



## **MINUTES**

### **SOUTHERN NEVADA DISTRICT BOARD OF HEALTH MEETING**

**November 17, 2022 – 11:00 a.m.**

**Meeting was conducted In-person and via Webex Event**

**Southern Nevada Health District, 280 S. Decatur Boulevard, Las Vegas, NV 89107**

**Red Rock Trail Rooms A and B**

**MEMBERS PRESENT:**

Marilyn Kirkpatrick, Chair – Commissioner, Clark County (*in-person*)  
Scott Nielson, Vice-Chair – At-Large Member, Gaming (*in-person*)  
Frank Nemec, Secretary – At-Large Member, Physician (*via WebEx*)  
James Adams – Council Member, City of Boulder City (*in-person*)  
Scott Black – Council Member, City of North Las Vegas (*via WebEx*)  
Bobbette Bond – At-Large Member, Regulated Business/Industry (*in-person*)  
Olivia Diaz – Council Member, City of Las Vegas (*via WebEx*)  
Karen Dutkowski – Council Member, City of Mesquite (*via WebEx*)  
Tick Segerblom – Commissioner, Clark County (*via WebEx*)

**ABSENT:**

Brian Knudsen – Council Member, City of Las Vegas (*in-person*)  
Michelle Romero – Council Member, City of Henderson

**ALSO PRESENT:**

(In Audience)

Linda Anderson, Georgi Collins, Cara Evangelista, Timothy Grigsby, Maya Holmes, Stephen Minagil, Javier Rivera-Rojas, Sabrina Santiago, Stacie Sasso, Brisa Stephani, Virginia Valentine, Jennifer Young

**LEGAL COUNSEL:**

Heather Anderson-Fintak, General Counsel

**EXECUTIVE SECRETARY:**

Fermin Leguen, MD, MPH, District Health Officer (*absent*)

**STAFF:**

Adriana Alvarez, Rashida Alvarez, Maria Azzarelli, Tanja Baldwin, Tawana Bellamy, Sherhonda Brathwaite, Amanda Brown, Lori Bryan, Nicole Bungum, Victoria Burris, Harold Collins, Andria Cordovez Mulet, Stephanie Cortes, Shea Crippen, Aaron DelCotto, Brandon Delise, Lily Dominguez, Daniele Dreitzer, Emily Elzeftawy, Brian Felgar, Kimberly Franich, Jacques Graham, Michelle Guzman, John Hammond, Heather Hanoff, Richard Hazeltine, Carmen Hua, Jennifer Johnson, Jessica Johnson, Michael Johnson, Matthew Kappel, Mikki Knowles, Fernando Lara, Josie Llorico, Brandi Miller, Christy Munaretto, Semilla Neal, Joe O'Neill, Veralynn Orewyler, Laura Palmer, Kyle Parkson, Neleida Pelaez, Luann Province, Alexis Romero, Larry Rogers, Christopher Saxton, Karla Shoup, Candice Sims, Jennifer Sizemore, Randy Smith, Will Thompson, Shylo Urzi, Leo Vega, Jorge Viote, Donnie Whitaker, Edward Wynder

**I. CALL TO ORDER and ROLL CALL**

The Chair called the Southern Nevada District Board of Health Meeting to order at 11:06 a.m. Andria Cordovez Mulet, Executive Assistant, administered the roll call and confirmed quorum.

**II. PLEDGE OF ALLEGIANCE**

### III. RECOGNITION

#### 1. Human Resources Department

- NEOGOV Connect Advocate Award

On behalf of the Board of Health, the Chair announced that the Human Resources Department was awarded the NEOGOV Connect Advocate Award. NEOGOV provided this award to organizations that they recognize as leaders and advocates who have mastered the various products, offered in NEOGOV, and have had successful implementations. HR staff quickly mastered the Onboard product implementation, while continuing to train staff on both the Insight and Onboard products. The Board of Health congratulated the HR Department for this recognition.

### IV. FIRST PUBLIC COMMENT: A period devoted to comments by the general public about those items appearing on the agenda. Comments will be limited to five (5) minutes per speaker. Please clearly state your name and address and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chair or the Board by majority vote.

Brisa Stephani, co-owner of Impact Food Safety and Environmental Health Services, commented that they have the same credentials, REHS, as the Health District inspectors but provide food safety consulting for industry. Ms. Stephani advised that they currently represent about 10% of the 23,000 permits in the City and wanted to comment on the proposed 2023 Food Regulations. Ms. Stephani wanted to thank all those involved in the process, such as Candice Sims and Aaron DelCotto, who have been great contacts and easy to work with. Ms. Stephani advised that the industry had a few concerns lingering in regards to enforcement of the proposed regulations. Ms. Stephani stated that Las Vegas was not the hardest because of the regulations, as almost every state has similar regulations, but they are the hardest because of the way they choose to enforce them or what is written. Ms. Stephani requested training, before they start issuing violations, be provided during the first inspection after the regulations are approved, so that food establishments have time to make adjustments. Further, Ms. Stephani asked for training on how the changes would be implemented, in regards to what violations would be written in the report and how many points or the value that comes with the violation. Ms. Stephani stated that another concern was regarding the certificate requirement for a person in charge that was written in Chapter 2, which stated that each permit holder must designate a certified person in charge be present at the food establishment during all hours of operation. Ms. Stephani indicated that that person had to take an 8-hour class or a self-study course and pass a proctored test to get certified. She indicated that there were only six approved programs in the country. As written, they could require every permit to have a certified person. This requirement also has the potential to overwhelm the options currently available, like what they were experiencing with health cards, where there were not enough appointments, especially in other languages. For example, Serve Safe is one of those six approved programs. Ms. Stephani indicated that, since the last Board of Health, they looked into the Nevada Restaurant Association and the number of classes they offer, in-person, for that. Ms. Stephani indicated that occupancy was limited and that the Nevada Restaurant Association offers one English class per month and only three Spanish classes per year in the whole city. She indicated that they have seen people taking advantage of that and overcharging for the same class. Also, Ms. Stephani indicated that they may start seeing fake certificates, like they see fake health cards where scams start to pop-up and take advantage of people, especially disproportionately affecting those that are not fluent in English. Ms. Stephani indicated that they have seen high-level chefs with tremendous food safety knowledge that take the test for the certificate in other languages and fail multiple times because they do not translate well. Ms. Stephani appreciated that the Health District compromised by not applying the requirement to low-risk establishments and indicated that the current regulations did require that the person in charge be knowledgeable, but it did not require the certificate. Therefore, Ms. Stephani requested that a violation of that requirement be a core item as mentioned in the previous Board of Health meeting by Environmental Health management, meaning that with the current inspection report it would be a zero-point violation and would not affect the overall inspection grade. Ms. Stephani advised that the Board of Health previously discussed the possibility that the Health District develop a program so that industry can obtain the certificates more easily. Ms. Stephani requested that the Health District pursue that option and include different languages because that would help resolve the concerns about potential scammers, price gouging and provide more options for industry to access. Ms. Stephani

advised that, as consultants, they had been asked to offer the class and proctor the test. However, she advised that, although they would financially benefit from this, she was speaking against it because as it is written it is not the best for industry. Ms. Stephani advised that they could make every high-risk permit have multiple people certified to cover every shift and they could make each permit have a separate set of the certified people and that standard would be unrealistic. Ms. Stephani advised it would be really hard for industry and would be unreasonable to meet. Ms. Stephani concluded that they wanted to make sure that the enforcement level did not affect that and that it be applied in a reasonable manner, that was fair and took into consideration all the layers of food safety and prevention that already existed within each establishment. Ms. Stephanie concluded that they looked forward to the Board's response and thanked the Board for their time and careful consideration.

Cara Evangelista stated that Ms. Stephani was her business partner, and that they represent a lot of food permits from big and small. She commented on the agenda item of the proposed Food Regulations. Ms. Evangelista indicated that she would comment about moving forward, after the regulation was approved. Ms. Evangelista advised that the first item was that industry would like to be part of the conversation on how the new regulations would be implemented during an inspection. She requested something similar to public workshops where industry was allowed discussion with the Health District during the regulation process. Ms. Evangelista stated that, as she discussed previously, the Health was one of the hardest health departments in the country, not because of the regulation but because of how they do an inspection. For example, an inspection of a restaurant by the Health Department was an unannounced inspection and three violations could cause a B downgrade on that first inspection, which was recorded and posted to the public. As a comparison, in Maricopa County in Phoenix, which also adopted the FDA Food Code, there was first an unannounced inspection and if there was a downgrade during that inspection, there would be a second inspection appointment three days later. If there was a downgrade at that second inspection, the restaurant would receive a third inspection about seven days later. If there was a downgrade on the third inspection, then there was a downgrade recorded and posted to the public. The Health District would have one unannounced inspection with three violations and there was automatically a downgrade. In Maricopa County, you get three chances before they post that downgrade. Ms. Evangelista indicated that was one example, however the majority of jurisdictions were very similar, that the actual enforcement of the regulation with multiple inspections, including appointments with the facility, before posting the downgrade. Ms. Evangelista advised that industry requested consideration on how the new regulations were written and how many demerits a new violation costs because, while the new regulations look good and they appreciate everything and all the compromises, they do not have any concerns. It was how it was implemented during the inspection that could really affect a restaurant. Ms. Evangelista requested training sessions on all new changes, any new inspection forms and how many demerits the regulations will be counted as during an actual inspection. Ms. Evangelista thanked the Health District staff that previously stated they would provide procedures for the vomit clean-up plan. Ms. Evangelista requested other templates, for instance the new par cooking requirements, that will require new SOPs, logs and any other new procedures for easier implementation. Ms. Evangelista stated that, in 2010, during the new regulation, HACCP plans were submitted and backlogged for 2-3 years for approval. Ms. Evangelista advised that currently HACCP plans could take six months for approval. Ms. Evangelista advised that for the new HACCP exemptions for sushi rice, kimchi, masa, etc. they requested a simple exemption form and submittal process to avoid any large backlog or cease and desist. Ms. Evangelista requested, if possible, that the form be similar to the new dog patio exemption form found in the appendix of the new regulation for easy submittal. Ms. Evangelista further requested that the simple exemption be submitted to the regular inspector currently doing this to avoid a backlog. Ms. Evangelista thanked the Health District for putting the one-year implementation, as that was what they had asked for. Ms. Evangelista concluded that they requested that industry be allowed to be a part of the conversation on the new regulations and how they would be written during the inspection. Ms. Evangelista further requested training sessions for new regulations and the forms, new templates for easier implementation, simple exemption for submittal of sushi rice, kimchi, and masa, etc., to the regular inspector and the one-year implementation. Ms. Evangelista advised that industry partners wanted to thank Environmental Health staff and Ms. Sims for working with everyone during this process and all the phone calls and hoped that Ms. Sims would continue to lead the process through implementation and form development. Ms. Evangelista stated that their clients could not talk enough about Ms. Sims and how she was really trusted. Ms. Evangelista thanked everyone for the process.

Seeing no one further, the Chair closed the First Public Comment portion.

**V. ADOPTION OF THE NOVEMBER 17, 2022 MEETING AGENDA** *(for possible action)*

*A motion was made by Vice-Chair Nielson, seconded by Member Bond and carried unanimously to approve the November 17, 2022 Agenda, as presented.*

**VI. CONSENT AGENDA:** Items for action to be considered by the Southern Nevada District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.

**1. APPROVE MINUTES/BOARD OF HEALTH MEETING:** October 27, 2022 *(for possible action)*

**2. PETITION #12-23: Approval of an Interlocal Contract between the Southern Nevada Health District and the City of Henderson to provide services to support the Southern Nevada Health District Community Partnership to Promote Health Equity, Year 5 grant awarded to the SNHD by the Centers for Disease Control and Prevention (CDC Award #NU58DP006578-05-00), referred to as Racial and Ethnic Approaches to Community Health (REACH);** direct staff accordingly or take other action as deemed necessary *(for possible action)*

*A motion was made by Member Adams, seconded by Vice-Chair Nielson and carried unanimously to approve the November 17, 2022 Consent Agenda, as presented.*

**VI. PUBLIC HEARING / ACTION:** Members of the public are allowed to speak on Public Hearing / Action items after the Board's discussion and prior to their vote. Each speaker will be given five (5) minutes to address the Board on the pending topic. No person may yield his or her time to another person. In those situations where large groups of people desire to address the Board on the same matter, the Chair may request that those groups select only one or two speakers from the group to address the Board on behalf of the group. Once the public hearing is closed, no additional public comment will be accepted.

**1. MEMORANDUM #04-23: Review, Discuss, and Approve the Proposed 2023 Food Regulations;** direct staff accordingly or take other action as deemed necessary *(for possible action)*

Candice Sims, Environmental Health Supervisor, presented the Proposed 2023 Food Regulations. Larry Rogers, Environmental Health Manager, and Aaron DelCotto, Environmental Health Manager, were also present. Ms. Sims summarized the major changes in the proposed regulation and outlined the benefits to the industry and the implementation plan.

