning methods;
- B. Is dependent on the material, design, construction, and installation of the surface; and
- C. Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

010.200 "Easily movable" defined. "Easily movable" means:

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

010.205 "Egg" defined.

- A. "Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey.
- B. "Egg" does not include:
 - 1. A balut;
 - 2. The egg of reptile species such as alligator; or
 - 3. An egg product.

010.210 "Egg product" defined.

- A. "Egg product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.
- B. "Egg product" does not include food which contains eggs only in a relatively small proportion such as cake mixes.

- 010.215 "Employee" defined.** "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 contractual agreement, or other person working in a food establishment.
- 010.220 "EPA" defined.** "EPA" means the U.S. Environmental Protection Agency.
- 010.225 "Equipment" defined.**
- A. "Equipment" means an article that is used in the operation of a food establishment such as 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
 - B. "Equipment" does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.
- 010.230 "Event promoter" defined.** "Event promoter" means a person, firm, association or corporation licensed by the county commission or city council to conduct a special event or activity.
- 010.235 "Exclude" defined.** "Exclude" means to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee.
- 010.240 "Extensively remodeled" defined.** "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.
- 010.245 "Family child care home" defined.** "Family child care home" means a home as defined in the Washoe County Department of Social Services Regulations for Child Care Facilities.
- 010.250 "Farm products" defined.** "Farm products" includes all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, livestock and livestock products and hay. The term does not include timber products or milk and milk products. (NRS 576.0155).
- 010.255 "Farm-to-fork" defined.** "Farm-to-fork" means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of these regulations.
- 010.260 "Farmers' market" defined.** "Farmers' market" means a place of business where the actual producer of farm products can bring products for direct sale to consumers. The term includes a place of business where a person rents space to producers for the sale of farm products.
- 010.265 "FDA" defined.** "FDA" means the U.S. Food and Drug Administration.

010.270 "Fish" defined.

- A. "Fish" means fresh or saltwater fin-fish, crustaceans and other forms of aquatic life (including 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.
- B. "Fish" includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

010.275 "Food" defined. "Food" means any food, drink, confection or beverage, or any component in the preparation or manufacture thereof, intended for ultimate human consumption, stored, being prepared or manufactured, displayed, offered for sale, sold, or served in a food establishment or temporary food establishment (NRS 446.017).

For the purpose of these regulations, water and ice served or offered in a food establishment, and chewing gum, are considered food.

010.280 "Food additive" defined. "Food additive" means any substance, the intended use of which results directly or indirectly, in its becoming a component or otherwise affecting the characteristics of food.

- A. "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).
- B. "Color additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

010.285 "Food-contact surface" defined. "Food-contact surface" means:

- A. A surface of equipment or a utensil with which food normally comes into contact; or
- B. A surface of equipment or a utensil from which food may drain, drip, or splash:
 - 1. Into a food; or
 - 2. Onto a surface normally in contact with food.

010.290 "Food employee" defined. "Food employee" means a person working with unpackaged food, food equipment or utensils, or food-contact surfaces.

010.295 "Food establishment" defined.

- A. Except as otherwise limited by Subsection B in this section, "food establishment" means any place, structure, premise, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale, or served. (NRS 446.020).
- B. The term does not include:
 - 1. Private home, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;
 - 2. Fraternal or social clubhouses, at which attendance is limited to members of the club;
 - 3. Vehicles operated by common carriers engaged in interstate commerce;

4. Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;
5. Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;
6. Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under Chapter 584 of NRS;
7. The premises of a wholesale dealer of alcoholic beverages licensed under Chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers;
8. A cottage food operation that meets the requirements of these regulations; or
9. A farm for purposes of holding a farm-to-fork event that meets the requirements of these regulations.

010.300 “Food establishment undergoing remodeling” defined. “Food establishment undergoing remodeling” means any food establishment, which changes the floor plans or the structure of the building that houses the operation and/or a food establishment, which changes its food handling operations.

010.305 “Food handler” defined. “Food handler” means:

- A. Any person employed in or operating a food establishment, temporary or permanent, whether that person is an employer, employee, or other person who handles, stores, transports, prepares, manufactures, serves or sells food, or who comes in contact with eating or cooking utensils or other equipment used in the handling, preparation, manufacture, service or sale of food.
- B. The term does not include a person who only handles, stores, transports, sells or otherwise comes in contact with food that is permanently sealed or packaged for sale directly to the consumer and who, if the food is potentially hazardous food, handles the food only occasionally or incidentally outside the normal and usual course and scope of his responsibilities or employment.

010.310 “Food preparation” defined. “Food preparation” means processing, cutting, mixing, mincing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food but does not include trimming of produce.

010.315 “Food processing establishment” defined. “Food processing establishment” means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption. The term includes any establishment that:

- A. Processes:
 1. Vitamins;
 2. Food supplements;
 3. Food additives;
 4. Spices;
 5. Tea;
 6. Coffee;
 7. Salsa;

- 8. Jelly or jam;
 - 9. Condiments; or
 - 10. Candy; or
- B. Cans food or packages food in packaging with a modified atmosphere.

010.320 **“Food Protection Hearing and Advisory Board” defined.** “Food Protection Hearing and Advisory Board” means the group of individuals appointed by the Washoe County District Board of Health to serve, as needed, when an appeal or variance hearing is required by these regulations.

010.325 **“Food Protection Manager certificate.** “Food Protection Manager certificate” means a certificate issued by the certification organization, indicating the holder of the certificate has demonstrated a satisfactory level of training and competency to perform the functions of a Certified Food Protection Manager.

010.3430 **“Foodservice trailer” defined.** “Foodservice trailer” means a portable unit for service of food designed to be towed on public roads, and having an enclosed area for storage, handling, or preparation of food. Such units shall be permitted as portable units for service of food under the category foodservice trailer.

010.3305 **“Foodborne disease” defined.** “Foodborne disease” means an illness caused by the consumption of contaminated food.

010.33540 **“Foodborne disease outbreak” defined.** “Foodborne disease outbreak” means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

010.345 **“Full-time” defined.** “Full-time” means, as it pertains to Certified Food Protection Manager requirements, 30 hours per week or the length of time the food establishment is in operation, whichever is less.

010.350 **“Game animal” defined:**

- A. "Game animal" means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 Definitions, or as poultry, or fish.
- B. "Game animal" includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.
- C. "Game animal" does not include ratites.

010.355 **“Garbage” defined.** “Garbage” means putrescible animal and vegetable waste resulting from the handling, storage, preparation, cooking, sale and serving of food and beverage. This includes, but is not limited to:

- A. Offal, swill, kitchen and table waste, and other organic animal and vegetable waste;
- B. Bottles, cans, cups, plates, utensils, containers, and any other materials that have been in direct contact with a food or beverage; and

C. Components used in the preparation or manufacture of food intended for animal or human consumption.

- 010.360** **“General-use pesticide” defined.** “General-use pesticide” means a pesticide that is not classified by EPA for restricted use.
- 010.365** **“Golf cart-style food unit” defined.** “Golf cart-style food unit” means a very small, motorized vehicle, including golf carts and similar vehicles, used to transport and serve food or beverages at various locations inside large buildings or on large tracts of land including but not limited to golf courses. Such units shall be permitted as portable units for service of food under the category golf cart-style food unit.
- 010.370** **“Grade A standards” defined.** “Grade A standards” means the requirements of the United States Public Health Service/FDA “Grade A Pasteurized Milk Ordinance” with which certain fluid and dry milk and milk products comply.
- 010.375** **“Group child care home” defined.** “Group child care home” means a home as defined in the Washoe County Department of Social Services Regulations for Child Care Facilities.
- 010.380** **“HACCP” defined.** “HACCP” is the acronym for Hazard Analysis Critical Control Point and means a systematic approach to the identification, evaluation, and control of food safety hazards.
- 010.385** **“HACCP plan” defined.** “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.
- 010.390** **“HACCP system” defined.** “HACCP system” means the result of the implementation of a HACCP plan.
- 010.395** **“Handwashing sink” defined:**
- A. “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.
 - B. “Handwashing sink” includes an automatic handwashing facility.
- 010.400** **“Hazard” defined.** “Hazard” means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.
- 010.405** **“Hazard analysis” defined.** “Hazard analysis” means the process of collecting and evaluating information on hazards associated with food to decide which are significant and must be addressed in a HACCP Plan.
- 010.410** **“Health Authority” defined.** “Health Authority” means the officers and agents of the Washoe County District Board of Health.

- 010.415 "Health District" defined.** "Health District" means the Washoe County Health District created pursuant to NRS 439 and the interlocal agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada. It includes all the incorporated cities and unincorporated areas within the geographic boundaries of Washoe County, Nevada.
- 010.420 "Health practitioner" defined.** "Health practitioner" means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physicians assistant, or a person with similar qualifications.
- 010.425 "Hermitically sealed container" defined.** "Hermitically 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.
- 010.430 "Highly susceptible population" defined.** "Highly susceptible population" means persons who are more likely than other people in the general population to experience foodborne disease because they are:
- A. Immunocompromised; preschool age children, or older adults; and
 - B. Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day-care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.
- 010.435 "Indoor foodservice cart" defined.** "Indoor foodservice cart" means a portable unit for service of food operated only at locations clearly identified in the permit application, and must be within a building having restroom facilities that are accessible during all hours of operation.
- 010.440 "Injected" defined.** "Injected" means manipulating a 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 such as by processes which may be referred to as "injecting," "pinning," or "stitch pumping."
- 010.445 "Juice" defined:**
- A. "Juice" means the aqueous liquid expressed or extracted from one (1) or more fruits or vegetables, purées of the edible portions of one (1) or more fruits or vegetables, or any concentrates of such liquid or purée.
 - B. "Juice" does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.
- 010.450 "Kitchenware" defined.** "Kitchenware" means food preparation and storage utensils.
- 010.455 "Law" defined.** "Law" means applicable local, State, and Federal statutes, regulations and ordinances.
- 010.460 "Linens" defined.** "Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

- 010.465 “Liquid waste” defined.** “Liquid waste” means a waste material which is not spadeable.
- 010.470 “Low-risk food” defined.** “Low-risk food” means food that presents very low risk of causing foodborne disease when handled in specific ways as approved by the Health Authority. Examples include, but are not limited to:
- A. Open containers of pasteurized or ultra-pasteurized milk or similar liquid dairy products which are maintained at 41°F or lower, to be steamed for immediate use in espresso-type beverages.
 - B. Ultra-pasteurized half-and-half, or similar coffee creamers in single-serving hermetically sealed containers.
 - C. Prepackaged ice cream bars, and other frozen dairy products which are served without the need for a dipper well
 - D. Commercially packaged hot dogs heated for ~~hot~~warm holding ~~shall be held at no less than 135°F until served.~~
 - E. Nuts, high-sugar candy, honey, cookies, bread, beef jerky, unsliced melons, and intact raw fruit.
- 010.475 “Major food allergen” defined.** “Major food allergen” means:
- A. Milk, egg, fish such as bass, flounder, cod, crab, lobster or shrimp; tree nuts such as almonds, pecans, or walnuts; wheat, peanuts, and soybeans; or
 - B. A food ingredient that contains protein derived from a food, as specified in Subsection A of this definition.
 - C. “Major food allergen” does not include any highly refined oil derived from a food specified in Subsection A of this definition and any ingredient derived from such highly refined oil
- 010.480 “Meat” defined.** “Meat” means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals.
- 010.485 “mg/L” defined.** “mg/L” means milligrams per liter, which is the metric equivalent of parts per million (ppm).
- 010.490 “Misbranded” defined.** “Misbranded” means the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, which is false or misleading or which violates any applicable state or local labeling requirements. (NRS 446.053)
- 010.495 “Mobile unit” defined.** “Mobile unit” means any vehicle operating from an approved servicing 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 includes full service “hot” trucks and limited service “ice cream” trucks. The term does not include any portable unit for service of food.
- 010.500 “Molluscan shellfish” defined.** “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.

010.505 **“Natural and unprocessed state” defined.** “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.

010.510 **“New food establishment” defined.** “New food establishment” means any food establishment beginning operation at a location, which is newly constructed for that purpose or a food establishment beginning operation in any preexisting structure.

010.513 **“Non-continuous cooking” defined:**

- A. “Non-continuous cooking” means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.
- B. “Non-continuous cooking” does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

010.515 **“Nonprofit organization” defined.** “Nonprofit organization” means an entity which desires to be eligible for the nonprofit fee as defined in these regulations and meets the requirements of NRS ~~chapter~~ 82 or which has tax exempt status recognized by the Internal Revenue Service.

010.520 **“NSF” defined.** “NSF” means the National Sanitation Foundation.

010.525 **“Operational plan” defined.** “Operational plan” means a written and approved document and contractual agreement other than a HACCP plan, in which are listed specific practices or procedures that are intended to ensure that:

- A. An establishment is maintained in a clean and sanitary condition; or
- B. Activities associated with the establishment’s operations do not compromise public health.

010.530 **“Operational supervision” defined.** “Operational supervision” means the on-site supervision and management of a permitted food establishment’s foodservice operations and foodservice employees.

010.535 **“Ornamental attraction of water” defined.** “Ornamental attraction of water” means a fountain or similar aesthetic feature filled with water that is used for decorative purposes only.

010.540 **“Outdoor food establishment” defined.** “Outdoor food establishment” means a type of food establishment that is in an unenclosed or partially enclosed outdoor area, may have equipment for cooking, staging or storing food, is not within its supporting food establishment’s physical structure, is on the premises of its supporting food establishment, and is not intended to be operated as a temporary food establishment.

010.545 **“Outdoor/indoor foodservice cart” defined.** “Outdoor/indoor foodservice cart” means a portable unit for service of food operated only at locations clearly identified in the permit application. An outdoor/indoor foodservice cart may be operated inside or outside of buildings and must have restroom facilities that are accessible during all hours of operation.

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010.550 "Packaged" defined:

- A. "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing establishment.
- B. "Packaged" 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.

010.555 "Permit" defined. "Permit" means the document issued by the Health Authority that authorizes a person to operate a food establishment.

010.560 "Permit holder" defined. "Permit holder" means the entity that:

- A. Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and
- B. Possesses a valid permit to operate a food establishment.

010.565 "Person" defined. "Person" means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

010.570 "Person-in-charge" defined. "Person-in-charge" (PIC) means the person present at a food establishment who is responsible for the operation of the establishment at the time of an inspection.

010.575 "Personal care items" defined. "Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance and include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

010.580 "pH" defined. "pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

010.585 "Physical facilities" defined. "Physical facilities" means the structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air-conditioning system vents.

010.590 "Plumbing fixture" defined. "Plumbing fixture" means a receptacle or device that:

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

010.595 "Plumbing system" defined. "Plumbing system" means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

010.600 “Poisonous or toxic materials” defined. “Poisonous or toxic materials” means substances that are not intended for ingestion and are included in these four (4) categories:

- A. Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- B. Both restricted- and general-use pesticides except sanitizers, which include substances such as insecticides and rodenticides;
- C. Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and
- D. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

010.605 “Portable banquet bar” defined. “Portable banquet bar” means a portable unit for service of food that serves only beverages and drink garnishes.

010.610 “Portable unit for service of food” defined. “Portable unit for service of food” means a food establishment on wheels, easily conveyed from a servicing area to one (1) or more approved locations where food is served, and clearly identified in the permit application.

010.615 “Potable water” defined. “Potable water” means any water, from an approved source such as an approved domestic water supply, which is bacteriologically safe and otherwise suitable for drinking and meets the standards established by the Nevada Division of Environmental Protection as defined in NRS Chapter 445A.855.

010.620 “Potentially hazardous food (time/temperature control for safety food)” defined:

- A. “Potentially hazardous food (time/temperature control for safety food)” means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.
- B. “Potentially hazardous food (time/temperature control for safety food)” includes:
 - 1. An animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support pathogenic microorganism growth or toxin formation; and
 - 2. Except as specified in Subsection C(4) of this definition, a food that because of the interaction of its a_w and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A: Interaction of pH and a_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged			
a_w values	pH values		
	4.6 or less	> 4.6 – 5.6	> 5.6
≤ 0.92	non-PHF*/non-TCS food**	non-PHF/non-TCS food	non-PHF/non-TCS food
> 0.92 - .95	non-PHF/non-TCS food	non-PHF/non-TCS food	PA***
> 0.95	non-PHF/non-TCS food	PA	PA

* 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 or heat-treated but not packaged				
a_w values	pH values			
	< 4.2	4.2 – 4.6	>4.6 – 5.0	> 5.0
< 0.88	non-PHF*/non-TCS food**	non-PHF/non-TCS food	non-PHF/non-TCS food	non-PHF/non-TCS food
0.88 – 0.90	non-PHF/non-TCS food	non-PHF/non-TCS food	non-PHF/non-TCS food	PA***
>0.90 - 0.92	non-PHF/non-TCS food	non-PHF/non-TCS food	PA	PA
>0.92	non-PHF/non-TCS food	PA	PA	PA

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

- C. “Potentially hazardous food (time/temperature control for safety food)” does not include:
1. An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *Salmonellae*;

2. A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
3. Food that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-PHF/non-TCS food in Table A or B of this definition;
4. A food that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded because of:
 - a) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients;
 - b) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use; or
 - c) A combination of intrinsic and extrinsic factors; or
5. A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of these Subsections C(1-4) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

010.625 “Poultry” defined:

- A. “Poultry” means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead; and
- B. “Poultry” means any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead.

010.630 “Premises” defined:

- A. “Premises” means the physical facility, its contents, and the contiguous land or property under the control of the permit holder; or
- B. “Premises” means the physical facility, its contents, and the land or property not described in Subsection A of this definition if its facilities and contents are under the control of the permit holder and may impact food establishment personnel, facilities, or operations, and a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

010.635 “Primal cut” defined. “Primal cut” means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

010.640 “Produce” defined. “Produce” means any whole, fresh fruit or vegetable in its natural and unprocessed state.

010.645 “Produce stand” defined. “Produce stand” means a food operation that sells, offers for sale, or gives away only produce.

010.650 “Producer” defined. “Producer” means a person or entity that produces fruit, nuts or vegetables by the practice of the agricultural arts upon the land that the person or entity owns and/or controls.

010.655 “Public water system” defined. “Public water system” means a system, regardless of ownership, that provides the public with water for human consumption through pipes or other constructed conveyances, as defined in NRS Chapter 445A. The term includes:

- A. A facility for the collection, pumping, treatment, storage or distribution of water which is controlled by the operator of the system and used primarily in connection with the system; and
- B. A facility for the collection or storage before treatment of water which is not controlled by the operator of the system but is used primarily in connection with the system.

010.660 “Pushcart” defined. “Pushcart” means a portable unit for service of food operated only at outdoor locations and designed to be towed on public roads or maneuverable by one (1) person when fully loaded.

010.665 “Putrescible waste” defined. “Putrescible waste” means waste that is capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and attract and/or harbor vectors, or cause similar objectionable conditions. Food wastes, offal and dead animals are examples of putrescibles waste.

010.670 “Ratite” defined. “Ratite” means a flightless bird such as an emu, ostrich, or rhea.

010.675 “Ready-to-eat” defined. “Ready-to-eat” means a food that 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 that is edible without additional preparation to achieve food safety. It could be raw or cooked, hot or chilled and could be consumed without further heat-treatment including reheating.

A. “Ready-to-eat food” includes:

- 1. Raw animal food that is cooked as specified in these regulations and posted with the disclosure and reminder statement;
- 2. 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;
- 3. 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;
- 4. Fruits and vegetables that are cooked for hot holding;
- 5. Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;
- 6. Substances derived from plants such as spices, seasonings, and sugar;
- 7. A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;
- 8. The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and thermally processed low-acid foods packaged in hermetically sealed containers.

B. "Ready-to-eat food" does not include:

1. Prepackaged food, which does not require cooking and/or will be cooked by the consumer in the package. The package must prevent bare hand contact with the food item;
2. Raw fruits and vegetables that are intended for washing by the consumer before consumption as in grocery or retail sales;
3. Plated or dished food which with reasonable care will not be touched during serving.

C. "Ready-to-eat food" exceptions:

1. Is prepared in accordance with a waiver that is granted by the Health Authority;
2. May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

010.680 "Reconstituted" defined. "Reconstituted" means the recombination of dehydrated food products with water or other liquids.

010.685 "Recycling" defined. "Recycling" means the process by which salvaged materials are transformed into new products.

010.690 "Reduced oxygen packaging" defined:

A. "Reduced oxygen packaging" means:

1. 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 to a level below that normally found in the atmosphere (approximately 21% at sea level); and
2. A process as specified in Subsection A(1) of this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.

B. "Reduced oxygen packaging" includes:

1. Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;
2. Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;
3. Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material;
4. Cook-chill packaging, in which cooked food is hot filled into impermeable bags and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or
5. Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

- 010.695 “Refuse” defined.** “Refuse” means garbage for purposes of these regulations.
- 010.700 “Reminder” defined.** “Reminder” means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.
- 010.705 “Reservice” defined.** “Reservice” 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.
- 010.710 “Restrict” defined.** “Restrict” means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.
- 010.715 “Restricted-use pesticide” defined.** “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.
- 010.720 “Risk” defined.** “Risk” means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.
- 010.725 “Risk Level I food establishment” defined.** “Risk Level I food establishment” means a permitted food establishment that presents an extremely low relative risk of causing foodborne disease based upon few or no food handling operations implicated in foodborne disease outbreaks. Risk Level I food establishments are limited to food establishments that:
- A. Serve or sell only prepackaged non-potentially hazardous food (time/temperature control for safety food);
 - B. Conduct limited food preparation steps of non-potentially hazardous foods (time/temperature control for safety food) such as slicing bagels, buttering toast, or opening prepackaged baked goods for individual sale;
 - C. Serve only beverages and ice, such as espresso, mixed and blended drinks;
 - D. Heat only commercially processed, potentially hazardous foods (time/temperature control for safety food) such as hot dogs for hot holding and where cooling or reheating of food items is prohibited; or
 - E. Conduct cold holding of commercially prepackaged, ready-to-eat, potentially hazardous food (time/temperature control for safety food) such as sandwiches and frozen foods, without opening of the package.

Examples of Risk Level I food establishments include, but are not limited to convenience stores, hot dog and espresso carts, concession stands, bars/lounges, coffee shops, warehouses, and mobile [units or portable units for service of food](#) ~~trucks~~ with frozen foods or meats.

- 010.730 “Risk Level II food establishment” defined.** “Risk Level II food establishment” means a permitted food establishment that presents a medium relative risk of causing foodborne disease based upon few food handling operations typically implicated in foodborne disease outbreaks. Risk Level II food establishments are limited to food establishments that:
- A. Prepare, cook, and serve most foods immediately;

- B Limit the complex preparation of potentially hazardous food (time/temperature control for safety food) including cooking, cooling, and reheating for hot holding to three (3) or fewer items;
- C Limit cold or hot holding to a single meal service; or
- D Use minimal preparation and assembly steps to prepare foods from raw ingredients.

Examples of Risk Level II food establishments include, but are not limited to, fast food restaurants, bakeries, sandwich shops, child care facilities, elementary and middle schools with minimal food preparation, and processors/manufacturers of non-potentially hazardous food (time/temperature control for safety food).

010.735 “Risk Level III food establishment” defined. “Risk Level III food establishment” means a permitted food establishment that presents a significant relative risk of causing foodborne disease based on the large number of food handling operations typically implicated in foodborne disease outbreaks and/or the type of population served by the establishment. Risk Level III food establishments are limited to food establishments that:

- A. Conduct complex food preparation steps including thawing, cooking, cooling, cold holding, reheating and hot holding for more than three (3) potentially hazardous foods (time/temperature control for safety food);
- B. Perform extensive handling of large volumes of raw potentially hazardous food (time/temperature control for safety food) ingredients;
- C. Operate extended hours of food preparation activities;
- D. Perform advanced preparation of potentially hazardous food (time/temperature control for safety food) for next day service;
- E. Primarily serve highly susceptible populations and any other Risk Level III and most Risk Level II activities;
- F. Conduct specialized processes such as smoking, curing, and reduced oxygen packaging or modified atmospheric packaging for extended shelf life;
- G. Process/manufacture potentially hazardous food (time/temperature control for safety food);
- H. Prepare potentially hazardous food (time/temperature control for safety food) for off-premise serving, for which time and temperature requirements during transportation, holding, and service are relevant; or
- I. Have a history of repeated critical violations, repeat violations, or enforcement issues. Establishments meeting these requirements will be reassigned for a period of at least one (1) year at the higher risk level.

Examples of Risk Level III food establishments include, but are not limited to, full service restaurants, continuous operation casino/resort kitchens, restaurants and buffets, hospitals, nursing and extended care facilities, processors/manufacturers of potentially hazardous food (time/temperature control for safety food), caterers serving potentially hazardous food (time/temperature control for safety food), a central kitchen that transports food to satellite locations, and establishments conducting specialized processing at retail.

010.740 “Rubbish” defined. “Rubbish” means non-putrescible waste, consisting of both combustible and noncombustible waste(s) such as, but not limited to, paper, cardboard, bottles, tin and iron cans, wood, glass, bedding, crockery and similar materials.

- 010.745** **“Safe materials” defined.** “Safe materials” means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affecting the characteristics of any food.
- 010.750** **“Safe temperatures” defined.** “Safe temperatures” means temperatures of 41 °F (5°C) or below and 135°F (57° C) and above for the transport or storage of potentially hazardous foods (time/temperature control for safety foods).
- 010.755** **“Sample vendor” defined.** “Sample vendor” means a vendor operating a temporary food establishment in which samples of food are prepared and distributed in individual portions.
- 010.760** **“Sanitization” defined.** “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% reduction, of representative disease microorganisms of public health importance.
- 010.765** **“Sealed” defined.** “Sealed” means free of cracks or other openings that could allow the entry or passage of moisture.
- 010.770** **“Service animal” defined.** “Service animal” means an animal that has been trained to assist or accommodate a person with a disability.
- 010.775** **“Servicing area” defined.** “Servicing area” means one (1) or more locations approved by the Health Authority and used by operators of mobile units, portable units for service of food, or vending machines for such things as food and supply storage, warewashing, food preparation, vehicle and equipment cleaning and maintenance, discharging liquid or solid wastes, and refilling water tanks and ice bins.
- 010.780** **“Sewage” defined.** “Sewage” means a combination of the liquid and water-carried wastes from any building or plumbing fixture together with such groundwater, surface water and storm water as may be present. Water-carried wastes, include but are not limited to, excrement and liquid wastes from kitchens, water closets, laundries, portable or non-sewered toilets and holding tanks.
- 010.785** **“Shellfish control authority” defined.** “Shellfish control authority” means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.
- 010.790** **“Shellstock” defined.** “Shellstock” means raw, in-shell molluscan shellfish.
- 010.795** **“Shucked shellfish” defined.** “Shucked shellfish” means molluscan shellfish that have one (1) or both shells removed.
- 010.800** **“Single-service articles” defined.** “Single-service articles” means tableware, carry-out utensils, and other items such as bags, containers, place mats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one (1) time, one person use after which they are intended for discard.

010.805 "Single-use articles" defined:

- A. "Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded.
- B. "Single-use articles" 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 materials, durability, strength, and cleanability specifications for multi-use utensils.

010.810 "Slacking" defined. "Slacking" means the process of moderating the temperature of a food such as allowing a food to gradually increase from 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.

010.815 "Smooth" defined:

- A. "Smooth" means a food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;
- B. "Smooth" means a nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and
- C. "Smooth" means a floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

010.820 "Solid waste" defined. "Solid waste" means garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive.

010.825 "Special event" defined. "Special event" means a transitory gathering such as, but not limited to, an activity, a celebration, festival or fundraiser, which is open for patronage and participation to the general public.

010.830 "Splash zone" defined. "Splash zone" means:

- A. The surface areas of walls, floors, ceilings and equipment in establishments that are subject to splash, spillage or food soiling during normal operations; and
- B. The vertical distance from the floor to a minimum height of 24 inches above the highest point of a piece of equipment or plumbing fixture, and a minimum horizontal distance of 12 inches from the equipment or fixture.

010.835 "Substantial health hazard" defined. "Substantial health hazard" means any 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:

- A. 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 be otherwise unfit for human consumption, is found in a food establishment.

- B. 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°C) or under any other condition capable of supporting the rapid growth of bacteria.
- C. Potentially hazardous food (time/temperature control for safety food) served to customers or exposed to other contamination is served again.
- D. A person infected with a communicable disease that can be transmitted by food is working as a food handler in an establishment.
- E. Person(s) 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.
- F. Equipment, utensils and working surfaces are not cleaned and sanitized effectively and may contaminate food during preparation, storage or service.
- G. 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.
- H. Toilets and facilities for washing hands are not provided, properly installed, designed, fully operable and accessible.
- I. The supply of potable water is not approved or does not meet the applicable requirements for sampling and public notification set forth in NRS 445A 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.
- J. 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.
- K. There exists the presence of insects, rodents or other animals, which may result in contamination of food.
- L. There exist poisonous or toxic materials which are labeled, stored or used improperly or inadequately.

010.840 **“Tableware” defined.** “Tableware” means bowls, cups, serving dishes, tumblers, plates, eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons.

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

010.850 **“Temporary food establishment” defined.** “Temporary food establishment” means any food establishment which operates at a fixed location for a temporary period of time, not to exceed two (2) weeks, in connection with a fair, carnival, circus, public exhibition, celebration or similar transitory gathering.

010.855 **“USDA” defined.** “USDA” means the U.S. Department of Agriculture.

- 010.860** **“Utensil” defined.** “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as 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.
- 010.865** **“Variance” defined.** “Variance” means a written document issued by the Health Authority that relieves a permit holder from one (1) or more requirements of these regulations if, in the opinion of the Health Authority, a health hazard or nuisance will not result from the issuance of the variance.
- 010.870** **“Vehicle” defined.** “Vehicle” means any device that transports any person and goods upon a highway, except devices moved by human power.
- 010.875** **“Vending machine” defined.** “Vending machine” means a self-service device that, upon 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. 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 (time/temperature control for safety food) or prepackaged ice.
- 010.880** **“Vending machine location” defined.** “Vending machine location” means the room, enclosure, space, or area where one (1) or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machine(s).
- 010.885** **“Waiver” defined.** “Waiver” means a written agreement between the Health Authority and a permit holder that authorizes a modification of one (1) or more requirements of these regulations if, in the opinion of the Health Authority, a health hazard or nuisance will not result from the modification. Supporting documents 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.
- 010.890** **“Warewashing” defined.** “Warewashing” means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.
- 010.895** **“Water activity” defined.** “Water activity”, as indicated by the symbol “ a_w ,” 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.
- 010.900** **“Whole-muscle, intact beef” defined.** “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.
- 010.905** **“Wholesome” defined.** “Wholesome” means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

CHAPTER 020

PERMITS AND FEES

PERMITS

020.005 Prohibition from operating an establishment without a valid permit

It is unlawful for any person to operate a food establishment within the Health District unless that person possesses a valid permit to operate or possesses a valid exemption from the permit requirement.

020.010 Requirement to submit an application for permit to operate

Any person desiring to operate a food establishment shall submit to the Health Authority a written application for a permit on forms provided by the Health Authority. The application must include:

- A. The applicant's full name and post office address.
- B. A statement 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 that attests to the accuracy of the information provided in the application and affirms that, should the permit be approved, the applicant will comply with the applicable requirements of these regulations.

020.015 Health Authority may require additional information on an application for a permit to operate

The Health Authority may require the submittal of application information other than that required on the forms provided by the Health Authority, for establishments that are determined by the Health Authority to need specific regulatory controls in order to accentuate safe food handling practices.

020.020 Health Authority to make inspections prior to approving a permit to operate

Upon receipt of a completed application the Health Authority shall inspect the establishment to determine compliance with the provisions of these regulations.

- A. If the inspection reveals that the establishment and the operations therein conform to the provisions of these regulations, the Health Authority shall issue a permit to operate to the applicant.
- B. If the inspection reveals that the establishment and the operations therein do not conform to the provisions of these regulations, the Health Authority shall either:
 - 1. Not issue a permit and shall inform the applicant of the specific deficiencies, the actions that must be taken to correct the deficiencies and of the appeal process afforded the applicant in the regulations; or
 - 2. If in the opinion of the Health Authority the deficiencies are minor and do not constitute a substantial health hazard to the public health, issue a conditional permit to operate specifying that if the deficiencies are not corrected within a specified timeframe, the permit will be suspended until the deficiencies are corrected.