Further to an inquiry from the Chair, Ms. Sims provided examples of critical (handwashing, food temperatures) and priority foundation (sanitizer buckets too low, chef knowledge, not leading to food borne illness) violations.

Further to an inquiry from the Chair, Ms. Sims advised that anyone would be allowed to attend the training sessions on the implementation of the revised regulations. Ms. Sims further advised that if a facility had a large enough gathering of individuals, Health District staff would bring the training to the facility.

Ms. Sims advised that the revised regulations would be effective on May 1, 2023, and that the first routine inspection after May 1, 2023, would be educational only.

Ms. Sims expressed her thanks to Health District staff, from Environmental Health and Legal Services, along with industry and other governmental agencies for their time and collaboration and the Board of Health for their dedication and comments.

Further to an inquiry from the Chair regarding the option of the Health District providing the food manager certification, Ms. Sims advised that there was no prohibition and that the Health District would educate the public on falsified certificates.

The Chair opened the Public Comment.

Cara Evangelista thanked Chair Kirkpatrick for her comments and supported the Health District making classes, especially in other languages because then people would know it was real and they were not going to price gouge. Further, Ms. Evangelista raised the issue of fake permits and that it popped up during COVID when it got backed up. Ms. Evangelista stated that there was a special processing authority that goes with HACCP at the Health District and that the Health District releases a list of approved process authorities so, possibly, they could create a list of approved people that could proctor the test or organizations. Ms. Evangelista stated that they were okay with the process outlined for new inspections as that was how it was conducted in 2010 and they did not have problems. Ms. Evangelista stated that the people would get extra help anyway and that the inspector would set them up if they had to get another inspection because of some issues. Ms. Evangelista asked that when they do train, when they do that first inspection after May 2023, like in 2010, they actually wrote what was potentially a violation for the next inspection. Ms. Evangelista thanked the Board for their support for the new certificate.

Virginia Valentine, President of the Nevada Resort Association, started with thanking Mr. Saxton, Ms. Sims and the rest of the staff. Ms. Valentine stated that early in the process they requested a red-line version of the Food Regulations and it was quickly produced. Further, Ms. Valentine stated that they requested a side-by-side comparison which was very helpful to identify where changes were made and helped with doing their review. Ms. Valentine expressed support for Ms. Evangelista's comments regarding the time frame and CFPN's. Ms. Valentine advised that she had been told that there are many version of the Spanish language and that sometimes those translations, tests and training documents do not make sense when you try to apply those across the really diverse workforce that we were fortunate to have. Ms. Valentine stated that they concurred with the recommendations and would urge staff to confirm that permitting would have no less than a calendar year before the first inspection following the effective date of the adopted food code before the new provisions are enforced for downgrade purposes. Ms. Valentine stated that compliance was a mutual goal that everyone wanted. Ms. Valentine stated that given the scope of the changes they think that the one-year timeframe is reasonable. Ms. Valentine also encouraged a very robust training program for the new food regulations. Ms. Valentine hoped that everyone was on the same page so that we all had the same understanding and the same expectations. Ms. Valentine further asked that if there were revisions or new forms being developed that it be done in collaboration with the industry, so that they have a good understanding of what the Health District is looking for and that they may have some valuable input. Ms. Valentine stated that between the training program and the one-year grace period, she thought that those things working together were going to help everyone achieve the desired outcome, which was a safe, food and easily understood food code and one that everyone had a clear understanding of the expectations. Ms. Valentine concluded by thanking everyone for working with them during the process and for being patient with their input, especially for the early draft.

Seeing no one further, the Chair closed the Public Comment portion.

Chair Kirkpatrick confirmed the desire to be flexible with some of the outdoor venues and inquired as to who should be contacted if there are any questions or issues that arise. Mr. DelCotto outlined that with the special events, such as the Formula 1 and Super Bowl, he would encourage vendors to talk to them about the permitting to ensure an open conversation. Mr. DelCotto advised that any issues with the new regulations can contact him or his supervisors. Ms. Sims further advised that decisions made regarding the large events would be supervisor and/or manager decisions to keep the consistency on decisions.

Member Bond stated that there may be an opportunity to have some of the workforce involved, especially on the translation when developing materials. Chair Kirkpatrick stated that there were a

lot of schools, along with training opportunities that could be contacted to ensure that we are training correctly. Ms. Sims advised that there are currently a number of staff that speak different languages, and they could involve the industry in those conversations.

*Member Segerblom left the meeting at 11:48 a.m. and did not return.*

*A motion was made by Vice-Chair Nielson, seconded by Member Adams and carried unanimously to approve the Proposed Food Regulations, with minor reference corrections and removal of one remaining subscript, as presented, are not implemented before May 1, 2023, followed by a one-year grace period on inspections.*

## **VII. REPORT / DISCUSSION / ACTION**

- 1. Presentation on the Community Health Improvement Plan (CHIP);** direct staff accordingly or take other action as deemed necessary *(for possible action)*

Carmen Hua, Health Educator, and Dr. Timothy Grigsby, UNLV, presented on the Community Health Improvement Plan (CHIP). Ms. Hua provided an overview of the MAPP framework that was utilized for the development of the CHIP. Ms. Hua further outlined the implementation plan, steering committee, goals and process timeline. Dr. Grigsby highlighted the following four priority areas, and the goal of each priority area, that were selected by the community for the CHIP:

1. Chronic Disease – The goal was to decrease the prevalence of heart disease, lower respiratory disease, and cancer related deaths by smoking among the identified target populations by the Chronic Disease Sub-committee (i.e., Non-Hispanic Black/African American, 65+ and by ZIP).
2. Access to Care – The goals were to (i) increase access to care in identified target populations by Access to Care Subcommittee (i.e., uninsured and undocumented populations), (ii) increase patient confidence in choosing primary care physicians with assistance of care coordinators, and (iii) fewer undocumented and LGBTQ+ individuals will access emergency departments (ED) for non-urgent health problems.
3. Transportation – The goals were to (i) increase awareness of transportation options that facilitate access to basic needs and services, and (ii) increase availability of general transportation resources available to the community.
4. Funding – The goal was to increase the Nevada's public health system's readiness and ability to be responsive to health needs of the community.

*Member Diaz left the meeting at 11:59 a.m. and did not return.*

Dr. Grigsby outlined the next steps of presenting the CHIP to the Public Health Advisory Board and publish on the Healthy Southern Nevada website.

*Member Black left the meeting at 12:06 p.m. and did not return.*

Chair Kirkpatrick requested that a list of the Health District's programs be provided to the Public Health Advisory Board.

Further to an inquiry from Member Bond on the implementation of a "free supervisor" for the mental health provider program to students, Dr. Grigsby advised that with the high cost of education there was a barrier for students to obtain a proctorship or an individual to oversee their internship and clinical hours. The CHIP committee was trying to find ways to make this barrier less impactful and harmful to those students.

*Member Bond left the meeting at 12:28 p.m.*

Member Nemec raised a deficiency of training programs, both for producing doctors and medical schools and post graduate residency programs, along with retention of physicians due to the intense competition from managed care groups. Member Nemec inquired as to no attention to

fentanyl overdose, seatbelt use, and other items that promoted acute illnesses. Dr. Grigsby stated that mental health/substance use was an area discussed but was not voted into the top four areas.

*Member Bond returned to the meeting at 12:30 p.m.*

- VIII. BOARD REPORTS:** The Southern Nevada District Board of Health members may identify and comment on Health District related issues. Comments made by individual Board members during this portion of the agenda will not be acted upon by the Southern Nevada District Board of Health unless that subject is on the agenda and scheduled for action. **(Information Only)**

As this was his last meeting, Member Adams stated that he was proud of serving on the Board of Health.

As this was her last meeting, Member Dutkowski thanked the Board of Health.

Chair Kirkpatrick requested a regional discussion on trauma, transportation, EMS and a system of care that is beneficial. Member Bond agreed.

**IX. HEALTH OFFICER & STAFF REPORTS (Information Only)**

- DHO Comments

On behalf of Dr. Leguen, Chris Saxton, Director of Environmental Health, presented the DHO Monthly Report and Divisional Monthly Reports.

- COVID-19 Surveillance and Contact Tracing Update

Matthew Kappel, Senior Epidemiologist, advised that the community transmission remained red and the case rate was green. On October 22<sup>nd</sup>, the case rate was 28.7 per 100,000 population and as of November 10<sup>th</sup>, the case rate was 41.7 per 100,000 population. On November 10<sup>th</sup>, the 7-day average for COVID-19 hospital admissions was 6.5 per 100,000 population and the percentage of in-patient beds used by COVID-19 patients was at 3.2%.

*Member Nemec left the meeting at 12:41 p.m. and did not return.*

Mr. Kappel advised that as of November 14<sup>th</sup> there were 3,465 COVID-19 cases, 174 hospitalizations and 38 deaths reported since the last Board of Health meeting. Between October 30<sup>th</sup> and November 12<sup>th</sup>, the 7-day average of cases per day decreased by 9.7% from 131 to 118.3 cases per day. Mr. Kappel confirmed that the true numbers were underreported due to the availability of at-home test kits. Between October 30<sup>th</sup> and November 12<sup>th</sup>, the 7-day average of hospitalizations increased by 30.6% from 17.3 to 22.6; the 7-day moving average of deaths declined by 64.3% from 2.8 to 1.0; and the test positivity decreased by 19.2% from 20.8 to 16.8. Mr. Kappel advised that the Health District had 35 in-house contact tracers and 100 contracted through March 2023. The Health District continues to support outbreak and cluster investigations in high-risk vulnerable settings and testing at three CSN locations.

**X. INFORMATIONAL ITEMS**

1. Administration Division Monthly Activity Report
2. Community Health Division Monthly Activity Report
3. Community Health Center (FQHC) Division Monthly Activity Report
4. Disease Surveillance and Control Division Monthly Activity Report
5. Environmental Health Division Monthly Activity Report
6. Primary & Preventive Care Division Monthly Activity Report

- XI. SECOND PUBLIC COMMENT:** A period devoted to comments by the general public, if any, and discussion of those comments, about matters relevant to the Board's jurisdiction will be held. Comments will be limited to five (5) minutes per speaker. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chair or the Board by majority vote.

Seeing no one, the Chair closed the Second Public Comment portion.

**XII. ADJOURNMENT**

The Chair adjourned the meeting at 12:46 p.m.

Fermin Leguen, MD, MPH  
District Health Officer/Executive Secretary

/acm





## PUBLIC NOTICE

NOTICE OF INTENT TO ADOPT CHANGES TO THE REGULATIONS GOVERNING THE SANITATION OF FOOD ESTABLISHMENTS IS HEREBY GIVEN. The Health District proposes updating the regulations to more closely reflect the 2017 FDA Model Food Code and 2019 Food Code Supplement. These 2023 Food Regulations will allow businesses to focus their efforts on managing food safety risks.

Prior to the PUBLIC HEARING, there will be one WORKSHOP for the public to present its views regarding the proposed 2023 Food Regulations on Monday, October 24, 2022, at 1:00 p.m., in-person at the SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, in the Red Rock Conference Room and virtually at the same date and time. Virtual attendees need to register prior to the workshop at:

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A PUBLIC HEARING to review and approve the proposed 2023 Food Regulations will be held before the BOH on Thursday, November 17, 2022, at 11:00 a.m. in the Red Rock Conference Room at the SNHD Public Health Center located at 280 South Decatur Boulevard, Las Vegas, Nevada and virtually at the same date and time.

Copies of the business impact statement, proposed 2023 Food Regulations, and other supporting documents are available for review at 280 South Decatur Boulevard and on the SNHD website at <https://www.southernnevadahealthdistrict.org/snhd-seeking-input-on-potential-business-impact-of-proposed-2023-food-regulations/>. Questions may be directed to SNHD's Environmental Health Division at (702) 759-0619 or to [foodregs@snhd.org](mailto:foodregs@snhd.org).

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Chris Saxton, MPH-EH, REHS  
Director of Environmental Health

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October 7, 2022  
Date

**NOTE:** If these items are not presented for Public Hearing at the SNHD BOH meetings scheduled for October 27, 2022, and November 17, 2022, they will be presented for Public Hearing at the SNHD BOH meetings scheduled for November 17, 2022, at 11:00 a.m. and January 26, 2023, at 9:00 a.m. at the same location noted above.

**SOUTHERN NEVADA HEALTH DISTRICT  
2023 FOOD REGULATIONS**

Whereas the Southern Nevada Health District (SNHD) is a public Health Authority organized pursuant to Nevada Revised Statutes Chapter 439 with jurisdiction over all public health matters within Clark County Nevada; and

Whereas, the Southern Nevada District Board of Health (Board) is the Southern Nevada Health District governing body, and is authorized to adopt regulations to protect and promote the public health and safety in the geographical area subject to its jurisdiction; and

Whereas, in accordance with the authority granted pursuant to Nevada Revised Statutes Chapter 439 and Chapter 446, the Board hereby adopts regulations to establish uniform, minimum standards for the operation of food establishments in Clark County, Nevada;

Whereas, these regulations in no way preclude a food establishment from establishing additional rules and operating procedures as long as they do not contradict those established herein.

Whereas, the Board deems the following regulations are necessary to protect and promote the public health and safety, it does therefore publish, promulgate, and order compliance within Clark County, Nevada with the substantive and procedural requirements hereinafter set forth.

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## Chapter 1 Purpose and Definitions

### Parts

1-1	Title, Intent, Scope
1-2	Definitions

1-1	Title, Intent, Scope
Subparts	
1-101	Title
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### 1-101 Title

These provisions must be known as the Southern Nevada Health District (SNHD) 2023 Food Regulations, hereinafter referred to as “these regulations.”

### 1-102 Intent

The purpose of these regulations is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

### 1-103 Scope

These regulations establish definitions; set standards for management and personnel, food operations, and equipment and facilities; and provide for food establishment plan review, permit issuance, inspection, employee restriction, and permit suspension.

1-2	Definitions
Subpart	
1-201	Applicability and Terms Defined

### 1-201 Applicability and Terms Defined

The following definitions apply in the interpretation and application of these regulations. As used in these regulations, each of the terms listed have the meaning stated below:

#### Accessible

- (A) When applied to equipment other than plumbing equipment, accessible means exposed for cleaning and inspection using simple tools, including, without limitation, handheld screwdrivers, pliers and open-ended wrenches.
- (B) When applied to plumbing fixtures, plumbing connections, plumbing appliances or plumbing equipment, accessible means:

- (1) Having access to, but may require removal of an access panel, door, or similar obstruction, and
- (2) Not blocked by fixed equipment or other barriers.

#### **Accredited Program**

- (A) Accredited Program means a program that certifies an individual to be a food protection manager and which:
  - (1) Has been evaluated and listed by an American National Standards Institute accredited agency as conforming to national standards for organizations that certify individuals as food protection managers, or
  - (2) Provides to such individuals other training acceptable to the health authority.
- (B) Accredited Program refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.

#### **Adulterated**

Has the meaning stated in the 21 USC 342 *Adulterated Food*.

#### **Annual Event Venue**

An area approved to host special events which are coordinated by a person responsible for ensuring the necessary infrastructure and support services are available for food vendors and temporary food establishments.

#### **Annual itinerant**

An annual permit for a food establishment designed to operate in conjunction with a special event, swap meet, farmers market, or other approved venue.

#### **Approved**

Acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

#### **Approved Source**

Any grower, supplier, manufacturer, processor or any entity that is acceptable to the Health Authority, based on a determination of conformity with principles, practices and generally recognized standards that protect public health.

**Asymptomatic**

- (A) Without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.
- (B) Asymptomatic includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

 **$a_w$** 

Water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature and is indicated by the symbol  $a_w$ .

**Balut**

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.

**Bottled Drinking Water**

Water that is sealed in bottles, packages, or other containers and served or offered for sale, including bottled mineral water, distilled water, natural water, purified water and spring water.

**Catering Food Establishment**

- (A) A food establishment where a pre-arranged number of meals and/or food products are prepared and transported for service and consumption at an off-premises event location.
- (B) Catering food establishment does not include food that is prepared and packaged for pickup by the consumer, or delivery to the consumer, unless it is served off-site by the caterer.

**Certification Number**

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.

**Certified Food Protection Manager**

An individual that passes a food protection manager certification examination, proctored by an accredited program, which certifies they have the knowledge, skills, and abilities required to protect the public from foodborne illness.

**Change of Permit Holder (CPH)**

The process by which a person takes ownership of an existing establishment that has had an active health permit in the last three years and has not done any remodeling that impacts the layout or function of the facility or converted from one occupancy type to another.

Change of Permit Holder does not apply to portable food establishments such as mobile vendors, open-air vendors, annual itinerants, or farmers markets unless otherwise approved.

### **Cleaned in place (CIP)**

- (A) Method for cleaning equipment with a detergent solution, water rinse, and sanitizing solution by circulating the detergent solution, water rinse, and sanitizing solution through a piping system onto or over equipment surfaces that require cleaning.
- (B) CIP does not include the cleaning of equipment such as band saws, slicers, or mixers that are subject to in-place manual cleaning without the use of a CIP system.

### **Color Additive**

Color Additive has the meaning stated in the 21 USC 321(t) and 21 CFR 70.3(f).

### **Commingle**

- (A) To combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or
- (B) To combine shucked shellfish from containers with different container codes or different shucking dates.

### **Comminuted**

- (A) Reduced in size by methods including chopping, flaking, grinding, or mincing.
- (B) Food remains comminuted even when it is restructured or reformulated, such as gefilte fish, gyros, ground beef, and sausage, or combined, such as sausages made from two or more meats.

### **Commissary**

A permanent food establishment that serves to provide support for or is shared by three or more permit holders that prepare, store, or sell food from the same site address.

### **Confirmed Disease Outbreak**

A foodborne illness outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

### **Consumer**

An individual who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment and does not offer the food for resale.

### **Core Item**

- (A) A provision in these regulations that is not designated as a priority item or a priority foundation item.
- (B) Core item includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOP), facilities, structures, equipment design, or general maintenance.

### **Corrosion-Resistant Material**

A material that maintains acceptable surface cleanability characteristics under prolonged contact with food or during the normal use of cleaning compounds and sanitizing solutions, and other conditions of use.

### **Counter-Mounted Equipment**

Equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

### **Critical Control Point**

A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

### **Critical Limit**

The maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that an identified food safety hazard may occur.

### **Cut Leafy Greens**

Fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term leafy greens include 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.

### **Downgrade**

Violations reported on an inspection resulting in any grade other than an 'A' letter grade at a permitted food establishment.

### **Drinking Water**

Water that meets criteria as specified in 40 CFR 141 *National Primary Drinking Water Regulations* and is traditionally known as potable water.

Drinking water includes the term water except where the term used connotes that the water is not potable, such as boiler water, mop water, rainwater, wastewater, and nondrinking water.

### **Dry Storage Area**

A room or area designated for the storage of packaged or containerized bulk food that is not TCS food and dry goods such as single-service items.

### **Easily Cleanable**

- (A)** A characteristic of a surface that:
  - (1)** Allows effective removal of soil by normal cleaning methods,
  - (2)** Is dependent on the material, design, construction, and installation of the surface, and
  - (3)** Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.
- (B)** Easily cleanable includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subparagraph (A) of this definition to different situations in which varying degrees of cleanability are required such as:
  - (1)** The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or tables used for consumer dining, or
  - (2)** The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

### **Easily Movable**

- (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.

### **Egg**

The shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey.

Egg does not include:

- (A)** A balut,
- (B)** The egg of reptile species such as alligator, or
- (C)** An egg product.

### **Egg Product**

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.

Egg product does not include food which contains eggs only in a relatively small proportion such as cake mixes.

### **Employee**

An individual who is a permit holder, PIC, food handler, individual having supervisory or management duties, individual on the payroll, family member, volunteer, individual performing work under contractual agreement, or other individual working in a food establishment.

### **Equipment**

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.

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.

### **Event Coordinator**

A designated individual responsible for the coordination of temporary food establishments, food vendors, and associated support services and permits for a special event.

### **Exclude**

To prevent an individual from working as an employee in a food establishment or entering a food establishment as an employee.

### **Facilities**

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.

### **Farmer**

Any person who operates a farm in the United States as any of the following: an owner, part owner, tenant, or sharecropper.

### **Farmers' Market**

A place of business where a farmer, or a representative designated by the farmer, and possessing the producer certificate of farm products, can bring their products for direct sale to the consumer. A



minimum of one farmer, or designated representative, must be present and offering at least one farm product for sale for the venue to be operated as a farmers' market.

### **Farm Products**

All agricultural, horticultural, viticultural and vegetable products excluding livestock and livestock products, poultry and poultry products, uncertified non-graded whole shell eggs, fish and fish products, shellstock and shellstock products, crustacean and crustacean products, honey, hay and timber products, or milk and milk products.

### **Fish**

Fresh or saltwater finfish, 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.

Fish includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

### **Food**

A raw, cooked, or processed edible substance, ice, water, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption or chewing gum.

### **Food Additive**

Food Additive has the meaning stated in the 21 USC 321(s) and 21 CFR 170.3(e)(1).

### **Foodborne Disease Outbreak**

The occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

### **Food-Contact Surface**

- (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.

### **Food Establishment**

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 stored, sold, offered or displayed for sale, or served.

Food Establishment 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 that have a status as a 501 (c)(7) or (8), and which attendance is limited to members of the club,
- (C)** Vehicles operated by common carriers engaged in interstate commerce, or any third-party delivery service that delivers food from a food establishment does not directly handle unpackaged food.
- (D)** Any establishment in which religious, charitable and other 501(c)(3) nonprofit organizations sell food occasionally (no more than three occurrences in a 90-day period), on the premises of their organization, 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, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to NRS 583,
- (F)** Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under NRS 584,
- (G)** The premises of a wholesale dealer of alcoholic beverages licensed under NRS 369 who handles only alcoholic beverages which are in sealed containers,
- (H)** A facility that produces eggs which is regulated pursuant to NRS 583,
- (I)** A cottage food operation that meets the requirements of NRS 446.866 with respect to food items as defined in that section,
- (J)** A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section,
- (K)** A farm for purposes of holding a farm-to-fork event,
- (L)** A kitchen in a private home,
- (M)** A bed-and- breakfast operation that is owner occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, the number of guests served does not exceed 18, and 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,
- (N)** A permitted family or group care home.
- (O)** A permitted childcare center that serves only a limited menu as described in NRS 446.941,

- (P)** A demonstration kitchen or cooking class that does not store food or sell food to the public, or
- (Q)** An establishment that meets the exemption criteria pursuant to NRS 446.870 and NAC 446.042.

### **Food Handler**

An individual who works, or is contracted to work, with unpackaged food, food equipment or utensils, or food-contact surfaces.

### **Food Processing Plant**

A commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

### **Food Vendor**

Any non-permanent, annually permitted, food establishment in which TCS food, or open food intended for ultimate human consumption, is stored, prepared, or served and does not exceed 200 square feet in size.

### **Game Animal**

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, or as poultry, or fish.

- (A)** 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.
- (B)** Game animal does not include ratites.

### **Grade A Standards**

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.

### **Handwashing Sink**

- (A)** 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)** Unless specified otherwise, a handwashing sink is a permanently plumbed fixture.
- (C)** Handwashing sink includes an automatic handwashing facility.

### **Hazard Analysis and Critical Control Point (HACCP) Plan**

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.

### **Health Authority**

The officers and agents of the Southern Nevada Health District.

### **Hermetically Sealed Container**

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.

### **Highly Susceptible Population**

Individuals who are more likely than other individuals in the general population to experience foodborne illness 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.

### **Imminent Health Hazard**

A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

- (A) The number of potential injuries, and
- (B) The nature, severity, and duration of the anticipated injury.

### **Injected**

Manipulating meat to which a solution has been introduced into its interior by processes that are referred to as injecting, pump marinating, or stitch pumping.

### **Intact Meat**

A cut of whole muscle(s) meat that has not undergone comminution, injection, mechanical tenderization, vacuum tumbling with solutions, or reconstruction.

### **Juice**

The aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or purée. Juice does not

include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

### **Kitchenware**

Food preparation and storage utensils

### **Like-for-like**

The replacement of equipment with equipment that is similar in design, function, use and maintenance, maintains the same location as the replaced equipment, and requires no additional alteration or modification of existing finishes or fixtures as part of the installation.

### **Linens**

Fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.

### **Low-Risk Food Establishment**

A permitted food establishment that presents a low relative risk of causing foodborne illness and is limited to food establishments that:

- (A) Do not cook, cool, or reheat TCS food,
- (B) Rethermalize only food that was manufactured in a food processing plant for hot holding or immediate service, and
- (C) Conduct only minimal food preparation such as scooping, slicing, or adding toppings to ready-to eat food.

### **Major Food Allergen**

- (A) Milk, egg, fish (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, soybeans, and sesame, or
- (B) A food ingredient that contains protein derived from a food, as specified in paragraph (A) of this definition.

Major Food Allergen does not include:

- (A) Any highly refined oil derived from a food specified in paragraph (A) of this definition and any ingredient derived from such highly refined oil, or
- (B) Any ingredient that is exempt under the 21 USC 321 (qq).

### **Meat**

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 as specified under subparagraphs 3-201.7 (A)(3) and (4).

### **Mechanically Tenderized**

Manipulating meat by piercing with a set of needles, pins, blades or any mechanical device, which breaks up muscle fiber and tough connective tissue, to increase tenderness. This includes injection, scoring, and processes which may be referred to as blade tenderizing, jaccarding, pinning, or needling.