020.025 Responsibilities of the permit holder

Upon acceptance of the permit issued by the Health Authority, the permit holder in order to retain the permit shall:

- A. Post the permit in a location in the food establishment that is conspicuous to consumers;
- B. Comply with the provisions of these regulations including the conditions granted through a waiver, variance or exemption;
- C. Cooperate fully with the Health Authority during inspections, investigations of complaints, and in recalling food determined to be adulterated;
- D. If a food establishment is required to operate under any operational plan, HACCP plan or other criteria approved as a condition of the permit, comply with the plan unless written approval is first obtained from the Health Authority;
- E. Immediately contact the Health Authority to report an illness of a food employee or conditional employee;
- F. Immediately discontinue operations and notify the Health Authority if a substantial health hazard may exist;
- G. Allow representatives of the Health Authority access to the food establishment as specified under NRS 446.885;
- H. Replace existing facilities and equipment with facilities and equipment that comply with these regulations if:
 - 1. 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, upon which the facilities and equipment were accepted; or
 - 2. The Health Authority directs the replacement of the facilities and equipment because of a change of ownership;
- I. Comply with directives of the Health Authority including 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;
- J. Accept notices issued and served by the Health Authority; and
- K. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in these regulations 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.

020.030 Expiration of a permit to operate application for an establishment that does not open within a reasonable time period

An application for a permit to operate is subject to the following time constraints:

- A. Except as indicated in Subsection B of this section, permit applications expire 180 consecutive days after the date of the application unless the Health Authority documents an extension request before the expiration date. An extension shall be for 30 consecutive business days and no more than one (1) extension shall be allowed.

- B. Permit applications issued in conjunction with the construction of new establishments or in conjunction with food establishments undergoing remodeling, expire one (1) calendar year after the date of application unless the Health Authority documents an extension request before the expiration date. An extension shall be for 180 consecutive days and no more than one (1) extension shall be allowed.

020.035 Permit exemption for those who give away food prepared in a private home

Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the permit requirement indicated in these regulations, unless the food is given to a food establishment.

020.040 Allowance for permit exemption for charitable organizations

A religious, charitable or other nonprofit organization may, without possessing a permit from the Health Authority, sell food occasionally to raise money, whether or not the food was prepared in a private home, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the Health Authority is required unless an exemption is granted pursuant to these regulations.

020.045 Allowance for Health Authority to exempt a food operation from the requirement to have a permit to operate

The Health Authority, without the need of a variance, may exempt a food establishment from the provisions of these regulations, if the Health Authority determines that:

- A. The food sold, offered, or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health and any of the conditions in ~~“Requirements for obtaining an exemption to the requirements to have a permit to operate”~~ [Section 020.050](#) apply.
- B. The food sold, offered, or displayed for sale, or served is prepared or packaged outside of the Health District in an establishment that conforms to the provisions of these regulations or to substantially equivalent provisions. To determine the extent of compliance with the provisions, the Health Authority may accept reports from responsible authorities in the jurisdictions where such establishments are located.

020.050 Requirements for obtaining an exemption to the requirement to have a permit to operate

The Health Authority may exempt a food establishment from the provisions of these regulations if a request for exemption is submitted on forms provided by the Health Authority in conjunction with an application for permit to operate and any of the conditions listed in Subsections A through H of this section apply.

- A. The establishment owner or operator provides written documentation to the Health Authority demonstrating that the USDA, FDA, State of Nevada Bureau of Public Health Services, or other approved regulatory agency routinely inspects the establishment. Written documentation may include but is not limited to:
 - 1. The business phone number, address, and the name of the agency that regulates the facility.
 - 2. The phone number and name of the agent at the agency who permitted or last inspected the facility.
 - 3. Copies of the most recently issued permit or copy of the most recent inspection performed at the facility.

- B. Foodservice operations are limited and conform to the following criteria:
1. The primary business of the facility is not food sales or foodservice and the portion of the facility that is for food sales or service does not occupy more than 150 square feet of the total storage and display area of the facility;
 2. No designated seating is provided within the facility wherein consumers who purchase the food items may consume them;
 3. Food items are not intended for consumption on the premises of the facility;
 4. An employee restroom with a sink for washing hands ~~that~~ is located in or immediately adjacent to the restroom;
 5. Food items are from approved sources and are all stored in the facility in such a manner as to prevent their contamination;
 6. The food sold, served, given away, or stored at the facility is not potentially hazardous (time/temperature control for safety food) and does not require temperature control; and
 7. There is no handling of non-packaged food, no repackaging of food from bulk containers, and no processing of food in any manner except that coffee beans may be ground and bagged.
- C. The establishment is in a private residence, such as a small family day-care provider, or a bed and breakfast operation in which:
1. Food is prepared and offered to guests if the home is owner occupied;
 2. The number of guest bedrooms does not exceed six (6);
 3. The bed and breakfast operations does not exceed a capacity of ten (10); and
 4. The consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Health Authority.
- D. The establishment is a private residence that receives prepared catered or home-delivered meals.
- E. The establishment is in a private residence and the food in use is:
1. Non-potentially hazardous (time/temperature control for safety food);
 2. Commercially prepackaged or wrapped; and
 3. From an approved source and stored in such a manner as to prevent its contamination.
No repackaging that involves unwrapping and exposing the food to ambient conditions occurs.
- F. The food sold, offered or displayed for sale at the establishment consists of whole fruits and vegetables in a natural and unprocessed state and documentation can be provided indicating that the produce was grown by a "certified grower" from the state in which it originated.
- G. The establishment is a private home in which only non-potentially hazardous food (time/temperature control for safety food) is prepared for sale or service at a function such as a religious or charitable organization's bake sale and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the Health Authority.
- H. The establishment is a non-permanent stand or cart from which is offered only non-potentially hazardous (time/temperature control for safety food) commercially prepackaged snacks that bear an approved label and that have a water activity (a_w) value of 0.85 or less such as crackers, cookies, potato and corn chips, or pretzels.

020.055 Alternate exemption criteria for an exemption to the requirement to have a permit to operate for specific types of food operations

In addition to the exemption criteria specified in these regulations, other exemption criteria may be specified in those parts of these regulations concerned with establishments that are determined by the Health Authority to need specific regulatory controls in order to accentuate safe food handling practices.

020.060 Revocation of an exemption

If a food establishment fails to comply with the conditions of an approved exemption, the Health Authority may revoke the exemption and order that the establishment cease and desist selling, serving, giving away or storing food. A food establishment that has had its exempt status revoked must obtain a permit pursuant to the provisions of these regulations before resuming any operation of a food establishment.

020.065 Criteria for obtaining a new exemption after one previously issued has been revoked

Owners or operators who have had their exemptions revoked may apply for a permit to operate. After receiving the permit and if after one (1) year there are no additional consumer complaints or violations of these regulations, owners or operators may apply for another exemption.

020.070 Invalidation of permit, transferring prohibited

A permit or permit exemption issued by the Health Authority is not transferable from person to person and is only valid for the establishment for which it was initially issued.

020.075 Invalidation of a permit for failure to use it

Unless there are mitigating circumstances as described by the permit holder and documented and approved by the Health Authority, a permit shall become invalid if the establishment was not operated for the purpose of preparing, selling, offering for sale, or serving food intended for human consumption for a period of one (1) year.

020.080 Invalidation of a permit for failure to pay renewal fees

A permit shall become invalid if the permit holder fails to pay the required renewal fee and, if applicable, any late fee or reinspection fee that may have been assessed within 60 calendar days after the permit's anniversary date. Once a permit becomes invalid the associated establishment may not be operated again until a new permit is obtained from the Health Authority. To obtain a new permit, a new application must be submitted and processed as provided for in these regulations.

FEES

020.085 Application fee for permit to operate

An application for permit to operate a food establishment must be accompanied by payment of the following fees in accordance with the fee schedule adopted by the Board of Health:

- A. An annual food establishment permit fee and application fee;
- B. A temporary food establishment permit fee; or
- C. A special event permit fee.

020.090 Application fee for exemption from permit to operate request

An application requesting exemption from the requirements to obtain a permit to operate shall be accompanied with payment of the following fees in accordance with the fee schedule adopted by the Board of Health:

- A. A fee to cover the initial costs of processing the application for exemption; and
- B. An annual fee to cover the cost of verifying compliance with the exemption.

020.095 Fee for HACCP and operational plans

Submittal of a HACCP or operational plan must be accompanied by payment of a fee in accordance with the fee schedule adopted by the Board of Health.

020.100 Payment of renewal fees

The operator of a food establishment shall pay an annual permit renewal fee in accordance with the fee schedule adopted by the Board of Health.

020.105 Late Fees

A late fee shall be charged to any permit holder who fails to pay the renewal fee by the permit's annual renewal date. The late fee shall be in accordance with the fee schedule adopted by the Board of Health and must be paid in addition to the annual fee.

020.110 Permit application fee, refund

Permit applicants may request a refund for the fees charged for a permit application. The request must be in writing and the refund shall be processed in accordance with the Washoe County Health District's current refund policy.

020.115 Reinspection fees

The Health Authority may assess reinspection fees for each reinspection, after the initial one, that is needed to verify abatement of violations documented during an inspection or investigation. The fee for reinspections shall be in accordance with the fee schedule adopted by the Board of Health.

CHAPTER 030

MANAGEMENT AND PERSONNEL

030.005 Assignment, person-in-charge required

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

030.010 Demonstration of knowledge

- A. 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 foodborne disease prevention, application of the hazard analysis and critical control point principles, and the requirements of these regulations. The person-in-charge shall demonstrate this knowledge by:
 - 1. Being a Certified Food Protection Manager who has shown proficiency of required information through passing an exam that is part of an accredited program; or
 - 2. Responding correctly to the inspector's questions as they relate to the specific food operation. This subsection only applies to Risk Level I food establishments and temporary food establishments.
- B. The person-in-charge need not meet the requirements of Subsection A(1) provided that:
 - 1. They meet the requirements of Subsection A(2) of this section; or
 - 2. They have been designated to perform the foodservice activities under the supervision of a Certified Food Protection Manager during all hours when the Certified Food Protection Manager is not physically present; and
 - 3. The Certified Food Protection Manager is available via telephone communication when not physically present.

030.015 Person-in-charge

The person-in-charge shall ensure that:

- A. Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified in NRS 446.020 and 446.870.
- B. 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;
- C. Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with these regulations;
- D. Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;

- E. Employees are visibly observing foods as they are received to determine that they 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 foods upon their receipt;
- F. Employees are properly cooking potentially hazardous food (time/temperature control for safety food) being particularly careful in cooking those foods known to cause severe foodborne disease and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated;
- G. Employees are using proper methods to rapidly cool potentially hazardous foods (time/temperature control for safety food) that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- H. 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;
- I. Employees are properly sanitizing cleaned multi-use equipment and utensils before they 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;
- J. Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets;
- K. Except when approval is obtained from the Health Authority as specified in these regulations, employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;
- L. Employees are properly trained in food safety as it relates to their assigned duties; and
- M. Food employees are informed of their responsibility to report to the person-in-charge, information about their symptoms as they relate to diseases that are transmissible through food.

030.020 Employee health; restrictions, exclusions, reporting, notification, highly susceptible populations, aiding investigations, and return to work

In accordance with the provisions of these regulations and those provisions contained within NAC 441A the following employee health conditions apply:

- A. The permit holder shall require food handlers to report to the person-in-charge information about their health and activities as they relate to symptoms of illness which are transmissible through food.
- B. A food handler shall:
 - 1. Report the information in a manner that allows the person-in-charge to reduce the risk of foodborne disease transmission. The information should include such pertinent information as suspected exposure, date of onset and symptoms, or any observations of illness, with or without symptoms, or reportable symptoms including but not limited to:
 - a) Vomiting.
 - b) Diarrhea.
 - c) Jaundice.
 - d) Sore throat with fever.

- e) A lesion, containing pus, or a boil or infected wound, that is open or draining and is:
 - 1) Located on the hands or wrists. Such a lesion shall require an impermeable cover including but not limited to a bandage or finger cot, and a single-use glove worn over the impermeable cover, both of which shall be changed whenever handwashing is required.
 - 2) On exposed portions of arms. Such a lesion shall be protected by an impermeable cover.
 - 3) On other parts of the body. Such a lesion shall be covered by a dry, durable, tight-fitting bandage.
2. Comply with directives from the Health Authority regarding exclusion and/or restriction for illness and return to work criteria as specified in these regulations.
3. The person-in-charge shall take such measure to reduce the risk of transmission of foodborne disease to include:
 - a) Exclusion or restriction of a food handler with:
 - 1) Symptoms of gastrointestinal illness such as abdominal cramping, diarrhea, fever, or vomiting until symptom free for 48 hours.
 - 2) Jaundice until laboratory results indicate the individual is not currently infected with Hepatitis A.
 - 3) A lesion(s) that cannot be effectively covered until such time as the wound has healed or a physician's note is provided indicating the lesion(s) is not infectious.
 - 4) An acute respiratory infection until symptom free. A worker experiencing active symptoms caused by season allergies or hay fever (persistent cough, running nose, and/or sneezing) shall be prohibited from open foodservice until symptoms are controlled.
 - b) Notifying the Health Authority of a diagnosed foodborne disease that has the potential to be transmitted through food, or of active symptoms in a food handler that has had occurrence for spread of potential pathogens to food.
 - c) Following the direction of the Health Authority on exclusion or restriction of an employee diagnosed with a pathogen that has potential to be transmitted to others or through food, including as required in applicable section of NAC 441A, *Communicable Diseases*. In such case of exclusion, the food handler shall not be allowed to return to work until approved to do so by the Health Authority.
 - d) Cooperating with the Health Authority during an epidemiological investigation and carry out measures for the prevention, suppression and control of a communicable disease including:
 - 1) Maintaining an employee illness log that is made available to the Health Authority upon request.
 - 2) Providing information, including names and addresses of patrons and employees, work schedules of employees, illness histories of employees, menus and any other information necessary to complete the investigation.
 - 3) Providing access to employee for interviewing and obtaining clinical specimens.
 - 4) Providing food, beverage and environmental samples for laboratory analysis.
 - 5) Instituting infection control, and hygienic and sanitation measures as required by the Health Authority.

- C. When a foodborne disease incident or food related injury is reported to any employee of a food establishment, the employees shall notify the person-in-charge of the food establishment of that fact. The person-in-charge shall:
 - 1. Record the consumer's name, address, telephone number, the nature of the complaint including foods eaten and the date and time of the complaint;
 - 2. Immediately report the incident to the Health Authority; and
 - 3. Remove from sale and refrigerate at 41°F (5°C) or less any suspect foods until released by the Health Authority.
- D. When the Health Authority suspects that a food establishment, or its employees, may be a source of disease, he shall take appropriate action to control the transmission of disease. Such action may include, but is not limited to, any or all of the following:
 - 1. Securing records that may enable identification of persons potentially exposed to the disease, and/or requiring additional assistance in locating such persons. This includes records of 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 foodservice employee(s);
 - 3. Excluding employee(s) 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(s);
 - 6. Requiring medical and laboratory examination of any foodservice employee and of his body discharge;
 - 7. Obtaining samples of any suspect food for laboratory examination;
 - 8. Requiring the destruction of suspect food or preventing it from being served.
- E. Upon approval from the Health Authority a food employee with a symptom of gastrointestinal illness such as diarrhea or jaundice, may work in foodservice without special restriction, provided that the food employee furnishes written medical documentation to the Health Authority from a health practitioner that the symptom is because of a medical condition not transmissible through food, such as Crohn's disease, Irritable Bowel Syndrome, Ulcerative Colitis, or Hepatitis C.

030.025 Clean condition, hands and arms

Food employees shall keep their hands and exposed portions of their arms clean.

030.030 Cleaning procedure

Except as specified in Subsection C of this section:

- A. Food employees shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least 20 seconds, using a cleaning compound in an approved handwashing sink.
- B. Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:
 - 1. Rinse under clean, running warm water;

2. Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;
 3. Rub together vigorously for at least 10 to 15 seconds while:
 - a) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and
 - b) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers;
 4. Thoroughly rinse under clean, running warm water; and
 5. Immediately follow the cleaning procedure with thorough drying using an approved method.
- C. 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 or surrogate prosthetic devices.

030.035 When to wash

Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

- A. After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- B. After using the toilet room;
- C. After caring for or handling service animals or aquatic animals;
- D. After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- E. After handling soiled equipment or utensils;
- F. During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
- G. When switching between working with raw food and working with ready-to-eat food;
- H. Before donning gloves for working with food;
- I. After engaging in other activities that contaminate the hands such as cleaning tables or handling money; and
- J. Upon returning to work after a coffee or meal break.

030.040 Where to wash

Food employees shall clean their hands in a handwashing sink or approved automatic handwashing facility or device and may not clean their hands 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.

030.045 Hand antiseptics

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

030.050 Maintenance of fingernails

- A. Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- B. Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

030.055 Prohibition of jewelry

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.

030.060 Clean condition, outer clothing

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

030.065 Eating, drinking, or using tobacco

Except as specified in Subsections B and C of this section:

- A. An employee shall not eat, drink, or use any form of tobacco where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection can result.
- B. A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:
 - 1. The employee's hands;
 - 2. The container; and
 - 3. Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- C. The premises must comply fully with NRS 202, "Nevada Clean Indoor Air Act".

030.070 Discharges from the eyes, nose, and mouth

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

030.075 Effectiveness of hair restraints

- A. Except as provided in Subsection B, food employee's hair must be restrained by any effective means to keep hair from contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- B. This section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- C. All food handlers shall maintain their hair in a neat and clean condition.
- D. 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.
- E. Sideburns, beards and mustaches must be cropped closely and well groomed.

030.080 Handling animals prohibition

- A. Except as specified in Subsection B of this section, food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in these regulations.
- B. 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 these regulations.

CHAPTER 040

FOOD PROTECTION MANAGER CERTIFICATION

040.005 Certified Food Protection Manager, required

- A. Each Risk Level II food establishment, as defined in these regulations, must employ a minimum of one (1) full-time Certified Food Protection Manager. A person-in-charge must be designated to perform foodservice activities under the direct supervision of a Certified Food Protection Manager during all hours when the Certified Food Protection Manager is not physically present. The Certified Food Protection Manager must be available via telephone communication when not physically present.
- B. Each Risk Level III food establishment, as defined in these regulations, must employ a minimum of one (1) full-time Certified Food Protection Manager who is required to be present on the premises during all hours when high-risk food handling activities such as, but not limited to, cooking, cooling, reheating and/or extensive handling of raw foods, are being conducted. Incidental absences of the Certified Food Protection Manager due to temporary illness, short errands off the premises and when low-risk food activities are being conducted shall not constitute a violation of this section. A person-in-charge must be designated to perform foodservice activities under the direct supervision of a Certified Food Protection Manager during all hours when the Certified Food Protection Manager is not physically present. The Certified Food Protection Manager must be available via telephone communication when not physically present.
- C. The following permitted food establishments are exempted from the Certified Food Protection Manager requirements:
 1. Risk Level I food establishments provided that a designated person-in-charge is present at the food establishment during all hours of operation; and
 2. Temporary food establishments.
- D. For facilities operating under multiple food permits, only one (1) Certified Food Protection Manager is required provided that the following conditions have been satisfied:
 1. All permitted food establishments involved are Risk Level II food establishments;
 2. Each permitted food establishment involved is under the same ownership;
 3. The permit must be for food establishments operating in the same building;
 4. The square footage of the building does not exceed 5,000 square feet; and
 5. The Certified Food Protection Manager must demonstrate they have operational supervision over all the permitted food establishments.

040.010 Risk Level I food establishments, child care centers

Permitted food establishments at child care centers are considered Risk Level I food establishments under the following food handling conditions:

- A. Cutting fruits and vegetables, unless melons, leafy greens, or tomatoes are being cut;
- B. Milk used as a beverage;
- C. Milk poured onto dry cereal;

- D. Single-service, commercially processed and precooked or pasteurized potentially hazardous food (time/temperature control for safety food), in their original package for immediate service or warmed in their original package for immediate service; or
- E. All other food handling operations conducted as a Risk Level I food establishment.

040.015 Special circumstances

- A. Newly permitted food establishments, except Risk Level I food establishments and temporary food establishments, must be under the operational supervision of a Certified Food Protection Manager within 60 days from the issuance date of the permit to operate.
- B. Permitted food establishments which are not in compliance with the requirements to have a Certified Food Protection Manager because of employee turnover or other loss of certified personnel, shall have 60 days from date of loss of the Certified Food Protection Manager to comply, provided there is documentation at the food establishment showing that a Certified Food Protection Manager was employed within the last 60 days.

040.020 Food protection manager certificate, posting

Food Protection Manager certificates issued by an accredited certification organization must be prominently posted in the food establishment next to the permit to operate.

040.025 Requirement for food protection manager certification

- A. Food protection manager certification shall be accomplished by passing a food safety certification examination from an accredited certification organization recognized by the CFP.
- B. The permit holder shall prepare, document, and implement a food safety training plan for each employee preparing to take a food safety certification examination for initial food protection manager certification in order to provide an appropriate level of training for the examination. The food safety training plan shall include:
 - 1. Education in:
 - a)Employee hygiene;
 - b)Methods of disease transmission;
 - c)Symptoms of foodborne disease;
 - d)Time and temperature control for safety food; and
 - e)Equipment sanitization, or
 - 2. Completion of a training program from an accredited certification organization recognized by the CFP.
- C. For employees who do not pass their initial food safety certification examination, the permit holder shall revise the employee's food safety training plan to include completion of a training program from an accredited certification organization recognized by the CFP that the employee is required to complete prior to retaking the food safety certification examination.
- D. The food safety training plans shall:
 - 1. Be maintained on-site for a period of five (5) years or the period of the person's employment whichever is shortest;
 - 2. Include documentation of testing dates that the employees took the certification examination;

3. Include documentation of completion of a training program from an accredited certification organization recognized by the CFP if required pursuant to Subsection B(2) or C of this section; and
4. Be made available to the Health Authority upon request.

040.030 Certified Food Protection Manager, responsibilities

In addition to the responsibilities associated with being a designated person-in-charge, Certified Food Protection Managers must:

- A. Be responsible for identifying food safety hazards in the day-to-day operation of the food establishment;
- B. Develop and implement specific policies, procedures and standards aimed at preventing foodborne disease;
- C. Coordinate training, supervise or direct the food preparation activities, and take corrective action as needed to protect the health of the consumer; and
- D. Conduct in-house self-inspections of daily operations on a periodic basis to see that procedures concerning food safety are being followed.

040.035 Certified Food Protection Manager, compliance and enforcement

- A. The Health Authority may not recognize the certificate of a Food Protection Manager who repeatedly fails to:
 1. Comply with the requirements outlined in these regulations; or
 2. Provide operational supervision.
- B. When the certificate of a Food Protection Manager is not recognized by the Health Authority as specified in Subsection A of this section, the Health Authority may, without warning, notice, or hearing, issue a written notice of violation in accordance with the requirements of these regulations and may immediately suspend all food operations for failure to provide or maintain operational supervision by a Certified Food Protection Manager.
- C. Except as specified in Subsection B of this section, if it is determined by the Health Authority that a food establishment is not being operated under the operational supervision of a Certified Food Protection Manager, the permit holder shall be issued a written notice of violation requiring operational supervision by a Certified Food Protection Manager within 30 calendar days.
- D. The Health Authority may take other enforcement action pursuant to the provisions of these regulations.

CHAPTER 050

FOOD

050.005 Safe, unadulterated, and honestly presented

- A. All food must be free from spoilage, filth, adulteration, misbranding and contamination and must be safe for human consumption.
- B. Food must be protected from contamination and spoilage while it is being handled, packaged, stored, displayed, and transported.
- C. 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.

050.010 Compliance

- A. Food must be obtained from approved sources.
- B. Except as specified under Cottage Food Operations or as specifically exempted in these regulations, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him by the Health Authority for that purpose.
- C. 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 that certifies that the fish are frozen for parasite destruction; or fish is frozen on the premises using appropriate industry guidelines to ensure parasite destruction and records are retained as described in these regulations.
- D. Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in these regulations must be:
 1. Obtained from a food processing establishment that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of "whole-muscle, intact beef"; or
 2. Deemed acceptable by the Health Authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of "whole-muscle, intact beef"; and
 3. If individually cut in a food establishment:
 - a) Cut from whole-muscle, intact beef that is labeled by a food processing establishment as specified in Subsection D(1) of this section or identified as specified in Subsection D(2) in this section;
 - b) Prepared so they remain intact; and
 - c) If packaged for undercooking in a food establishment, labeled as specified in Subsection D(1) of this section or identified as specified in Subsection D(2) of this section.
- E. 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 United States Department of Agriculture (USDA) program and applicable Nevada law.

050.015 Food in a hermetically sealed container

Food in a hermetically sealed container must be obtained from a food processing establishment that is regulated by the food regulatory agency that has jurisdiction over the establishment.

050.020 Milk and milk products

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.

050.025 Fish

- A. Fish that are received for sale or service must be:
 - 1. Commercially and legally caught or harvested; or
 - 2. Approved for sale or service.
- B. Molluscan shellfish that are recreationally caught may not be received for sale or service.

050.030 Molluscan shellfish

- A. Molluscan shellfish must be obtained from sources according to law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.
- B. Molluscan shellfish received in interstate commerce must be from sources that are listed in the Interstate Certified Shellfish Shippers List.

050.035 Wild mushrooms

- A. Except as specified in Subsection B of this section, 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.
- B. This section does not apply to:
 - 1. Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation; or
 - 2. Wild mushroom species if they are in packaged form and are the product of a food processing establishment that is regulated by the food regulatory agency that has jurisdiction over the establishment.

050.040 Game animals

- A. If game animals or donated game animals are received for sale or service in a food establishment they must be inspected and approved under a voluntary inspection program administered by the USDA.
- B. Game animals that have not been inspected as described in Subsection A may not be served in a food establishment.
- C. Legally harvested game animals not inspected as described in Subsection A may be given to any charitable, religious, or a nonprofit organization for use in accordance with NRS 446.870 (5).
- D. Game animals used in accordance with NRS 446.870(5) must be labeled "Not for Sale."

- E. Road kill animals shall not be approved as a food source.

050.045 Temperature

- A. Except as specified in Subsection B of this section, refrigerated, potentially hazardous food (time/temperature control for safety food) must be at a temperature of 41°F (5°C) or below when received.
- B. If a temperature other than 41°F (5°C) for a potentially hazardous food (time/temperature control for safety food) as specified below governing milk and molluscan shellfish, the food may be received at the specified temperature.
 - 1. Milk or other cultured products may be received at an internal temperature of 45°F (7°C) or less.
 - 2. Molluscan shellfish:
 - a) Molluscan shellstock is alive and cooled to an internal shellstock body temperature of 50°F (10°C) or less;
 - b) Shucked or post harvest processed shellfish are cooled to a temperature of 45°F (7.2°C) or less; and
 - c) The time-temperature indicating device shows that the ambient air temperature has exceeded 45°F (7.2°C) but the shellstock internal body temperature is 50°F (10°C) or less; and
- C. Raw eggs, must be received in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.
- D. Potentially hazardous food (time/temperature control for safety food) that is cooked to a temperature and for a time specified under these regulations and received hot must be at a temperature of 135°F (57°C) or above.
- E. A food that is labeled frozen and shipped frozen by a food processing establishment must be received frozen.
- F. Upon receipt, potentially hazardous food (time/temperature control for safety food) must be free of evidence of previous temperature abuse.

050.050 Additives

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

050.055 Eggs

Eggs must be received clean and in sound condition. Eggs shall not be used that do not meet tolerances established by the United States Department of Agriculture or any applicable Nevada law.

050.060 Eggs and milk products, pasteurization

- A. Egg products must be obtained pasteurized.
- B. Fluid and dry milk and milk products shall:
 - 1. Be obtained pasteurized; and
 - 2. Comply with grade A standards as specified in law.

- C. All frozen desserts and mixes must be from a source approved by the Health Authority.
- D. All cheeses and related cheese products must be from a source approved by the Health Authority.

050.065 Service of food: Dairy products and nondairy creamers

- A. Milk and products made from milk for drinking must be served in an unopened package which was commercially filled, 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 milk and products made from milk may be poured from a container which was commercially filled.
- B. 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.

050.070 Package integrity

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.

050.075 Ice

Ice for use as a food or a cooling medium must be made from potable water.

050.080 Preparation and service of ice

- A. Ice for customers 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.
- B. 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.
- C. Bins used for the storage of ice must be drained through an air gap.
- D. Ice that has been packaged for sale at the establishment must be prepared in accordance with the provisions of these regulations.
- E. Only those items necessary for dispensing, packaging or transporting ice may be stored on top of an ice machine.

050.085 Shucked shellfish, packaging and identification

- A. Raw shucked shellfish must be obtained in nonreturnable packages which bear a legible label that identifies the:
 - 1. Name, address, and certification number of the shucker-packer or repacker of the molluscan shellfish; and
 - 2. "Sell by" date or the date it was shucked.
- B. 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.

050.090 Shellstock identification

- A. Shellstock must be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the "National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish", and that list:
1. Except as specified under Subsection C of this section, on the harvester's tag or label shall have the following information:
 - a) The harvester's identification number that is assigned by the shellfish control authority;
 - b) The date of harvesting;
 - c) 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;
 - d) The type and quantity of shellfish; and
 - e) 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
 2. Except as specified in Subsection D of this section, on each dealer's tag or label, the following information:
 - a) The dealer's name and address, and the certification number assigned by the shellfish control authority;
 - b) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested;
 - c) The same information as specified for a harvester's tag under Subsections A(1)(b-d) of this section; and
 - d) 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.**"
- B. A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information may be subject to a hold order, seized, discarded or destroyed.
- C. 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.
- D. If the harvester's tag or label is designed to accommodate each dealer's identification as specified under Subsections A(2)(a – b) of this section, individual dealer tags or labels need not be provided.

050.095 Shellstock condition

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.

050.100 Juice treated

Prepackaged juice shall:

- A. Be obtained from a processor with a HACCP system as specified in 21 CFR Part 120 Hazard Analysis and Critical Control (HACCP) Systems; and
- B. Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24 Process Controls.

050.105 Molluscan shellfish, original container

- A. Except as specified in Subsections B – D of this section, molluscan shellfish may not be removed from the container in which they are received other than immediately before sale or preparation for service.
- B. 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:
 - 1. The source of the shellstock on display is identified and recorded; and
 - 2. The shellstock are protected from contamination.
- C. Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:
 - 1. The labeling information for the shellfish on display is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and
 - 2. The shellfish are protected from contamination.
- D. Shucked shellfish may be removed from the container in which they were received and repacked in consumer self-service containers where allowed by law if:
 - 1. The labeling information for the shellfish is on each consumer self-service container;
 - 2. The labeling information is retained and correlated with the date when, or dates during which, the shellfish are sold or served;
 - 3. The labeling information and dates specified under Subsection D(2) of this section are maintained for 90 days; and
 - 4. The shellfish are protected from contamination.

050.110 Shellstock, maintaining identification

- A. Except as specified under Subsection B(2) of this section, shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.
- B. The identity of the source of shellstock that are sold or served must be maintained by retaining shellstock tags or labels for 90 calendar days from the dates of harvest:
 - 1. Using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served; and
 - 2. If shellstock are removed from their tagged or labeled container:
 - a) Preserving source identification by using a record keeping system as specified under Subsection B(1) of this section; and

- b) Ensuring that shellstock from one tagged or labeled container are not commingled with shellstock from another container with different certification numbers; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the consumer.

050.115 Preventing contamination from hands

- A. Food employees shall wash their hands as specified in these regulations.
- B. Except when washing fruits and vegetables or as specified in Subsection D of this section, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- C. Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- D. Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:
 - 1. The permit holder obtains prior approval from the Health Authority;
 - 2. Written procedures are maintained in the food establishment and made available to the Health Authority upon request that include:
 - a) For each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands,
 - b) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified in these regulations are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;
 - 3. A written employee health policy that details how the food establishment complies with the provisions of these regulations including:
 - a) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases transmittable through food as specified in these regulations;
 - b) Documentation that food employees and conditional employees acknowledge their responsibilities as specified in these regulations; and
 - c) Documentation that the person-in-charge acknowledges the responsibilities as specified in these regulations;
 - 4. Documentation that food employees acknowledge that they have received training in:
 - a) The risks of contacting the specific ready-to-eat foods with bare hands;
 - b) Proper handwashing as specified in these regulations;
 - c) When to wash their hands as specified in these regulations;
 - d) Where to wash their hands as specified in these regulations;
 - e) Proper fingernail maintenance as specified in these regulations;
 - f) Prohibition of jewelry as specified in these regulations;
 - g) Good hygienic practices as specified in these regulations;
 - 5. Documentation that hands are washed before food preparation and as necessary to prevent cross-contamination by food employees as specified in these regulations during all hours of operation when the specific ready-to-eat foods are prepared;

6. Documentation that food employees contacting ready-to-eat food with bare hands use two (2) or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:
 - a) Double handwashing;
 - b) Nail brushes;
 - c) A hand antiseptic after handwashing as specified in these regulations;
 - d) Incentive programs such as paid sick leave that assist or encourage food employees not to work when they are ill; or
 - e) Other control measures approved by the Health Authority; and
7. Documentation that corrective action is taken when Subsection D(6) of this section is not followed.