### **mg/L**

Milligrams per Liter, which is the metric equivalent of parts per million (ppm)

### **Misbranded**

The presence of any written, printed, or graphic matter, upon or accompanying food, or containers of food which is false or misleading.

### **Mobile Unit**

A fully enclosed DMV registered truck or trailer in which food or beverages are prepared, processed, or served to customers. A mobile unit does not include equipment located outside the truck or trailer.

### **Molluscan Shellfish**

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.

### **Molluscan Shellfish Dealer**

A person who is authorized by a Shellfish Control Authority for the activities of shellstock shipper, shucker-packer, re-packer, re-shipper, or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

### **Natural and Unprocessed State**

A farm product that has not been cut, sliced, shelled, canned, cooked, pickled, packaged, dried, milled, ground, or otherwise altered from its original state following harvest.

### **Non-Continuous Cooking**

- (A)** 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.

**Open-Air Vendor**

A food vendor that is permitted to operate at a site-specific location.

**Packaged**

- (A) Bottled, canned, cartoned, bagged, or wrapped, whether packaged in a food establishment or a food processing plant.
- (B) Packaged does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food handler, upon consumer request.

**Permit**

The document issued by the Health Authority that authorizes a person to operate a food establishment.

**Permit Holder**

The person that is legally responsible for and possesses a valid health permit to operate the food establishment.

**Person**

An association, corporation, partnership, legal entity, government, or governmental subdivision or agency.

**Person-in-Charge (PIC)**

The individual present at a food establishment who is responsible for the operation .

**Personal Care Items**

- (A) Items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.
- (B) Personal Care Items include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

**pH**

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. Values between zero and seven indicate acidity and values between seven and 14 indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.

**Plumbing Fixture**

A receptacle or device that:

- (A) Is 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.

### **Plumbing System**

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

### **Poisonous or Toxic Materials**

Substances that are not intended for ingestion and are included in 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) 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.

### **Poultry**

Any domesticated bird, (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), migratory waterfowl, or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead.

### **Premises**

- (A) The facilities, contents, and the contiguous land or property under the control of the permit holder; or
- (B) The facilities, contents, and the land or property not described in subparagraph (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 resort, public accommodation, arena, school, institution, or recreational camp.

### **Priority item**

- (A) A provision in these regulations that, when applied, contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.



- (B) Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and
- (C) Priority item is an item that is denoted in these regulations with a superscript P-.

#### **Priority Foundation Item**

- (A) A provision in these regulations that, when applied, facilitates or enables one or more priority items,
- (B) Priority foundation item includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling, and
- (C) Priority foundation item is an item that is denoted in these regulations with a superscript Pf -Pf.

#### **Public Water System**

Has the meaning stated in 40 CFR 141 *National Primary Drinking Water* regulations.

#### **Ratite**

A flightless bird such as an emu, ostrich, or rhea.

#### **Ready-to-Eat Food**

Food that:

- (A) Is in a form that is edible without additional preparation to achieve food safety, as specified under one of the following: ¶ 3-401.1(A) or (B), § 3-401. 2, or § 3-402.1, or as specified in ¶ 3-401.1(C), or
- (B) Is a raw or partially cooked animal food and the consumer is advised as specified in Subparagraphs 3-401.1(D)(1) and (3), and
- (C) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

Ready-to-Eat Food includes:

- (A) Raw animal food that is cooked as specified under § 3-401.1 or 3-401. 2, or frozen as specified under § 3-402.1,
- (B) Raw fruits and vegetables that are washed as specified under § 3-302.5,
- (C) Fruits and vegetables that are cooked for hot holding, as specified under § 3-401.3,

- (D) All TCS food that is cooked to the temperature and time required for the specific food under subpart 3-401 and cooled as specified under § 3- 501.4,
- (E) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed,
- (F) Substances derived from plants such as spices, seasonings, and sugar,
- (G) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety,
- (H) The following products that are produced in accordance with 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
- (I) Foods manufactured as specified in 21 CFR part 113, *Thermally processed low-acid foods packaged in hermetically sealed containers*.

#### **Reduced Oxygen Packaging**

- (A)
- (B) A process as specified in paragraph (A) of this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.

Reduced Oxygen Packaging includes:

- (A) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package,
- (B) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time 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,
- (C) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material,
- (D) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens, or

- (E) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

### **Refuse**

Solid waste not carried by water through the sewage system.

### **Regulatory Authority**

The local, state or federal enforcement body or authorized representative having jurisdiction over a food establishment.

### **Reminder**

A written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

### **Remodel**

- (A) Changes in the floor plan layout,
- (B) The alteration or installation of additional equipment,
- (C) The conversion of a space not previously used for food handling activities, or
- (D) Major changes to finishes requiring partial or complete closure of the establishment during demolition or installation.
- (E) Remodel does not include:
  - (1) Routine maintenance,
  - (2) Like-for-Like equipment exchanges, or
  - (3) Addition of plug-in equipment that does not require a ventilation hood, plumbing, gas, upgraded electrical circuitry, or a change in the facility layout.

### **Re-Service**

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.

### **Restrict**

To limit the activities of a food handler so that there is no risk of transmitting a disease that is transmissible through food and the food handler does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

**Restricted-Use Pesticide**

A pesticide product that contains the active ingredients specified in 40 CFR 152.175, and that is limited to use by or under the direct supervision of a certified applicator.

**Risk**

The likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

**Sanitization**

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.

**Sealed**

Free of cracks or other openings that allow the entry or passage of moisture, debris, or pests.

**Service Animal**

A dog or a miniature horse that has been trained to do work or perform tasks for the benefit of a person with a disability. NRS 426.097 and 28 CFR §36.104

**Servicing Area**

An operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

**Sewage**

Wastewater consisting of liquid waste and water-carried solids, including effluent from commercial, industrial, and domestic sources and toilets.

**Shellfish Control Authority**

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.

**Shellstock**

Raw, in-shell molluscan shellfish

**Shiga toxin-producing *Escherichia coli* (STEC)**

Any *E. Coli* capable of producing Shiga toxins (also called verocytotoxins). STEC infections can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS—a type of kidney failure). Examples of serotypes of STEC include: *E. Coli* O157:H7; *E. Coli* O157:NM; *E. Coli* O26:H11; *E. Coli* O145:NM; *E. Coli* O103:H2; and *E. Coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. Coli*) or as EHEC (Enterohemorrhagic *E. Coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

### **Shucked Shellfish**

Molluscan shellfish that have one or both shells removed.

### **Single-Service Articles**

Tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.

### **Single-Use Articles**

- (A) Utensils and bulk food containers designed and constructed to be used once and discarded.
- (B) Single-use articles include 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 under §§ 4-101.11, 4-201.11, and 4-202.11 for multiuse utensils.

### **Site-Specific**

A designated address or location that is clearly defined in the permit application for a food establishment.

### **Slacking**

The process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23 °C (-10 °F) to -4 °C (25 °F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block- frozen food such as shrimp.

### **Smooth**

- (A) 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) A non-food-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale, and
- (C) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

**Special Event**

A temporary public gathering for a specific purpose that includes at least one temporary food establishment or food vendor as part of the event. The event has a defined start and stop date that does not exceed 14 calendar days.

**Support Kitchen**

A food establishment owned by another person that serves as a support area for a Temporary food establishment to prepare and store food, clean and sanitize equipment, acquire potable water and empty wastewater tanks of 15 gallons or less.

**Tableware**

Eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

**Tasting Event**

A special event such as a sampling event, wine tasting, trade shows, and chili cook-offs, in which an entrance fee entitles attendees to food service in conjunction with the event without a point of sale at the individual tasting booth.

**Temperature Measuring Device**

A thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

**Temporary Food Establishment**

A food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

**Time/Temperature Control for Safety Food (TCS)**

- (A)** A food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.
- (B)** TCS 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 so that they are unable to support pathogenic microorganism growth or toxin formation, and

- (2) Except as specified in subparagraph (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**

	Non-TCS food	Non-TCS food	Non-TCS food
	Non-TCS food	Non-TCS food	PA*
	Non-TCS food	PA	PA

\*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**

	Non-TCS food	Non-TCS food	Non-TCS food	Non-TCS food
	Non-TCS food	Non-TCS food	Non-TCS food	PA
	Non-TCS food	Non-TCS food	PA	PA
	Non-TCS food	PA	PA	PA

- (C) TCS 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) A food that because of its pH or  $a_w$  value, or interaction of  $a_w$  and pH values, is designated as a 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 due to:
  - (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 the subparagraphs (C)(1) — (C)(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.

### **Utensil**

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 multiuse, 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.

### **Variance**

An approval by the Southern Nevada Health District's Board of Health pursuant to NRS 439.200, demonstrating an exceptional and undue hardship to the person requesting the variance, which authorizes a modification or deviation from the requirement of a regulation and would not cause substantial detriment to the public welfare or impair substantially the purpose of the regulation.

### **Vending Machine**

A self-service device that dispenses unit servings of food without the necessity of replenishing the device between each vending operation.

### **Waiver**

An agreement between the Health Authority and a permit holder that authorizes a modification of one or more requirements of these regulations, if in the opinion of the health authority, a health hazard or nuisance will not result from the modification.

### **Warewashing**

The cleaning and sanitizing of utensils and food-contact surfaces of equipment.

### **Whole-Muscle, Intact Beef**

Whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.



## Chapter 2 Management and Personnel

### Parts

2-1	Supervision
2-2	Employee Health
2-3	Personal Cleanliness
2-4	Hygienic Practices
2-5	Responding to Contamination Events
2-6	Food Handler Employment Requirements

2-1	Supervision
Subparts	
2-101	Assignment of Responsibility
2-102	Knowledge
2-103	Duties of the PIC

### 2-101 Assignment of Responsibility

- (A) Each permit holder must designate a PIC to be present at the food establishment during all hours of operation. A permit holder who is an individual may act as PIC.
- (B) When there are two or more separately permitted food establishments on the premises that are the legal responsibility of the same person, the permit holder may, during specific time periods when food is not being prepared, packaged, or served, designate a single PIC who responsible for each separately permitted food establishment.
- (C) This section does not apply to certain types of food establishments deemed by the Health Authority to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of the food preparation.

### 2-102 Knowledge

#### 2-102.1 Demonstration

Based on the risks inherent to the food operation, during inspections, and upon request, the PIC must demonstrate knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of these regulations to the Health Authority. The PIC must demonstrate this knowledge by:

- (A) Complying with these regulations by having no violations of priority items during the current inspection;
- (B) Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; or
- (C) Responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include:

- (1)** Describing the relationship between the prevention of foodborne illness and the personal hygiene of a food handler;
- (2)** Explaining the responsibility of the PIC for preventing the transmission of foodborne illness by a food handler who has a disease or medical condition that may cause foodborne illness;
- (3)** Describing the symptoms associated with the diseases that are transmissible through food;
- (4)** Explaining the significance of the relationship between maintaining the time and temperature of TCS food and the prevention of foodborne illness;
- (5)** Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
- (6)** Stating the required food temperatures and times for the safe cooking of TCS food including meat, poultry, eggs, and fish;
- (7)** Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of TCS food;
- (8)** Describing the relationship between the prevention of foodborne illness and the management and control of the following:
  - (a)** Cross-contamination,
  - (b)** Hand contact with ready-to-eat foods,
  - (c)** Handwashing, and
  - (d)** Maintaining the food establishment in a clean condition and in good repair;
- (9)** Describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.
- (10)** Explaining the relationship between food safety and providing equipment that is:
  - (a)** Sufficient in number and capacity, and
  - (b)** Properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (11)** Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- (12)** Identifying the source of water used in the food establishment and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- (13)** Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;

- (14) Identifying critical control points in the food establishment, from purchasing through sale or service, that when not controlled could contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of these regulations;
- (15) Explaining the details of how the PIC and food handlers comply with the HACCP plan if a plan is required by the law, these regulations, or an agreement between the Health Authority and the food establishment;
- (16) Explaining the responsibilities, rights, and authorities assigned by these regulations to the:
  - (a) Food handler,
  - (b) Employee,
  - (c) PIC,
  - (d) Health Authority; and
- (17) Explaining how the PIC and food handlers comply with reporting responsibilities and exclusion or restriction of food handlers.

#### **2-102.2 Certified Food Protection Manager**

- (A) The PIC must be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.
- (B) This section does not apply to low risk, temporary, or other types of food establishments deemed by the Health Authority to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation.

#### **2-102.3 Food Protection Manager Certification**

- (A) A PIC who demonstrates knowledge by being a food protection manager that is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with ¶2-102.1(B).
- (B) A food establishment that has a PIC that is certified by a food protection manager certification program that is evaluated and listed by a Conference for food Protection-recognized accrediting agency as conforming to the Conference for food Protection Standards for Accreditation of food Protection Manager Certification Programs is deemed to comply with §2-102.2.