050.120 Preventing contamination when tasting food

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

050.125 Preventing contamination from food used for personal use

Food that is in a food establishment for the employees' use must be labeled and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

050.130 Packaged and unpackaged food, separation, packaging, and segregation

Food must be protected from cross-contamination by:

- A. Separating raw animal foods during storage, preparation, holding, and display from:
 1. Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables, and
 2. Cooked ready-to-eat food;
- B. Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
 1. Using separate equipment for each type, or
 2. Arranging each type of food in equipment so that cross-contamination of one type with another is prevented, and
 3. Preparing each type of food at different times or in separate areas;
- C. Cleaning and sanitizing equipment and utensils using an approved method;
- D. Storing the food in packages, covered containers, or wrappings. This section does not apply to:
 1. Whole, uncut, raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption;
 2. Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;
 3. Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks;
 4. Food being cooled using an approved method; or
 5. Shellstock.

- E. Cleaning hermetically sealed containers of food before opening;
- F. Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
- G. Storing damaged, spoiled, or recalled food being held in the food establishment in an area designated for that purpose pending proper disposition unless it is disposed of under the supervision of the Health Authority. These foods may not be allowed to contaminate other items; and
- H. Separating fruits and vegetables, before they are washed from ready-to-eat food.

050.135 Food storage containers, identified with common name of food

Except for containers holding food that can be readily and unmistakably recognized such as 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.

050.140 Pasteurized eggs, substitute for raw eggs for certain recipes

Pasteurized eggs or egg products must be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not: ~~cooked as specified under these regulations:~~

A. Cooked as specified under Section 050.245 (A)(1) or (2); or

B. Included in Section 050.245 (D).

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050.145 Protection from unapproved additives

- A. Food must be protected from contamination that may result from the addition of:
 - 1. Unsafe or unapproved food or color additives; and
 - 2. Unsafe or unapproved levels of approved food and color additives.
- B. A food employee may not:
 - 1. 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
 - 2. Except for grapes, serve or sell food specified under Subsection B(1) of this section that is treated with sulfiting agents before receipt by the food establishment.

050.150 Washing fruits and vegetables

- A. Except as specified in Subsection B of this section 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.
- B. Fruits and vegetables may be washed by using chemicals ~~which are generally recognized as safe in food or as approved by the Health Authority~~ as specified under Section 100.040.
- B.C. Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315, *Chemicals used in washing or to assist in the peeling of fruits and vegetables*, for

the washing of raw, whole fruits and vegetables must be used in accordance with the manufacturer's instructions.

050.155 Ice used as exterior coolant, prohibited as ingredient

After use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, ice may not be used as food.

050.160 Storage or display of food in contact with water or ice

- A. Packaged food may 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 positioning in the ice or water.
- B. Except as specified in Subsections C and D of this section, unpackaged food may not be stored in direct contact with undrained ice.
- C. Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.
- D. 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.

050.165 Food contact with equipment and utensils

Food shall only contact surfaces of:

- A. Equipment and utensils that are cleaned as specified and sanitized as specified in these regulations;
- B. Single-service and single-use articles.

050.170 In-use utensils, between-use storage

During pauses in food preparation or dispensing, food preparation and dispensing utensils must be stored:

- A. Except as specified under Subsection B of this section, in the food with their handles above the top of the food and the container;
- B. 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, such as bins of sugar, flour, or cinnamon;
- C. On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized at the approved frequency.
- D. In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;
- E. In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous (time/temperature control for safety food); or
- F. In a container of water if the water is maintained at a temperature of at least 135°F (57°C) and the container is cleaned at the approved frequency.

050.175 Linens and napkins, limitation on use

Linens and napkins may not be used in contact with food unless they are used to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

050.180 Wiping cloths, limitation on use

- A. Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served must be:
 - 1. Maintained dry; and
 - 2. Used for no other purpose.
- B. Cloths in-use for wiping counters and other equipment surfaces must be:
 - 1. Held between uses in a chemical sanitizer solution at an approved concentration; and
 - 2. Laundered daily.
- C. Cloths in-use for wiping surfaces in contact with raw animal foods must be kept separate from cloths used for other purposes.
- D. Dry wiping cloths and the chemical sanitizing solutions specified in Subsection B(1) of this section in which wet wiping cloths are held between uses must be free of food debris and visible soil.
- E. Containers of chemical sanitizing solutions specified in Subsection B(1) of this section 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, single-service, or single-use articles.
- F. Single-use disposable sanitizer wipes must be used in accordance with EPA approved manufacturer's label use instructions.

050.185 Gloves, limitation on use

- A. If used, single-use gloves must be used for only one (1) task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
- B. Except as specified in Subsection C of this section, 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, such as frozen food or a primal cut of meat.
- C. Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.
- D. Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked to an approved temperature, such as frozen food or a primal cut of meat.

050.190 Using clean tableware for second portions and refills

- A. Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills.

- B. Except as specified in Subsection C of this section, self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.
- C. 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.
- D. Drinking cups and containers may be reused by self-service consumers if refilling is an approved contamination-free process as described in these regulations.

050.195 Refilling returnable containers

- A. A take-home food container returned to a food establishment may not be refilled at a food establishment with a potentially hazardous food (time/temperature control for safety food).
- B. Except as specified in Subsection C of this section, a take-home food container refilled with food that is not potentially hazardous (time/temperature control for safety food) must be cleaned by an approved method.
- C. Personal take-out beverage containers, such as 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.

050.200 Food storage and dispensing

- A. Except as specified in Subsections B and C of this section, food must be protected from contamination by storing the food:
 - 1. In a clean, dry location;
 - 2. Where it is not exposed to splash, dust, or other contamination; and
 - 3. At least 6 inches (15 centimeters) above the floor.
- B. Food in packages and working containers may be stored less than 6 inches (15 centimeters) above the floor on case lot handling equipment.
- C. Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

050.210 Food storage and preparation, prohibited areas

Food may not be stored:

- A. In locker rooms;
- B. In toilet rooms;
- C. In dressing rooms;
- D. In garbage rooms;
- E. In mechanical rooms;
- F. Under sewer lines that are not shielded to intercept potential drips;
- G. Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- H. Under open stairwells; or

- I. Under other sources of contamination.

050.215 Food preparation

During preparation, unpackaged food must be protected from environmental sources of contamination.

050.220 Food display

- A. 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 packaging; counter, service line, or salad bar food guards; display cases; or other effective means.
- B. Bulk food containers in the retail display area must be made from safe materials, resistant to corrosion, nonabsorbent, smooth, easy to clean and durable under conditions of normal use.
- C. 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).
- D. 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:
 - 1. Providing a product module depth of not more than 18 inches (45 centimeters);
 - 2. 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
 - 3. 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.
- E. Tethers for utensils used for bulk food must be designed to be easily removable from the product module for cleaning.

050.225 Condiments, protection

- A. 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.
- B. Condiments at a vending machine location must be in individual packages or provided in dispensers that are filled at an approved location, such as the food establishment that provides food to the vending machine location, a food processing establishment that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the vending machine location.
- C. 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.

050.230 Consumer self-service operations

- A. Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This section does not apply to:
 - 1. Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish;

2. Ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or
 3. Raw, frozen, shell-on shrimp, or lobster.
- B. 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.
- C. Consumer self-service operations such as buffets and salad bars must be monitored by food employees trained in safe operating procedures.

050.235 Returned food and reservice of food

- A. Except as specified in Subsection B of this section, 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.
- B. Except as specified under these regulations 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:
1. The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
 2. The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

050.240 Miscellaneous sources of contamination

Food must be protected from contamination that may result from a factor or source not specified in these regulations.

050.245 Raw animal foods

- A. Except as specified under Subsections B, C and D of this section, raw animal foods such as eggs, fish, meat, poultry and foods containing these raw animal foods, must be cooked to heat all parts of the food to a temperature and for a time that complies with one (1) of the following methods based on the food that is being cooked:
1. 145°F (63°C) or above for 15 seconds for:
 - a) Raw eggs that are broken and prepared in response to a consumer's order and for immediate service, and
 - b) Except as specified under Subsections A(2) and A(3) and B, and in Subsection C of this section, fish and meat including game animals commercially raised for food as specified in these regulations and game animals under a voluntary inspection program.
 2. 155°F (68°C) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for raites, mechanically tenderized, and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified under these regulations, and game animals under a voluntary inspection program as specified under these regulations; and raw eggs that are not prepared as specified under Subsection A(1)(a) of this section:

Minimum Temperature °F (°C)	Minimum Time
145 (63)	3 minutes

150 (66)	1 minute
158 (70)	< 1 second (instantaneous)

;or

3. 165°F (74°C) or above for 15 seconds for poultry, baluts, wild game animals as specified under these regulations, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry or ratites.
- B. Whole meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham must be cooked:

1. 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:

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 10 lbs (4.5 kg)	10 lbs (4.5 kg) or More
Still Dry	350°F (177°C) or more	250°F (121°C) or more
Convection	325°F (163°C) or more	250°F (121°C) or more
High Humidity ¹	250°F (121°C) or less	250°F (121°C) or less

¹ Relative humidity greater than 90% 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% humidity.

;and

2. As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:

Temperature °F (°C)	Time ¹ in Minutes	Temperature °F (°C)	Time ¹ in Seconds
130 (54.4)	112	147 (63.9)	134
131 (55.0)	89	149 (65.0)	85
133 (56.1)	56	151 (66.1)	54
135 (57.2)	36	153 (67.2)	34
136 (57.8)	28	155 (68.3)	22
138 (58.9)	18	157 (69.4)	14
140 (60.0)	12	158 (70.0)	0
142 (61.1)	8		
144 (62.2)	5		
145 (62.8)	4		

¹ Holding time may include post oven heat rise.

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

1. The food establishment serves a population that is not a highly susceptible population,

2. The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef"; and
 3. 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.
- D. A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft-cooked eggs or rare meat other than whole-muscle, intact beef steaks as specified in Subsection C of this section, may be served or offered for sale upon consumer request or selection in a ready-to eat form if:
1. As specified under these regulations the food establishment serves a population that is not a highly susceptible population;
 2. The food, if served or offered for service by consumer selection from a children's menu, does not contain comminuted meat; and
 3. The consumer is informed as specified under these regulations that to ensure its safety, the food should be cooked as specified under Subsections A or B of this section; or
 4. The Health Authority grants a waiver from Subsections A or B of this section as specified in these regulations based on a HACCP plan that:
 - a) Is submitted by the permit holder and approved as specified under these regulations,
 - b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food, and
 - c) Verifies that equipment and procedures for food preparation and training of food employees at the food establishment meet the conditions of the waiver.

050.250 Microwave cooking

Raw animal foods cooked in a microwave oven must be:

- A. Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- B. Covered to retain surface moisture;
- C. Heated to a temperature of at least 165°F (74°C) in all parts of the food; and
- D. Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

050.255 Plant food cooking for hot holding

Fruits and vegetables that are cooked for hot holding must be cooked to a temperature of 135°F (57°C).

050.258 Non-continuous cooking of raw animal food

Raw animal foods that are cooked using a non-continuous cooking process shall be:

- A. Subject to an initial heating process that is no longer than sixty minutes in duration;
- B. Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature control for safety food) under Section 050.300(A);
- C. After cooling, held frozen or cold as specified for potentially hazardous food (time/temperature control for safety food) under Section 050.310 (A)(2);

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- D. Prior to sale or service, cooked using a process that heats all parts of the food to a temperature and for a time as specified under Section 050.245 (A)-(C)
- E. Cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature control for safety food) under Section 050.300 (A) if not either hot held as specified under Section 050.310 (A), served immediately, or held using time as a public health control as specified under Section 050.330 after complete cooking; and
- F. Prepared and stored according to written procedures that:
 - 1. Have obtained prior approval from the Health Authority;
 - 2. Are maintained in the food establishment and are available to the Health Authority upon request;
 - 3. Describe how the requirements specified in Subsections A - E of this Section are to be monitored and documented by the permit holder and the corrective actions to be taken if the requirements are not met;
 - 4. Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified in Subsection D of this Section prior to being offered for sale or service; and
 - 5. Describe how the foods, after initial heating but prior to cooking as specified under Subsection D of this Section, are to be separated from ready-to-eat foods as specified under Section 050.130 (A).

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050.260 Parasite destruction

- A. Except as specified in Subsection B of this section, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated partially cooked fish must be:
 - 1. Frozen and stored at a temperature of -4°F (-20°C) or below for a minimum of 168 hours (7 days) in a freezer;
 - 2. 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
 - 3. 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.
- B. Subsection A of this section does not apply to:
 - 1. Molluscan shellfish;
 - 2. Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern); or
 - 3. Aquacultured fish, such as salmon, that:
 - a) If raised in open water, are raised in net-pens, or
 - b) Are raised in land-based operations such as ponds or tanks, and
 - c) Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish.

050.265 Records, creation and retention

- A. Except as specified in these regulations and Subsection B of this section, 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 beyond the time of service or sale of the fish.

- B. If the 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 these regulations, may substitute for the records specified under Subsection A of this section.
- C. If raw, raw-marinated, partially cooked, or marinated partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in these regulations a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in these regulations must be obtained by the person-in-charge and retained in the records of the food establishment for 90 calendar days beyond the time of service or sale of the fish.

050.270 Preparation for immediate service

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

050.275 Reheating for hot holding

- A. Except as specified under Subsections B and C and in E of this section, 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 (74°C) for 15 seconds.
- B. Except as specified under Subsection C of this section, 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 (74°C) and the food is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.
- C. Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing establishment that is inspected by the Health Authority that has jurisdiction over the establishment, must be heated to a temperature of at least 135°F (57°C) for hot holding.
- D. Reheating for hot holding as specified under Subsections A, B and C of this section shall not exceed 2 hours.
- E. 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 specified in these regulations.
- F. Steam tables, bainmaries, warmers, crock pots and similar hot food holding facilities are prohibited for the reheating of potentially hazardous food (time/temperature control for safety food).

050.280 Treating Juice

Juice packaged in a food establishment must be:

- A. Treated under an approved HACCP plan to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance; or
- B. 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 WEAKEND IMMUNE SYSTEMS”.

050.285 Frozen food

Stored frozen foods must be maintained frozen.

050.290 Potentially hazardous food (time/temperature control for safety food); slacking

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 less; or
- B. At any temperature if the food remains frozen.

050.295 Thawing

Except as specified in Subsection D of this section, potentially hazardous food (time/temperature control for safety food) must be thawed:

- A. Under refrigeration that maintains the food temperature at 41°F (5°C) or less; or
- B. Completely submerged under running water:
 - 1. At a water temperature of 70°F (21°C) or below,
 - 2. With sufficient water velocity to agitate and float off loose particles in an overflow, and
 - 3. For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41°F (5°C); or
 - 4. For a period of time that does not allow thawed portions of a raw animal food requiring cooking to be above 41°F (5°C), for more than 4 hours including:
 - a) The time the food is exposed to the running water and the time needed for preparation for cooking, or
 - b) The time it takes under refrigeration to lower the food temperature to 41°F (5°C).
- C. As part of a cooking process if the food that is frozen is:
 - 1. Cooked as specified under these regulations, or
 - 2. Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or
- D. 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.

E. Reduced oxygen packaged fish that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:

- 1. Prior to its thawing under refrigeration as specified in Subsection A of this section; or
- 2. Prior to, or immediately upon completion of, its thawing using procedures specified in Subsection B of this section.

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050.300 Cooling

- A. Cooked potentially hazardous food (time/temperature control for safety food) shall be cooled:

1. Within 2 hours from 135°F (57°C) to 70°F (21°C); and
 2. Within a total of 6 hours from 135°F (57°C) to 41°F (5°C) or less.
- B. Potentially hazardous food (time/temperature control for safety food) shall be cooled within 4 hours to 41°F (5°C) or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
- C. Except as specified under Subsection D of this section, a potentially hazardous food (time/temperature control for safety food) received in compliance with laws allowing a temperature above 41°F (5°C) during shipment from the supplier as specified in these regulations, shall be cooled within 4 hours to 41°F (5°C) or less.
- D. Raw eggs shall be received as specified in these regulations and immediately placed in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.

050.305 Cooling Methods

- A. Cooling must be accomplished in accordance with the time and temperature parameters approved in these regulations by using one (1) or more of the following methods based on the type of food being cooled:
1. Placing the food in shallow pans;
 2. Separating the food into smaller or thinner portions;
 3. Using rapid cooling equipment;
 4. Stirring the food in a container placed in an ice water bath;
 5. Using containers that facilitate heat transfer;
 6. Adding ice as an ingredient; or
 7. Other effective methods.
- B. When placed in cooling or cold holding equipment, food containers in which food is being cooled must be:
1. Arranged in the equipment to provide maximum heat transfer through the container walls; and
 2. Loosely covered, or uncovered if protected from overhead contamination, during the cooling period to facilitate heat transfer from the surface of the food.

050.310 Potentially hazardous food (time/temperature control for safety food), hot and cold holding

- A. Except during preparation, cooking, or cooling, or when time is used as the public health control as described in these regulations, and except as specified under Subsection B of this section, potentially hazardous food (time/temperature control for safety food) must be maintained:
1. At 135°F (57°C) or above, except that roasts cooked or reheated as specified in these regulations may be held at a temperature of 130°F (54°C) or above; or
 2. At a temperature of 41°F (5°C) or less.
- B. 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°C) or less.

~~050.315—Not ready-to-eat, potentially hazardous food (time/temperature control for safety food), date marking~~

~~Except as provided in these regulations for specific food items, raw, potentially hazardous food (time/temperature control for safety food) of animal origin, that is not ready-to-eat and is held for more than 24 hours:~~

- ~~A. Shall, if it has a food processor's date mark, be used, discarded or frozen before the date has passed; or, if received without a date mark, be date marked at the establishment to indicate that it is to be used, discarded or frozen within ten (10) consecutive calendar days of its receipt.~~
- ~~B. Shall, if altered in form, for example raw beefsteak being first offered as such, and then being ground into raw hamburger, re-marked with the same date mark it had before it was altered.~~

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050.320 Ready-to-eat, potentially hazardous food (time/temperature control for safety food), date marking

- A. Except when packaging food using a reduced oxygen packaging method, and except as specified in these regulations and Subsections D and E of this section, 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 by which the food must be consumed on the premises, sold, or discarded, when held at a temperature of 41°F (5°C) or less for a maximum of 7 days.
- B. Except as specified in Subsections D – F of this section, refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) 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, to 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 specified in Subsection A of this section and:
 - 1. The day the original container is opened in the food establishment must be counted as "Day 1"; and
 - 2. 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.
- C. 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 shall retain the date marking of the earliest-prepared or first-prepared ingredient.
- D. A date marking system that meets the criteria stated in Subsections A and B of this section may include:
 - 1. 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, such as lunch meat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;
 - 2. Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under Subsection A of this section;
 - 3. Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under Subsection B of this section; or
 - 4. 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.

- E. Subsections A and B of this section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.
- F. Subsection B of this section does not apply to the following foods prepared and packaged by a food processing establishment inspected by a Health Authority:
 1. Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with these regulations;
 2. Hard cheeses containing not more than 39% moisture;
 3. Semisoft cheeses containing more than 39% moisture, but not more than 50% moisture;
 4. Cultured dairy products;
 5. Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products;
 6. Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled "Keep Refrigerated" and which retain the original casing on the product; and
 7. Shelf stable salt-cured products such as prosciutto and Parma (ham) that are not labeled "Keep Refrigerated."

050.325 Ready-to-eat, potentially hazardous, disposition

- A. A food specified in these regulations must be discarded if it:
 1. Exceeds either of the temperature and time combinations specified in these regulations, except time that the product is frozen;
 2. Is in a container or package that does not bear a date or day; or
 3. Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in these regulations.
- B. Refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) 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.

050.330 Time as a public health control

- A. Except as specified under Subsection D of this section, if time only 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 for immediate consumption:
 1. Written procedures must be prepared in advance, maintained in the food establishment and made available to the Health Authority upon request that specify:
 - a) Methods of compliance with Subsections B(1-3) or C(1-5) of this section; and
 - b) Methods of compliance for cooling of food that is prepared, cooked, and refrigerated before time is used as a public health control.
- B. 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:
 1. The food shall have an initial temperature of 41°F (5°C) or less if removed from cold holding temperature control, or 135°F (57°C) or greater if removed from hot holding temperature control;

2. 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;
 3. The food must be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control; and
 4. The food in unmarked containers or packages, or marked to exceed a 4-hour limit must be discarded.
- C. 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:
1. The food must have an initial temperature of 41°F (5°C) or less when removed from temperature control and the food temperature may not exceed 70°F (21°C) within a maximum time period of 6 hours;
 2. The food must be monitored to ensure the warmest portion of the food does not exceed 70°F (21°C) during the 6-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed 70°F (21°C) during the 6-hour period;
 3. The food must be marked or otherwise identified to indicate:
 - a) The time when the food is removed from 41°F (5°C) or less 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;
 4. The food must be:
 - a) Discarded if the temperature of the food exceeds 70°F (21°C), or
 - b) Cooked and served, served if ready-to-eat, or discarded within a maximum of 6 hours from the point in time when the food is removed from 41°F (5°C) or less cold holding temperature control; and
 5. The food in unmarked containers or packages, or marked with a time that exceeds the 6-hour limit must be discarded.
- D. A food establishment that serves a highly susceptible population may not use time as specified under Subsections A, B or C of this section as the public health control for raw eggs.

050.335 Waiver requirement

A food establishment operator shall obtain a waiver from the Health Authority before:

- A. Smoking food as a method of food preservation rather than as a method of flavor enhancement;
- B. Curing food;
- C. Using food additives or adding components such as vinegar:
 1. As a method of food preservation rather than as a method of flavor enhancement, or
 2. To render a food so that it is not potentially hazardous (time/temperature control for safety food);
- D. Packaging food using a reduced oxygen packaging method except as specified in these regulations where a barrier to *Clostridium botulinum* in addition to refrigeration exists;
- E. Operating a molluscan shellfish life-support system display tank used to store and display shellfish that are offered for human consumption;
- F. Custom processing animals that are for personal use as food and not for sale or service in a food establishment;

- G. Preparing food by another method that is determined by the Health Authority to require a waiver; or
- H. Sprouting seeds or beans.

050.340 Reduced oxygen packaging criteria

- A. Except for a food establishment that obtains a waiver as specified in these regulations and except as specified under Subsections C, D and E of this section, 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 (2) barriers in place to control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.
- B. A food establishment that packages potentially hazardous food (time/temperature control for safety food) using a reduced oxygen packaging method shall have an approved HACCP plan that contains the information specified in these regulations and that:
 - 1. Identifies the food to be packaged;
 - 2. Except as specified under Subsection C, D and E of this section, requires that the packaged food must be maintained at 41°F (5°C) or less and meet at least one (1) of the following criteria:
 - a) Has an a_w of 0.91 or less,
 - b) Has a pH of 4.6 or less,
 - c) Is a meat or poultry product cured at a food processing establishment regulated by the USDA using substances specified in 9 CFR 424.21, "Use of food ingredients and sources of radiation", and is received in an intact package, or
 - d) Is a food with a high level of competing organisms such as raw meat, raw poultry, or raw vegetables;
 - 3. Describes how the package must be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
 - a) Maintain the food at 41°F (5°C) or below, and
 - b) Discard the food if within 30 calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;
 - 4. Limits the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use-by" date, whichever occurs first;
 - 5. Includes operational procedures that:
 - a) Prohibit contacting food with bare hands,
 - b) Identify a designated work area and the method by which:
 - 1) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross-contamination, and
 - 2) Access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation, and
 - c) Delineate cleaning and sanitization procedures for food-contact surfaces; and
 - 6. Describes the training program that ensures that the person responsible for the reduced oxygen packaging operation understands the:

- D. Except as specified under subsection C of this section, a food establishment may package food using a cook-chill or sous vide process without obtaining a waiver if:
1. The food establishment implements a HACCP plan that has been approved in advance by the Health Authority.
 2. The food is:
 - a) 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 the consumer,
 - b) Cooked to heat all parts of the food to a temperature and for a time as specified in Section 050.245~~approved in these regulations~~;
 - c) Protected from contamination after cooking;
 - d) Placed in a package or bag with an oxygen barrier and sealed before cooking, or placed in a package or bag and sealed immediately after cooking and before reaching a temperature below 135°F C (57°),
 - e) Except for frozen food that is not shelf life restricted, cooled to 41°F (5°C) in the sealed package or bag as specified under these regulations and subsequently:
 - 1) Cooled to 34°F (1°C) within 48 hours of reaching 41°F (5°C) and held at that temperature until consumed or discarded within 30 days after the date of packaging
 - 2) Held at 41°F (5°C) or less for no more than 7 days, at which time the food must be consumed or discarded; or
 - 3) Held frozen with no shelf life restriction while frozen until consumed or used.
 - f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily.
 - g) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation, and
 - h) Labeled with the product name and the date packaged; and
 3. The records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP plan, are maintained and are:
 - a) Made available to the Health Authority upon request, and
 - b) Held for 6 months; and
 4. Written operational procedures as specified under Subsection B(5) of this section and a training program as specified under Subsection B(6) of this section are implemented.
- E. A food establishment may package cheese using a reduced oxygen packaging method without obtaining a waiver if it:

1. Limits the cheeses packaged to those that are commercially manufactured in a food processing establishment with no ingredients added in the food establishment and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses;
 2. Has a HACCP plan that has been approved by the Health Authority;
 3. Except as specified in Subsections B(2), B(3)(b), and B(4), complies with Subsection B of this section;
 4. Labels the package on the principal display panel with a “use-by” date that does not exceed 30 days of its packaging or the original manufacturer’s “sell by” or “use-by” date, whichever occurs first; and
 5. Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within 30 calendar days of its packaging.
- F. A HACCP plan is not required when a food establishment uses a reduced oxygen packaging method to package potentially hazardous food (time/temperature control for safety food) that is always:
1. Labeled with the production time and date;
 2. Held at 41°F (5°C) or less during refrigerated storage; and
 3. Removed from its package in the food establishment within 48 hours after packaging.

050.343 Standards of Identity

Packaged food must comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 219 Definitions and Standards of Identity or Composition, and the general requirements in 21 CFR 130 – Food Standards: General and 9 CFR 319 Subpart A - General

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050.345 Honestly Presented

- A. Food must be offered for human consumption in a way that does not mislead or misinform the consumer.
- B. Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.

050.350 Food Labels

- A. Packages of food, including processed foods, dietary supplements and packages of food repackaged from bulk prepared in Washoe County, that are for sale in a food establishment must have a label which has been approved by the Health Authority. The label 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.
- B. 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.
- C. Food packaged in a food establishment, for retail sale, shall be labeled as specified in law, including 21 CFR 101 *Food labeling*, and 9 CFR 317 *Labeling, marking devices, and containers*. Unless otherwise approved in advance by the Health Authority, label information must include:
 1. The name of the food establishment and the place of business of the manufacturer, packer, or distributor;

2. The address of the food establishment, including:
 - a) The city;
 - b) The state; and
 - c) The zip code;
 3. The common name of the food, or absent a common name, an adequately descriptive identity statement;
 4. If made from two (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food;
 5. An accurate declaration of the quantity of contents;
 6. 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.
 7. Except as exempted in 21 U.S.C. § 343(q)(3) - (5), nutrition labeling as specified in 21 CFR 101 *Food Labeling* and 9 CFR 317 Subpart B *Nutrition Labeling*; and
 8. 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, such as a counter card, that discloses the use of canthaxanthin.
- D. 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. The label must include:
1. The name of the food establishment;
 2. The mailing address of the food establishment, including:
 - a) The number of the street or post office box;
 - b) The city;
 - c) The state; and
 - d) The zip code.
 3. A list of ingredients in descending order of predominance;
 4. The last date of sale shown clearly as three (3) letters of the month followed by the date.
 5. A list of known allergens such as ingredients made from or containing nuts; and
 6. When requested by the Health Authority, the telephone number of the food establishment.
- E. Bulk food that is available for consumer self-dispensing must be prominently labeled with the following information in plain view of the consumer:
1. The manufacturer's or processor's label that was provided with the food; or
 2. A card, sign, or other method of notification that includes the following information:
 - a) The common name of the food or, absent a common name, an adequately descriptive identity statement;
 - b) A list of ingredients in descending order of predominance by weight including a declaration of artificial color or flavor and chemical preservatives, if found in the food and if the food is made from two (2) or more ingredients; and

- c) 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.
- F. Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:
 1. A health, nutrient content, or other claim is not made;
 2. There are no state or local laws requiring labeling; and
 3. 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.
- G. 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.

050.355 Other forms of information

- A. Consumer warnings must be provided as required.
- B. Food establishment or manufacturers' dating information on foods may not be concealed or altered.

050.360 Consumption of animal foods that are raw, undercooked, or not otherwise processed to eliminate pathogens

- A. Except as specified in these regulations if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the permit holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in Subsections B and C of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.
- B. Disclosure must include:
 1. A description of the animal-derived foods, such as “oysters on the half shell (raw oysters),” “raw-egg Caesar salad,” and “hamburgers (can be cooked to order);” or
 2. Identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.
- C. Reminder must include asterisking the animal-derived foods requiring disclosure to a footnote that states:
 1. Regarding the safety of these items, written information is available upon request;
 2. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne disease; or
 3. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne disease, especially if you have certain medical conditions.

050.365 Consumer advisory, alcoholic beverages

Establishments in which alcoholic beverages for consumption on premises are sold shall conform to the consumer advisory conditions in this section:

- A. Except as otherwise provided in Subsection E of this section, each establishment in which alcoholic beverages are sold by the drink for consumption on the premises shall post at least one (1) sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The conspicuous location described in this subsection may include, without limitation, a women's restroom that is located within the establishment.
- B. Each sign required by Subsection A of this section, must be not less than 8 1/2 by 11 inches in size and must contain a notice in boldface type that is clearly legible and, except as otherwise provided in Subsection D(1) of this section, in substantially the following form:

HEALTH WARNING

Drinking wine, beer and other alcoholic beverages during pregnancy can cause birth defects.

¡ADVERTENCIA!

El consumo de vino, cerveza y otras bebidas alcohólicas durante el embarazo puede causar defectos físicos y/o mentales en el feto.

- C. The letters in the words "HEALTH WARNING" and "¡ADVERTENCIA!" in the sign must be written in not less than 40-point type, and the letters in all other words in the sign must be written in not less than 30-point type.
- D. The Health District may:
 - 1. Provide by regulation for one (1) or more alternative forms for the language of the warning to be included on the signs required by Subsection A of this section to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in Subsection B of this section.
 - 2. Solicit and accept the donation of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Health District shall distribute the signs upon request to food establishments that are required to post the signs.
- E. An establishment is not required to post the sign otherwise required by this section if the food establishment provides to its patrons a food or drink menu that contains a notice, in boldface type that is clearly legible and not less than the size of the type used for the items on the menu, in substantially the same form and language as is set forth in Subsection B of this section or authorized pursuant to Subsection D(1) of this section.
- F. As used in this section, "alcoholic beverage" means:
 - 1. Beer, ale, porter, stout and other similar fermented beverages, including, without limitation, sake and similar products, of any name or description containing one-half of one (1) percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefore.
 - 2. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of one-half of one (1) percent or more of alcohol by volume.
 - 3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including, without limitation, all dilutions and mixtures thereof from whatever process produced.

050.370 Discarding or reconditioning unsafe, adulterated, or contaminated food

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

- B. Food that is not from an approved source must be discarded.
- C. Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded must be discarded.
- D. Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means must be discarded.

050.375 Pasteurized foods, prohibited reservice, and prohibited food

In a food establishment that serves a highly susceptible population:

- A. The following criteria apply to juice:
 - 1. For the purposes of this subsection only, children who are age 9 or less and receive food in a school, day-care setting, or similar facility that provides custodial care are included as highly susceptible populations;
 - 2. Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label, as specified in 21 CFR, 101.17 (G) *Food labeling, warning, notice and safe handling statements* or juices that have not been specifically processed to prevent, reduce or eliminate the presence of pathogens or a packaged juice or beverage containing juice that bears a warning label may not be served or offered for sale; and
 - 3. Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form must be processed under a HACCP plan approved by the Health Authority and as specified in 21 CFR 120 *Hazard Analysis and Critical Control Point (HACCP) Systems, Subpart B Pathogen Reduction, 120.4 Process controls.*
- B. Pasteurized eggs or egg products must be substituted for raw eggs in the preparation of:
 - 1. Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages, and
 - 2. Except as specified in Subsection F of this section, recipes in which more than one (1) egg is broken and the eggs are combined;
- C. The following foods may not be served or offered for sale in a ready-to-eat form:
 - 1. Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare,
 - 2. A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue; and
 - 3. Raw seed sprouts.
- D. Food employees may not contact ready-to-eat food.
- E. Time only, as the public health control, may not be used for raw eggs.
- F. Subsection B(2) of this section does not apply if:
 - 1. The raw eggs are combined immediately before cooking for one (1) consumers serving at a single meal, cooked as specified under these regulations and served immediately, such as an omelet, soufflé, or scrambled eggs;
 - 2. The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or
 - 3. The preparation of the food is conducted under a HACCP plan that:
 - a) Identifies the food to be prepared,

- b) Prohibits contacting ready-to-eat food with bare hands,
 - c) Includes specifications and practices that ensure:
 - 1) *Salmonella enteritidis* growth is controlled before and after cooking, and
 - 2) *Salmonella enteritidis* is destroyed by cooking the eggs according to the temperature and time specified in these regulations.
 - d) Contains the information in an approved HACCP plan including procedures that:
 - 1) Control cross-contamination of ready-to-eat food with raw eggs, and
 - 2) Delineate cleaning and sanitization procedures for food-contact surfaces, and
 - e) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.
- G. Except as specified in Subsection H of this section, food may be re-served as specified in these regulations.
- H. Food may not be re-served under the following conditions:
- 1. Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation may not be re-served to others outside.
 - 2. Packages of food from any patients, clients, or other consumers should not be re-served to persons in protective environment isolation.
- I. Honey may not be served to children who are under one (1) year old and receive food in a school, day-care setting, or similar facility that provides custodial care.

CHAPTER 060

EQUIPMENT, UTENSILS AND LINENS

060.005 Characteristics

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

- A. Safe;
- B. Durable, corrosion-resistant, and nonabsorbent;
- C. Sufficient in weight and thickness to withstand repeated warewashing;
- D. Finished to have a smooth, easily cleanable surface; and
- E. Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

060.010 Cast iron, limitations for use

- A. Except as specified in Subsection B and C of this section, cast iron may not be used for utensils or food-contact surfaces of equipment.
- B. Cast iron may be used as a surface for cooking.
- C. 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.

060.015 Lead, limitations for use

- A. Ceramic, china, and crystal utensils, and decorative utensils such as 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:

Utensil category	Ceramic Article Description	Maximum Lead (mg/L)
Beverage Mugs, Cups, Pitchers	Coffee Mugs	0.5
Large Hollowware (excluding pitchers)	Bowls > 1.1 Liter (1.16 Quart)	1
Small Hollowware (excluding cups & mugs)	Bowls < 1.1 Liter (1.16 Quart)	2.0
Flat Tableware	Plates, Saucers	3.0

- B. Pewter alloys containing lead in excess of 0.05% may not be used as a food-contact surface.
- C. Solder and flux containing lead in excess of 0.2% may not be used as a food-contact surface.

060.020 Copper, limitations for use

- A. Except as specified in Subsection B of this section, copper and copper alloys such as 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.
- B. Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

060.025 Galvanized metal, limitations for use

Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.

060.030 Sponges, limitations of use

Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

060.035 Wood, limitations for use

- A. Except as specified in Subsections B and C of this section, wood and wood wicker may not be used as a food-contact surface.
- B. Hard maple or an equivalently hard, close-grained wood may be used for:
 - 1. Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and
 - 2. Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230°F (110°C) or above.
- C. 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.
- D. If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:
 - 1. Untreated wood containers; or
 - 2. Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 "Preservatives for wood".

060.040 Nonstick coatings, limitations for use

Multi-use kitchenware such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating must be used with non-scoring or non-scratching utensils and cleaning aids.

060.045 Nonfood-contact surfaces

Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning must be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

060.050 Characteristics, single-service articles

Materials that are used to make single-service and single-use articles:

- A. May not:
 - 1. Allow the migration of deleterious substances, or
 - 2. Impart colors, odors, or tastes to food; and
- B. Must be:
 - 1. Safe, and
 - 2. Clean.

060.055 Equipment and utensils

Equipment and utensils must be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

060.060 Food temperature measuring devices

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 such as candy thermometers may be used.

060.065 Food-contact surfaces

- A. Multi-use food-contact surfaces must be:
 - 1. Smooth;
 - 2. Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;
 - 3. Free of sharp internal angles, corners, and crevices;
 - 4. Finished to have smooth welds and joints; and
 - 5. Except as specified in Subsection B of this section, accessible for cleaning and inspection by one (1) of the following methods:
 - f)a) Without being disassembled,
 - g)b) By disassembling without the use of tools, or
 - h)c) By easy disassembling with the use of hand-held tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.
- B. Subsection A(5) of this section does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.

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060.070 Clean-in-place equipment

- A. Cleaned-in-place equipment must be designed and constructed so that:
 - 1. Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces, and
 - 2. The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and

- B. Cleaned-in-place 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.

060.075 "V" Threads, limitations

Except for hot oil cooking or filtering equipment, "V" type threads may not be used on food-contact surfaces.

060.080 Hot oil filtering equipment

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.

060.085 Can openers

Cutting or piercing parts of can openers must be readily removable for cleaning and for replacement.

060.090 Nonfood-contact surfaces

Nonfood-contact surfaces must be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

060.095 Kick plates, removable

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

- A. Easily removable or capable of being rotated open; and
- B. Easily removable or capable of being rotated open without unlocking equipment doors.

060.100 Ventilation hood systems, filters

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.

060.105 Temperature measuring devices for food

- A. 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.
- B. 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.

060.110 Temperature measuring devices, ambient air and water

- A. 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.
- B. 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.

060.115 Pressure measuring devices, mechanical warewashing equipment

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse must have increments of 7 kilopascals (1 pounds per square inch) or smaller and must be accurate to plus or minus 14 kilopascals (plus or minus 2 pounds per square inch) in the 100-170 kilopascals (15-25 pounds per square inch) range.

060.120 Ventilation hood systems, drip prevention

Exhaust ventilation hood systems in food preparation and warewashing areas including 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.

060.125 Equipment openings, closures and deflectors

- A. A cover or lid for equipment must overlap the opening and be sloped to drain.
- B. 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).
- C. Except as specified under Subsection D of this section, 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 item enters the equipment.
- D. If a watertight joint is not provided:
 - 1. 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 openings into the food; and
 - 2. The opening must be flanged as specified under Subsection B of this section.

060.130 Dispensing equipment, protection of equipment and food

In equipment that dispenses or vends liquid food or ice in unpackaged form:

- A. The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food must be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;
- B. The delivery tube, chute, and orifice must be protected from manual contact such as by being recessed;
- C. The delivery tube or chute and orifice of equipment used to vend liquid food or ice in 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:
 - 1. 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 that are present in the environment, or
 - 2. Available for self-service during hours when it is not under the full-time supervision of a food employee; and
- D. 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.

060.135 Bearings and gear boxes, leak-proof

Equipment containing bearings and gears that require lubricants must be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto food-contact surfaces.

060.140 Beverage tubing, separation

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 that is intended for use as food.

060.145 Ice units, separation of drains

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

060.150 Molluscan shellfish tanks

- A. Except as specified in Subsection B of this section, molluscan shellfish life-support system display tanks may not be used to display shellfish that are offered for human consumption and must be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.
- B. Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption must be operated and maintained in accordance with a waiver granted by the Health Authority and a HACCP plan that:
 - 1. Is submitted by the permit holder and approved as specified in these regulations; and
 - 2. Ensures that:
 - a) Water used with fish other than molluscan shellfish does not flow into the molluscan tank
 - b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and
 - c) The identity of the source of the shellstock is retained as specified in these regulations.

060.155 Temperature measuring devices

- A. 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.
- B. Except as specified in Subsection C of this section, 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 (1) integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.
- C. Subsection B of this section does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calorod units, heat lamps, cold-plates, bainmaries, steam tables, insulated food transport containers, and salad bars.
- D. Temperature measuring devices must be designed to be easily readable.

- E. 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.

060.160 Warewashing machine, data plate operating specifications

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:

- A. Temperatures required for washing, rinsing, and sanitizing;
- B. Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and
- C. Conveyor speed for conveyor machines or cycle time for stationary rack machines.

060.165 Warewashing machines, internal baffles

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.

060.170 Warewashing machines, temperature measuring devices

A warewashing machine must be equipped with a temperature measuring device that indicates the temperature of the water:

- A. In each wash and rinse tank; and
- B. As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

060.175 Manual warewashing equipment, heaters and baskets

If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink must be:

- A. Designed with an integral heating device that is capable of maintaining water at a temperature not less than 171°F (77 °C); and
- B. Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

060.180 Warewashing machines, automatic dispensing of detergents and sanitizers

A warewashing machine that is installed after adoption of these regulations must be equipped to:

- A. Automatically dispense detergents and sanitizers; and
- B. 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.

060.185 Warewashing machines, flow pressure device

- A. Warewashing machines that provide a fresh hot water sanitizing rinse must be equipped with a pressure gauge or similar device such as a transducer that 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 6.4 millimeter or one-fourth (1/4) inch Iron Pipe Size (IPS) valve.
- C. Subsections A and B of this section do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

060.190 Warewashing sinks and drainboards self-draining

Sinks and drainboards of warewashing sinks and machines must be integrated and self-draining.

060.195 Equipment compartments, drainage

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.

060.200 Case lot handling apparatuses, movability

Apparatuses, such as 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.

060.205 Food equipment, certification and classification

- A. Except as provided in Subsections B and C of this section, food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program is deemed to comply with these regulations.
- B. Exemption may only be considered when, in the opinion of the Health Authority, the equipment in question meets acceptable standards of durability, cleanability, and temperature maintenance.
 - 1. General exceptions – Storage freezers and refrigerators used for the storage of nonperishable food items only may be exempted from the above requirement.
 - 2. Specific exemptions – Specific exemptions may be granted on a case-by-case basis only. The owner of the food establishment must demonstrate to the Health Authority:
 - a) That his circumstances are unique among food establishment owners; and
 - b) That the equipment in question qualifies for exemption.
- C. A specific exemption must be approved in writing by the Health Authority and specify all conditions or restrictions placed upon the exemption. The exemption shall become null and void:
 - 1. Upon change of business ownership; or
 - 2. When any condition or restriction is violated.

060.210 Cooling, heating, and holding capacities

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 under these regulations.

060.215 Manual warewashing, sink compartment requirements

- A. Except as specified in Subsections C and F of this section, a sink with at least three (3)-compartments must be provided for manually washing, rinsing, and sanitizing equipment and utensils.
- B. 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 specified in Subsection C of this section must be used.
- C. Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:
 - 1. High-pressure detergent sprayers;
 - 2. Low- or line-pressure spray detergent foamers;
 - 3. Other task-specific cleaning equipment;
 - 4. Brushes or other implements;
 - 5. Two (2)-compartment sinks as specified under Subsections D and E of this section;
 - 6. Receptacles that substitute for the compartments of a multi-compartment sink.
- D. Before a two (2)-compartment sink is used:
 - 1. The permit holder shall have its use approved; and
 - 2. The permit holder shall limit the number of kitchenware items cleaned and sanitized in the two (2)-compartment sink, and shall 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:
 - a) Make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use, and
 - b) Use a detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified under these regulations, or
 - c) Use a hot water sanitization immersion step as specified under these regulations.
- E. A two (2)-compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.
- F. Coffee or teapots and other similar equipment used exclusively for the preparation or heating of hot beverages are specifically excluded from the sink requirements of this section.

060.220 Drainboards

Drainboards, 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.

060.225 Ventilation hood systems, adequacy

Ventilation hood systems and devices must be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

060.230 Clothes washers and dryers

- A. Except as specified in Subsection B of this section, if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer must be provided and used.
- B. If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried in a manner which prevent contamination of food, equipment, utensils, linens and single-service articles and the wiping cloths, a mechanical clothes washer and dryer need not be provided.

060.235 Utensils, consumer self-service

A food dispensing utensil must be available for each container displayed at a consumer self-service unit such as a buffet or salad bar.

060.240 Food temperature measuring devices

- A. Food temperature measuring devices must be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures.
- B. 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 such as meat patties and fish filets.

060.245 Temperature measuring devices, manual warewashing

In manual warewashing operations, a temperature measuring device must be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

060.250 Sanitizing solutions, testing devices

A test kit or other device that accurately measures the concentration in mg/L (ppm) of sanitizing solutions must be provided.

060.255 Equipment, clothes washers and dryers, and storage cabinets, contamination prevention

- A. A cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located:
 - 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.
- B. 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.

060.260 Fixed equipment, spacing or sealing

- A. Equipment that is fixed because it is not easily movable must be installed so that it is:
1. Spaced to allow access for cleaning along the sides, behind, and above the equipment;
 2. Spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second inch (1 mm); or
 3. Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.
- B. 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:
1. Sealed or
 2. Elevated on legs.

060.265 Fixed equipment, elevation or sealing

- A. Except as specified in Subsections B and C of this section, floor-mounted equipment that is not easily movable must be sealed to the floor or elevated on legs that provide at least a 6 inch (15 centimeter) clearance between the floor and the equipment.
- B. If no part of the floor under the floor-mounted equipment is more than 6 inches (15 centimeters) from the point of cleaning access, the clearance space may be only 4 inches (10 centimeters).
- C. 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 clean.
- D. Except as specified in Subsection E of this section, counter-mounted equipment that is not easily movable must be elevated on legs that provide at least a 4 inch (10 centimeter) clearance between the table and the equipment.
- E. The clearance space between the table and counter-mounted equipment may be:
1. 3 inches (7.50 centimeters) if the horizontal distance of the table top under the equipment is no more than 20 inches (50 centimeters) from the point of access for cleaning; or
 2. 2 inches (5 centimeters) if the horizontal distance of the table top under the equipment is no more than 3 inches (7.50 centimeters) from the point of access for cleaning.

060.270 Good repair and proper adjustment

- A. Equipment must be maintained in a state of good repair and condition
- B. Equipment components such as doors, seals, hinges, fasteners, and kick plates must be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- C. 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.

060.275 Cutting surfaces

Surfaces such as 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.

060.278 Microwave Ovens

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10 *Microwave ovens*.

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060.280 Warewashing equipment, cleaning frequency

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 drainboards or other equipment used to substitute for drainboards must be cleaned:

- A. Before use;
- B. 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
- C. If used, at least every 24 hours.

060.285 Warewashing machines, manufacturer's¹ operating instructions

- A. A warewashing machine and its auxiliary components must be operated in accordance with the machine's data plate and other manufacturer's instructions.
- B. A warewashing machine's conveyor speed or automatic cycle times must be maintained accurately timed in accordance with manufacturer's specifications.

060.290 Warewashing sinks, limitations

- A. A warewashing sink may not be used for handwashing.
- B. If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink must be cleaned as specified under these regulations before and after each time it is used to wash wiping cloths, wash produce or thaw food. Sinks used to wash or thaw food must be sanitized as specified in these regulations before and after using the sink to wash produce or thaw food.

060.295 Warewashing equipment, cleaning agents

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.

060.300 Warewashing equipment, clean solutions

The wash, rinse, and sanitize solutions must be maintained clean.

060.305 Manual warewashing equipment, wash solution temperature

The temperature of the wash solution in manual warewashing equipment must be maintained at not less than 110°F (43°C) or the temperature specified on the cleaning agent manufacturer's label instructions.

060.310 Mechanical warewashing equipment, wash solution temperature

- A. The temperature of the wash solution in spray-type warewashers that use hot water to sanitize may not be less than:
 - 1. For a stationary rack, single temperature machine, 165°F (74°C);
 - 2. For a stationary rack, dual temperature machine, 150°F (66°C);
 - 3. For a single tank, conveyor, dual temperature machine, 160°F (71°C); or
 - 4. For a multi-tank, conveyor, multi-temperature machine, 150°F (66°C)
- B. The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than 120°F (49°C).

060.315 Manual warewashing equipment, hot water sanitization temperatures

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°C) or above.

060.320 Mechanical warewashing equipment, hot water sanitization temperatures

- A. Except as specified in Subsection B of this section, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than 194°F (90°C), or less than:
 - 1. For a stationary rack, single temperature machine, 165°F (74°C); or
 - 2. For all other machines, 180 °F (82°C).
- B. The maximum temperature specified under Subsection A of this section, does not apply to the high-pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

060.325 Mechanical warewashing equipment, sanitization pressure

The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than 100 kilopascals (15 pounds per square inch) or more than 170 kilopascals (25 pounds per square inch) as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

060.330 Manual and mechanical warewashing equipment, chemical sanitization, temperature, pH, concentration, and hardness

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 these regulations, must be used in accordance with the EPA approved manufacturer's label use instructions for sanitizers, and must be used as follows:

- A. A chlorine solution must have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;

Minimum Concentration mg/L (ppm)	Minimum Temperature	
	pH 10 or less, °F (°C)	pH 8 or less, °F (°C)
25	120 (49)	120 (49)
50	100 (38)	75 (24)

100	55 (13)	55 (13)
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- B. An iodine solution must have a:
1. Minimum temperature of 75°F (24°C),
 2. pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and
 3. Concentration between 12.5 mg/L (ppm) and 25 mg/L (ppm);
- C. A quaternary ammonium compound solution must:
1. Have a minimum temperature of 75°F (24°C),
 2. Have a concentration as indicated by the manufacturer's use directions included in the labeling, and
 3. Be used only in water with 500 mg/L (ppm) hardness or less or in water having a hardness no greater than specified by the manufacturer's label;
- D. If another solution of a chemical specified under Subsections A, B and C of this section is used, the permit holder shall demonstrate to the Health Authority that the solution achieves sanitization and the use of the solution must be approved; or
- E. If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it must be applied in accordance with the manufacturer's use directions included in the labeling.

060.335 Manual warewashing equipment, chemical sanitization, using detergent-sanitizers

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.

060.340 Warewashing equipment, determining chemical sanitizer concentration

Concentration of the sanitizing solution must be accurately determined by using a test kit or other device.

060.345 Good repair and calibration

- A. Utensils must be maintained in a state of repair or condition that complies with these requirements or be discarded.
- B. Food temperature measuring devices must be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.
- C. Ambient air temperature, water pressure, and water temperature measuring devices must be maintained in good repair and be accurate within the intended range of use.

060.350 Single-service and single-use articles, required use

A food establishment without facilities for cleaning and sanitizing kitchenware and tableware must provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

060.355 Single-service and single-use articles, limitations

- A. Single-service and single-use articles may not be reused.
- B. The bulk milk container dispensing tube must be cut on the diagonal leaving no more than one (1) inch protruding from the chilled dispensing head.

060.360 Shells, limitations

Mollusk and crustacean shells may not be used more than once as serving containers.

060.365 Equipment, food-contact surfaces, nonfood-contact surfaces, and utensils

- A. Equipment food-contact surfaces and utensils must be clean to sight and touch.
- B. The food-contact surfaces of cooking equipment and pans must be kept free of encrusted grease deposits and other soil accumulations.
- C. Nonfood-contact surfaces of equipment must be kept free of an accumulation of dust, dirt, food residue, and other debris.

060.370 Equipment food-contact surfaces and utensils

- A. Equipment food-contact surfaces and utensils must be cleaned:
 - 1. Except as specified in Subsection B of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
 - 2. Each time there is a change from working with raw foods to working with ready-to-eat foods;
 - 3. Between uses with raw fruits and vegetables and with potentially hazardous food (time/temperature control for safety food);
 - 4. Before using or storing a food temperature measuring device; and
 - 5. At any time during the operation when contamination may have occurred.
- B. Subsection A(1) of this section does 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, such as preparing raw fish followed by cutting raw poultry on the same cutting board.
- C. Except as specified in Subsection D of this section, if used with potentially hazardous food (time/temperature control for safety food) equipment food-contact surfaces and utensils must be cleaned throughout the day at least every four (4) hours.
- D. Surfaces of utensils and equipment contacting potentially hazardous food (time/temperature control for safety food) may be cleaned less frequently than every four (4) hours if:
 - 1. 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;
 - 2. Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one (1) of the temperatures in the following chart and:

- a) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature; and

Temperature	Cleaning Frequency
41°F (5.0°C) or less	24 hours
>41°F - 45°F (5.0°C - 7.2°C)	20 hours
>45°F - 50°F (7.2°C - 10.0°C)	16 hours
>50°F - 55°F (10.0°C - 12.8°C)	10 hours

- b) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment.
3. Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat potentially hazardous food (time/temperature control for safety food) that is maintained at required temperatures, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every 24 hours;
 4. Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at required temperatures.
 5. Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.
 6. The cleaning schedule is approved based on consideration of:
 - a) Characteristics of the equipment and its use,
 - b) The type of food involved,
 - c) The amount of food residue accumulation, and
 - d) 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
 7. In-use utensils are intermittently stored in a container of water in which the water is maintained at 135°F (57°C) or more and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.
- E. 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:
1. At any time when contamination may have occurred;
 2. At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;
 3. Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and
 4. In equipment such as 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:
 - a) At a frequency specified by the manufacturer, or
 - b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

060.375 Cooking and baking equipment

- A. The food-contact surfaces of cooking and baking equipment must be cleaned at least every 24 hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned on an approved schedule.
- B. The cavities and door seals of microwave ovens must be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

060.380 Nonfood-contact surfaces

Nonfood-contact surfaces of equipment must be cleaned at a frequency necessary to preclude accumulation of soil residues.

060.385 Dry cleaning

- A. If used, dry cleaning methods such as 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).
- B. Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

060.390 Precleaning

- A. 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.
- B. If necessary for effective cleaning, utensils and equipment must be preflushed, presoaked, or scrubbed with abrasives.

060.395 Loading of soiled items, warewashing machines

Soiled items to be cleaned in a warewashing machine must be loaded into racks, trays, or baskets or onto conveyors in a position that:

- A. Exposes the items to the unobstructed spray from all cycles; and
- B. Allows the items to drain.

060.400 Wet cleaning

- A. Equipment food-contact surfaces and utensils must be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as 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.
- B. The washing procedures selected must be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

060.405 Washing, procedures for alternative manual warewashing equipment

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 in accordance with the following procedures:

- A. Equipment must be disassembled as necessary to allow access of the detergent solution to all parts;
- B. Equipment components and utensils must be scraped or rough cleaned to remove food particle accumulation; and
- C. Equipment and utensils must be washed with an approved method.

060.410 Rinsing procedures

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 (1) of the following procedures:

- A. Use of a distinct, separate water rinse after washing and before sanitizing if using:
 - 1. A three (3)-compartment sink,
 - 2. Alternative manual warewashing equipment equivalent to a three (3)-compartment sink; or
 - 3. A three (3)-step washing, rinsing, and sanitizing procedure in a warewashing system for cleaned-in-place equipment;
- B. Use of a detergent-sanitizer if using:
 - 1. Alternative warewashing equipment that is approved for use with a detergent-sanitizer, or
 - 2. A warewashing system for cleaned-in-place equipment;
- C. Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2)-compartment sink operation;
- D. If using a warewashing machine that does not recycle the sanitizing solution as specified under Subsection E of this section, or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:
 - 1. Integrated in the application of the sanitizing solution, and
 - 2. Wasted immediately after each application; or
- E. 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.

060.415 Returnables, cleaning for refilling

- A. Except as specified in Subsections B and C of this section, returned empty containers intended for cleaning and refilling with food must be cleaned and refilled in a regulated food processing establishment.
- B. A food-specific container for beverages may be refilled at a food establishment if:
 - 1. Only a beverage that is not a potentially hazardous food (time/temperature control for safety food) is used;
 - 2. 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;

3. 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;
 4. The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and
 5. The container is refilled by:
 - a) An employee of the food establishment, or
 - b) The owner of the container if the beverage system includes a contamination-free transfer process that cannot be bypassed by the container owner.
- C. Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

060.420 Food-contact surfaces and utensils

Equipment food-contact surfaces and utensils must be sanitized.

060.425 Before use after cleaning

Utensils and food-contact surfaces of equipment must be sanitized before use after cleaning.

060.430 Hot water and chemical

After being cleaned, equipment food-contact surfaces and utensils must be sanitized in:

- A. Hot water manual operations by immersion for at least 30 seconds with a temperature of 171°F (77°C) or above; or
- B. 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°C) as measured by an irreversible registering temperature indicator; or
- C. 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 by the EPA approved manufacturer's label and by providing:
 1. An exposure time of at least 10 seconds for a chlorine solution with approved concentrations and temperatures;
 2. An exposure time of at least 7 seconds for a chlorine solution of 50 mg/L (ppm) that has a pH of 10 or less and a temperature of at least 100°F (38°C) or a pH of 8 or less and a temperature of at least 75°F (24°C);
 3. An exposure time of at least 30 seconds for other chemical sanitizing solutions, or
 4. An exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields approved levels of sanitization.

060.435 Clean linens

Clean linens must be free from food residues and other soiling matter.

060.440 Specifications

- A. Linens that do not come in direct contact with food must be laundered between operations if they become wet, sticky, or visibly soiled.

- B. Cloth gloves must be laundered before being used with a different type of raw animal food such as beef, fish, lamb, pork or poultry.
- C. Linens, napkins and cloth napkins must be laundered between each use.
- D. Wet wiping cloths must be laundered daily.
- E. Dry wiping cloths must be laundered as necessary to prevent contamination of food and clean serving utensils.

060.445 Storage of soiled linens

Soiled linens must be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

060.450 Mechanical washing

- A. Except as specified in Subsection B of this section, linens must be mechanically washed.
- B. In food establishments in which only wiping cloths are laundered, the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned with an approved method.

060.455 Use of laundry facilities

- A. Except as specified in Subsection B of this section, 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.
- B. Separate laundry facilities located on the premises for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering food establishment items.

060.460 Equipment and utensils, air-drying required

After cleaning and sanitizing, equipment and utensils:

- A. Must be air-dried or used after adequate draining before contact with food; and
- B. May not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

060.465 Wiping cloths, air-drying locations

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 contamination of food, equipment, utensils, linens, and 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.

060.470 Food-contact surfaces; lubricants

Lubricants must be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

060.475 Equipment

Equipment must be reassembled so that food-contact surfaces are not contaminated.

060.480 Equipment, utensils, linens, and single-service and single-use articles

- A. Except as specified in Subsection D of this section, cleaned equipment and utensils, laundered linens, and single-service and single-use articles must be stored:
 - 1. In a clean, dry location;
 - 2. Where they are not exposed to splash, dust, or other contamination; and
 - 3. At least 6 inches (15 centimeters) above the floor.
- B. Clean equipment and utensils must be stored as specified under Subsection A of this section and must be stored:
 - 1. In a self-draining position that allows air-drying; and
 - 2. Covered or inverted.
- C. Single-service and single-use articles must be stored as specified under Subsection A of this section and must be kept in the original protective package or stored by using other means that afford protection from contamination until used.
- D. 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.

060.485 Prohibitions

- A. Except as specified in Subsection B, cleaned and sanitized equipment, 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.
- B. Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

060.490 Kitchenware and tableware

- A. 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.
- B. 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.

- C. Except as specified under Subsection B of this section, 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.

060.495 Soiled and clean tableware

Soiled tableware must be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

060.500 Preset tableware

- A. Tableware that is preset must be protected from contamination by being wrapped, covered, or inverted.
- B. When tableware is preset, exposed, unused settings must be:
 - 1. Removed when a consumer is seated; or
 - 2. Cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

060.503 Rinsing equipment and utensils after cleaning and sanitizing

After being cleaned and sanitized, equipment and utensils shall not be rinsed before air drying or use unless:

- A. The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified in these regulations; and
- B. The rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose EPA-registered label use instructions call for rinsing off the sanitizer after it is applied in a commercial warewashing machine.

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CHAPTER 070

WATER, PLUMBING AND WASTE

070.005 Potable water

- A. Potable water of a sufficient amount to meet the demands of a food establishment must be obtained from a permitted public water system or source approved by the Washoe County Health District.
- B. Hot water generation and distribution systems must be sufficient to meet the peak hot water demands throughout the food establishment.
- C. 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.

070.010 Bottled drinking water

Bottled drinking water used or sold in a food establishment must be obtained from approved sources.

070.015 Alternative water supply

- A. Potable water must be provided from an approved source for a mobile unit or for a temporary food establishment without a permanent water supply, and for a food establishment with a temporary interruption of its water supply through:
 1. A supply of containers of commercially bottled drinking water;
 2. One (1) or more sealable, portable water containers;
 3. An enclosed vehicular water tank that is permitted as a potable water hauler;
 4. An on-premises water storage tank; or
 5. Piping, tubing, or hoses connected to an adjacent approved source.
- B. 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.

070.020 Plumbing

Except as otherwise provided in these regulations, all plumbing systems including individual sewage disposal system piping, must be sized, constructed, installed, located and maintained according to the requirements in the most recent edition of the Uniform Plumbing Code or pursuant to the authority having jurisdiction. Plumbing systems must also be:

- A. Composed of nontoxic materials;
- B. Repaired in accordance with applicable local or state law; and
- C. Approved by the Health Authority.

070.025 Cleanable fixtures

- A. Toilets and urinals must be easy to clean. Trough type urinals are prohibited.

- B. Fixtures must be kept clean and in good repair.

070.030 Handwashing sink, installation

- A. Each sink for washing hands 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 (38°C).
- B. A steam mixing valve may not be used at a handwashing sink.
- C. 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.
- D. 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.
- E. An automatic handwashing facility must be installed in accordance with manufacturer's instructions.

070.035 Handwashing sink: use, operation and maintenance

- A. A supply of soap or detergent for cleaning hands must be available at each sink for washing hands.
- B. 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.
- C. Sinks for washing hands must be accessible to employees at all times and may not be used for purposes other than washing hands.

070.040 Systems for potable and non-potable water; backflow prevention

- A. There may be no cross-connection between the supply of potable water and any water which is non-potable or may be non-potable or any source of pollution by which the potable water might become contaminated.
- B. A system of non-potable 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 non-potable water must be clearly and permanently identified so that it is readily distinguishable from piping that carries potable water.
- C. The system for potable water must be installed to preclude the possibility of backflow. Devices must be installed to protect against backflow and backsiphonage 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.
- D. A backflow prevention assembly must be located so that it may be serviced and maintained.
- E. A device such as a water-treatment device or backflow preventer must be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions. Records demonstrating inspection and service must be maintained by the person-in-charge.
- F. If not provided with an air gap, a double check valve with an intermediate vent 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.

- G. 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 been otherwise provided.
- H. The piping of a non-potable water system must be durably identified so that it is readily distinguishable from piping that carries potable water.

070.045 Conditioning device, design

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.

070.050 Toilets

- A. If a food establishment is the only occupant of a building, the establishment must have toilets which are conveniently located within the building. The toilets must be accessible to the employees of the establishment at all times.
- B. If the one toilet facility serving the food establishment at any time fails or becomes otherwise inoperable, the food establishment must immediately close for business and notify the Health Authority. The establishment must stay closed until the Health Authority approves the food establishment to reopen.
- C. 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.
- D. Exhaust fans must be installed in all new facilities and in existing facilities if the food establishment is extensively remodeled.
- E. Food establishments are not required to supply toilets within the facility if:
 - 1. 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; and
 - 2. A sink for washing hands is conveniently located as required by these regulations; and
 - 3. 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.
- F. The number and type of required toilet facilities must be determined by the local building authority.
- G. Toilets must be installed according to the most recent edition of the Uniform Plumbing Code.

070.055 Mop sink

At least one (1) mop sink or one (1) 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.

070.060 Water reservoir of fogging devices, cleaning

- A. A reservoir that is used to supply water to a device such as a produce fogger must be:
 - 1. Maintained in accordance with manufacturer's specifications; and

2. Cleaned in accordance with manufacturer's specifications or according to the procedures specified under Subsection B of this section, whichever is more stringent.
- B. Cleaning procedures must include at least the following steps and must be conducted at least once a week:
1. Draining and complete disassembly of the water and aerosol contact parts;
 2. Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;
 3. Flushing the complete system with water to remove the detergent solution and particulate accumulation; and
 4. Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 mg/L (ppm) hypochlorite solution.

070.065 Drains

- A. 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.
- B. A floor drain must be provided in any area where meat, fish or poultry is processed.

070.070 Backflow prevention

- A. Except as provided in Subsection B of this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed except when floor drains originating in refrigerated spaces are constructed as an integral part of the building.
- B. A warewashing machine may have a direct connection to the sewage system provided that it conforms to applicable codes adopted in these regulations.

070.075 Grease traps

If used a grease trap must be located to 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.

070.080 Grease interceptors

Grease interceptors must be sized, constructed, installed, located and maintained according to the requirements in the most recent edition of the Uniform Plumbing Code or pursuant to the authority having jurisdiction.

070.085 Disposal of sewage

- A. All sewage, including liquid waste, must be disposed of in a manner approved by the Health Authority.
- B. Facilities for the disposal of sewage which do not use water, including non-sewered 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.

070.090 Indoor storage area

If located within the food establishment, a storage area for refuse, recyclables, and returnables must meet the requirements set forth by the Health Authority.

070.095 Outdoor storage surface

- A. An outdoor storage surface for refuse, recyclables, and returnables must be smooth and durable, maintained in good repair and constructed of nonabsorbent material such as concrete or asphalt unless otherwise approved by the Health Authority.
- B. A drain must be installed in an outdoor storage area when:
 - 1. The storage area is used to store bin type grease receptacles or compactors not equipped with leak-proof drainage containment compartments; or
 - 2. Used to dispose of liquid waste; or
 - 3. Used in an area in which to rinse or wet clean equipment, such as solid waste containers, storage bins, floor mats, mops, etc.
- C. If approved off-premises based cleaning services for dumpsters and trash receptacle areas may be used if on-premise cleaning implements and supplies are not available. 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.