#### **2-103 Duties of the PIC**

A PIC must be present during all hours of operation. The PIC must 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 under § 6-202.11,

- (B)** Individuals unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing area, except that brief visits and tours may be authorized by the PIC if steps are taken to ensure that exposed food, clean equipment, utensils, 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 food handlers' observations and periodically evaluating foods upon delivery,
- (F)** Employees are verifying that foods delivered to the food establishment during non-operating hours are from approved sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unadulterated, and accurately presented,
- (G)** Employees are properly cooking TCS food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the food handlers' routine monitoring of the cooking temperatures using appropriate temperature-measuring devices properly scaled and calibrated as specified under § 4-203.1 and ¶ 4- 502.1(B),
- (H)** Employees are using proper methods to rapidly cool TCS foods that are not held hot or are not for consumption within four hours, through daily oversight of the food handlers' routine monitoring of food temperatures during cooling,
- (I)** Employees are properly maintaining the temperatures of TCS foods during hot and cold holding through daily oversight of the food handlers' routine monitoring of food temperatures,
- (J)** Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under § 3-603 that the food is not cooked sufficiently to ensure its safety,
- (K)** Employees are properly cleaning and sanitizing multiuse 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,
- (L)** Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified under § 3-304.6,
- (M)** Except when approval is obtained from the Health Authority as specified in ¶ 3-301.1(E), 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,

- (N) Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties,
- (O) Food handlers are informed, in a verifiable manner, of their responsibility to report in accordance with law, information about their health and activities as they relate to diseases that are transmissible through food, as specified under ¶ 2- 201.1(A), to the PIC, and,
- (P) Written procedures and plans, where specified by these regulations and as developed by the food establishment, are maintained and implemented as required.

<b>2-2</b>	<b>Employee Health</b>
<b>Subpart</b>	
<b>2-201</b>	<b>Responsibilities of the Permit Holder, PIC, Food Handlers, and Employees</b>

**2-201 Responsibilities of the Permit Holder, PIC, and Food Handlers**  
**2-201.1 Responsibilities and Reporting Symptoms and Diagnosis**

- (A) The permit holder must require food handlers to report to the PIC information about their health and activities as they relate to diseases that are transmissible through food. A food handler must report the information in a manner that allows the PIC to reduce the risk of foodborne illness transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food handler:
  - (1) Has any of the following symptoms:
    - (a) Vomiting,
    - (b) Diarrhea,
    - (c) Jaundice,
    - (d) Sore throat with fever, or
    - (e) A lesion containing pus such as a boil or infected wound that is open or draining and is:
      - (i) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover,
      - (ii) On exposed portions of the arms, unless the lesion is protected by an impermeable cover, or
      - (iii) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage,
  - (2) Has an illness diagnosed by a health practitioner due to:
    - (a) Norovirus,

- (b) Hepatitis A virus,
  - (c) *Shigella* spp.,
  - (d) Shiga toxin-producing *Escherichia Coli*,
  - (e) Typhoid fever (*Salmonella* Typhi), or
  - (f) *Salmonella* (non-Typhoidal),
- (3) Had Typhoid fever, diagnosed by a health practitioner, within the past three months, without having received antibiotic therapy, as determined by a health practitioner,
- (4) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food handler consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:
  - (a) Norovirus within the past 48 hours of the last exposure,
  - (b) Shiga toxin-producing *Escherichia coli* or *Shigella* spp. within the past three calendar days of the last exposure,
  - (c) Typhoid fever within the past 14 calendar days of the last exposure, or
  - (d) Hepatitis A virus within the past 30 calendar days of the last exposure, or
- (5) Has been potentially exposed by attending or working in a setting where there is a suspected or confirmed disease outbreak, or knowingly living in the same household with an individual who works or attends a setting where there is a suspected or confirmed disease outbreak, or knowingly living in the same household with an individual diagnosed with an illness caused by:
  - (a) Norovirus within the past 48 hours of the last exposure,
  - (b) Shiga toxin-producing *Escherichia coli* or *Shigella* spp. within the past three calendar days of the last exposure,
  - (c) Typhoid fever within the past 14 calendar days of the last exposure, or
  - (d) Hepatitis A virus within the past 30 calendar days of the last exposure.
- (B) The PIC must notify the Health Authority when a food handler is:
  - (1) Jaundiced, or
  - (2) Diagnosed with an illness due to a pathogen as specified under Subparagraphs (A)(2)(a)—(f) of this section.
- (C) The PIC must ensure that an employee:
  - (1) Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under subparagraphs (a)(1) — (3) of this section, is prohibited from becoming a food handler until the employee meets the criteria for the specific symptoms or diagnosed illness as specified under § 2-201.3, and
  - (2) Who will work as a food handler in a food establishment that serves as a highly susceptible population and reports a history of exposure as specified under subparagraphs (A)(4)-(5), is prohibited from becoming a food handler until the employee meets the criteria as specified under ¶ 2-201.3(J).

- (D)** The PIC must ensure that a food handler who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under Subparagraphs (A)(1)—(5) of this section is:
  - (1)** Excluded as specified under ¶¶ 2-201.2 (A) – (C), and Subparagraphs (D)(1), (E)(1), (F)(1), (G) or (H)(1) and in compliance with the provisions specified under ¶¶ 2-201.3(A)—(H), or
  - (2)** Restricted as specified under Subparagraphs 2-201.2 (D)(2), (E)(2), (F)(2), (H)(2), or ¶¶ 2-201.2(I) or (J) and in compliance with the provisions specified under ¶¶ 2-201.3(D)—(J).
- (E)** A food handler must report to the PIC the information as specified under ¶ (A) of this section.
- (F)** A food handler must:
  - (1)** Comply with an exclusion as specified under ¶¶ 2-201.2 (A)—(C) and Subparagraphs 2-201.2(D)(1), (E)(1), (F)(1), (G), or (H)(1) and with the provisions specified under ¶¶ 2-201.3(A) – (H), or
  - (2)** Comply with a restriction as specified under Subparagraphs 2-201.2(D)(2), (E)(2), (F)(2), (G), (H)(2), or ¶¶ 2-201.2 (H), (I), or (J) and comply with the provisions specified under ¶¶ 2-201.3(D) – (J).

## **2-201.2 Exclusions and Restrictions**

The PIC must exclude or restrict a food handler from a food establishment in accordance with the following:

- (A)** If symptomatic with vomiting or diarrhea, except when the symptom is from a noninfectious condition, exclude a food handler if the food handler is:
  - (1)** Symptomatic with vomiting or diarrhea, or
  - (2)** Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., *Salmonella* (non-Typhoidal), or Shiga toxin-producing *E. Coli*.
- (B)** If jaundiced or diagnosed with Hepatitis A infection, exclude a food handler who is:
  - (1)** Jaundiced and the onset of jaundice occurred within the last seven calendar days, unless the food handler provides to the PIC written medical documentation from a health practitioner specifying that the jaundice is not caused by Hepatitis A virus or other fecal-orally transmitted infection,
  - (2)** Diagnosed with an infection from Hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within seven calendar days of the onset of jaundice, or
  - (3)** Diagnosed with an infection from Hepatitis A virus without developing symptoms.

- (C) If diagnosed with Typhoid fever or the food handler reported an illness with Typhoid fever within the past three months, exclude the food handler as specified under Subparagraph 2-201.1(A)(3),
- (D) If diagnosed with an asymptomatic infection from Norovirus:
  - (1) Exclude the food handler who works in a food establishment serving a highly susceptible population, or
  - (2) Restrict the food handler who works in a food establishment not serving a highly susceptible population.
- (E) If diagnosed with an infection from *Shigella* spp. and is asymptomatic:
  - (1) Exclude the food handler who works in a food establishment serving a highly susceptible population, or
  - (2) Restrict the food handler who works in a food establishment not serving a highly susceptible population.
- (F) If diagnosed with an infection from Shiga toxin-producing *E. Coli*, and is asymptomatic:
  - (1) Exclude the food handler who works in a food establishment serving a highly susceptible population, or
  - (2) Restrict the food handler who works in a food establishment not serving a highly susceptible population.
- (G) If diagnosed with an infection from *Salmonella* (non-Typhoidal) and is asymptomatic, restrict the food handler who works in a food establishment serving a highly susceptible population or in a food establishment not serving a highly susceptible population.
- (H) If symptomatic with an acute onset of sore throat with fever:
  - (1) Exclude the food handler who works in a food establishment serving a highly susceptible population, or
  - (2) Restrict the food handler who works in a food establishment not serving a highly susceptible population.
- (I) If infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under Subparagraph 2-201.1(A)(1)(e), restrict the food handler.
- (J) If a food handler is exposed to a foodborne pathogen as specified under Subparagraphs 2-201.1(A)(4)(a – d) or 2-201.1(A)(5)(a—d), restrict the food handler who works in a food establishment serving a highly susceptible population.



### **2-201.3 Removal, Adjustment, or Retention of Exclusions and Restrictions**

The PIC must adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of a food handler:

- (A)** Except when a food handler is diagnosed with Typhoid fever or an infection from Hepatitis A virus:
  - (1)** Reinstatement a food handler who was excluded as specified under Subparagraph 2-201.2(A)(1) if the food handler:
    - (a)** Is asymptomatic for at least 24 hours, or
    - (b)** Provides to the PIC written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.
  - (2)** If a food handler was diagnosed with an infection from norovirus and excluded as specified under Subparagraph 2-201.2(A)(2):
    - (a)** Restrict the food handler, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (D)(1) or (2) of this section are met, or
    - (b)** Retain the exclusion for the food handler, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (D)(1) or (2) of this section are met.
  - (3)** If a food handler was diagnosed with an infection from *Shigella* spp. And excluded as specified under subparagraph 2-201.2(A)(2):
    - (a)** Restrict the food handler, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (E)(1) or (2) of this section are met, or
    - (b)** Retain the exclusion for the food handler, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (E)(1) or (2), or (E)(1) and (3)(a) of this section are met.
  - (4)** If a food handler was diagnosed with an infection from Shiga toxin- producing *Escherichia coli* and excluded as specified under Subparagraph 2-201.2(A)(2):
    - (a)** Restrict the food handler, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (F)(1) or (2) of this section are met, or
    - (b)** Retain the exclusion for the food handler, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible

population, until the conditions for reinstatement as specified under Subparagraphs (F)(1) or (2) are met.

- (5)** If a food handler was diagnosed with an infection from *Salmonella* (non-Typhoidal) and excluded as specified under Subparagraph 2- 201.2(A)(2):

  - (a)** Restrict the food handler, who is asymptomatic for at least 30 calendar days until conditions for reinstatement as specified under Subparagraphs (G)(1) or (2) of this section are met, or
  - (b)** Retain the exclusion for the food handler who is symptomatic, until conditions for reinstatement as specified under Subparagraphs (G)(1) or (G)(2) of this section are met.
- (B)** Reinstatement a food handler who was excluded as specified under ¶ 2- 201.2(B) if the PIC obtains approval from the Health Authority and one of the following conditions is met,

  - (1)** The food handler has been jaundiced for more than seven calendar days,
  - (2)** The food handler has been symptomatic with symptoms other than jaundice for more than 14 calendar days, or
  - (3)** The food handler provides to the PIC written medical documentation from a health practitioner stating that the food handler is free of a Hepatitis A virus infection.
- (C)** Reinstatement a food handler who was excluded as specified under ¶ 2- 201.2(C) if:

  - (1)** The PIC obtains approval from the Health Authority, and
  - (2)** The food handler provides to the PIC written medical documentation from a health practitioner that states the food handler is free from Typhoid fever.
- (D)** Reinstatement a food handler who was excluded for a diagnosis with an infection from *Norovirus* under Subparagraphs 2-201.2(A)(2) or (D)(1) or who was restricted under Subparagraph 2- 201.2(D)(2) if the PIC obtains approval from the Health Authority and one of the following conditions is met:

  - (1)** The excluded or restricted food handler provides to the PIC written medical documentation from a health practitioner stating that the food handler is free of a norovirus infection,
  - (2)** The food handler was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the food handler became asymptomatic, or
  - (3)** The food handler was excluded or restricted and did not develop symptoms and more than 48 hours have passed since the food handler was diagnosed.
- (E)** Reinstatement a food handler who was excluded for a diagnosis with an infection from a *Shigella* species under Subparagraphs 2-201.2(A)(2) or (E)(1) or who was restricted under Subparagraph

2-201.2(E)(2) if the PIC obtains approval from the Health Authority and one of the following conditions is met:

- (1)** The excluded or restricted food handler provides to the PIC written medical documentation from a health practitioner stating that the food handler is free of a *Shigella* spp. Infection based on test results showing 2 consecutive negative stool specimen cultures that are taken:

    - (a)** Not earlier than 48 hours after discontinuance of antibiotics, and
    - (b)** At least 24 hours apart,
  - (2)** The food handler was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than seven calendar days have passed since the food handler became asymptomatic, or
  - (3)** The food handler was excluded or restricted and did not develop symptoms and more than seven calendar days have passed since the food handler was diagnosed.
- (F)** Reinstate a food handler who was excluded or restricted, due to a STEC diagnosis, as specified under Subparagraphs 2-201.2(A)(2) or (F)(1), or who was restricted under Subparagraph 2-201.2(F)(2) if the PIC obtains approval from the Health Authority and one of the following conditions is met:
- (1)** The excluded or restricted food handler provides to the PIC written medical documentation from a health practitioner stating that the food handler is free of an infection from Shiga toxin-producing *Escherichia coli* based on test results that show 2 consecutive negative stool specimen cultures that are taken:

    - (a)** Not earlier than 48 hours after discontinuance of antibiotics, and
    - (b)** At least 24 hours apart,
  - (2)** The food handler was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than seven calendar days have passed since the food handler became asymptomatic, or
  - (3)** The food handler was excluded or restricted and did not develop symptoms and more than seven calendar days have passed since the food handler was diagnosed.
- (G)** Reinstate a food handler who was excluded due to non-Typhoidal Salmonella, as specified under Subparagraph 2-201.2(A)(2), or who was restricted as specified under ¶ 2-201.2(G) if the PIC obtains approval from the Health Authority and one of the following conditions is met:
- (1)** The excluded or restricted food handler provides to the PIC written medical documentation from a health practitioner stating that the food handler is free of a *Salmonella* (non-Typhoidal) infection based on test results showing 2 consecutive negative stool specimen cultures that are taken,

    - (a)** Not earlier than 48 hours after discontinuance of antibiotics, and
    - (b)** At least 24 hours apart,

- (2) The food handler was restricted after symptoms of vomiting or diarrhea resolved, and more than 30 calendar days have passed since the food handler became asymptomatic, or
  - (3) The food handler was excluded or restricted and did not develop symptoms and more than 30 calendar days have passed since the food handler was diagnosed.
- (H) Reinstatement of a food handler who was excluded or restricted due to sore throat with fever, as specified under Subparagraphs 2-201.2(H)(1) or (2), if the food handler provides to the PIC written medical documentation from a health practitioner stating that the food handler meets one of the following conditions:
- (1) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours,
  - (2) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection, or
  - (3) Is otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection.
- (I) Reinstatement of a food handler who was restricted as specified under ¶ 2-201.2(I) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:
- (1) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist,
  - (2) An impermeable cover on the arm if the infected wound or pustular boil is on the arm, or
  - (3) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.
- (J) Reinstatement of a food handler who was restricted as specified under ¶ 2-201.2(J) and was exposed to one of the following pathogens as specified under Subparagraph 2-201.1(A)(4)(a-d) or 2-201.1(A)(5)(a—d):
- (1) Norovirus and one of the following conditions are met:
    - (a) More than 48 hours have passed since the last day the food handler was potentially exposed, or
    - (b) More than 48 hours have passed since the food employee's household contact became asymptomatic.
  - (2) *Shigella* spp. Or Shiga toxin-producing *Escherichia coli* and one of the following conditions is met:

- (a) More than three calendar days have passed since the last day the food handler was potentially exposed, or
  - (b) More than three calendar days have passed since the food handler's household contact became asymptomatic.
- (3) Typhoid fever (caused by *Salmonella* Typhi) and one of the following conditions is met:
- (a) More than 14 calendar days have passed since the last day the food handler was potentially exposed, or
  - (b) More than 14 calendar days have passed since the food handler's household contact became asymptomatic.
- (4) Hepatitis A virus and one of the following conditions is met:
- (a) The food handler is immune to Hepatitis A virus infection because of a prior illness from Hepatitis A,
  - (b) The food handler is immune to Hepatitis A virus infection because of vaccination against Hepatitis A,
  - (c) The food handler is immune to Hepatitis A virus infection because of IgG administration,
  - (d) More than 30 calendar days have passed since the last day the food handler was potentially exposed,
  - (e) More than 30 calendar days have passed since the food handler's household contact became jaundiced, or
  - (f) The food handler does not use an alternative procedure that allows bare hand contact with ready-to-eat food until at least 30 calendar days after the potential exposure, as specified in Subparagraphs (l)(4)(d) and (e) of this section, and the food handler receives additional training about:
    - (i) Hepatitis A symptoms and preventing the transmission of infection,
    - (ii) Proper handwashing procedures, and
    - (iii) Protecting ready-to-eat food from contamination introduced by bare hand contact.

<b>2-3</b>	<b>Personal Cleanliness</b>
<b>Subparts</b>	
<b>2-301</b>	<b>Hands and Arms</b>
<b>2-302</b>	<b>Fingernail Maintenance</b>
<b>2-303</b>	<b>Jewelry Prohibition</b>
<b>2-304</b>	<b>Outer Clothing in Clean Condition</b>

**2-301 Hands and Arms**  
**2-301.1 Clean Condition**

Food handlers must keep their hands and exposed portions of their arms clean. Hands and arms include surrogate prosthetic devices for hands and arms.

## **2-301.2            Cleaning Procedure**

- (A)**     Except as specified in ¶ (D), food handlers must clean their hands and exposed portions of their arms for at least 20 seconds, using a cleaning compound in a handwashing sink that is equipped as specified under § 5-202.2 and Subpart 6-301.
- (B)**     Food handlers must use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms:
  - (1)**     Rinse under clean, running warm water,
  - (2)**     Apply an amount of cleaning compound recommended by the 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 all surfaces of the hands and arms, fingertips, and areas between the fingers,
  - (4)**     Thoroughly rinse under clean, running warm water, and
  - (5)**     Immediately follow the cleaning procedure with thorough drying using clean, disposable towels.
- (C)**     To avoid recontaminating their hands, food handlers may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.
- (D)**     If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food handlers to clean their hands and exposed portions of their arms.

## **2-301.3            When to Wash**

Food handlers must clean their hands and exposed portions of their arms as specified under § 2-301.2 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 restroom,
- (C)**     After caring for or handling service animals or aquatic animals as specified in ¶ 2-403(B),
- (D)**     Except as specified in ¶ 2-401.1(B), 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 to initiate a task that involves working with food, and
- (I) After engaging in other activities that contaminate the hands.

#### **2-301.4 Where to Wash**

Food handlers must clean their hands and exposed portions of their arms in a designated handwashing sink or approved automatic handwashing facility and must 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 wastewater.

#### **2-301.5 Hand Antiseptics**

- (A) A hand antiseptic used as a topical application, a hand dip, or an antiseptic soap must:
  - (1) Comply with one of the following:
    - (a) Be an approved drug that is listed in the FDA publication *Approved Drug Products with Therapeutic Equivalence Evaluations* as an approved drug based on safety and effectiveness, or
    - (b) Have active antimicrobial ingredients that are listed in the FDA monograph for *OTC Health Care Antiseptic Drug Products* as an antiseptic handwash, and
  - (2) Consist only of components which the intended use of each complies with one of the following:
    - (a) A threshold of regulation exemption under 21 CFR 170.39 *Threshold of regulation for substances used in food-contact articles*; or
    - (b) 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
    - (c) A determination of Generally Recognized as Safe (GRAS). Partial listings of substances with food uses that are GRAS may be found in 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 in FDA's Inventory of GRAS Notices*, or
    - (d) A prior sanction listed under 21 CFR 181 *Prior-Sanctioned Food Ingredients*, or
    - (e) An effective food contact notification, and
  - (3) Be applied only to hands and exposed portions of arms that are cleaned as specified under § 2-301.2.

- (B) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Subparagraph (A)(2) of this section, use must be:
- (1) Followed by thorough hand rinsing in clean water beforehand contact with food or by the use of gloves, or
  - (2) Limited to situations that involve no direct contact with food by the bare hands.
- (C) A hand antiseptic solution used as a hand dip must be maintained clean and at a strength equivalent to at least 100 mg/L chlorine.

**2-302                      Fingernail Maintenance**

- (A) Food handlers must keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (B) Except as provided in ¶ (C) of this section, or unless wearing intact gloves in good repair, a food handler may not wear fingernail polish or artificial fingernails when working with exposed food.
- (C) ¶ (B) of this section does not apply to food handlers 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.

**2-303                      Jewelry Prohibition**

Except for a plain ring such as a wedding band, while preparing food, food handlers may not wear jewelry including medical information jewelry on their arms and hands.

**2-304                      Outer Clothing in Clean Condition**

Food handlers must wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles. Employee aprons must not be worn into toilet facilities.

<b>2-4</b>	<b>Hygienic Practices</b>
<b>Subparts</b>	
<b>2-401</b>	<b>Food Contamination Prevention</b>
<b>2-402</b>	<b>Hair Restraint Effectiveness</b>
<b>2-403</b>	<b>Animal Handling Prohibition</b>

**2-401                      Food Contamination Prevention**  
**2-401.1                  Eating, Drinking, or Using Tobacco**

- (A) Except as specified in ¶ (B) of this section, an employee must not eat, drink, or use any form of tobacco, smoking, or vaping products except in designated areas where the contamination of



exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles or other items needing protection cannot result.

**(B)** A food handler may drink from a closed beverage container only when the container is handled to prevent contamination of:

**(1)** The food handler's hands;

**(2)** The container; and

**(3)** Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

**(C)** A food establishment must fully comply with the Nevada Clean Indoor Air Act, NRS 202.2483.

#### **2-401.2 Discharges from the Eyes, Nose, and Mouth**

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

#### **2-401.3 Use of Bandages, Finger Cots, or Finger Stalls**

If used, an impermeable cover such as a bandage, finger cot or finger stall located on the wrist, hand or finger of a food handler working with exposed food must be covered with a single-use glove.

#### **2-402 Hair Restraint Effectiveness**

**(A)** Except as provided in ¶ (B) of this section, food handlers must wear hair restraints for hair such as hats, hair coverings or nets, beard restraints, clothing that covers body hair, or other hair restraints that effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

**(B)** This section does not apply to food handlers 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.

#### **2-403 Animal Handling Prohibition**

**(A)** Except as specified in ¶ (B) of this section, food handlers must not care for or handle animals such as patrol dogs, service animals, or pets that are allowed as specified in Subparagraphs 6-501.14(B)(2)-(6).

**(B)** Food handlers with service animals may handle or care for their service animals and food handlers may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under § 2-301.2 and ¶ 2-301.3(C).

<b>2-5</b>	<b>Responding to Contamination Events</b>
<b>Subpart</b>	
<b>2-501</b>	<b>Procedures for Clean-up of Vomiting and Diarrheal Events</b>

#### **2-501 Procedures for Clean-up of Vomiting and Diarrheal Events**

A food establishment must have written procedures for employees to follow when responding to events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures must address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

<b>2-6</b>	<b>Food Handler Employment Requirements</b>
<b>Subpart</b>	
<b>2-601</b>	<b>Food Handler Safety Training Card Requirements</b>
<b>2-602</b>	<b>Persons Exempt from Food Handler Safety Training Card Requirements</b>

#### **2-601 Food Handler Safety Training Card Requirements**

- (A)** Except as specified in § 2-602, a person must be in possession of a valid food handler safety training card issued by SNHD prior to employment in a food establishment.
- (B)** The food handler may, as an alternative to the food handler safety training card, obtain a Certified Food Protection Manager card issued by SNHD, if the applicant has completed the training and passed a proctored exam that is part of an accredited program in conformance with § 2-102.3.
- (C)** The food handler must provide proof of a valid food handler safety training card to the Health Authority upon request.

#### **2-602 Persons Exempt from Food Handler Safety Training Card Requirements**

The following are exempt from obtaining a food handler safety training card:

- (A)** A person employed in a food establishment who only handles food that is packaged and not TCS food and only handles TCS foods incidentally, outside the normal and usual course of the person's assigned duties,
- (B)** Temporary trainers, guest chefs, and other personnel working at a food establishment for not more than seven calendar days within a 6-month period,
- (C)** Persons who are Registered Environmental Health Specialists,
- (D)** Volunteers working in a school kitchen under the supervision of a Certified Food Protection Manager,

- (E)** Volunteers working for a 501(c)(3) under the supervision of a Certified Food Protection Manager,
- (F)** Inmates who work under the management of a Certified Food Protection Manager, and
- (G)** Individuals unable to obtain a Food Handler Safety Training Card because of a disability who work under the supervision of a Certified Food Protection Manager.

## Chapter 3 Food

### Parts

3-1	Characteristics
3-2	Sources, Specifications, and Original Containers and Records
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3-1	Characteristics
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3-101	Safe, Unadulterated, and Honestly Presented Condition

### 3-101 Safe, Unadulterated, and Honestly Presented Condition

Food must be safe, unadulterated, and honestly presented, as specified under § 3-601.2.