070.100 Outdoor storage area, construction requirements when drain required

Outdoor storage areas that are required to have area or trough drains must be constructed:

- A. With the storage surface sloped toward the drain(s), and
- B. With concrete berms or other durable and water resistant barriers which are either integral to the construction of the surface material or which are sealed to the surface; or
- C. Such that the area is elevated above the surrounding ground surface by at least four (4) inches; or
- D. Such that storm water run-off from other than that accumulating in the storage area is directed away from the storage area. This may be accomplished by grading the land surrounding the storage area such that it is sloped away from the area at a grade of at least one (1) inch per foot.

070.105 Outdoor enclosure

If used, an outdoor enclosure for refuse, recyclables, and returnables must be constructed of durable and cleanable materials.

070.110 Receptacles

- A. Except as specified in Subsection B of this section, 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.
- B. Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food establishment, or within closed outside receptacles.

- C. Receptacles and waste handling units for refuse and recyclables such as an on-site compactor must be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

070.115 Storage areas, rooms, and receptacles, capacity and availability

- A. An inside storage room and area and outside storage area and enclosure, and receptacles must be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.
- B. 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.

070.120 Toilet room receptacle, covered

A toilet room used by females must be provided with a covered receptacle for sanitary napkins that is easily accessible from within the stall.

070.125 Cleaning implements and supplies

- A. Except as specified in Subsection B of this section, suitable cleaning implements and supplies such as high-pressure pumps, hot water, steam, and detergent must be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.
- B. If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

070.130 Storage areas, redeeming machines, receptacles and waste handling units, location

- A. An area designated for refuse, recyclables, returnables, and, except as specified in Subsection B of this section, a redeeming machine for recyclables or returnables must be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.
- B. A redeeming machine may be located in the packaged food storage area or consumer area of a food establishment if food, equipment, utensils, 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.
- C. The location of receptacles and waste handling units for refuse, recyclables, and returnables may not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

070.135 Storing refuse, recyclables, and returnables

Refuse, recyclables, and returnables must be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

070.140 Outside storage prohibitions

- A. Except as specified in Subsection B of this section, refuse receptacles not meeting the requirements specified under these regulation such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.

- B. Cardboard or other packaging material that does not contain food residues 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.

070.145 Covering receptacles

Receptacles and waste handling units for refuse, recyclables, and returnables must be kept covered:

- A. Inside the food establishment if the receptacles and units:
 - 1. Contain food residue and are not in continuous use; or
 - 2. After they are filled; and
- B. With tight-fitting lids or doors if kept outside the food establishment.

070.150 Using drain plugs

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

070.155 Maintaining refuse areas and enclosures

A storage area and enclosure for refuse, recyclables, or returnables must be maintained free of unnecessary items.

070.160 Cleaning receptacles

- A. 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 these regulations.
- B. 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.

070.165 Approved service

All food establishments must subscribe to an approved garbage collection service.

070.170 Storing refuse, recyclables and returnables

Refuse, recyclables, and returnables must be removed from the premises at a frequency not to exceed seven (7) days to minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

CHAPTER 080

PHYSICAL FACILITIES

080.005 Indoor surface characteristics

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

- A. Smooth, durable, and easily cleanable for areas where food establishment operations are conducted;
- B. Closely woven and easily cleanable carpet for carpeted areas; and
- C. Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile unit servicing areas, and areas subject to flushing or spray cleaning methods.

080.010 Outdoor surface characteristics

- A. The outdoor walking and driving areas must be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, and facilitate maintenance.
- B. The outdoor walking and driving areas must be graded to drain.
- C. Exterior surfaces of buildings and mobile units must be of weather-resistant materials.

080.015 Shelves

- A. 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.
- B. Shelves located in dry storage areas may be made of wood which has been rendered nonabsorbent by a paint or sealant that:
 1. Is of a light color;
 2. Can be cleaned repeatedly; and
 3. Has been approved by the Health Authority.
- C. 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.
- D. Shelves constructed of pressure treated wood products which are impregnated or otherwise treated with chemicals to inhibit rotting or insect infestation are prohibited for use in a food establishment.
- E. Shelving in food establishment may not be covered or lined with cardboard, aluminum foil or contact paper.

080.020 Floors, walls, and ceilings

Except as specified under these regulations and except for anti-slip 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.

080.025 Floors, walls, and ceilings, utility lines

- A. Utility service lines and pipes may not be unnecessarily exposed.
- B. Exposed utility service lines and pipes must be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
- C. Exposed horizontal utility service lines and pipes may not be installed on the floor.

080.030 Floor and wall junctures, coved, and enclosed or sealed

- A. In food establishments 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 one thirty-second inch (1 mm).
- B. The floors in food establishments 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.

080.035 Floor carpeting, restrictions and installation

- A. A floor covering such as carpeting or similar material may 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.
- B. If carpeting is installed as a floor covering in areas other than those specified under Subsection A of this section, it must be:
 - 1. 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
 - 2. 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 some other means approved by the Health Authority.

080.040 Floor covering, mats and duckboards

Mats and duckboards must be designed to be removable and easily cleanable.

080.045 Wall and ceiling coverings and coatings

- A. Wall and ceiling covering materials must be attached so that they are easily cleanable.
- B. 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, easily cleanable surface.
- C. In all new food establishments, extensively remodeled food establishments or when required by the Health Authority due to an operators 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 FRP.

080.050 Walls and ceilings, attachments

Attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments must be easily cleanable.

080.055 Walls and ceilings, studs, joists, and rafters

Studs, joists, and rafters may not be exposed in areas subject to moisture.

080.060 Light bulbs, protective shielding

- A. Except as specified in Subsection B of this section, light bulbs must be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.
- B. Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:
 - 1. The integrity of the packages cannot be affected by broken glass falling onto them; and
 - 2. The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.
- C. 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.

080.065 Ceilings, minimum height

Ceilings cannot be less than eight (8) feet high in all areas of food establishments where food or beverages are being prepared for sale or service and areas where food is consumed.

080.070 Heating, ventilating, air-conditioning system vents

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.

080.075 Devices to electrocute flying insects

- A. 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.
- B. A device is properly positioned if the requirements of Subsection A of this section 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:
 - 1. So that the center of the device is not more than 3 feet (91 centimeters) above the floor.
 - 2. Not closer than 5 feet (1.51 meters) from exposed food.

C. The following safety factors must be considered when purchasing or installing these devices:

1. The device must be accepted for testing, certified, listed and labeled by a nationally recognized testing laboratory such as Underwriters Laboratories Inc.
2. Arcing equipment must be isolated from combustible material.
3. Electrically charged parts must be guarded to prevent shock to persons working near the device.
4. The device must be properly grounded.
5. The device must be located or positioned so that employees are not required to work continuously within 3 feet (91 centimeters) of the device.

080.080 Toilet rooms, enclosed

- A. 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.
- B. 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.

080.085 Outer openings, protected

- A. Except as specified in Subsection B, C, and D of this section, outer openings of a food establishment must be protected against the entry of insects and rodents by:
 1. Filling or closing holes and other gaps along floors, walls, and ceilings;
 2. Closed, tight-fitting windows; and
 3. Solid, self-closing, tight-fitting doors.
- B. A food establishment may open into a larger structure, such as 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.
- C. Exterior doors used as exits need not be self-closing if they are:
 1. Solid and tight-fitting;
 2. Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the food establishment; and
 3. Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.
- D. If the windows or doors of a food establishment are kept open for ventilation or other purposes the openings must be protected against the entry of insects and rodents by:
 1. 16 mesh to 1 inch (16 mesh to 25.4 mm) screens;
 2. Properly designed and installed air curtains to control flying insects; or
 3. Other effective means approved by the Health Authority.

080.090 Exterior walls and roofs, protective barrier

Perimeter walls and roofs of a food establishment must effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

080.095 Private homes and living or sleeping quarters, prohibitions

- A. A food establishment may not be located in a private home unless:
 - 1. A dedicated exterior entrance has been provided;
 - 2. The areas used for conducting food establishment operations are physically separated from the living or sleeping quarters by complete partitioning and solid self-closing doors; and
 - 3. Areas used for food establishment operations are not used as thoroughfares.
- B. When a permit to operate is issued to an owner allowing operation of a food establishment from a portion of a private residence as indicated in this section, 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.
- C. Except as provided in Subsection D of this section, restrooms must be provided in accordance with these regulations.
- D. 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 these regulations.

080.100 Lighting intensity

The light intensity must be:

- A. At least ten (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;
- B. At least 20 foot-candles (215 lux):
 - 1. At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption,
 - 2. Inside equipment such as reach-in and under-counter refrigerators; and
 - 3. At a distance of 30 inches (75cm) 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
- C. At least 50 foot-candles (540 lux) at a surface where an employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

080.105 Mechanical ventilation

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity must be provided.

080.110 Dressing areas and lockers

- A. Dressing rooms or dressing areas must be designated if employees routinely change their clothes in the establishment.

- B. Lockers or other suitable facilities must be provided for the orderly storage of employees' clothing, medications and other possessions.

080.115 Handwashing sinks, location and placement

- A. Handwashing sinks must be easily accessible and located within 25 feet (7.62 meters) and within line of sight of all work stations, food preparation and warewashing areas.
- B. 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.
- C. Sinks for washing hands must be located in or immediately adjacent to rooms with toilets or vestibules.
- D. Sinks used for preparing food or for washing equipment or utensils may not be used for washing hands.
- E. A supply of single-use towels or a device providing heated air for drying hands must be conveniently located near each sink for washing hands. Hand blow dryers must not be used at handwashing sinks in food preparation or warewashing areas.
- F. Shared towels are prohibited. If disposable towels are used, trash receptacles which can be easily cleaned must be conveniently located near the sink for washing hands.

080.120 Employee accommodations, designated areas

- A. 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.
- B. 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.

080.125 Distressed merchandise, segregation and location

Products that are held by the permit holder for credit, redemption, or return to the distributor, such as 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.

080.130 Repair

Physical facilities of a food establishment must be maintained in good repair.

080.135 Cleaning, frequency and restrictions

- A. Physical facilities must be cleaned as often as necessary to keep them clean.
- B. 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.

080.140 Cleaning floors, dustless methods

- A. Except as specified in Subsection B of this section, only dustless methods of cleaning must be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.

- B. Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:
 - 1. Without the use of dust-arresting compounds; and
 - 2. 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.

080.145 Cleaning ventilation systems, nuisance and discharge prohibition

- A. 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.
- B. If vented to the outside, ventilation systems may not create a public health hazard.

080.150 Cleaning maintenance tools, preventing contamination

Food preparation sinks, handwashing sinks, and warewashing equipment may 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.

080.155 Drying mops

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

080.160 Absorbent materials on floors, limitations

- A. Except as specified in these regulations wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.
- B. 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:
 - 1. The sawdust must be changed daily or as necessary.
 - 2. 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.
 - 3. The sawdust must not be tracked into walk-in refrigerators or freezers.
 - 4. The operator of the butcher shop shall, upon request by the Health Authority, demonstrate that he is in compliance with the provisions of NRS 446.841.

080.165 Cleaning of plumbing fixtures

Plumbing fixtures such as handwashing sinks, toilets, and urinals must be cleaned as often as necessary to keep them clean and maintained.

080.170 Closing toilet room doors

Except during cleaning and maintenance operations, toilet room doors must be kept closed.

080.175 Using dressing rooms and lockers

- A. Dressing rooms must be used by employees if the employees regularly change their clothes in the establishment.
- B. Lockers or other suitable facilities must be used for the orderly storage of employee clothing and other possessions.

080.180 Controlling pests

The presence of insects, rodents, and other pests must be controlled to minimize their presence on the premises by:

- A. Routinely inspecting incoming shipments of food and supplies;
- B. Routinely inspecting the premises for evidence of pests and for potential entry points;
- C. Using methods, if pests are found, such as trapping devices or other means of pest control as specified in these regulations; and
- D. Eliminating harborage conditions.

080.185 Removing dead or trapped birds, insects, rodents, and other pests

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.

080.190 Storing maintenance tools

Maintenance tools such as 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.

080.195 Maintaining premises, unnecessary items and litter

The premises must be free of:

- A. Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and
- B. Litter.

080.200 Animals on premises prohibited, exceptions

- A. 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 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.

- B. 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. Service animals accompanying people with disabilities or trainers who are training service animals are permitted in dining or sales areas.
- C. Service animals are not allowed in shopping carts, on benches, seats or tables of a food establishment.
- D. Food handlers must not care for or handle any pets while on duty.
- E. Live or dead fish bait must be stored separately from food or food products in retail stores.
- F. Therapy and comfort animals are not allowed in food establishments.
- G. Nothing in this section shall be construed, or in conflict, with the Americans with Disability Act.

080.205 Ornamental attractions of water

- A. An ornamental attraction of water must be maintained in a clean condition to ensure that it is free from algae, fungal and bacterial growth, insects and other invertebrate organisms.
- B. An ornamental attraction of water must be separated from an area in which a customer walks or sits by a partition, fence, planter, wall or other means approved by the Health Authority.

CHAPTER 090

PLAN REVIEW

090.005 Plan review, when required

- A. Except as specified in Subsection C of this section, plans and specifications shall be submitted to the Health Authority, through the local building department, for review and approval for:
 - 1. The construction of a new food or food processing establishment;
 - 2. The conversion of an existing structure for use as a food establishment; or
 - 3. Food establishments undergoing remodeling.
- B. Plans must be approved by the Health Authority before such work may begin.
- C. Plans not requiring review by the local building department must be submitted directly to the Health Authority.

090.010 Plan review, specifications

The plans and specification for a food establishment or food processing 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 these regulations:

- A. The intended menu including the method of preparation;
- B. The anticipated volume of food to be stored, prepared, and sold or served;
- C. The proposed layout including seating capacity, location of restrooms and for storage areas for trash, garbage and grease;
- D. Mechanical schematics including for plumbing, ventilation, and lighting;
- E. Construction materials and finish schedules for walls, floors, ceilings, and fixtures;
- F. Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities and installation specification;
- G. Evidence that standard procedures which ensure compliance with the requirements of these regulations are developed or are being developed; and
- H. 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 or food processing establishment.

090.015 Plan review, food processing establishment

Plans for food processing establishments must be accompanied by a detailed description of the operation and any other documentation required by the Health Authority, including:

- A. A HACCP plan as required in these regulations.
- 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.

090.020 Plan review, on-site corrections

The Health Authority may approve on-site modifications to approved plans or require corrections of construction deficiencies or omissions when necessary to ensure compliance with applicable codes and regulations.

090.025 Plan review, fees

The Health Authority may charge fees for:

- A. Plan review;
- B. Any inspections associated with the building of the food establishment; and
- C. An extension of the expiration date for plans that have expired as a result of construction not being completed within 18 months after approval of the original plan. The extension fee shall be in accordance with the fee schedule adopted by the Board of Health.

090.030 Plan review, expiration

Plans shall be deemed expired when construction has not been completed within 18 months after approval of the original plan. The expiration date for plans may be extended for an additional six (6) months by written request accompanied by the applicable extension fee. Plans not reactivated must be resubmitted after their expiration date and no construction shall begin until the resubmittal has been approved.

090.035 Plan review, stop work order

Whenever any work is being done contrary to the provisions of these regulations or proceeding in a manner not in accordance with approved plans, the Health Authority may order the work stopped by written notice served on any persons engaged in doing or causing such work to be done, and any such persons shall immediately stop such work until authorized by the Health Authority to proceed with the work. Persons beginning food establishment construction without prior approval may be assessed a penalty fee equal to, and in addition to, the plan review fee. Additionally, such persons continuing unapproved work may be subject to penalties or prosecution pursuant to NRS 446.043 and NRS 446.945.

CHAPTER 100

POISONOUS OR TOXIC MATERIALS

100.005 Identifying information, prominence

Containers of poisonous or toxic materials and personal care items must bear a legible manufacturer's label.

100.010 Common name

Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies must be clearly and individually identified with the common name of the material.

100.015 Separation

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 an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This does 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.

100.020 Restriction

Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a food establishment. This does not apply to packaged poisonous or toxic materials that are for retail sale.

100.025 Conditions of use

- A. Poisonous or toxic materials must be:
 1. Used according to:
 - a) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment; and
 - b) The conditions of certification, if certification is required, for use of the pest control materials; and
 2. Applied so that:
 - a) A hazard to employees or other persons is not constituted, and
 - b) Contamination including toxic residues because of drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted-use pesticide, this is achieved by:

- 1) Removing the items,
- 2) Covering the items with impermeable covers, or
- 3) Taking other appropriate preventive actions, and
- 4) Cleaning and sanitizing equipment and utensils after the application.

B. A restricted-use pesticide must be applied only by a person licensed in the State of Nevada.

100.030 Poisonous or toxic material containers

A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.

100.035 Chemical sanitizers, criteria

Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces must be approved and used in accordance with manufacturer's instructions as listed on the product label.

100.040 Chemicals for washing fruits and vegetables, criteria

A. Chemicals, including those generated on-site, used to wash or peel raw, whole fruits and vegetables must: ~~be used in accordance with manufacturer's instructions as listed on the product label and be approved by the Health Authority.~~

1. Be an approved food additive listed for this intended use in 21 CFR 173, or
2. Be generally recognized as safe for this intended use, or
3. Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification), and
4. Meet the requirements in 40 CFR 156 Labeling Requirements for Pesticide and Devices.

B. Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a food establishment must meet the requirements specified in 21 CFR 173.368 Ozone.

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100.045 Boiler water additives, criteria

Chemicals used as boiler water additives must meet the requirements specified in 21 CFR 173.310 *Boiler water additives*.

100.050 Drying agents, criteria

Drying agents used in conjunction with sanitization must be used in accordance with manufacturer's instructions as listed on the product label and be approved by the Health Authority.

100.055 Lubricants for equipment, incidental food contact lubricants

Lubricants must meet the requirement specified in 21 CFR 178.3570 *Lubricants with incidental food contact*, if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip or be forced into food or onto food-contact surfaces.

100.058 Restricted-use pesticides, criteria

Restricted-use pesticides specified under Section 100.025 (B) shall meet the requirements specified in 40 CFR 152 Subpart I *Classification of Pesticides*.

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100.060 Rodent bait stations

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

100.065 Tracking powders, pest control and monitoring

- A. Except as specified in Subsection B of this section, a tracking powder pesticide may not be used in a food establishment.
- B. If used, a nontoxic tracking powder such as talcum or flour must not contaminate food, equipment, utensils, linens, and single-service and single-use articles.

100.070 Restriction and storage

- A. Except for medicines that are stored or displayed for retail sale, only those medicines that are necessary for the health of employees must be allowed in a food establishment.
- B. Medicines that are in a food establishment for the employees' use must be labeled, as specified under these regulations and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

100.075 Refrigerated medicines, storage

Medicines belonging to employees or to children in a child care center that require refrigeration and are stored in a food refrigerator must be:

- A. Stored in a package or container and kept inside a covered, leak-proof container that is identified as a container for the storage of medicines; and
- B. Located so they are inaccessible to children.

100.080 First aid supplies, storage

First aid supplies that are in a food establishment for the employees' use must be:

- A. Labeled as specified in these regulations; and
- B. Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, and linens, and single-service and single-use articles.

100.085 Personal care items, storage

Except as specified in these regulations for the storage of refrigerated medicines and first aid supplies, employees must store their personal care items in lockers or other suitable facilities as specified in these regulations.

100.090 Separation

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:

- A. Separating the poisonous or toxic materials by spacing or partitioning; and
- B. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens and single-service of single-use articles.

CHAPTER 110

HACCP AND OPERATIONAL PLANS

110.005 When a HACCP plan is required

- A. Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder must submit to the Health Authority for approval a properly prepared HACCP plan as specified in these regulations if:
 - 1. Submission of a HACCP plan is required;
 - 2. A waiver or variance is required as specified in these regulations; or
 - 3. The Health Authority determines that a food preparation or processing method requires a waiver based on a plan submittal specified in these regulations, an inspectional finding, or a waiver requirement.
- B. A permit applicant or permit holder must have a properly prepared HACCP plan when packaging potentially hazardous food (time/temperature control for safety food) using a reduced oxygen packaging method without a waiver.

110.010 Plan for analyzing the hazards of critical control points

Permit applicants or permit holders of food establishments or food processing establishments required to provide a HACCP plan to the Health Authority for approval must include in the plan:

- A. A categorization of the types of potentially hazardous foods (time/temperature control for safety food) 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. A diagram that identifies critical control points for specific foods or categories of food and provides:
 - 1. The ingredients, materials and equipment used in the preparation of each food or category of food; and
 - 2. The procedures to ensure that each food or category of food is prepared safely.
- C. A training plan for food handlers and supervisors that addresses issues of safety in the preparation of food.
- D. A statement of standard operating procedures that identifies:
 - 1. Each critical control point.
 - 2. Limits for each critical control point.
 - 3. The method and frequency for monitoring and controlling each critical control point by the employee designated by the person-in-charge.
 - 4. 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. Actions to be taken by the person-in-charge if the limits for each critical control point are not met.
 - 6. The records required to be maintained by the person-in-charge to demonstrate that the plan for analyzing the hazards of critical control points is properly operated and managed.

- E. 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.

110.015—Food operations requiring approved HACCP plan

~~The food operations indicated in Subsections A through E of this section must not be conducted in any establishment unless they are conducted in accordance with an approved HACCP plan:~~

- ~~A.—Smoking food as a method of food preservation rather than as a method of flavor enhancement;~~
- ~~B.—Curing food;~~
- ~~C.—Using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or, to render a food so that it is not potentially hazardous;~~
- ~~D.—Packaging food using a reduced-oxygen packaging method;~~
- ~~E. A. Operating a molluscan shellfish life support system display tank to store and display shellfish that are offered for human consumption.~~

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110.020 Conducting food processing operations without an approved HACCP plan prohibited

Except as indicated in these regulations, no person shall conduct food processing operations in any establishment unless the operations are conducted in accordance with an approved HACCP plan.

110.025—HACCP plan exemption

~~The Health Authority may exempt a food processor from the requirement to operate with an approved HACCP plan if:~~

- ~~A.—The end food product of the process is demonstrated to be non-potentially hazardous; and~~
- ~~B.—The introduction of a chemical or physical adulterant into the food during its processing is considered improbable.~~

110.030 Operational plans, when required

The Health Authority may require a permit holder to submit an operational plan to protect against health hazards.

110.035 Operational plans, not transferable

Operational plans are not transferable from permit holder to permit holder and are conditional. The practices or procedures to be listed in the plan are operation dependent and shall be approved by the Health Authority on a case-by-case basis.

CHAPTER 120

BARBECUES

120.005 Barbecue, applicable requirements

Barbecues must comply with all applicable requirements of these regulations. When facilities or equipment are inadequate to protect the public health, the Health Authority may impose operational and/or menu restrictions on a barbecue to protect against potential health hazards.

120.010 Barbecue, operational plan required

An operational 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.

120.015 Barbecue, construction of equipment, operation, location, cleaning

- A. All equipment used in the construction or operation of a barbecue must be nontoxic, easy to clean and kept in good repair.
- B. 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 food establishment.
- C. 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.
- D. The area underlying a barbecue must be a hard, cleanable surface.
- E. 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.
- F. The barbecue must be located in an open area where there are no overhanging trees, wires or other impediments above the barbecue.
- G. In the area surrounding a barbecue, dust must be minimized by using:
 1. A device to block wind; or
 2. A type of ground cover that has been approved by the Health Authority.
- H. A fixed or permanent barbecue may not be located in a parking lot.
- I. 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.
- J. A handwashing station approved by the Health Authority must be readily accessible within 10 feet (3.04 meters) of the barbecue equipment.

120.020 Barbecue, protection from contamination, construction and maintenance of surfaces

- A. The operator of a food establishment shall make reasonable efforts to ensure that insects, rodents and other sources of contamination do not affect a barbecue or its operations.

- B. 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.
- C. 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.
- D. Cooking equipment constructed of materials not originally designed for cooking, e.g. 55-gallon drums, is prohibited.

120.025 Barbecue, preparation and service of food, attendance by employee required, presence of customers within certain distances prohibited

- A. Any methods for preparing food and the kinds of food to be cooked at a barbecue must be approved by the Health Authority.
- B. All food cooked at a barbecue must be protected from contamination by keeping it at an appropriate temperature or by covering it properly.
- C. The preparation of food must be completed in the food establishment before the food is transported to the barbecue.
- D. All food at a barbecue must be cooked immediately and
 - 1. Served directly to the customer; or
 - 2. Transported to a proper area for hot holding, storage, preparation, packaging and sale.
- E. 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.
- F. 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.

120.030 Barbecue, approval of location, factors for consideration

The Health Authority shall consider whether to approve the location of a barbecue based on factors, including, but not limited to:

- A. The weather;
- B. Existing or potential sources of contamination,
- C. The ability of the facility to protect food; and
- D. The presence of insects and vermin.

120.035 Barbecue, compliance and enforcement

Operators of barbecues are subject to enforcement actions as outlined in these regulations and NRS 446.

CHAPTER 130

BED AND BREAKFAST FACILITIES

130.005 Bed and breakfast, applicable requirements

- A. A bed and breakfast facility which exceeds the capacity of 10 persons must comply with the provisions of these regulations which are applicable to its operation;
- B. If a bed and breakfast facility has a capacity that does not exceed 10 persons and has a kitchen that does not fully comply with the provisions of NRS 446 and these regulations, the Health Authority may impose additional requirements or restrictions related to its operation including:
 1. Limiting the amount of food preparation or procedures;
 2. Prohibiting some food items; or
 3. Requiring HACCP or operational plans for some food items.

130.010 Bed and breakfast, preparation and service of food

- A. No home canned, low-acid foods may be served.
- B. All food must be prepared fresh with no foods held over to another day.

130.015 Bed and breakfast, equipment

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, warewashers, cabinets, hoods and utensils are approved if they are effective, do not cause a health problem for the public and are in good repair.

130.020 Bed and breakfast, compliance and enforcement

Operators of bed and breakfast facilities are subject to enforcement actions outlined in these regulations and NRS 446.

CHAPTER 140

CHILD CARE FACILITIES

140.005 Child care facilities, exemption from provisions of NRS 446

The following food establishments at child care facilities are exempt from the provisions of the Nevada Revised Statute (NRS), Chapter 446 when limiting the food they serve to the following:

- A. Food provided at either a family child care home or a group child care home provided they do not serve any of the following foods to children in a ready-to-eat form:
 - 1. Raw animal food such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare.
 - 2. A partially cooked animal food such as lightly cooked fish, rare meat, and soft-cooked eggs that are made from raw eggs, and meringue.
 - 3. Raw seed sprouts.
 - 4. Raw or unpasteurized milk and raw or unpasteurized milk products.
 - 5. Honey to children under one (1) year old.
 - 6. Raw and undercooked eggs. Pasteurized egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages.
- B. Food provided by the child care facility that is commercially prepackaged non-potentially hazardous food (time/temperature control for safety food), provided:
 - 1. The food is in a single-serving package;
 - 2. The food package is opened immediately before use;
 - 3. Each packaged food item is only consumed by one (1) individual;
 - 4. Any leftover food in an opened package must be immediately discarded; and,
 - 5. Any single-service utensil must be immediately discarded after use or, if the utensil is a multi-use utensil, it must be brought from the child's home and used only for that individual child and sent back home on the same day.
- C. Food brought into the child care facility by the child, the child's parent or the child's guardian provided:
 - 1. The food is for the exclusive use of that child;
 - 2. Potentially hazardous foods (time/temperature control for safety food) must be refrigerated and all food must be protected against contamination;
 - 3. There is no adding ingredients, mixing, assembling, hot holding, thawing, cooking or warming (except for microwaving the food in its original container) at the child care facility;
 - 4. The food container, package or wrapping is only opened immediately prior to consumption;
 - 5. The bag or other container holding the food must be labeled with the child's first and last name so caregivers know at all times who the food belongs to;

6. Once potentially hazardous food (time/temperature control for safety food) is taken out of refrigeration for consumption, the potentially hazardous leftovers must not be re-served to the child at a later date; and
 7. Any utensils brought with the meal are either discarded or removed from the institution on the same day the utensils were brought into the child care facility.
- D. Formula for infants either prepared and/or furnished by the parents or by the child care facility.
- E. Baked goods, prepared at the home of a child enrolled in the child care facility and brought into the child care facility by the parent or guardian, which are to be consumed by the children at the child care facility provided:
1. The foods are baked non-potentially hazardous foods (time/temperature control for safety food), such as brownies, cookies, and cakes (containing non-potentially hazardous fillings and frostings);
 2. The baked goods are prepared for a special occasion, such as a birthday or holiday;
 3. The parents and legal guardians of the children enrolled in the child care facility are informed that the baked goods for this special occasion are prepared in a kitchen that is not subject to regulation and inspection by the Health Authority; and,
 4. The parents and legal guardians are given the option of not having their child consume these baked goods.

140.010 Child care facilities, exemptions from construction and equipment standards

Food establishments at child care facilities are exempt from the construction and equipment standards contained in these regulations provided the food does not constitute a potential or actual hazard to the public health. The food does not constitute an actual or potential hazard to public health when all of the following requirements are met:

- A. There must be a dedicated kitchen area that is completely separate from the diaper changing and restroom areas, with a barrier provided that is sufficient to restrict children from entering the food preparation area unattended.
- B. A handwashing sink used exclusively for handwashing is accessible and located in the kitchen area.
- C. Any janitorial or mop sink shall not be used as a handwashing sink, food preparation sink, or utensil washing sink and shall either be located out of the kitchen area or shielded in such a manner to prevent contamination of any open food zones, such as a food preparation table or utensil washing station.
- D. A mechanical refrigeration unit is available for potentially hazardous foods (time/temperature control for safety food), which is capable of holding potentially hazardous food (time/temperature control for safety food) at or below 41°F (5°C).
- E. All equipment, walls, and floors must be smooth, easily cleanable and in good repair.
- F. The child care facility provides a written menu of the food items it serves.
- G. The child care facility limits its menu to the following:
 1. Potentially hazardous food (time/temperature control for safety food) that is commercially prepared and precooked, or pasteurized.
 2. Whole fruits and vegetables.
 3. Cut, or sliced fruits and vegetables, except for melons, leafy greens and tomatoes.
 4. Baked, non-potentially hazardous foods (time/temperature control for safety food), such as brownies, cookies, and cakes (containing non-potentially hazardous fillings and frostings).

5. Nuts.
6. Dry grain products, including bread, crackers and dry cereals.
7. Oatmeal and cream of wheat cooked for immediate service.
8. Milk added to dry cereals.
9. Non-potentially hazardous snack foods and juices.
10. Sandwiches made from either non-potentially hazardous food products or from potentially hazardous food (time/temperature control for safety food) that is commercially prepared and precooked, or pasteurized.
11. Powdered mixes, which are non-potentially hazardous when added to water.
12. Other food items, which are prepared as part of a food teaching project provided:
 - a) A Certified Food Protection Manager is present at all times the food teaching project is occurring; and
 - b) The teaching project includes a written operational plan, which incorporates hygiene, temperature, sanitizing, cross-contamination and chemical storage requirements.
- H. Any assembling or warming of potentially hazardous food (time/temperature control for safety food) that is commercially prepared and precooked, or pasteurized, must be completed within four (4) hours of serving.
- I. Except for cooking oatmeal and cream of wheat cereal, cooking foods, such as raw meat, raw poultry, raw fish, raw vegetables, and raw grain products, is prohibited.
- J. Cooling down potentially hazardous food (time/temperature control for safety food) items for storage and later service is prohibited.
- K. A child care facility that elects to use reusable utensils must either comply with the food equipment construction and equipment standards for washing, rinsing, and sanitizing these reusable utensils or use one (1) of the following methods:
 1. Mechanical Washing. The mechanical washing of utensils, when using equipment that does not comply with the food establishment construction standards, must be done as follows:
 - a) The utensils are placed in a household dishwashing machine, located in a dedicated kitchen area, that has a sanitizing wash or rinse cycle and a thermostat that senses a temperature of 150°F (66°C) or higher before the machine advances to the next step in its cycle;
 - b) The manufacturer's instructions for use are followed;
 - c) A garbage receptacle shall be present for the scraping of food debris into;
 - d) Dishwashers must have an air gap fitting; and
 - e) All reusable utensils must be completely washed, rinsed and sanitized after each use and before the end of the day.
 2. Manual Washing. Manual washing, when using equipment that does not comply with the food establishment construction standards must be accomplished as follows:
 - a) A garbage receptacle shall be present for the scraping of food debris into.
 - b) Hot and cold potable running water is available from a sink in the kitchen area, other than a handwashing sink, janitorial sink, or mop sink;
 - c) Three (3) easily cleanable containers and/or sinks, made of food grade plastic, stainless steel, porcelain, or other material approved by the Health Authority, of a size that can completely immerse the largest reusable utensils, are available;

- d) These containers and/or sinks must be located adjacent to each other in a dedicated kitchen area;
 - e) There is sufficient room, adjacent to these three (3) containers and/or sinks, to allow proper handling of soiled utensils and sufficient room for washed utensils to be drained and air-dried;
 - f) All utensils must be washed, rinsed, sanitized and air-dried, after each use and before the end of the day; and
 - g) All containers and sinks used must be washed, rinsed, and sanitized prior to use.
3. Combination of Mechanical Washing and Manual Sanitizing. A household dishwasher may be used for the washing and rinsing of utensils, followed by a sanitization rinse in either a separate sink or container, under the following conditions:
- a) The utensils are placed in a household dishwashing machine located in a dedicated kitchen area;
 - b) The manufacturer's instructions for use are followed;
 - c) A garbage receptacle shall be present for the scraping of food debris into;
 - d) The dishwasher must have an air gap fitting;
 - e) Hot and cold potable running water is available from a sink other than a handwashing sink, janitorial sink or mop sink, which is made of stainless steel, porcelain, plastic or other material approved by the Health Authority;
 - f) The sink is in the dedicated kitchen area;
 - g) Either this sink or a container, made of food grade plastic or other material approved by the Health Authority, must be of a size that can completely immerse the largest reusable utensils is used for the sanitization rinse;
 - h) The sanitization rinse must occur in the dedicated kitchen area;
 - i) There is sufficient room, adjacent to the sink or container, for utensils to be drained and air-dried after the sanitization rinse;
 - j) All reusable utensils must be washed, rinsed, sanitized and air-dried, after each use and before the end of the day; and
 - k) The container or sink used must be washed, rinsed, and sanitized prior to use.