3-2	Sources, Specifications, and Original Containers and Records
Subparts	
3-201	Sources
3-202	Specifications for Receiving
3-203	Original Containers and Records

### 3-201 Sources

#### 3-201.1 Compliance with Food Law

- (A) Food must be obtained from approved sources.
- (B) Food prepared in a private home must not be used, sold, offered or displayed for sale or service in a food establishment.
- (C) Packaged food sold, offered or displayed for sale, or served must be labeled as specified in law, including 21 CFR 101 *Food Labeling*, 9 CFR 317 *Labeling, Marking Devices, and Containers*, and 9 CFR 381 Subpart N *Labeling and Containers*, and as specified under §§ 3-202.7 and 3-202.8.
- (D) Fish, other than those specified in ¶ 3-402.1(B), that are intended for consumption in raw or undercooked form and allowed as specified in ¶ 3-401.1(D), may be sold, offered or displayed for sale, or served only when they are obtained from a supplier that freezes the fish as specified under § 3-402.1; or when they are frozen on the premises as specified under § 3-402.1 and records are retained as specified under § 3-402.2.

- (E) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in ¶ 3-401.1(C) 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 Subparagraph (E)(1) of this section or identified as specified in Subparagraph (E)(2) of this section,
    - (b) Prepared so they remain intact, and
    - (c) If packaged for undercooking in a food establishment, labeled as specified in Subparagraph (E)(1) of this section or identified as specified in (E)(2) of this section.
- (F) Meat and poultry that is not a ready-to-eat food and is in a packaged form when sold, offered or displayed for sale, or served, must be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b).
- (G) Eggs that have not been specifically treated to destroy all viable *Salmonellae* must be labeled to include safe handling instructions as specified in law, including 21 CFR 101.17(h).

### **3-201.2 Food in a Hermetically Sealed Container**

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

### **3-201.3 Fluid Milk and Milk Products**

Fluid milk and milk products must be obtained from sources that comply with Grade A Standards as specified in law.

### **3-201.4 Fish**

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

### **3-201.5 Molluscan Shellfish**

- (A) Molluscan shellfish must be obtained from sources according to law and the requirements specified in the most recent version of the *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 FDA Interstate Certified Shellfish Shippers List.

### **3-201.6 Wild Mushrooms**

- (A) Except as specified in ¶ (B) of this section, mushroom species picked in the wild must not be used, sold, offered or displayed for sale, or served by a food establishment unless the food establishment has been approved to do so.
- (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 Health Authority, or
  - (2) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency of jurisdiction over the plant.

### **3-201.7 Game Animals**

- (A) If game animals are received for use, sale, or service, they must be:
  - (1) Commercially raised for food and:
    - (a) Raised, slaughtered, and processed under a voluntary Inspection program that is conducted by the agency that has animal health jurisdiction, or
    - (b) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction, and
    - (c) Raised, slaughtered, and processed according to:
      - (i) Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
      - (ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee,
  - (2) Under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are inspected and approved in accordance with 9 CFR 352 Subpart A *Exotic Animals*; *Voluntary Inspection* or rabbits that are inspected and certified in accordance with 9 CFR 354 *Voluntary Inspection of Rabbits and Edible Products Thereof*.

- (3)** As allowed by law, for wild game animals that are live caught:
  - (a)** Under a routine inspection program conducted by a regulatory agency such as the agency that has animal health jurisdiction, and
  - (b)** Slaughtered and processed according to:
    - (i)** Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
    - (ii)** Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee; or
- (4)** As allowed by law, for field-dressed wild game animals under a routine inspection program that ensures the animals:
  - (a)** Receive a postmortem examination by an approved veterinarian or veterinarian's designee, or
  - (b)** Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
  - (c)** Are processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.
- (B)** A game animal must not be received for use, sale, or service if it is a species of wildlife that is listed in 50 CFR 17 *Endangered and Threatened Wildlife and Plants*.

**3-202 Specifications for Receiving**  
**3-202.1 Temperature**

- (A)** Except as specified in ¶ (B) of this section, refrigerated TCS food must be at a temperature of 41 °F (5 °C) or below when received. A food establishment must reject delivery of refrigerated TCS food, unless it is delivered at a temperature of 41 °F (5 °C) or below,
- (B)** To maintain TCS food at a temperature of 41 °F or below in receiving areas that service multiple food establishments, adequate refrigeration large enough to store palletized goods is required in the receiving area.
- (C)** If a temperature other than 41 °F (5 °C) for a TCS food is specified in law governing its distribution, such as laws governing milk and molluscan shellfish, the food must be received at or below the specified temperature.
- (D)** Raw eggs must be received in refrigerated equipment that maintains an ambient air temperature of 45 °F (7 °C) or below.

- (E) TCS food that is cooked to a temperature and for a time specified under §§ 3-401.1 -3-401.3 and received hot must be at a temperature of 135 °F (57 °C) or above.
- (F) A food that is labeled frozen and shipped frozen by a food processing plant must be received frozen.
- (G) Upon receipt, TCS food must be free of evidence of previous temperature abuse.

### **3-202.2 Additives**

Food must not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170180, inclusive, generally recognized as safe or prior-sanctioned substances that exceed amounts specified in 21 CFR 181-186, inclusive, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21(b) *Food ingredients and sources of radiation*, or pesticide residues that exceed provisions specified in 40 CFR 180 *Tolerances and Exemptions for Pesticides Chemical Residues in Food*.

### **3-202.3 Eggs**

Eggs must be received clean and sound and must not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in current version of the USDA United States Standards, Grades, and Weight Classes for Shell Eggs.

### **3-202.4 Eggs and Milk Products, Pasteurized**

- (A) Egg products must be obtained pasteurized.
- (B) Fluid and dry milk and milk products must:
  - (1) Be obtained pasteurized, and
  - (2) Comply with Grade A Standards as specified in law.
- (C) Frozen milk products, such as ice cream, must be obtained pasteurized as specified in 21 CFR 135 *Frozen Desserts*.
- (D) Cheese must be obtained pasteurized unless alternative procedures to pasteurization are specified in the CFR, such as 21 CFR 133 *Cheeses and Related Cheese Products*.

### **3-202.5 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.

### **3-202.6 Ice**

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

### **3-202.7 Shucked Shellfish, Packaging and Identification**



- (A) Raw shucked shellstock 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) The sell by or best if used by date for packages with a capacity of less than 1.89 L (one-half gallon) or the date shucked for packages with a capacity of 1.89 L (one-half gallon) or more.
- (B) A package of raw shucked shellstock that does not bear a label, or which bears a label which does not contain all the information as specified under ¶ (A) of this section, must be subject to a hold order or seizure and destruction in accordance with 21 CFR Subpart D Section 1240.60 (d) *Specific Administrative Decisions Regarding Interstate Shipments, Molluscan shellfish*.

### 3-202.8 Shellstock Identification

- (A) Shellstock must be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester or molluscan shellfish 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 ¶ (C) of this section, on the harvester's tag or label, the following information in the following order:
    - (a) The harvester's identification number,
    - (b) The date of harvesting,
    - (c) The most precise identification of the harvest location or aquaculture site and 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 ¶ (D) of this section, on each molluscan shellfish dealer's tag or label, the following information in the following order:
    - (a) The dealer's name and address, and the certification number,
    - (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 Subparagraphs (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 OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS"**.

- (B) A container of shellstock that does not bear a tag or label, or which bears a tag or label which does not contain all the information as specified under ¶ (A) of this section, must not be used, sold, offered or displayed for sale, or served and must be subject to a hold order or seizure and destruction in accordance with 21 CFR Subpart D Section 1240.60 (d) *Specific Administrative Decisions Regarding Interstate Shipments, Molluscan shellfish*.
- (C) If a place is provided on the harvester's tag or label for a molluscan shellfish 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 molluscan shellfish dealer's identification as specified under Subparagraphs (A)(2)(a) and (b) of this section, individual dealer tags or labels need not be provided.

### **3-202.9 Shellstock, Condition**

A food establishment may offer shellstock for sale or service only when the shellstock was received reasonably free of mud, dead shellstock, and shellstock with broken shells. Dead shellfish or shellstock with badly broken shells must be discarded.

### **3-202.10 Juice Treated**

Pre-packaged juice must:

- (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*.

### **3-203 Original Containers and Records**

#### **3-203.1 Molluscan Shellfish, Original Container**

- (A) Except as specified in ¶¶ (B)—(D) of this section, molluscan shellfish must not be removed from the container in which they are received other than immediately before sale or preparation for service.
- (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 only when:
  - (1) The source of the shellstock on display is identified as specified under § 3-202.8 and recorded as specified under § 3-203.2, 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 only when:

- (1) The labeling information for the shellfish on display as specified under § 3-202.7 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 only when:
- (1) The labeling information for the shellfish is on each consumer self-service container as specified under § 3-202.7 and ¶¶ 3-602.1(A) and (B)(1)-(5),
  - (2) The labeling information as specified under § 3-202.7 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 Subparagraph (D)(2) of this section are maintained for 90 calendar days, and
  - (4) The shellfish are protected from contamination.

### **3-203.2 Shellstock, Maintaining Identification**

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

<b>3-3</b>	<b>Protection from Contamination After Receiving</b>
<b>Subparts</b>	
<b>3-301</b>	<b>Preventing Contamination by Employees</b>
<b>3-302</b>	<b>Preventing Food and Ingredient Contamination</b>
<b>3-303</b>	<b>Preventing Contamination from Ice Used as a Coolant</b>
<b>3-304</b>	<b>Preventing Contamination from Equipment, Utensils, and Linens</b>
<b>3-305</b>	<b>Preventing Contamination from the Premises</b>
<b>3-306</b>	<b>Preventing Contamination by Consumers</b>
<b>3-307</b>	<b>Preventing Contamination from Miscellaneous Sources of Contamination</b>

**3-301 Preventing Contamination by Employees**

**3-301.1 Preventing Contamination from Hands**

- (A) Food handlers must wash their hands as specified under § 2-301.2.
- (B) Except when washing fruits and vegetables as specified under § 3-302.5 or as specified in ¶¶ (D) and (E), food handlers must not contact exposed, ready-to-eat food with their bare hands or arms and must use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- (C) Food handlers must minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- (D) ¶ (B) does not apply to a food handler that contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that:
  - (1) Contains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to the minimum temperatures specified in ¶¶ 3-401.1(A)-(B) or § 3-401.2, or
  - (2) Does not contain a raw animal food but is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 145 °F (63 °C).
- (E) Food handlers not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands only when:
  - (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) Each bare hand contact procedure must include 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 under §§ 5-203.1, 5-204.1, 5-205.1, 6-301.1, 6-301.2, and 6-301.3, are in an easily accessible location and in

close proximity to the workstation where the bare hand contact procedure is conducted,

- (3) A written employee health policy that details how the food establishment complies with §§ 2-201.1, 2-201.2, and 2-201.3 including:
  - (a) Documentation that food handlers acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food as specified under ¶ 2-201.1(A),
  - (b) Documentation that food handlers acknowledge their responsibilities as specified under ¶ 2-201.11(E) and (F), and
  - (c) Documentation that the PIC acknowledges the responsibilities as specified under ¶¶ 2-201.1(B), (C) and (D), and §§ 2-201.2 and 2-201.3,
- (4) Documentation that food handlers 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 under § 2-301.2,
  - (c) When to wash their hands as specified under § 2-301.3,
  - (d) Where to wash their hands as specified under § 2-301.4,
  - (e) Proper fingernail maintenance as specified under § 2-302,
  - (f) Prohibition of jewelry as specified under § 2-303, and
  - (g) Good hygienic practices as specified under §§ 2-401.1 and 2-401.2;
- (5) Documentation that hands are washed before food preparation and as necessary to prevent cross contamination by food handlers as specified under §§ 2-301.1, 2-301.2, 2-301.4, and 2-301.5 during all hours of operation when the specific ready-to-eat foods are prepared, or general task or specific process is being performed;
- (6) Documentation that food handlers contacting ready-to-eat food with bare hands use two 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 under § 2-301.5,
  - (d) Incentive programs such as paid sick leave that assist or encourage food handlers not to work when they are ill, or
  - (e) Other approved control measures; and
  - (f) Documentation that corrective action is taken when Subparagraphs (E)(1)-(6) of this section are not followed.

### **3-301.2 Preventing Contamination when Tasting**

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

### **3-302 Preventing Food and Ingredient Contamination**

#### **3-302.1 Packaged and Unpackaged Food—Separation, Packaging, and Segregation**

**(A)** Food must be protected from cross contamination by:

- (1)** Separating raw animal foods during storage, preparation, holding, and display from:
  - (a)** Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables,
  - (b)** Cooked ready-to-eat food, and
  - (c)** Fruits and vegetables before they are washed.
  - (d)** Except that frozen, commercially processed, and packaged raw animal food may be stored or displayed with or above frozen, commercially processed, and packaged, ready-to-eat food.
- (2)** 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:
  - (a)** Using separate equipment for each type, or
  - (b)** Arranging each type of food in equipment so that cross contamination of one type with another is prevented, and
  - (c)** Preparing each type of food at different times or in separate areas,
- (3)** Cleaning equipment and utensils as specified under § 4-602.1 and sanitizing as specified under § 4-702,
- (4)** Except as specified under Subparagraph 3-501.5(B)(2) and in ¶ (B) of this section, storing food in packages, covered containers, or wrappings,
- (5)** Cleaning hermetically sealed containers of food of visible soil before opening,
- (6)** Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened,
- (7)** Storing damaged, spoiled, or recalled food being held in the food establishment as specified under § 6-404, and
- (8)** Separating fruits and vegetables, before they are washed as specified under § 3-302.5 from ready-to-eat food.