CHAPTER 150

COTTAGE FOOD OPERATIONS

150.005 Cottage food operation, exempt from definition of “food establishment”

- A. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a “food establishment” pursuant to NRS 446 if each such food item is:
1. Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers’ market licensed pursuant to NRS 244 or 268, flea market, swap meet, church bizarre, garage sale or craft fair, by means of an in-person transaction that does not involve selling the food item by telephone or via the Internet;
 2. Sold to a natural person for his or her consumption and not for resale;
 3. Affixed with a label which complies with the Federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101;
 4. Labeled with “MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION” printed prominently on the label for the food item;
 5. Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers; and
 6. Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the Health Authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.
- B. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing food in a cottage food operation.
- C. Each natural person who wishes to conduct a cottage food operation must, before selling any food item, register the cottage food operation with the Health Authority by submitting such information as the Health Authority deems appropriate, including, without limitation:
1. The name, address and contact information of the natural person conducting the cottage food operations; and
 2. If the cottage food operation sells food items under a name other than the name of the natural person who conducts the cottage food operation, the name under which the cottage food operation sells food items.
- D. The Health Authority may charge a fee for the registration of a cottage food operation pursuant to Subsection C of this section in an amount not to exceed the actual cost of the Health Authority to establish and maintain a registry of cottage food operations.

- E. The Health Authority may inspect a cottage food operation only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The cottage food operation shall cooperate with the Health Authority in any such inspection. If, as a result of such an inspection, the Health Authority determines that the cottage food operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Health Authority may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the Health Authority to conduct the investigation.
- F. As used in this section:
1. "Cottage food operation" means a natural person who manufactures or prepares food items in his or her private home or, if allowed by the Health Authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption and whose gross sales of such food items are not more than \$35,000 per calendar year.
 2. "Food item" means:
 - a) Nuts and nut mixes;
 - b) Candies;
 - c) Jams, jellies and preserves;
 - d) Vinegar and flavored vinegar;
 - e) Dry herbs and seasoning mixes;
 - f) Dried fruits;
 - g) Cereals, trail mixes and granola;
 - h) Popcorn and popcorn balls; or
 - i) Baked goods that:
 - 1) Are not potentially hazardous foods (time/temperature control for safety foods);
 - 2) Do not contain cream, uncooked eggs, custard, meringue or cream cheese frosting or garnishes; and
 - 3) Do not require time or temperature controls for food safety.

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CHAPTER 160

FARM-TO-FORK EVENTS

160.005 Farm-to-fork events, exempt from definition of "food establishment".

- A. Except as otherwise provided in Subsection C of this section, a farm is not a "food establishment" for purposes of holding a farm-to-fork event provided that:
 1. Any poultry and meat from a rabbit that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of NRS 583; and
 2. Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.
- B. A farm which holds a farm-to-fork event shall, before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in Subsection A of this section.
- C. A farm which holds more than two (2) events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year subject to all of the requirements of these regulations.

160.010 Farm-to-fork events, registration required

- A. A farm that wishes to hold farm-to-fork events must register with the Health Authority by submitting such information as the Health Authority deems appropriate, including, without limitation:
 1. The name, address and contact information of the owner of the farm;
 2. The name under which the farm operates; and
 3. The address of the farm.
- B. The Health Authority may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the Health Authority to establish and maintain a registry of farms holding farm-to-fork events.
- C. The Health Authority shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in these regulations and except that the Health Authority may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the Health Authority in any such inspection.
- D. If, as a result of an inspection conducted pursuant to Subsection C of this section, the Health Authority determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Health Authority may charge and collect from the farm a fee in an amount not to exceed the actual cost of the Health Authority to conduct the investigation.

CHAPTER 170

FARMERS' MARKETS

170.005 Farmers' markets, applicable requirements

Farmers' markets must comply with all applicable requirements of these regulations. When facilities or equipment are inadequate to protect the public health, the Health Authority may impose operational and/or menu restrictions on a Farmers' market to protect against potential health hazards.

170.010 Farmers' markets, permit required

- A. Except as otherwise provided in Subsection B in this section, it is unlawful for any person to operate a produce stand or sell farm products in conjunction with a farmers' market unless he possesses a valid health permit issued to him by the Health Authority.
- B. The Health Authority may exempt from the permitting requirement any person operating a produce stand in conjunction with a farmers' market, provided no produce samples are given or sold to consumers.

170.015 Farmers' markets, produce stand permit, responsibility of the licensee

The person, firm, association or corporation licensed by the county commission, city council or other governing body of any incorporated city in Washoe County to establish a farmers' market shall ensure that anyone operating a produce stand within the farmers' market has a valid health permit.

170.020 Farmers' markets, produce stand, fee payment required, late fee

A permit application to operate a produce stand affiliated with a farmers' market or sell farm products at a farmers' market must be accompanied by payment of a fee in accordance with the fee schedule adopted by the Board of Health. A late fee will be assessed if the application and payment is not received a minimum of seven (7) days prior to beginning operations.

170.025 Farmers' markets, produce and farm products, issuance of an annual permit

- A. Any person desiring to operate a produce stand or sell farm products in conjunction with a farmers' market must comply with the requirements of NRS 446.875. Upon compliance and after payment of a fee in accordance with the fee schedule adopted by the Board of Health, an annual permit, for sampling and/or sale will be issued. The permit can be renewed annually, provided the renewal fee is paid prior to the expiration date of the existing permit and provided the permit has not been previously suspended or revoked for sanitation violations.
- B. Once issued, the permit is valid throughout Washoe County, provided notification is sent to the Health Authority, at least 14 days prior to operating at the locations where sampling is to be conducted. Notification must be done on forms provided by the Health Authority.
- C. Sampling is restricted to produce or farm products as approved by the Health Authority. Only vendors affiliated with a farmers' market are eligible for this permit.
- D. The Health Authority may restrict the sampling and/or sale of food items based on inspection findings or an unacceptable risk to public health.

170.030 Farmers' markets, operation at a temporary food event

Temporary food events may operate a farmers' market under the temporary food establishment provisions of these regulations provided that:

- A. A permit to operate the temporary food establishment has been obtained; and
- B. The temporary food establishment does not operate the same farmers' market in the same location more than 14 calendar days per year.

170.035 Farmers' markets, approved source

All food offered for sale or given away at the farmers' market shall be produced, prepared, compounded, packed, stored, transported, kept for sale, and served, so as to be pure, free from contamination, adulteration and spoilage, and shall be obtained from approved sources; and shall be otherwise fit for human consumption.

170.040 Farmers' markets, poultry and poultry products and meat and meat products

All meat, meat products, poultry and poultry products sold or sampled at a farmers' market must be in compliance with the provisions of NRS 583.255 to 583.555, inclusive and must:

- A. Have a valid USDA inspection stamp as required under the Federal Meat Inspection Act, Title 21, Chapter 12; or
- B. Have been inspected and approved by the State of Nevada ~~Division~~ Department of Agriculture or the Nevada State Health Division, Department of Health and Human Services.

170.045 Farmers' markets, food storage

All food shall be stored at least five (5) inches (12.5 centimeters) off the floor or ground or under any other conditions that are approved by the Health Authority.

170.050 Farmers' markets, food preparation; prohibitions, exceptions

Food preparation is prohibited at farmers' markets with the exception of samples. Preparation and service of food samples is allowed, provided that the following sanitary requirements are met:

- A. Samples shall be kept in approved, clean and sanitized containers.
- B. All food samples shall be distributed by the producer in a sanitary manner.
- C. Clean, disposable plastic gloves shall be used when cutting food samples.
- D. Food intended for consumption shall be washed, or cleaned with potable water to remove soil or other contaminants.
- E. Potable water shall be available for handwashing and sanitizing as approved by the Health Authority.
- F. Potentially hazardous food (time/temperature control for safety food) samples shall be maintained at or below 41°F (5°C) or cooked as required in these regulations and held at 135°F (57°C) or above. All other food samples shall be disposed of within two (2) hours after cutting.
- G. Utensil and handwashing water shall be disposed of in an approved sewerage system or in a manner approved by the Health Authority.
- H. Utensils and cutting surfaces shall be smooth, easily cleanable and nonabsorbent. This does not preclude the use of single-service utensils, such as toothpicks or similar items.

- 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 two (2) hours. If facilities are not available to accomplish this, extra cleaned and sanitized utensils and cutting boards must be on site for use.

170.055 Farmers' markets, produce stands, construction requirements

Produce stands must meet the construction requirements set forth in ~~“Temporary food establishment, construction requirements”~~ [Section 210.095](#).

170.060 Farmers' markets, toilet facilities

Approved toilet facilities shall be accessible and available within 200 feet (61.5 meters) of any premises of the farmers' market or as approved by the Health Authority.

170.065 Farmers' markets, handwashing facilities

Approved handwashing facilities must be accessible and present at each vendor's booth. Single-use paper towels and hand soap in a dispensing unit must be present at each handwashing station.

170.070 Farmers' markets, animals prohibited; exception

No live animals, birds or fowl shall be kept or allowed within 20 feet (6 meters) of any area where food is stored or offered for sale. This does not apply to service animals.

170.075 Farmers' markets, fresh eggs

Fresh poultry eggs are allowed for sale at farmers' markets, provided that the following requirements are met:

- A. The eggs must be sold by a Nevada-certified producer;
- B. The eggs must be candled and graded with a minimum Grade A;
- C. An application for Direct Marketing of Poultry Eggs at Farmers' Markets must be on file with the Nevada Department of Agriculture;
- D. All records requirements of the Nevada Department of Agriculture must be met;
- E. Temperature at the shell in stored eggs following harvest up to the point of sale must not exceed 45°Fahrenheit;
- F. All eggs must be transported, stored, and displayed in a safe and sanitary manner as to minimize breakage and contamination.

170.080 Farmers' markets, compliance and enforcement

Operators of farmers' markets and vendors working farmers' markets are subject to enforcement action as outlined in these regulations and NRS 446.

CHAPTER 180

FOOD PROCESSING ESTABLISHMENTS

180.005 Food processing establishments, applicable requirements

Food processing establishments must comply with all applicable requirements of these regulations. When facilities or equipment are inadequate to protect the public health, the Health Authority may impose operational and/or menu restrictions on a food processing establishment to protect against potential health hazards.

180.010 Food processing establishments, HACCP plan required

Permit applicants or permit holders of food processing establishments must provide a HACCP plan to the Health Authority for approval.

180.015 Food processing establishments, instruction or training of operator when anaerobic process or result involved

If a food processing establishment processes any canned food with a low level of acidity or any other food that involves an anaerobic process or result, the operator of the establishment shall complete a certified course of instruction or training that has been approved by the Health Authority.

180.020 Food processing establishments, compliance and enforcement

Food processing establishments are subject to enforcement actions as outlined in these regulations and NRS 446.

CHAPTER 190

MOBILE UNITS, PORTABLE UNITS FOR SERVICE OF FOOD, AND SERVICING AREAS

GENERAL; MOBILE UNITS AND PORTABLE UNITS FOR SERVICE OF FOOD

190.005 Mobile unit, portable unit for service of food, and servicing areas, applicable requirements

Mobile units, portable units for service of food, and servicing areas must comply with all applicable requirements of these regulations. When facilities or equipment are inadequate to protect the public health, the Health Authority may impose operational and/or menu restrictions on a mobile unit, portable unit for service of food, or servicing area to protect against potential health hazards.

190.010 Mobile unit and portable unit for service of food, identification

- A. Every mobile unit and portable unit for service of food must be readily identifiable by the business name being printed, permanently affixed and prominently displayed upon at least two (2) sides of such units, in letters not less than three (3) inches (7.62 centimeters) in height, and of a color contrasting with the background color of the unit.
- B. A current health permit sticker must be displayed and be clearly visible from the rear of the unit during any mode of operation.

190.015 Mobile unit and portable unit for service of food, health permit not transferable

The health permit is not transferable from unit to unit or vehicle to vehicle.

190.020 Mobile unit and portable unit for service of food, operation at special event

- A. The Health Authority must be notified in advance any time a mobile unit or portable unit for service of food participates at a special event.
- B. If the mobile unit or portable unit for service of food is used at a temporary event where it does not or cannot return to the servicing area, the mobile unit or portable unit for service of food must be permitted and regulated as a temporary food establishment.

190.025 Mobile unit and portable unit for service of food, plan review

Properly prepared plans and specifications of the mobile unit, portable unit for service of food, or servicing area must be submitted to the Health Authority for approval before the mobile unit, portable unit for service of food, or servicing area is constructed or remodeled. The plans must include but are not limited to:

- A. Menu and food preparation procedures;
- B. Plot plan, including but not limited to, the location and elevation drawing of all food equipment, plumbing, electrical services and mechanical ventilation, potable water and wastewater holding units;

- C. Equipment specifications, including but not limited to, make and model numbers of all food equipment;
- D. Material type and color to be used on all surfaces including but not limited to floors, walls, ceilings and counters;
- E. Lighting intensity to be installed;
- F. Proposed itinerary or sites to be served;
- G. Source of potable water;
- H. Site used for sewage and wastewater disposal;
- I. Availability of public restrooms; and
- J. The site of the servicing area.

190.030 Mobile unit and portable unit for service of food, food protection

- A. During operation, food must not be stored, displayed, or served from any place other than the mobile unit or portable unit for service of food.
- B. During transportation and storage, food and food-contact surfaces must be protected from contamination.

190.035 Mobile unit and portable unit for service of food, food equipment

- A. Cold holding of potentially hazardous food (time/temperature control for safety food) must be accomplished by use of mechanical refrigeration. Ice may be used when all food is prepackaged in sealed waterproof containers.
- B. Hot and cold holding equipment must be capable of maintaining food at safe temperatures in all climatic conditions, including subfreezing and extremely hot weather.
- C. Mobile units and portable units for service of food must provide only single-service articles for use by the consumer.
- D. Materials that are used in the construction of a mobile unit or portable unit for service of food water tank, and appurtenances must be:
 - 1. Safe;
 - 2. Durable, corrosion-resistant, and nonabsorbent; and
 - 3. Finished to have a smooth, easily cleanable surface.
- E. All food compartments must be provided with a tightly fitted cover or lid sufficient to protect the interior surfaces from dust, debris and vermin.
- F. All food compartments and food-contact surfaces must be:
 - 1. Sufficiently large enough to permit food assembly and service operations;
 - 2. Constructed so as to be smooth, easily accessible and easily cleanable.

190.040 Mobile unit and portable unit for service of food, handwashing and toilet facilities

- A. Except as provided for portable banquet bars in subsection A(3) of [Section 190.125 "Portable units for service of food, food handling and preparation restrictions"](#), a separate handwashing sink must be provided and accessible to food handlers and other employees at all times and include the following:

1. An adequate amount of warm, running, potable water under pressure from an approved source;
 2. Pump soap; and
 3. Individual paper towels.
- B. Requirements for handwashing may be waived or modified when only prepackaged foods are served.
- C. Toilet facilities for food employees must be available and readily accessible along the route.
- D. Documentation that such facilities are available must be submitted to the Health Authority upon request.

190.045 Mobile unit and portable unit for service of food, filtering compressed air

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

190.050 Mobile unit and portable unit for service of food, water supply protective cover device

- A. 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.
- B. If not in use, a water tank and hose inlet and outlet fitting must be protected using a cover or device as specified in Subsection A of this section.

190.055 Mobile unit and portable unit for service of food, water storage tank design

A potable water storage tank must be designed to facilitate draining and cleaning by:

- A. Being readily removable and easily handled to permit use of a drain located on a side of the tank; or
- B. Having a bottom sloped to a drain located at the lowest point in the tank.

190.060 Mobile unit and portable unit for service of food, liquid waste retention and disposal

- A. 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.
- B. All liquid waste must be retained on the mobile unit until emptied and flushed into an approved sanitary sewer system or dump station, in a manner approved by the Health Authority.
- C. The contents of the waste retention tank must be gauged unless the water level can be easily observed. A waste retention tank with an outlet for overflow is prohibited.
- D. The wastewater system must be operable under all climatic conditions, including subfreezing temperatures.

190.065 Mobile unit and portable unit for service of food, personnel

- A. Only employees and those persons authorized by the Health Authority may be present in food preparation areas of the mobile unit or portable unit for service of food.
- B. The operator of a mobile unit or portable unit for service of food must be in attendance at all times when the unit is open for business.

190.070 Mobile unit and portable unit for service of food, garbage

- A. Refuse containers must be of sufficient design, size and capacity to accommodate the daily accumulation of customer foodservice garbage and trash.
- B. A refuse container with a cover or lid must be installed inside a mobile unit.

190.075 Mobile units and portable unit for service of food, storage

Storage of portable units for service of food and mobile units at private homes or garages is allowed provided that the following activities occur at a permitted servicing area:

- A. Obtain all potable water supplied to the mobile unit or portable unit for service of food;
- B. Disposal of all garbage and refuse from the mobile unit or portable unit for service of food;
- C. Storage of all food except that which is stored on the mobile unit or portable unit for service of food;
- D. Disposal of all grey water accumulated on the mobile unit or portable unit for service of food; and
- E. Preparation of all food, except that which is prepared directly on the mobile unit or portable unit for service of food.

190.080 Mobile unit, portable unit for service of food, and servicing areas, compliance and enforcement

Operators of mobile units and portable units for service of food are subject to enforcement actions outlined in these regulations and NRS 446.

SERVICING AREAS

190.085 Servicing area, approval and operation

- A. Mobile units and portable units for service of food 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.
- B. If the mobile unit or portable unit for service of food operator is not the permit holder of the servicing area, authorization from the permit holder allowing use of the facility must be provided to the Health Authority. The authorization must be submitted on forms provided by the Health Authority.
- C. A written agreement, signed by the permit holder of the servicing area must be provided before the mobile unit or portable unit for service of food being operated. The written agreement must state that the approved food establishment is willing to allow the mobile unit or portable unit for service of food to:
 - 1. Store food products inside the food establishment;
 - 2. Use the facilities of the food establishment for the cleaning and/or maintenance of utensils and equipment;
 - 3. Deposit used cooking grease and refuse in the food establishment trash disposal and grease rendering facilities;
 - 4. Prepare food items that will be served from the mobile unit or portable unit for service of food; and

5. Be allowed full access to the food establishment during hours or days in which the food establishment might not otherwise operate.
- D. 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 or portable unit for service of food must cease operations and immediately advise the Health Authority.
- E. A servicing area that is located outside the jurisdiction of the Health Authority may be approved if the operator of the mobile unit or portable unit for service of food:
 1. Satisfies the requirements of these regulations and obtains a permit issued pursuant to the provisions of NRS 446.875;
 2. Provides a copy of a valid health permit issued by the Health Authority which has jurisdiction; and
 3. Provides a copy of the most recent health inspection.
- F. 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.
- G. Food storage and preparation in a servicing area must be separated from the area used for mobile unit or portable unit for service of food servicing operations such that no contamination of food storage or preparation areas occurs.
- H. Unit 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 food storage or food preparation areas or equipment of the mobile unit or portable unit for service of food.

190.090 Servicing area, construction

Servicing areas for mobile units or portable units for service of food must be constructed and operated in compliance with all applicable food establishment requirements of these regulations.

190.095 Servicing area, change in location

- A. Any proposed change in servicing area, location, equipment or operation must receive prior approval from the Health Authority.
- B. A mobile unit or portable unit for service of food permit shall become invalid should the permit holder change servicing areas without prior approval from the Health Authority.

190.100 Servicing area, fee for change in location

The Health Authority may assess a fee for a change of servicing area location. The fee for changing a servicing area location shall be in accordance with the fee schedule adopted by the Board of Health.

MOBILE UNIT

190.105 Mobile unit, food and food preparation

- A. Prepackaged food must be properly labeled, except when prepared on the mobile unit, for immediate service.

- B. Preparation of potentially hazardous food (time/temperature control for safety food) on the mobile unit must be accomplished daily, for service that same day.
- C. Cooling of hot prepared potentially hazardous food (time/temperature control for safety food) on a mobile unit is prohibited.
- D. When potentially hazardous foods (time/temperature control for safety food), which have been cooked and cooled at the servicing area are to be served hot, they must be reheated to 165°F (74°C) and either immediately served to the customer or held hot at a temperature of 135° F.
- E. 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 the mobile unit.
- F. Thermometers must be carried on the 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 2°F (1 C°).

190.110 Mobile unit, water supply

- A. When a mobile unit has a water system, the source and system design must be approved by the Health Authority.
- B. The tank, 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.
- C. The system must be of sufficient capacity, but not less than 40 gallons to furnish enough hot and cold water under pressure for each of the following procedures, if they occur on the mobile unit:
 1. Food preparation;
 2. Utensil cleaning;
 3. Sanitizing;
 4. Handwashing sink, or
 5. Mobile unit cleaning
- D. The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it must be capped. The water filler hose must be equipped with an approved backflow prevention device.
- E. The filler hose must be of an approved material and stored with the ends connected or covered when not in use. This hose must not be used for any purpose other than supplying potable water to the mobile unit.
- F. The filler hose must be identified either by color-coding or tagging.
- G. The water system must be operable under all climatic conditions, including subfreezing temperatures.
- H. 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 one-half (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.
- I. 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.

190.115 Mobile unit, construction requirements

All mobile units must comply with the following:

- A. All interior wall, floor and ceiling surfaces must be constructed of a light-colored, durable and completely washable material such as stainless steel, galvanized steel, aluminum or plastic and must be free of open joints or cracks.
 - 1. Floors must be finished with an impervious, skid resistant material.
 - 2. Junctures of floors, walls and adjoining fixtures must be watertight and covered.
- B. There must be adequate ceiling height in the mobile unit so that food handling can be conducted in a safe manner.
- C. 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.
- D. Doors, windows and covers must close tightly and must be closed when the vehicle is being moved.
- E. Where cooking is conducted mechanical ventilation must be provided.
- F. Lighting within the mobile unit must provide at least 50 foot-candles of light on all working surfaces at all times during use. Lights must be shielded or shatterproof.
- G. Warewashing sink:
 - 1. A three (3)-compartment sink with hot and cold running water under pressure to wash, rinse and sanitize utensils is required when equipment and utensils are reused on a mobile unit.
 - 2. 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 at the servicing area.
 - 3. 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.
- H. All connections on the vehicle used for servicing the mobile unit waste disposal facilities must be of a different size or type than those used for supplying potable water to the mobile unit.
- I. The waste connection must not be located above the potable water inlet connection.
- J. 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.

PORTABLE UNIT FOR SERVICE OF FOOD

190.120 Portable unit for service of food, menu restriction by type of unit

A portable unit for service of food may be used to serve only food items that have been approved by the Health Authority. Menu restrictions apply to the following types of portable units for service of food:

- A. Any type of portable unit for service of food may serve prepackaged non-potentially hazardous food (time/temperature control for safety food) or beverages, including alcoholic beverages.
- B. Portable banquet bars may only serve beverages and drink garnishes.
- C. Any type of portable unit for service of food, except portable banquet bars, may serve prepackaged non-potentially hazardous food (time/temperature control for safety food).
- D. Golf cart-style food units may serve only prepackaged, non-potentially hazardous food (time/temperature control for safety food) and if designed, constructed, and approved by the Health Authority to do so, prepackaged low-risk food that is either commercially packaged, or prepared and wrapped, in the portable unit for service of food's approved servicing area.

- E. Indoor and outdoor/indoor foodservice carts may serve any non-potentially hazardous food (time/temperature control for safety food) and, if designed, constructed, and approved by the Health Authority to do so, serve low-risk food. Those foods need not be prepackaged but shall require only minimal handling at the cart. Heating procedures not traditionally classified as cooking are allowed, including:
 - 1. Heating of hot dogs, to at least 135°F and subsequent hot holding until serving at a temperature of at least 135°F.
 - 2. Steaming of pasteurized milk or similar fluid dairy products for immediate use in the preparation of espresso-type beverages.
 - 3. Warming of non-potentially hazardous food (time/temperature control for safety food) or low-risk food by use of a microwave oven.
 - 4. Equipment intended or capable of cooking food including but not limited to, burners, griddle tops, grill tops, barbecue grills, and deep-fat fryers shall not be present on indoor and outdoor/indoor, or ~~outdoor~~ foodservice carts.
- F. Pushcarts and foodservice trailers may serve any type of food including potentially hazardous food (time/temperature control for safety food) for which they have been designed, constructed, and approved by the Health Authority. Raw or undercooked potentially hazardous food (time/temperature control for safety food) may be served only if an approved food safety advisory is properly posted.

190.125 Portable units for service of food, food handling and preparation restrictions

Food to be sold or served at a portable unit for service of food is restricted as follows:

- A. Portable banquet bars:
 - 1. May serve only beverages and drink garnishes including but not limited to lemons, limes, and other garnishes.
 - 2. Must operate in conjunction with a banquet or private function.
 - 3. Must have a handwashing sink that is:
 - a) An integral part of the portable banquet bar;
 - b) An approved portable handwashing sink that is accessible and located within 25 feet (7.62 m) of the portable banquet bar; or
 - c) Wall-hung, accessible, and located within 25 feet (7.62 m) of the portable banquet bar.
- B. Golf cart-style food units

Only sealed, non-potentially hazardous beverages and pre-packaged non-potentially hazardous food (time/temperature control for safety food) may be sold from golf cart-style food units. Potentially hazardous food (time/temperature control for safety food) ordered from an approved kitchen may be immediately transported to a customer.
- C. Indoor and outdoor/indoor foodservice carts

Except as provided in [Section 190.120](#) "~~Portable units for service of food, menu restrictions by type of unit~~", no potentially hazardous foods (time/temperature control for safety food) may be cooked or served.
- D. Pushcarts and foodservice trailers

Any food may be served, if the facility has been designed, constructed, and approved by the Health Authority for the food's storage, preparation, and service. Raw or undercooked potentially hazardous food (time/temperature control for safety food) may be served only if an approved food safety advisory is properly posted.

190.130 Portable unit for service of food, water supply

- A. A supply of potable water must be present on any portable unit for service of food where water is required for food preparation or handwashing.
- B. 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.
- C. A potable water storage tank must have at least a five (5)-gallon capacity, except that a foodservice trailer that is equipped with a three (3)-compartment sink must have a potable water storage tank of at least 40-gallons capacity, or be connected to an approved potable water supply system when set up for operation.
- D. The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it must be capped. The water filler hose must be equipped with an approved backflow prevention device.
- E. The filler hose must be of an approved material and stored with the ends connected or covered when not in use. This hose must not be used for any purpose other than supplying potable water to the portable unit for service of food.
- F. The filler hose must be identified either by color-coding or tagging.
- G. The water system must be operable under all climatic conditions, including subfreezing temperatures.
- H. 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 one-half (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.
- I. 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.

190.135 Portable unit for service of food, wastewater handling

The operator of a portable unit for service of food that requires water for handwashing or food preparation shall:

- A. During draining and cleaning of waste-water tanks, protect all food and food-contact surfaces from spills, splashes, or aerosols of wastewater.
- B. Cease all food handling operations whenever the wastewater storage tank is filled to capacity.
- C. Dispose of wastewater in a manner approved by the Health Authority.

190.140 Portable unit for service of food, operation on pool decks

The following requirements must be met for all operations on pool decks and within pool barriers:

- A. No glass or breakable items shall be allowed except that glass liquor and mixer bottles under the control of a food handler are acceptable.
- B. ~~Bar/food~~ Portable units for service of food shall be located remotely from the edge of the pool on the raised rear deck area if available.
- C. Work stations shall not obstruct access to the pool deck, or to necessary fixtures, including but not limited to showers and water fountains.
- D. Work stations shall not be placed in any location where there is standing water.

- E. Work stations shall be broken down, covered, protected, and stored when not in use.
- F. All electrical connections for work stations shall be GFCI protected and testable, and temporary electrical runs shall not pass across walkways used by bathers or in wet areas such as deck drains.
- G. An operational plan shall be completed and shall address all of the above including a statement that management will not permit food or drink to be consumed within four (4) feet of any pool or spa.

CHAPTER 200

OUTDOOR FOOD ESTABLISHMENTS

200.005 Outdoor food establishment, applicable requirements

Outdoor food establishments must comply with all applicable requirements of these regulations. When facilities or equipment are inadequate to protect the public health, the Health Authority may impose operational and/or menu restrictions on an outdoor food establishment to protect against potential health hazards.

200.010 Outdoor food establishment, permit to operate

- A. No person may operate an outdoor food establishment without first having obtained a permit to do so from the Health Authority.
- B. The permit to operate an outdoor food establishment shall be separate and distinct from the permit to operate the supporting food establishment.
- C. A permit to operate an outdoor food establishment shall be an annual permit.
- D. The Health Authority shall not issue a permit to operate an outdoor food establishment if there is no supporting permitted food establishment or if the supporting food establishment is not able, in the opinion of the Health Authority, to support the outdoor food establishment operation as indicated in the permit application.

200.015 Outdoor food establishment, conditions for use

Outdoor food establishments must be operated in conjunction with a permitted supporting food establishment that is on the same premises as the establishment and is, in the opinion of the Health Authority, capable of supporting the outdoor food establishment. The supporting food establishment must be of such size and scope as to accommodate its own operation, as well as to support the needs of the outdoor food establishment.

200.020 Outdoor food establishment, plan submittal

Persons who desire to operate an outdoor food establishment must submit construction plans to the Health Authority for review and approval prior to commencing construction of the establishment.

200.025 Outdoor food establishment, general construction requirements

- A. Permanent electrical, plumbing, or other conduits shall:
 - 1. Be buried; or
 - 2. Be located at least six (6) inches above the ground.
- B. Exposed or temporary electrical, plumbing or other conduits shall not cross areas subject to foot traffic.

- C. Potable water containers, bins containing ice intended for human consumption, and refrigeration condensate collector trays, may drain indirectly to landscaped areas or to fixtures and locations as indicated in the most recent edition of the Uniform Plumbing Code. The drained water must be distributed such that it does not pool.
- D. The ground under which the entire outdoor food establishment area is located must be smooth, maintained in good repair and constructed of a nonabsorbent material such as concrete or asphalt unless otherwise approved by the Health Authority.
- E. The surface on which the entire outdoor food establishment area is located must be sloped or constructed with drains such that water will not accumulate on the surface.
- F. Approved dust control palliatives must be used on any bare ground within 20 feet of the perimeter of an outdoor food establishment.
- G. Permanent or portable handwashing sinks that are accessible must be provided for use by food handlers and other employees at the outdoor food establishment at all times when the outdoor food establishment is being used and include the following:
 - 1. An adequate amount of warm, running, potable water under pressure from an approved source;
 - 2. Pump soap; and
 - 3. Individual paper towels.

The establishment is considered in use anytime food is being cooked, displayed, stored, served, or processed within the perimeter of the establishment.
- H. Portable handwashing facilities must be equipped with a potable water container of at least two (2)-gallons. The volume of the wastewater container must be at least 1.5 times larger than the volume of the potable water container
- I. Portable handwashing facilities may not be connected to a permanent water supply.
- J. Barriers such as walls, planters, counters, and sneeze guards shall be erected to keep unauthorized persons from access to food, food-contact surfaces, utensils, and equipment.

200.030 Outdoor food establishment, location

- A. Outdoor food establishments must be located on the premises of and within 50 feet of the physical structure of the supporting food establishment.
- B. Outdoor food establishments may not be located within 20 feet of an outdoor solid waste storage area.
- C. Outdoor cooking equipment must be located in open areas where mechanical ventilation is not considered to be necessary by the Health Authority or by any other entity having applicable regulatory authority.
- D. Outdoor food establishments may be located in vehicle parking lots provided there is no parking allowed within 20 feet of the facilities.
- E. Outdoor food establishments may not be located within 20 feet of any motor vehicle roadway.
- F. Outdoor cooking equipment may not be located in areas below overhanging trees, wires, drainage conduits, or below ignitable surfaces such as tarps, tents, or wooden overhangs unless approval is obtained from the applicable fire authority as specified in these regulations.

200.035 Outdoor food establishment, operational plan required

- A. Persons who desire to operate an outdoor food establishment must submit an operational plan to the Health Authority for review and approval prior to commencing operation of the establishment. At a minimum, the operational plan must include the following information:
 - 1. Permit number of both the outdoor food establishment and the supporting food establishment;
 - 2. Seating capacity and hours of operation;
 - 3. Descriptions of the proposed food preparation, service, transport, and display process(es) for all menu items that will be prepared, served, or displayed at the outdoor food establishment;
 - 4. If required, HACCP plans for handling of potentially hazardous food (time/temperature control for safety food);
 - 5. The estimated volume of food to be prepared per day or projected number of consumers served;
 - 6. A statement as to whether or not consumers will be cooking food; and
 - 7. Any other information that may be relevant in estimating the adequacy of the supporting food establishment's ability to safely accommodate the additional food processing activities of the outdoor food establishment.
- B. Outdoor food establishment permit holders shall maintain a copy of the approved operational plans at their facilities and shall make the plan available for review upon request by the Health Authority.
- C. Outdoor food establishment permit holders shall not deviate from their approved operational plans (including menu alteration) without written consent from the Health Authority.

200.040 Outdoor food establishments, food

- A. All foods, including ice, used at the outdoor food establishment must be obtained from an approved source.
- B. Food items, single-service utensils and tableware shall not be stored at an outdoor food establishment when the establishment is not in operation.
- C. Food items stored at the outdoor food establishment when it is in operation shall be stored in vermin resistant containers and shall be maintained at safe temperatures.
- D. Food items shall be stored within the perimeter of the establishment and at least six (6) inches above the ground surface covering material of the establishment.
- E. Food items that are within the perimeter of the outdoor food establishment or are being transported to or from it shall be covered or kept in closed containers unless the food items are undergoing preparation or are being readied for service to consumers.
- F. Preparation of food items, except for cooking or basting and seasoning while cooking, is prohibited in any location other than within the supporting food establishment unless the establishment operational plan contains approval to prepare the food items at the outdoor food establishment.
- G. Condiments for use by consumers must be dispensed in single-service type packaging, in pump-style containers, or in protected squeeze bottles, shakers, or similar dispensers.
- H. Non-potentially hazardous food (time/temperature control for safety food) toppings such as minced onions, relish, etc. may be stored in consumer self-service containers provided the containers have attached lids.

- I. Consumer supplied food items shall not be processed, prepared, or served at the outdoor food establishment.
- J. Consumer supplied utensils shall not be used in an outdoor food establishment.

200.045 Outdoor food establishment, equipment cleaning

- A. Food-contact equipment used in an outdoor food establishment must be clean to sight and touch; and
- B. Nonfood-contact surfaces of equipment must be kept free of an accumulation of dust, food residue, and other debris.

200.050 Outdoor food establishment, food handler required

An outdoor food establishment must be attended by a food handler from its supporting food establishment at all times while the establishment is being used. The outdoor food establishment is being used anytime food is being cooked, displayed, stored, served or processed within the perimeter of the establishment.

200.055 Outdoor food establishment, food preparation by consumer

Consumers may be permitted to cook, baste and season while cooking food items for their own personal consumption provided:

- A. A food handler from the supporting establishment is physically present in the outdoor food establishment;
- B. The consumer uses only food items, utensils and equipment provided from the supporting food establishment or outdoor food establishment;
- C. The consumer is made aware of approved safe time and temperature requirements for the food items being prepared and is provided with and instructed on the use of calibrated temperature measuring equipment if requested;
- D. The consumer is made aware of the physical hazards related to using the outdoor food establishment's equipment;
- E. The consumer is not cooking, basting or seasoning while cooking food items for anyone's consumption but their own; and
- F. The permit holder has an approved operational plan on file with the Health Authority specifically relating to cooking by the consumer.

200.060 Outdoor food establishment, compliance and enforcement

Operators of outdoor food establishments are subject to enforcement action as outlined in these regulations and NRS 446.

CHAPTER 210

TEMPORARY FOOD ESTABLISHMENTS AND SPECIAL EVENTS

210.005 Temporary food establishment and special event, applicable requirements

Temporary food establishments and special events must comply with all applicable requirements of these regulations. When facilities or equipment are inadequate to protect the public health, the Health Authority may impose operational and/or menu restrictions on a temporary food establishment or special event to protect against potential health hazards.

210.010 Special event, application for permit to operate

Anyone desiring to operate a special event in the Health District must make written application for a permit on forms provided by the Health Authority, if the event daily attendance is equal to or exceeds 5000 persons per day, or the total attendance over a 14-day period is equal to or exceeds 10,000 persons. The application must include:

- A. A statement whether the applicant is a natural person, firm or corporation; and, if a partnership, the names of the partners and their addresses;
- B. A statement of the location(s) and type of the proposed special event;
- C. Applicant's full name and address;
- D. The inclusive dates of the proposed special event;
- E. The signature(s) of the applicant(s);
- F. All temporary food establishments participating in the event;
- G. Layout of the event;
- H. Solid waste and recycling plan; and
- I. Locations of support equipment including three (3)-compartment sinks, dumpsters, potable water source(s), wastewater collection units, restrooms, handwash stations, refrigeration, and grease collection.

210.015 Temporary food establishment, application for permit to operate

Any person desiring to operate a temporary food establishment either independently or in conjunction with a special event in Washoe County must make an application for a permit to operate in accordance with Nevada Revised Statute (NRS) 446.875. Applications must be made on forms provided by the Health Authority. A temporary food permit application must be submitted to the Health Authority not less than seven (7) days prior to the date of the event. Event promoters shall ensure that all persons operating temporary food establishments at special events, as defined by this regulation, have obtained a permit to operate from the Health Authority prior to conducting foodservice operations. Temporary food establishment applications must include:

- A. Applicant's full name;
- B. The name of the event;
- C. Dates and times at event;

- D. Promoter name and contact information; and
- E. Applicant's current contact information to include;
 - 1. Address,
 - 2. Phone numbers with area codes, and
 - 3. Email address
- F. Food to be prepared, stored, processed, or used in any other way;
- G. Verification of water source to be used;
- H. Type of handwash setup;
- I. Solid waste disposal; and
- J. Restroom availability.

210.020 Special event, permit to operate

It is unlawful for any person to operate a special event with attendance equal to or exceeding 5,000 persons per day, or a total attendance over a 14-day period equal to or exceeding 10,000 persons without obtaining a health permit to operate from the Health Authority. A special event permit to operate shall be issued only upon review and approval of the permit application and only after an inspection by the Health Authority reveals that applicable requirements have been met. The permit issued pursuant to this section is not transferable from person to person or place to place.

210.025 Temporary food establishment, permit to operate

- A. It is unlawful for any person to operate a temporary food establishment unless a valid permit has been issued for the establishment by the Health Authority. After receipt of an application, the Health Authority shall review the application and make an inspection of the temporary food establishment to determine compliance with the provisions of NRS 446 and the provisions of these regulations applicable to the operation of a temporary food establishment.
- B. The permit issued pursuant to this section is not transferable from person to person or from place to place.
- C. The Health Authority may exempt a temporary food establishment from the provisions of these regulations if the Health Authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public.
- D. Temporary food establishments that are larger than 800 square feet in area or have divided operations that require more than one (1) inspection are subject to requirements for additional permits and corresponding fees.

210.030 Temporary food establishment, permit exemptions.

The Health Authority may exempt a temporary food establishment from the provisions of these regulations if the Health Authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health. The list may include, but is not limited to:

- A. Bottled water, canned soft drinks,
- B. Coffee/Tea with powdered nondairy creamer or ultra-pasteurized dairy creamer packaged in individual servings. This exemption does not include beverages such as latte and espresso that are mixed with dairy product by the vendor during preparation.

- C. Commercially prepared acidic beverages (such as orange juice, lemonade, and other similar beverages) that are served from the original properly labeled container without the addition of consumer ice or other regulated food product.
- D. Draft beer and other alcoholic beverages that are served without the addition of consumer ice or the addition of potentially hazardous food (time/temperature control for safety food).
- E. Foods from an approved source prepared for a “cook-off” or judging contest in which food is not provided to the general public.
- F. Hermetically sealed and unopened containers of non-potentially hazardous beverages, which do not require refrigeration.
- G. Hot chocolate prepared without the use of potentially hazardous or reconstituted dairy products.
- H. Non-potentially hazardous prepackaged baked goods with proper labeling from an approved source and requiring no on-site preparation.
- I. Non-potentially hazardous and unopened prepackaged food from an approved source with proper labeling, such as honey, jerked meats, potato chips, popcorn and other similar foods.
- J. Produce sold from a produce stand where no food preparation, breaching of produce or product sampling is done.
- K. Commercially prepared, prepackaged, and unopened ice cream that is appropriately labeled as to ingredients and manufacturer.
- L. Shelled or unshelled nuts, including flavored nuts for sample or sale unless the nuts are processed at the event site.
- M. Food supplements that are offered for sample or sale without the addition of regulated food items. These include, but are not limited to, vitamins, minerals, protein powder mixes, energy drinks, and herbal mixtures.

210.035 Special event, fee

An application for a permit to operate a special event shall be accompanied by payment of the fee established by the Board of Health. A late fee will be assessed in accordance with the fee schedule adopted by the Board of Health if the permit application and fee are not submitted to the Health Authority a minimum of 14 days prior to the start date of the event.

210.040 Temporary food establishment, fee

An application for a permit to operate a temporary food establishment shall be accompanied by payment of the fee established by the Board of Health. A late fee will be assessed in accordance with the fee schedule adopted by the Board of Health if the permit application and fee are not received a minimum of seven (7) days prior to the start date of the event.

210.045 Temporary food establishment, cumulative maximum fee

A temporary food establishment, which operates at the same special event, in the same location and serves the same menu for at least three (3) times during a calendar year, will be eligible for a cumulative maximum fee for the special event. The operation of the temporary food establishment is limited to 14 days per calendar year. If the 14-day limit is exceeded, the operator must make application for a permit to operate a permanent establishment and will be subject to all applicable regulations. An application shall be submitted to cover each calendar day at the event. In the event that all dates are not determined at the time of application, advanced notice must be received at least seven (7) days prior to the date of any foodservice operation under cumulative maximum fee permit. A separate application and fee for a temporary food establishment permit is required for any event in which the cumulative maximum fee has

not yet been paid. A late fee will be assessed in accordance with the fee schedule adopted by the Board of Health each time an application is not submitted seven (7) days prior to operating a temporary food establishment.

210.050 Special events, fee for annual sampling permit

- A. An annual fee has been established by the ~~District~~ Board of Health for food operators engaged in the practice of providing only food samples to the public. The permit can be renewed annually, provided 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 suspension or revocation of an annual sampling permit, a reinstatement fee shall be submitted prior to reactivation of the permit to operate. All violations that prompted the permit suspension must be corrected prior to the request for reinstatement.
- B. Upon making application to the Health Authority, the applicant will be provided with two (2) copies of the sanitation requirements for sampling. One (1) copy will remain with the applicant for reference. The other copy must be signed by the applicant, indicating acknowledgement and receipt of the requirements, and must be returned with the permit application to the Health Authority. Operators of temporary food establishments that apply for the annual sampling permit must submit a proposed schedule outlining the events and locations at which they will be operating and meet applicable sanitation requirements set forth in this regulation.

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210.055 Temporary food establishment, fee for low-risk foods

The Board of Health has set a limited fee for temporary food establishments serving low-risk foods, including, but not limited to:

- A. Foods that do not require cooling below 41°F (5°C) or heating above 135°F (57°C) prior to serving in order to ensure that the foods are not hazardous to human health.
- B. Any beverage served in an open container with ice.
- C. Candy, fudge.
- D. Coffee drinks blended with dairy products.
- E. Samples given of any food item. Samples must be from an approved source and must be dispensed in a manner which protects the food from contamination and temperature abuses.
- F. Snow cones, shaved ices, slurpies and other similar ice with syrup mixes.
- G. Cooked vegetables, funnel cakes, roasted corn, popcorn, deep-fried onion rings, french fries, and other food items, excluding meat, poultry and fish subjected to deep-frying as the primary cooking process. This provision is subject to approval of food item(s) and does not allow for the addition or inclusion of high-risk items such as chili, chowder, dairy toppings, or other high-risk foods in the service of the original permitted low-risk food item.

210.060 Temporary food establishment, limited fee for nonprofit organizations

- A. Nonprofit organizations operating temporary food establishments may pay the nonprofit temporary food establishment fee in accordance with the fee schedule adopted by the Board of Health. Applicants who desire to be eligible for the nonprofit fee must submit evidence of nonprofit status when applying for a permit to operate. Such evidence may include, but is not limited to:

1. Tax exempt status recognized by the Internal Revenue Service or State of Nevada; and
2. Articles of incorporation or association filed pursuant to the provisions of Chapter 82 of NRS.

The limited fee for nonprofit organizations shall not apply if any of the revenue is retained by a for-profit organization.

- B. Nonprofit organizations promoting individual sample and tasting events may pay the conditional maximum temporary food establishment fee in accordance with the fee schedule adopted by the Board of Health. The maximum fee will be charged for twenty (20) or fewer temporary food establishment permit applications for each qualifying event and applies to samples only. Each permit application for temporary food establishments in excess of the twenty (20) allowed under the maximum fee shall be accompanied by the nonprofit temporary food establishment permit fee as set by the Board of Health. The conditional maximum temporary food establishment fee does not apply to for-profit temporary food establishments at the event. In order to qualify for this fee, the event promoter shall provide proof of nonprofit status as outlined in Subsection A of this section.

210.065 Temporary food establishment and annual sampling operation, reinspection fee

If more than one (1) reinspection of a temporary food establishment or annual sampling operation is required a fee up to the amount, but not to exceed the permit fee set by the Board of Health will be charged. The fee will be assessed in the field and is due to the Environmental Health Services Office within five (5) working days following the event. Subsequent temporary food establishment permit applications will be denied until the reinspection fee is paid.

210.070 Temporary food establishment and special event, food source

- A. Food must be obtained from a supplier or source approved by the Health Authority. Food sources approved by the Health Authority include sources where the producer, manufacturer, distributor, or food establishment is determined by the Health Authority to conform to applicable laws, or in the absence of applicable laws, conforms to current public health principles and practices and recognized industry standards to protect public health. Operators that obtain their food source outside Washoe County shall be required to provide proof to the Health Authority that the source of the food products is regulated and approved by a Health Authority in the jurisdiction of origin.
- B. Interstate transport of precooked meat or poultry is prohibited unless the product is unadulterated; in the original unopened package from the source; and has been USDA inspected and approved, and bears a label indicating such.
- C. All food shall be protected against contamination and held within the safe temperature requirements set forth in these regulations during transport and storage.
- D. Wild harvested or caught products such as mushrooms, fish, game, and produce are not allowed for service or sample to the general public at special events in Washoe County.
- E. Except as specified in Chapter 150 under Cottage Food Operations, any preparation or storage at a private residence of any food items to be sold at a special event in Washoe County is strictly prohibited.

210.075 Temporary food establishment, labeling of certain food

Potentially hazardous food (time/temperature control for safety food) or other food prepared in an approved food establishment or food processing establishment in a ready-to-eat form and packaged in a container for refrigeration or otherwise stored for a time where packaged must be marked with a label by the manufacturer to indicate the date by which the food was manufactured and must be served or frozen. 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, if applicable, shown clearly as the three (3) letters of the month followed by the date. Frozen food that has been thawed must also be dated to indicate the last date of sale.

210.080 Temporary food establishment, alcohol consumption while pregnant

Temporary food establishments and all other operations which sell alcoholic beverages for consumption on premises must post health warnings for drinking during pregnancy as specified in these regulations.

210.085 Temporary food establishment and special event, food cooking, holding, and service equipment

- A. All food holding, service and cooking equipment shall be clean, in good repair and in such condition to present no risk to public health. All equipment used in temporary food establishments is subject to approval by the Health Authority.
- B. Chafing dishes, which are not heated mechanically or similar equipment, are prohibited for use at outdoor special events.
- C. Adequate power shall be supplied by the event promoter to temporary food establishments that require electrical or mechanical means to hold food products at safe temperatures. A contingency plan for recovery and safe storage of food shall be required in writing from the event promoter at the time the permit application is submitted. The contingency plan shall include a 24-hour contact for implementation.
- D. The event promoter must ensure that adequate refrigeration is available for temporary food establishment operators who intend to hold potentially hazardous foods (time/temperature control for safety food) overnight for a multi-day event. Temporary food establishment operators shall not store potentially hazardous foods (time/temperature control for safety food) off-site at non-permitted food establishments.
- E. Utensils and cutting surfaces shall be smooth, easily cleanable and nonabsorbent. The Health Authority may prohibit the use of utensils that are chipped, cracked, scratched or otherwise constructed or finished as to present a risk to public health. This does not preclude the use of single-service utensils such as toothpicks or similar items.

210.090 Temporary food establishment, temperature measuring devices required

- A. Temperature measuring devices, appropriate to the operation, must be used for monitoring the temperatures of potentially hazardous food (time/temperature control for safety food) and must meet all applicable requirements of these regulations.
- B. Each refrigeration unit must have a numerically scaled thermometer and must meet all applicable requirements of these regulations.

210.095 Temporary food establishment, construction requirements

- A. All temporary food establishments shall be located in such a manner as to minimize the risk of contamination from external sources such as sewage, flooding, dust and vector or vermin.
- B. Temporary food establishments may not be closer than fifty (50) feet from any non-sewered toilets, animal pens, or down gradient of run-off in a drainage zone. The fifty (50) foot setback requirement may be waived by the Health Authority, if public health concerns are not compromised by such waiver.
- C. The ceiling of a temporary food establishment must be made of wood, canvas, metal or other leak-proof material, which will protect the interior from overhead contamination.
- D. The floor, ground or ground cover shall be maintained in such a manner as to minimize contamination from dust, insects or water.
- E. 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, foodservice, or warewashing areas. Lighting above food preparation or foodservice areas must be shielded.
- F. Local regulations must govern ventilation and fire protection requirements.

210.100 Temporary food establishment, access limited to permit holder or employees

- A. Food preparation must be limited to areas inaccessible to the public to protect food from contamination.
- B. Placement of heating or cooking equipment shall be in an area inaccessible to the public.
- C. Food preparation areas, food storage areas or warewashing areas must be made inaccessible from public access by the use of partitions, planters, walls or similar means.
- D. Unauthorized persons are not allowed in the food preparation or foodservice areas of a temporary food establishment.

210.105 Temporary food establishment, thawing of potentially hazardous foods (time/temperature control for safety food)

- A. Frozen, potentially hazardous foods (time/temperature control for safety food) shall be thawed for use in temporary food establishment operations by one (1) of the following methods:
 - 1. In refrigerated units which can maintain a temperature of 41°F (5°C) or below;
 - 2. In an insulated container with enough ice to maintain 41°F (5°C). The food must remain covered during this 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
 - 3. In a permitted food establishment, under potable, running water with a temperature of 70°F or below, and with sufficient velocity to agitate and float off loose food particles into the overflow.

- B. Thawing potentially hazardous foods (time/temperature control for safety food) in standing water is strictly prohibited.
- C. Thawing food in a sanitizing sink or handwash sink is strictly prohibited.

210.110 Temporary food establishment, hot and cold holding

Except as provided in Subsection C of this section:

- A. Cold potentially hazardous foods (time/temperature control for safety food) are required to be held at 41°F or below.
- B. Hot potentially hazardous foods (time/temperature control for safety food) are required to be held at 135°F or above.
- C. Time as a public health control may be used in a temporary food establishment provided that all applicable provisions of these regulations have been met.

210.115 Temporary food establishment, reheating and cooling

- A. Cooling and/or reheating of potentially hazardous foods (time/temperature control for safety food) intended for sale or distribution from a temporary food establishment is prohibited, unless approved in advance by the Health Authority.
- B. All foods that have been cooked and refrigerated must be thoroughly heated to 165°F for 15 seconds within 30 minutes prior to being held or served.
- C. Steam tables, bainmaries, warmers, crockpots and similar facilities for holding hot foods may not be used for the rapid reheating of potentially hazardous foods (time/temperature control for safety food).

210.120 Temporary food establishment, food protection

- A. A temporary food establishment must not operate during dust storms, wind storms, snow storms, rain storms, infestations of insects or vermin or under any other circumstance when protection of food cannot be ensured.
- B. Temporary food establishments that offer food samples must serve individual portions. Common bowls are strictly prohibited.
- C. Wet storage of canned or bottled beverage containers is acceptable when the water contains at least 10 mg/L (ppm) 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 wet storage of canned beverages must be disposed of in a manner that does not create a nuisance or hazard to public health.
- D. 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 but not limited to containers that can be closed, covered or otherwise protected.
- E. 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.
- F. When not being used to serve food, dispensing utensils must be:
 - 1. Stored in the food with their handles above the top of the food and the container;
 - 2. Clean and dry when stored; or

3. Stored in a solution of 50-200 mg/L (ppm) available chlorine which is changed at a minimum of every 30 minutes or more often as otherwise necessary to ensure sanitization.
- G. Personal clothing or belongings must be stored at a designated place away from the preparation of food, foodservice, or warewashing areas.

210.125 Temporary food establishment and special event, handwashing facilities

- A. A handwashing facility must be readily accessible inside or directly adjacent to, but not more than ten (10) feet from, the preparation area of a temporary food establishment. Temporary food establishments 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 two (2) gallons of water for the purpose of handwashing. Wastewater generated must empty into a spill-proof container.
- B. Pump soap and single-service towels must be available at the handwashing sink.
- C. Handwashing facilities will be required at special events when non-sewered toilets and public restrooms for handwashing are not readily accessible. The number of handwashing facilities will be determined by the Health Authority. Handwashing facilities must provide potable water and be adequately serviced, stocked and maintained during the course of the event.

210.130 Temporary food establishment and special event, utensil and equipment cleaning and sanitizing

- A. Foodservice utensils and tableware shall be washed, rinsed and sanitized as needed and following each day of operation in a three (3)-compartment sink, or an approved mechanical dishwasher. An adequate supply of clean and sanitary utensils shall be available for daily operation. The practice of washing, rinsing and sanitizing in buckets is prohibited. 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 two (2) hours. If facilities are not available to accomplish this, extra cleaned and sanitized utensils and cutting boards shall be on site for use.
- B. At special events exceeding one (1) day in duration, a three (3)-compartment sink or an approved dishwasher shall be provided by the event promoter for temporary food establishment operators who do not have access to these facilities. The sink shall have hot and cold running water. Utensils shall be thoroughly washed, rinsed, and sanitized in accordance with the provisions of these regulations.
- C. Equipment and food surfaces that are too large for immersion in a three (3)-compartment sink shall be sanitized by rinsing, spraying or swabbing with a sanitizing solution of 50-200 mg/L (ppm) available chlorine. All bottles or containers of solutions used in this process must be properly labeled as to their contents. Any solution or textiles used for this purpose must be changed as needed to ensure appropriate concentration and application of sanitizer without stagnation of the solution. Sanitization which is done in this manner must not be done during food preparation on or near the equipment or food surface being sanitized or in any way contaminate food with sanitizing solutions or chemical residues.
- D. A kit for testing or other device that accurately measures the concentration of the sanitary solution in mg/L (ppm) shall be available and routinely used to verify the sanitizing solution concentration.

210.135 Temporary food establishment and special event, potable water

- A. An accessible potable water supply must be available for handwashing, cooking and cleaning equipment and utensils.

- B. The event promoter shall notify all temporary food establishment operators of the location of potable water sources.
- C. Non-potable water sources shall not be used within temporary food establishments or in areas at special events where spray and/or flow may contaminate food sources. All water connections and water service containers must be marked and clearly identifiable as to potable and non-potable.
- D. Any water source provided for an event outside the approved service connections located on the event premises must be approved by the Health Authority prior to use.
- E. Potable water may be provided to a temporary food establishment or special event without a permanent water supply through a permitted potable water hauler using an enclosed vehicular water tank.
- F. Food grade hoses connected to public water sources must be equipped with an approved backflow prevention device.
- G. Water lines or hoses and connections used to conduct potable water must not be used for any other purpose. They must be clearly identified as potable water systems.

210.140 Temporary food establishment and special event, liquid waste

- A. The special event promoter must ensure that all wastewater generated at an event is discharged to sanitary sewer. The dumping of wastewater into a storm drain is strictly prohibited. Upon approval by the Health Authority and the local pretreatment sewer discharge authority water that is not contaminated may be discarded by other means.
- B. Wastewater holding tanks are required for temporary food establishment operations, unless a suitable alternative for collection of wastewater is provided. The Health Authority must approve the alternative system prior to the event. The tanks must be readily accessible to temporary food establishment employees for dumping of wastewater. In the event that wastewater cannot be transported by the employees of a temporary food establishment, the promoter shall be responsible for collecting the wastewater and ensuring proper disposal into wastewater holding tanks and/or sanitary sewer. The tanks must be emptied at least daily or as often as necessary to prevent overflowing, the development of odors, or the attraction of vermin.
- C. 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.

210.145 Temporary food establishment and special event, grease and cooking oil waste

- A. Grease and waste cooking oil must be disposed 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 cooking oil waste.
- B. Disposal of grease or waste cooking oil on the ground is prohibited.

210.150 Temporary food establishment and special event, non-sewered toilets

The special event promoter shall be required to provide non-sewered toilets at special events if there are insufficient numbers of sewerred toilets available. Approved toilet facilities shall be accessible and available within 200 feet (61.5 meters) of any temporary food establishment or as approved by the Health Authority. Non-sewered toilets must be adequately serviced, stocked and maintained during the course of the event. See Table 1 for the appropriate number of non-sewered toilets required for an event.

**TABLE 1
NON-SEWERED TOILETS – SPECIAL EVENTS**

NUMBER OF PEOPLE	NUMBER OF HOURS FOR EVENT									
	1	2	3	4	5	6	7	8	9	10
0-500	2	4	4	5	6	7	9	9	10	12
1,000	4	6	8	8	9	9	11	12	13	13
2,000	5	6	9	12	14	16	18	20	23	25
3,000	6	9	12	16	20	24	26	30	34	38
4,000	8	13	16	22	25	30	35	40	45	50
5,000	12	15	20	25	31	38	44	50	56	63
6,000	12	15	23	30	38	45	53	60	68	75
7,000	12	18	26	35	44	53	61	70	79	88
8,000	12	20	30	40	50	60	70	80	90	100
10,000	15	25	38	50	63	75	88	100	113	125
12,500	18	31	47	63	78	94	109	125	141	156
15,000	20	38	56	75	94	113	131	150	169	188
17,500	22	44	66	88	109	131	153	175	197	219
20,000	25	50	75	100	125	150	175	200	225	250
25,000	38	69	99	130	160	191	221	252	282	313
30,000	46	82	119	156	192	229	266	302	339	376
35,000	53	96	139	181	224	267	310	352	395	438
40,000	61	109	158	207	256	305	354	403	452	501
45,000	68	123	178	233	288	343	398	453	508	563
50,000	76	137	198	259	320	381	442	503	564	626
55,000	83	150	217	285	352	419	486	554	621	688
60,000	91	164	237	311	384	457	531	604	677	751
65,000	98	177	257	336	416	495	575	654	734	813
70,000	106	191	277	362	448	533	619	704	790	876
75,000	113	205	296	388	480	571	663	755	846	938
80,000	121	218	316	414	512	609	707	805	903	1001
85,000	128	232	336	440	544	647	751	855	959	1063
90,000	136	246	356	466	576	686	796	906	1016	1126
95,000	143	259	375	491	607	724	840	956	1072	1188
100,000	151	273	395	517	639	762	884	1006	1128	1251

210.155 Temporary food establishment and special event, non-sewered toilets, handwashing facilities required

- A. Handwashing facilities shall be required at special events when non-sewered toilets are used.
- B. Handwashing facilities shall be adequately serviced, stocked and maintained during the course of the special event.
- C. Handwashing facilities must be of adequate size and design to serve the public during the course of a special event.
- D. Each bank of non-sewered toilets must have a portable handwashing facility that is accessible and provided with:
 - 1. Potable running water that drains to an enclosed wastewater tank,
 - 2. Liquid soap,
 - 3. Disposable towels; and
 - 4. A trash receptacle for waste.

- E. Wastewater tanks, soap and towel dispensers and waste receptacles must be attached to the handwashing facility in a manner allowing for ease of use.
- F. An additional portable handwashing facility shall be provided for each incremental increase of twenty (20) or more non-sewered toilets per bank.

210.160 Temporary food establishment and special event, solid waste

- A. Special event promoters shall provide a solid waste management plan in writing with detailed information as to the method of solid waste storage, handling and removal for a special event. Solid waste shall be handled in accordance with these regulations and the District Board of Health Regulations Governing Solid Waste Management.
- B. All solid waste generated at a special event or at a temporary food establishment shall be disposed of in leak-proof containers. Solid waste shall be collected and dumpsters shall be emptied as often as necessary to prevent an excessive accumulation of solid waste.
- C. Putrescible waste shall be disposed frequently enough to prevent odors and/or attraction for vermin.
- D. The special event promoter shall provide for the removal of any solid waste scattered on the event premises or on other premises as a result of event activities. The special event promoter is also required to provide removal of such wastes at the conclusion of the event.
- E. The special event promoter is responsible for developing and implementing a resource recovery plan. At any event where attendance is expected to exceed 5,000 persons per day, a resource recovery plan shall be implemented. Cardboard, glass, plastic bottles (PTE) and aluminum generated at an event of this size shall be collected and recycled.

210.165 Temporary food establishment, operation without permit issued by Health Authority

Temporary food establishment operators who are found operating without a valid health permit will be required to cease food operations immediately until a valid health permit is obtained. Failure to comply shall result in a written notice of violation and possible subsequent legal action taken by the Health Authority.

210.170 Temporary food establishment and special event, inspections

Inspections may be conducted during event, pre-event and post-event hours to ensure compliance with the requirements of these regulations. If the Health Authority suspects that a hazardous condition exists with food intended for the public or with public safety in a temporary food establishment or annual sampling operation, he or she may enter at any time to ensure that such conditions are abated. Written notice that inspections will be conducted outside of normal operating hours will be provided to the temporary food establishment operator or the event promoter prior to the event.

210.175 Temporary food establishment, examination and condemnation of food

Food which, upon inspection of a temporary food establishment by the Health Authority, is determined to have been potentially adulterated or for any reason may present a substantial risk to public health, shall be condemned. Food that has been condemned may be voluntarily destroyed and discarded by the establishment operator in the presence of the Health Authority or otherwise placed on hold as specified in these regulations.

210.180 Temporary food establishment and special event, compliance and enforcement

- A. In addition to these regulations a temporary food establishment shall comply with all the provisions of NRS Chapter 446 and any other Board of Health regulations, which are applicable to its operation. The Health Authority may:
 - 1. Augment such requirements when needed to assure the service of safe food;
 - 2. Prohibit the sale of certain potentially hazardous food (time/temperature control for safety food); and/or
 - 3. Modify specific requirements for physical facilities when, in his opinion, no substantial health hazard will result.
- B. Operators of temporary food establishments are subject to enforcement actions as outlined in these regulations and NRS 446.

210.185 Temporary food establishment and special event, suspension or revocation of permit and reinstatement

- A. Whenever the Health Authority finds an unsanitary or other condition at a special event or in the operation of a temporary food establishment which, in his judgment, constitutes a substantial hazard to the public health, he may, without warning, notice or hearing, issue a written Notice of Violation (NOV) to the permit holder or operator citing the condition and specifying the time in which the corrective action must be taken. The specified period must not be more than 24 hours.
- B. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such a NOV is issued shall comply with it immediately. Upon written petition to the Health Authority, the person must be afforded a hearing as soon as possible.
- C. A reinspection will be conducted to determine compliance with the correction notification. The temporary food establishment permit will be reinstated only after violations have been corrected.
- D. A temporary food establishment permit to operate shall be revoked in accordance with the compliance procedures outlined in these regulations.

210.190 Temporary food establishment, failure to comply

After the Health Authority has notified the owner, operator or person-in-charge of a temporary food establishment of any violation to these regulations, it shall be unlawful for that person to refuse or fail to correct these violations within the time limits set in the notice.

210.195 Temporary food establishment, interference with performance of duty

No person shall refuse entry or access to the Health Authority who, upon presentation of appropriate credentials, requests to inspect any temporary food establishment, or any related facility of that temporary food establishment, for the purpose of ascertaining compliance with these regulations. Per NRS 446.885(3), it is unlawful for any person to interfere with the Health Authority in the performance of his duties.

CHAPTER 220

VENDING MACHINE OPERATIONS

220.005 Vending machines, applicable requirements

Vending machines and vending machine locations must comply with all applicable requirements of these regulations. When facilities or equipment are inadequate to protect the public health, the Health Authority may impose operational and/or menu restrictions on a vending machine or vending machine location to protect against potential health hazards.

220.010 Vending machines, permit to operate

- A. Any person desiring to operate a vending machine that dispenses potentially hazardous food (time/temperature control for safety food) must make written application for a permit to operate a vending machine location on forms provided by the Health Authority.
- B. Unless the Health Authority determines that the information is not relevant, applicants desiring to operate a vending machine location must include the following information on forms approved by the Health Authority:
 1. A menu of the food to be dispensed from the machines,
 2. The proposed location of any machine that dispenses potentially hazardous food (time/temperature control for safety food);
 3. A cleaning and servicing schedule; and
 4. The proposed storage location of back-up food stocks used to refill the machines.
- C. Upon written application, the Health Authority shall make an inspection of the vending machine location and the vending machine(s) installed at the location to determine compliance with these regulations. When the inspection reveals that the applicable requirements of these regulations have been met, the Health Authority shall issue a permit to operate the vending machines at the specified vending machine location and affix a Washoe County Health District approval sticker to the machines.

220.015 Vending machines, identification

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 the vending machine.

220.020 Vending machines, construction

- A. 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 according to NSF/ANSI or National Automatic Merchandising Association, and may not be modified.

- B. 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.
- C. Ventilation openings of vending machines must be covered with screening material that has 16 mesh to the inch or equivalent.
- D. 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.
- E. All vending machines must be constructed to facilitate cleaning under the machine.

220.025 Vending machines, automatic shutoff

- A. A machine vending potentially hazardous food (time/temperature control for safety food) must have an automatic control that prevents the machine from vending food:
 - 1. If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food at safe temperatures as specified in these regulations; and
 - 2. If a condition specified under Subsection A of this section occurs, until the machine is serviced and restocked with food that has been maintained at safe temperatures.
- B. When the automatic shutoff within a machine vending potentially hazardous food (time/temperature control for safety food) is activated:
 - 1. In a refrigerated vending machine, the ambient temperature may not exceed 41°F (5°C) for more than 30 minutes immediately after the machine is filled, serviced, or restocked; or
 - 2. In a hot holding vending machine, the ambient temperature may not be less than 135°F (57°C) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

220.030 Vending machines, can openers

Cutting or piercing parts of can openers on vending machines must be protected from manual contact, dust, insects, rodents, and other contamination.

220.035 Vending machines, receptacles for trash

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.

220.040 Vending machines, potentially hazardous food (time/temperature control for safety food)

- A. 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:
 - 1. A food establishment having a permit issued by the Health Authority; or

2. The plant of the manufacturer or processor.
- B. 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 41°F (5°C) or below and hot foods at a temperature of 135°F (57°C) or above.
- C. 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.

220.045 Vending machines, containers for storage of food

- A. Non-pressurized containers used for the storage of food sold through vending machines, including potable 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 mm) and provided with an overlapping cover flanged downward.
- B. 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.

220.050 Vending machines, receipt and removal of bulk food

- A. 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.
- B. 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.

220.055 Vending machines, quality and supply of water

- A. Water used in vending machines must be potable and from an approved source. 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.
- B. Vending machines directly connected to the water supply must be properly equipped with devices to prevent backflow. These devices must be:
 1. Approved by the Health Authority;
 2. Located to facilitate servicing and maintenance; and
 3. Inspected and cleaned or replaced annually.

220.060 Vending machines, materials

- A. In post-mix soft drink vending machines, copper tubing or other potentially toxic tubing used for water systems must not come into contact with carbonated water.
- B. 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.

220.065 Vending machines, compliance and enforcement

Operators of vending machines are subject to enforcement actions outlined in these regulations and NRS 446.

CHAPTER 230

MISCELLANEOUS PROVISIONS

230.005 Emergencies

- A. Except as specified 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 such as a fire, flood, interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne disease outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.
- B. A permit holder need not discontinue operations in an area of an establishment that is unaffected by the substantial health hazard if approved by the Health Authority.

230.010 Resumption of Operations

If operations are discontinued for an emergency as specified in these regulations, the permit holder shall obtain approval from the Health Authority before resuming operations.

230.015 No smoking signs

For facilities that must comply with NRS 202.2483:

- A. The permit holder shall conspicuously post, at every entrance, a sign clearly stating that smoking is prohibited; and
- B. All ashtrays and other smoking paraphernalia shall be removed from all areas where smoking is prohibited.

CHAPTER 240

COMPLIANCE AND ENFORCEMENT

240.005 Preventing health hazards, provision for conditions not addressed

If necessary to protect against public health hazards or nuisances, the Health Authority may impose specific requirements in addition to the requirements contained in these regulations that are authorized by law.

240.010 Unlawful to interfere with the Health Authority

Pursuant to NRS 446.885(3), it is unlawful for any person to interfere with the Health Authority in the performance of his duties. Duties include among others, inspections, sanitation complaint investigations, foodborne disease complaint and outbreak investigations and suppression activities, food source verification, food hold orders and condemnation, posting of notices, and permit suspensions and revocations.

240.015 Inspection frequency

The Health Authority shall conduct inspections and reinspections of food establishments:

- A. At least once per calendar year; and
- B. As often as necessary to ensure compliance with any applicable provisions of these regulations and law.

240.020 Health Authority allowed to examine records

The Health Authority shall be allowed to examine the records of an establishment to obtain pertinent information regarding food and supplies purchased, received or used, and persons employed.

240.025 Health Authority allowed entry to perform inspections

The Health Authority, after providing proper identification must be allowed to enter, at any reasonable time, any food establishment within the Washoe County Health District for the purpose of making an inspection to determine compliance with these regulations.

240.030 Health Authority to issue a written inspection report

Whenever the Health Authority makes an inspection of an establishment he shall:

- A. Notify the permit holder, operator, or person-in-charge of the findings of the inspection by means of a written inspection report; and
- B. Furnish the original of the inspection report to the permit holder, operator, or person-in-charge.

240.035 Health Authority to provide specific information when violations noted on written inspection report

An NOV issued by the Health Authority shall:

- A. Set forth the specific violations found;
- B. Specify the corrective action to be taken to abate the violations;
- C. Establish a specific and reasonable time for abatement of the violations;
- D. State that failure to comply with the abatement requirements of a notice or inspection report issued in accordance with these regulations, may result in immediate suspension of the permit of the establishment; and
- E. State that an opportunity for an appeal from any notice or inspection finding or abatement requirement will be provided if a written request to bring an appeal before the Food Protection Hearing and Advisory Board is filed with the Health Authority within the period established in the notice of abatement of the violations.

240.040 Violations, shared facilities

A violation of any provision of these regulations relating to facilities held in common or shared by more than one (1) food establishment shall be a violation for which owners, operators, or persons-in-charge of each food establishment is responsible.

240.045 Examination and condemnation of food, hold orders

- A. Food may be examined or sampled by the Health Authority as often as necessary to determine freedom from ~~adulteration~~ ~~alteration~~ or misbranding.
- B. The Health Authority, may, upon written notice to the owner, operator or person-in-charge, place a hold order on any food which he determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.
- C. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on the food by the Health Authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission from the Health Authority, except by order of a court of competent jurisdiction.
- D. After the owner, operator or person-in-charge has had a hearing as provided in NRS 446.895, and on the basis of evidence produced at such hearing or on the basis of his examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order, or may, by written order direct the owner or person-in-charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of NRS 446. Such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of NRS 446 shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

240.050 Food establishment outside jurisdiction of Health Authority

Food from food establishments outside the jurisdiction of the Washoe County Health District may be sold within the Washoe County Health District if such food establishments conform to the provisions of these regulations or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in the jurisdictions where such food establishments are located.

240.055 Sampling and testing

If the Health Authority determines or has probable cause to consider that a food is unwholesome, adulterated, or misbranded, he may collect a reasonable number of samples without recompense to the owner of the food and have them tested at the owner's expense if the testing determines that the food is unwholesome, adulterated, or misbranded. Otherwise, the cost of the samples and the expense of the testing shall be borne by the Health Authority.

240.060 Grade of food establishments

- ~~A. Grade A—An establishment having a rating score of 90 or greater.~~
- ~~B. Grade B—An establishment having a rating score of 89 or less and under a compliance schedule, which specifies the time limits allowed to correct foodservice deficiencies.~~
- ~~C. When Health Authority posts a "B" grade, it shall be posted in a conspicuous location where it must remain visible until removed by the Health Authority.~~

240.065 Grading of food establishments

- ~~A. The Health Authority shall adopt a point weighted value system of critical and noncritical violations. Critical items will be valued at 5, 4, or 3 points. Noncritical items will be valued at 2 or 1 points.~~
- ~~B. Each food establishment's grade will be determined by subtracting the total weighted point value of violations noted during an inspection from a value of 100.~~
- ~~C. If a substantial health hazard exists, as defined in these regulations or weighted as a 5 point item, the Health Authority shall suspend the health permit and the establishment must immediately cease foodservice operations unless the violation is immediately corrected or an approved alternative for continued operation is found while the Health Authority is on the premises. Operations, once ceased, shall not be resumed until the health permit is reinstated by the Health Authority.~~
- ~~D. A second consecutive violation of a substantial health hazard noted during an inspection, even though immediately correctable under the provisions of these regulations, may result in the Health Authority initiating the process for revocation of the health permit.~~
- ~~E. Any violation weighted as a 4 point item must be corrected no later than 48 hours after the original inspection. The permit holder or person in charge must contact the Health Authority indicating that all 4 point weighted items have been corrected. A follow-up inspection shall be conducted by the Health Authority to confirm the correction.~~
- ~~F. If all 4 point weighted items have not been corrected within 48 hours following the original inspection, the Health Authority shall post a "B" grade for the establishment.~~
- ~~G. All 4 point weighted items not corrected within 48 hours of the original inspection must be corrected within 10 days of the posting of the "B" grade or, if the appeal process set forth in these regulations has not been initiated, the Health Authority shall suspend the health permit and the establishment must immediately cease foodservice operations. Operations, once ceased, shall not be resumed until reinstatement of the health permit by the Health Authority.~~
- ~~H. A third consecutive violation of a 4 point weighted item noted during an inspection, even though corrected as required by these regulations, may result in the Health Authority initiating the process for revocation of the health permit.~~

- ~~I. When the number of violations of 1 and 2-point weighted items is sufficient to justify the posting of a downgrade pursuant to these regulations, a sufficient number of 1 and 2-point weighted items must be corrected within 48 hours so that the total establishment rating score is 90 or above. A follow-up inspection by the Health Authority shall be conducted to confirm the correction.~~
- ~~J. If a sufficient number of 1 and 2-point weighted items has not been corrected within 48 hours following the original inspection, the Health Authority shall post a "B" grade.~~
- ~~K. 1 and 2-point items not corrected to a score of 90 or above within 48 hours of the original inspection must be corrected within 20 days of the posting of the "B" grade or, if the appeal process set forth in these regulations has not been initiated, the Health Authority shall suspend the health permit and the establishment must cease foodservice operations immediately. Operations, once ceased, may not be resumed until reinstatement of the health permit by the Health Authority.~~
- ~~L. A fourth consecutive violation of a 1 or 2-point weighted item noted during an inspection, even though corrected under the provisions of these regulations, may result in the Health Authority initiating the process for revocation of the health permit.~~

240.070 Refusal to sign acknowledgement

Refusal to sign an acknowledgement of receipt of inspectional findings does not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified.

240.075 Requirement to abate violations in the time specified

Except as otherwise specified in these regulations, the permit holder of an establishment or person-in-charge shall ensure that any violations documented by the Health Authority during an inspection or investigation, are abated in the time specified by him.

240.080 Notice, suspension and revocation of permits

- A. Whenever the Health Authority finds an unsanitary or other condition in the operation of a food establishment which, in his judgment constitutes a substantial hazard to the public health, he may, without warning, notice or hearing, issue a written Notice of Violation (NOV) to the permit holder or person-in-charge citing the condition, specifying the corrective action to be taken, and specifying the time in which the corrective action must be completed.
- B. The NOV may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom a NOV is issued must comply within the time frame specified by the Health Authority. Upon written petition to the Health Authority, the person shall be afforded a hearing pursuant to the provisions of these regulations.
- C. A reinspection will be conducted to determine compliance with the corrective action stated in the NOV. The food establishment permit will be reinstated only after the violations have been corrected and operations shall not be resumed until authorized by the Health Authority.
- D. Any permit shall be suspended or revoked for the practice of fraud or deceit in obtaining or attempting to obtain or renew a permit.
- E. Any permit may be suspended or revoked for serious or repeated violations of these regulations.
- F. Any person who violates any part of these regulations is guilty of a misdemeanor. Violators may be subject to warning, criminal citation, criminal complaint or other legal action deemed necessary to protect public health.

240.085 Creation of the Food Protection Hearing and Advisory Board

There is hereby created a Food Protection Hearing and Advisory Board of the Washoe County Health District. The Food Protection Hearing and Advisory Board shall hold hearings to consider variance requests or appeals to compliance action taken by the Health Authority on any permit required by these regulations.

240.090 Make-up of the Food Protection Hearing and Advisory Board

The Food Protection Hearing and Advisory Board shall consist of seven (7) members appointed by the Board of Health. At least two (2) members of the Food Protection Hearing and Advisory Board shall be representatives of the local food industry.

240.095 Food Protection Hearing and Advisory Board quorum for hearings

A quorum of Food Protection Hearing and Advisory Board members shall be present for a hearing. A quorum shall consist of at least four (4) members of the Food Protection Hearing and Advisory Board one (1) of whom must be a representative of the local food industry.

240.100 Time and place of formal hearing conducted by the Food Protection Hearing and Advisory Board

The Food Protection Hearing and Advisory Board shall hold hearings if any are pending, on the first Thursday of each month, at the Washoe County Health District. The Board may hold additional hearings at different times or on different days and locations if necessary to facilitate hearing requests in a more timely manner.

240.105 Hearings, appeals

- A. An aggrieved person may bring an appeal before the Food Protection Hearing and Advisory Board when:
 - 1. Any permit, as required by these regulations, has been issued, denied, renewed, suspended, or revoked, and said action has adversely affected said person in any manner.
 - 2. The Health Authority has taken any action pursuant to the authority of these regulations, which has adversely affected said person in any manner.
- B. All appeals to the Food Protection Hearing and Advisory Board shall be initiated by filing a petition or written notice of appeal to the office of the Health Authority within ten (10) business days after the person bringing the appeal has received any order, been subject to any action, or has had a permit, required by these regulations, issued, denied, renewed or suspended by the Health Authority.
- C. For serious or repeated violations of any of the requirements of these regulations or for interference with the Health Authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing before the Food Protection Hearing and Advisory Board. Before taking such action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
- D. The Health Authority may permanently revoke a permit after ten (10) days following service of the notice unless a request for a hearing is filed with the Health Authority by the permit holder within ten (10) days.

- E. The hearing provided for in this section must be conducted by the Food Protection Hearing and Advisory Board at a time and place designated by the Health Authority. Based upon the record of the hearing, the Food Protection Hearing and Advisory Board shall make a finding and make recommendation to the District Health Officer to sustain, modify or rescind an official notice or order considered in the hearing.
- F. After completion of the hearing, the findings and recommendation(s) of the Food Protection Hearing and Advisory Board, along with transcripts and evidence from the hearing, shall be transmitted to the District Health Officer who will make the final decision on whether or not to sustain, modify or rescind any official notices or orders considered during the hearing. If the District Health Officer finds that evidence exists to support suspension or revocation of the permit, he shall issue a written decision to take action accordingly.
- G. A copy of the written findings and the final decision by the District Health Officer shall be sent by certified mail, return receipt requested, to the permit holder by the Health Authority.

240.110 Variances or waivers, conditions for approval

The Health Authority may grant a variance to these regulations or a waiver if it is determined that:

- A. Strict application of the regulation would result in exceptional and undue hardship to the person requesting the variance or waiver; and
- B. The variance or waiver, if granted, would not:
 - 1. Cause substantial detriment to the public health; or
 - 2. Substantially impair the purpose of that regulation.

240.115 Variances or waivers, documentation and justification

Any person requesting a variance from or a waiver to a requirement of these regulations must submit to the Health Authority:

- A. A statement of the proposed variance or waiver of the requirement citing the relevant regulation(s);
- B. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant regulation will be alternatively addressed by the proposal;
- C. A HACCP plan, if required by these regulations, that includes the information specified in these regulations as it relates to the variance or waiver request;
- D. An application requesting the variance or waiver submitted on forms provided by the Health Authority; and
- E. Payment of a fee in accordance with the fee schedule adopted by the Board of Health.

240.118 Conformance with approved procedures

If the Health Authority grants a waiver as specified in Section 240.110, or a HACCP plan is otherwise required as specified under Section 110.005, the permit holder shall:

- A. Comply with the HACCP plans and procedures that are submitted as specified under Section 110.010 and approved as a basis for the waiver; and
- B. Maintain and provide to the Health Authority, upon request, records specified under Section 110.010 (D) and (E) that demonstrate that the following are routinely employed:
 - 1. Procedures for monitoring the critical control points,

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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.

240.120 Failure to comply

After the Health Authority has notified the owner, operator or person-in-charge of any violation of these regulations, it shall be unlawful for that person to refuse or fail to correct these violations within the time limits set in the notice.

240.125 Penalties and prosecution

- A. Pursuant to NRS 446.943, the District Attorney shall prosecute any person who violates any provision of these regulations.
- B. Pursuant to NRS 446.945, any person who violates any provision of these regulations is guilty of a misdemeanor. In addition, such a person may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

CHAPTER 250

SEVERABILITY

Severability

If any provision of these regulations or any application thereof to any person, thing or circumstance is held invalid, the Washoe County District Board of Health intends that such invalidity not affect the remaining provisions of applications to the extent that they cannot be effective.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on February 26, 2003 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on June 6, 2003.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on July 24, 2003 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on October 24, 2003.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on October 25, 2007 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on December 7, 2007.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on May 28, 2015 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on June 12, 2015.

APPENDIX

Reference NRS 446

DEFINITIONS

NRS 446.017 “Food” defined. “Food” means any food, drink, confection or beverage, or any component in the preparation or manufacture thereof, intended for ultimate human consumption, stored, being prepared or manufactured, displayed, offered for sale, sold, or served in a food establishment.
[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1969, 803)—(Substituted in revision for NRS 446.040)

NRS 446.020 “Food establishment” defined.

1. Except as otherwise limited by subsection 2, “food establishment” means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.
2. The term does not include:
 - (a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;
 - (b) Fraternal or social clubhouses at which attendance is limited to members of the club;
 - (c) Vehicles operated by common carriers engaged in interstate commerce;
 - (d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;
 - (e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;
 - (f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under [chapter 584](#) of NRS; or
 - (g) The premises of a wholesale dealer of alcoholic beverages licensed under [chapter 369](#) of NRS who handles only alcoholic beverages which are in sealed containers.

[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1960, 295; 1963, 758; 1969, 803, 991; 1973, 1164; 1981, 697; 1985, 901; 1991, 286; 1993, 1624; [1999, 3624](#); [2001, 1504](#))

NRS 446.030 “Food handler” defined.

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

[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1969, 803; [2001, 1505](#); [2003, 595](#); [2007, 2175](#))

NRS 446.035 “Food processing establishment” defined. “Food processing establishment” means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

(Added to NRS by 1969, 816)

NRS 446.050 “Health authority” defined. “Health authority” means the officers and agents of the Health Division of the Department of Health and Human Services, or the officers and agents of the local boards of health.

[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1963, 311, 758; 1969, 803; 1973, 1406)

NRS 446.053 “Misbranded” defined. “Misbranded” means the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, which is false or misleading or which violates any applicable state or local labeling requirements.

(Added to NRS by 1969, 816)

NRS 446.057 “Potentially hazardous food” defined. “Potentially hazardous food” has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the *Food Code* published by the Food and Drug Administration of the United States Department of Health and Human Services, unless the Administrator of the Health Division of the Department of Health and Human Services has adopted a later edition of the *Food Code* for this purpose.

(Added to NRS by 2003, 594)

NRS 446.067 “Temporary food establishment” defined. “Temporary food establishment” means any food establishment which operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, celebration or similar transitory gathering.

(Added to NRS by 1969, 817)

NRS 446.069 “Wholesome” defined. “Wholesome” means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

(Added to NRS by 1969, 817)

FACILITIES AND OPERATIONS

NRS 446.841 Use of sawdust on floors in retail meat, poultry and fish markets. A food establishment engaged in the cutting and packaging of meat, poultry or fish for retail sale may use sawdust on the floors in that area of such establishment not visited by the public if:

1. Such sawdust is treated in a manner approved by the Health Division of the Department of Health and Human Services; and
2. The floors are cleaned and fresh sawdust is used daily.

(Added to NRS by 1971, 151; A 1973, 1406)

NRS 446.842 Food establishments which sell alcoholic beverages for consumption on premises required to post signs concerning birth defects; exception.

1. Except as otherwise provided in subsection 5, each food establishment in which alcoholic beverages are sold by the drink for consumption on the premises shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The conspicuous location described in this subsection may include, without limitation, a women’s restroom that is located within the establishment.
2. Each sign required by subsection 1 must be not less than 8 1/2 by 11 inches in size and must contain a notice in boldface type that is clearly legible and, except as otherwise provided in paragraph (a) of subsection 4, in substantially the following form:

HEALTH WARNING

Drinking wine, beer and other alcoholic beverages during pregnancy can cause birth defects.

¡ADVERTENCIA!

El consumo de vino, cerveza y otras bebidas alcohólicas durante el embarazo puede causar defectos físicos y/o mentales en el feto.

3. The letters in the words “HEALTH WARNING” and “¡ADVERTENCIA!” in the sign must be written in not less than 40-point type, and the letters in all other words in the sign must be written in not less than 30-point type.

4. The Health Division of the Department of Health and Human Services may:
- (a) Provide by regulation for one or more alternative forms for the language of the warning to be included on the signs required by subsection 1 to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in subsection 2.
 - (b) Solicit and accept the donation of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Health Division shall distribute the signs upon request to food establishments that are required to post the signs.
5. A food establishment is not required to post the sign otherwise required by this section if the food establishment provides to its patrons a food or drink menu that contains a notice, in boldface type that is clearly legible and not less than the size of the type used for the items on the menu, in substantially the same form and language as is set forth in subsection 2 or authorized pursuant to paragraph (a) of subsection 4.
6. As used in this section, "alcoholic beverage" means:
- (a) Beer, ale, porter, stout and other similar fermented beverages, including, without limitation, sake and similar products, of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.
 - (b) Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of one-half of 1 percent or more of alcohol by volume.
 - (c) Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including, without limitation, all dilutions and mixtures thereof from whatever process produced.
- (Added to NRS by [2003, 1361](#))

NRS 446.846 Certain employees of food establishments required to wear hair net or other suitable covering to confine hair. The State Board of Health shall adopt reasonable rules and regulations requiring that any person employed in the preparation or service of food or beverages to patrons on the premises of a food establishment, or who comes in contact with eating or cooking utensils used for such service, whose hair length exceeds specified limits shall wear a hair net, cap or other suitable covering which confines the hair while such person is engaged in the performance of his duties. Such rules and regulations shall specify the minimum hair length to which such requirement applies.

(Added to NRS by 1973, 1055)

TEMPORARY FOOD ESTABLISHMENTS

NRS 446.865 Compliance with chapter, powers of health authority. A temporary food establishment shall comply with all the provisions of this chapter which are applicable to its operation. The health authority may:

1. Augment such requirements when needed to assure the service of safe food.
2. Prohibit the sale of certain potentially hazardous food.
3. Modify specific requirements for physical facilities when in his opinion no imminent health hazard will result.

(Added to NRS by 1963, 753; A 1969, 810)

PROVISIONS FOR ENFORCEMENT

NRS 446.870 Prohibited acts: Operation of food establishment without valid permit issued by health authority; sale, offer or display for consideration of food prepared in private home without valid permit issued by health authority; exemptions.

1. Except as otherwise provided in this section, it is unlawful for any person to operate a food establishment unless he possesses a valid permit issued to him by the health authority.
2. The health authority may exempt a food establishment from the provisions of this chapter if the health authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health.
3. Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the provisions of this chapter, unless it is given to a food establishment.
4. Except as otherwise provided in subsection 5, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him by the health authority for that purpose.

5. A religious, charitable or other nonprofit organization may, without possessing a permit from the health authority, sell food occasionally to raise money, whether or not the food was prepared in a private home, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the health authority is required unless an exemption is granted pursuant to subsection 2.

(Added to NRS by 1963, 753; A 1969, 810; 1987, 382; [2001, 1505](#))

NRS 446.875 Issuance of permit.

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:
 - (a) The applicant's full name and post office address.
 - (b) A statement 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 such an application, the health authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, the health authority shall issue a permit to the applicant.
4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.
5. A permit issued pursuant to this section:
 - (a) Is not transferable from person to person or from place to place.
 - (b) Must be posted in every food establishment.

(Added to NRS by 1963, 753; A 1969, 811; 1987, 383)

NRS 446.877 City or county business license must not be issued until permit issued by health authority. No license under any license ordinance of city, county or other licensing authority shall be issued for the operation of a food establishment to any person owning or operating such food establishment unless the permit required by this chapter has first been granted by the health authority.

[14:116:1943; 1943 NCL § 5319.13]—(NRS A 1963, 759; 1969, 804)—(Substituted in revision for NRS 446.190)

NRS 446.880 Suspension or revocation of permit; reinstatement of suspended permit; hearing.

1. Permits issued under the provisions of this chapter may be suspended temporarily by the health authority for failure of the holder to comply with the requirements of this chapter.
2. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator must be notified in writing that the permit is, upon service of the notice, immediately suspended or that the establishment is downgraded if that is the case. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed by him with the health authority.
3. Whenever the health authority finds an insanitary or other condition in the operation of a food establishment which, in his judgment, constitutes a substantial hazard to the public health, he may without warning, notice or hearing issue a written order to the permit holder or operator citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written petition to the health authority, the person must be afforded a hearing as soon as possible.
4. Any person whose permit has been suspended may, at any time, make application for a reinspection for reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the health authority shall make a reinspection. If the applicant is complying with the requirements of this chapter, the permit must be reinstated.

5. For serious or repeated violations of any of the requirements of this chapter or for interference with the health authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health authority. Before taking such an action, the health authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
 6. The health authority may permanently revoke a permit after 5 days following service of the notice unless a request for a hearing is filed with the health authority by the permit holder within 5 days.
 7. The hearings provided for in this section must be conducted by the health authority at a time and place designated by him. Based upon the record of the hearing, the health authority shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder by the health authority.
- (Added to NRS by 1963, 754; A 1969, 811; 1981, 604; 1985, 292)

NRS 446.883 Revocation of city or county business license if permit issued by health authority revoked.

1. A license to operate a food establishment issued by any licensing authority to a person owning or operating such food establishment shall be revoked when such person's permit has been revoked by the health authority, and no new license may be issued until such person again possesses an unrevoked permit from the health authority.
 2. Licensing authorities shall be notified by the health authority of the revocation of any permit.
- [15:116:1943; 1943 NCL § 5319.14]—(NRS A 1969, 804)—(Substituted in revision for NRS 446.200)

NRS 446.885 Inspection of food establishment.

1. At least once every year, the health authority shall inspect each food establishment located in the State.
 2. He shall make as many additional inspections and reinspections as are necessary for the enforcement of this chapter.
 3. It is unlawful for any person to interfere with the health authority in the performance of his duties.
- (Added to NRS by 1963, 755; A 1969, 812)

NRS 446.890 Access to food establishment; form for inspection report.

1. The health authority, after he has properly identified himself, must be permitted to enter, at any reasonable time, any food establishment within the State for the purpose of making any inspection to determine compliance with this chapter. He must be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.
 2. Whenever the health authority makes an inspection of a food establishment, he shall record his findings on an inspection report form provided for this purpose. The health authority shall furnish the original of the inspection report form to the permit holder or operator. The form must summarize the requirements of this chapter.
- (Added to NRS by 1963, 755; A 1969, 812; 1981, 605)

NRS 446.895 Issuance of notice. Except as otherwise provided in subsection 3 of [NRS 446.880](#), whenever the health authority makes an inspection of a food establishment and discovers that any of the requirements of this chapter have been violated, he shall notify the permit holder or operator of the violations by means of an inspection report form or other written notice. The notice must:

1. Set forth the specific violations found;
2. Establish a specific and reasonable time for the correction of those violations;
3. In the case of temporary food establishments, state that the violations must be corrected within a specified period which must not be more than 24 hours. Failure to comply with the notice results in immediate suspension of the permit;
4. State that failure to comply with the requirements of any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the permit or in downgrading of the establishment; and
5. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the health authority within the period established in the notice for correction.

(Added to NRS by 1963, 755, A 1969, 813, 1981, 605)

NRS 446.900 Service of notice. Notices provided for in [NRS 446.895](#) shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the health authority.

(Added to NRS by 1963, 756)

NRS 446.920 Examination and condemnation of food.

1. Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.
2. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the health authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission of the health authority, except by order of a court of competent jurisdiction.
3. After the owner or person in charge has had a hearing as provided for in [NRS 446.895](#), and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within 10 days, the health authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this chapter. Such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of this chapter shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

(Added to NRS by 1963, 757; A 1969, 814)

NRS 446.925 Food establishment outside jurisdiction of health authority. Food from food establishments outside the jurisdiction of the health authority of the State of Nevada may be sold within the State of Nevada if such food establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the health authority may accept reports from responsible authorities in the jurisdictions where such food establishments are located.

(Added to NRS by 1963, 757; A 1969, 814)

NRS 446.930 Review of plan for construction or remodeling of food establishment. If, after April 18, 1963, a food establishment is constructed or extensively remodeled, or if an existing structure is converted for use as a food 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 shall 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 shall be submitted to such health authorities for approval before such work is begun.

(Added to NRS by 1963, 757; A 1969, 814)

NRS 446.935 Procedure if infection of food handler is suspected.

1. When the health authority has reasonable cause to suspect the possibility of disease transmission from any food handler of a food establishment, the health authority shall secure a morbidity history of the suspected food handler, or make such other investigation as may be indicated, and take appropriate action.
2. The health authority may require any or all of the following measures:
 - (a) The immediate exclusion of the food handler from all food establishments.
 - (b) The immediate closure of the food establishment concerned until, in the opinion of the health authority, no further danger of disease outbreak exists.
 - (c) Restriction of the food handler's services to some area of the establishment where there would be no danger of transmitting disease.
 - (d) Adequate medical and laboratory examinations of the food handler, of other food handlers and of his and their body discharges.

(Added to NRS by 1963, 757; A 1969, 815)

NRS 446.940 Enforcement.

1. Except as provided in subsection 2, this chapter must be enforced by the health authority in accordance with regulations hereby authorized to be adopted by the State Board of Health to carry out the requirements of this chapter.
 2. A local board of health may adopt such regulations as it may deem necessary to carry out the requirements of this chapter. Such regulations:
 - (a) Become effective when approved by the State Board of Health;
 - (b) Must be enforced by the health authority; and
 - (c) Supersede the regulations adopted by the State Board of Health pursuant to subsection 1.
 3. All sheriffs, constables, policemen, marshals and other peace officers shall render such services and assistance to the health authority in regard to enforcement as he may request.
- (Added to NRS by 1963, 758; A 1969, 815; 1981, 606)

NRS 446.941 Inapplicability of certain regulations to child care facilities with limited menus.

1. Any regulation adopted by the State Board of Health or a local board of health pursuant to [NRS 446.940](#) that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment shall not apply to any child care facility that limits its menu to:
 - (a) Food that does not constitute a potential or actual hazard to the public health; and
 - (b) Potentially hazardous food that has been:
 - (1) Commercially prepared and precooked; or
 - (2) Pasteurized.
 2. As used in this section, "child care facility" includes:
 - (a) A child care facility licensed pursuant to [chapter 432A](#) of NRS; or
 - (b) A child care facility licensed by a city or county.
- (Added to NRS by [2003, 594](#))

NRS 446.943 Prosecution by district attorney. The district attorney of each county shall prosecute any person who violates any provision of this chapter or any provision of the regulations of the State Board of Health or the local board of health adopted pursuant to this chapter.

[Part 21:116:1943; 1943 NCL § 5319.20]—(NRS A 1963, 760; 1969, 807; 1981, 606)

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

(Added to NRS by 1963, 758; A 1969, 815)