**(B)** Subparagraph (A)(4) of 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)** Sections or slabs of raw meat or 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 as specified under Subparagraph 3-501.5(B)(2), or
- (5) Shellstock.

### **3-302.2 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.

### **3-302.3 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:

- (A) Cooked as specified under Subparagraphs 3-401.1(A)(1) or (2), or
- (B) Included in ¶ 3-401.1(D).

### **3-302.4 Protection from Unapproved Additives**

- (A) Food must be protected from contamination that may result from the addition of, as specified in § 3-202.2:
  - (1) Unsafe or unapproved food or color additives, and
  - (2) Unsafe or unapproved levels of approved food and color additives.
- (B) A food handler must 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 B<sub>1</sub>, or
  - (2) Except for grapes, serve or sell food specified under Subparagraph (B)(1) of this section that is treated with sulfiting agents before receipt by the food establishment.

### **3-302.5 Washing Fruits and Vegetables**

- (A) Except as specified in ¶ (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 sale in ready-to-eat form.
- (B) Fruits and vegetables may be washed by using chemicals as specified under § 7-204.2.

- (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.

**3-303 Preventing Contamination from Ice Used as a Coolant**

**3-303.1 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 must not be used as food.

**3-303.2 Storage or Display of Food in Contact with Water or Ice**

- (A) Packaged food must not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice water.
- (B) Except as specified in ¶¶ (C)—(E) of this section, unpackaged food must not be stored in direct contact with undrained ice.
- (C) Whole, raw fruits, herbs 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.
- (E) Raw fish may be immersed in ice for storage.

**3-304 Preventing Contamination from Equipment, Utensils, and Linens**

**3-304.1 Food Contact with Equipment and Utensils**

Food must only contact surfaces of:

- (A) Equipment and utensils that are cleaned as specified under Part 4-6 of these regulations and sanitized as specified under Part 4-7 of these regulations,
- (B) Single-service and single-use articles, or
- (C) Linens, such as cloth napkins, as specified under § 3-304.3 that are laundered as specified under Part 4-8 of these regulations.

**3-304.2 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 ¶ (B) of this section, in the food with their handles above the top of the food and the container,



- (B) In non- TCS 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 a frequency specified under §§ 4-602.1 and 4- 702.1,
- (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 a TCS food,
- (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 a frequency specified under Subparagraph 4- 602.1(D)(7), or
- (G) In a container of ice or water maintained at a temperature of 41 °F (5 °C) or lower, if the in-use utensils and the container are cleaned at a frequency specified under Subparagraph 4- 602.1(D)(6).

### **3-304.3 Linens and Napkins, Use Limitation**

Linens, such as cloth napkins, must 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.

### **3-304.4 Wiping Cloths, Use Limitation.**

- (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 a concentration specified under § 4-501.14, and
  - (2) Laundered daily as specified under ¶ 4-802(D).
- (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 Subparagraph (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 Subparagraph (B)(1) of this section in which wet wiping cloths are held between uses must be stored 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.

### **3-304.5           Gloves, Use Limitation**

- (A) If used, single-use gloves must be used for only one 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 ¶ (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 as specified under Part 3-4 of these regulations 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 must not be used in direct contact with food unless the food is subsequently cooked as required under Part 3-4 of these regulations such as frozen food or a primal cut of meat.

### **3-304.6           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 handlers must not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills.
- (B) Except as specified in ¶ (C) of this section, self-service consumers must not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.
- (C) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under §§ 4-204.3(A), (B), and (D).

### **3-304.7           Refilling Returnables**

- (A) Except as specified in §§ (B)—(E) of this section, empty containers returned to a food establishment for cleaning and refilling with food must be cleaned and refilled in a regulated food establishment.

- (B)** A take-home food container returned to a food establishment may be refilled at a food establishment with food if the food container is:
- (1)** Designed and constructed for reuse and in accordance with the requirements specified under Parts 4-1 and 4-2 of these regulations;
  - (2)** One that was initially provided by the food establishment to the consumer, either empty or filled with food by the food establishment, for the purpose of being returned for reuse,
  - (3)** Returned to the food establishment by the consumer after use,
  - (4)** Subject to the following steps before being refilled with food:
    - (a)** Cleaned as specified under Part 4-6 of these regulations,
    - (b)** Sanitized as specified under Part 4-7 of these regulations, and
    - (c)** Visually inspected by a food handler to verify that the container, as returned, meets the requirements specified under Part 4-1 and 4-2 of these regulations.
- (C)** A take-home food container returned to a food establishment may be refilled at a food establishment with beverage if:
- (1)** The beverage is not a TCS food,
  - (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)** A food handler of the food establishment, or
    - (b)** The owner of the container if the beverage system includes a contamination-free transfer process as specified under ¶¶ 4-204.3(A), (B), and (D) that cannot be bypassed by the container owner.
- (D)** Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, non-spill coffee cups, and promotional beverage glasses, may be refilled by food handlers or the consumer, if refilling is a contamination-free process as specified under ¶¶ 4-204.3(A), (B), and (D).
- (E)** Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

**3-305 Preventing Contamination from the Premises**  
**3-305.1 Food Storage**

- (A) Except as specified in ¶¶ (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 six inches (15 cm) above the floor.
- (B) Food in packages and working containers may be stored less than six inches (15 cm) above the floor on case lot handling equipment as specified under § 4-204.23.
- (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.

**3-305.2 Food Storage, Prohibited Areas**

Food must not be stored:

- (A) In locker rooms,
- (B) In restrooms,
- (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.

**3-305.3 Vended TCS Food, Original Container**

TCS food dispensed through a vending machine must be in the package in which it was placed at the food establishment or food processing plant at which it was prepared.

**3-305.4 Food Preparation**

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

### **3-306 Preventing Contamination by Consumers**

#### **3-306.1 Food Display**

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

- (A)** Packaging,
- (B)** Food shields that meet the NSF/ANSI 2 standard,
- (C)** Counters with a horizontal setback of no less than 24 inches,
- (D)** Enclosed display cases,
- (E)** Scupper drains where open ice bins are installed,
- (F)** Drink rails at bar tops used for dining and open food is stored below, or
- (G)** Other effective means.

#### **3-306.2 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 plant, or a properly equipped facility that is located on the site of the vending machine location.

#### **3-306.3 Consumer Self-Service Operations.**

- (A)** Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish must not be offered for consumer self-service. This paragraph 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 handlers trained in safe operating procedures.
- (D) A sign must be conspicuously posted to notify consumers to use a clean plate or container each time they serve themselves. The sign must also state that no eating is allowed while self-serving food and that consumers must only use the utensils provided to handle the food.

#### **3-306.4 Returned Food and Re-Service of Food**

- (A) Except as specified in ¶ (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 must not be used, sold, offered or displayed for sale, or served.
- (B) Except as specified under ¶ 3-801(G), a container of food that is not TCS 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.

#### **3-307 Preventing Contamination from Miscellaneous Sources of Contamination**

Food must be protected from contamination that may result from a factor or source not specified under Subparts 3-301- 3-306.

<b>3-4</b>	<b>Destruction of Organisms of Public Health Concerns</b>
<b>Subparts</b>	
<b>3-401</b>	<b>Cooking</b>
<b>3-402</b>	<b>Freezing</b>
<b>3-403</b>	<b>Reheating for Hot Holding</b>
<b>3-404</b>	<b>Treating Juice</b>

#### **3-401 Cooking**

##### **3-401.1 Raw Animal Foods**

- (A) Except as specified under ¶ (B) and in ¶¶ (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 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 Subparagraphs (A)(2) and (A)(3) and ¶ (B), and in ¶ (C) of this section, fish and intact meat including game animals commercially raised for food as specified under Subparagraph 3-201.7(A)(2),
- (2) 155 °F (68 °C) for 17 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, mechanically tenderized, and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified under Subparagraph 3-201.7(A)(1), and game animals under an inspection program as specified under Subparagraph 3-201.7(A)(2); and raw eggs that are not prepared as specified under Subparagraph (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 (75 °C) or above for <1 second (instantaneous) for poultry, baluts, 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) 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)	<sup>1</sup> Time in Minutes	Temperature °F ( °C)	<sup>1</sup> Time 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		

<sup>1</sup> Holding time may include post oven heat rise.

, and

- (2) If cooked in an oven, use an oven that is preheated to the temperature specified for the roast's weight in the following chart and is held at that temperature:

**Oven Temperature Based on Roast Weight**

Oven Type	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 <sup>1</sup>	250 °F (121 °C) or less	250 °F (121 °C) or less

<sup>1</sup> 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.

- (C) A raw or undercooked whole-muscle, intact beef steak may be sold, offered or displayed for sale, or served 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 as specified under ¶ 3-201.1(E), 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 eggs, 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 ¶ (C) of this section, may be sold or served upon consumer request or selection in a ready-to-eat form only when:
- (1) As specified under ¶¶ 3-801(C)(1) and (2), the food establishment serves a population that is not a highly susceptible population,
  - (2) The food, if offered for sale or service by consumer selection from a children's menu, does not contain comminuted meat, and
  - (3) The consumer is informed as specified under § 3-603 that to ensure its safety, the food should be cooked as specified under ¶ (A) or (B) of this section, or
  - (4) The Health Authority grants a waiver from ¶ (A) or (B) of this section as specified in § 8-103.1 based on a HACCP plan that:
    - (a) Is submitted by the permit holder and approved as specified under § 8-103.2,
    - (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 handlers at the food establishment meet the conditions of the waiver.

### **3-401.2 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 two minutes after cooking to obtain temperature equilibrium.

### **3-401.3 Plant Food Cooking for Hot Holding**

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

### **3-401.4 Non-Continuous Cooking of Raw Animal Foods**

Raw animal foods that are cooked using a non-continuous cooking process, and are not served the same day, must be:

- (A) Subject to an initial heating process that is no longer than 60 minutes in duration,
- (B) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked TCS food under ¶ 3-501.4(A),
- (C) After cooling, held frozen or cold, as specified for TCS food under ¶ 3-501.6(A)(2),
- (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 ¶¶ 3-401.1 (A)-(C),
- (E) Cooled according to the time and temperature parameters specified for cooked TCS food under ¶ 3-501.4(A) if not either hot held as specified under ¶ 3-501.6(A), served immediately, or held using time as a public health control as specified under § 3-501.9 after complete cooking, and
- (F) Prepared and stored according to written procedures that:
  - (1) Are approved,
  - (2) Are maintained in the food establishment and available to the Health Authority upon request,
  - (3) Describe how the requirements specified under ¶ (A)-(E) of this section are monitored and documented by the permit holder and the corrective action to be taken by the food establishment 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 under ¶ (D) of this section prior to being sold, offered or displayed for sale, or service, and
- (5) Describe how the foods, after initial heating but prior to cooking as specified under ¶ (D) of this section, are to be separated from ready-to-eat foods as specified under ¶ 3-302.1 (A).

**3-402 Freezing**  
**3-402.1 Parasite Destruction**

- (A) Except as specified in ¶ (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) Paragraph (A) of this section does not apply to:
  - (1) Molluscan shellstock,
  - (2) A scallop product consisting only of the shucked adductor muscle,
  - (3) 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
  - (4) 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.
  - (5) Fish eggs that have been removed from the skein and rinsed.

**3-402.2 Records, Creation and Retention**

- (A) Except as specified in ¶ 3-402.1(B) and ¶ (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 PIC must record the freezing temperature and time to which the fish are subjected and must 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 statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under § 3-402.1 may substitute for the records specified under ¶ (A) of this section.
- (C) If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish were raised and fed as specified in Subparagraph 3-402.1(B)(4), a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in Subparagraph 3-402.1(B)(4) must be obtained by the PIC and retained at the food establishment for 90 calendar days beyond the time of service or sale of the fish.

### **3-402.3 Preparation for Immediate Service**

Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

### **3-403 Reheating for Hot Holding**

- (A) Except as specified under ¶¶ (B) and (C) and in ¶ (E) of this section, TCS food that is cooked, cooled, and reheated for hot holding must be heated 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 ¶ (C) of this section, TCS food reheated in a microwave oven for hot holding must be heated 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 two minutes after reheating.
- (C) Ready-to-eat TCS food that has been commercially processed and packaged in a food processing plant that is inspected by the regulatory authority that has jurisdiction over the plant, must be heated to a temperature of at least 135 °F (57 °C) when being reheated for hot holding.
- (D) Reheating for hot holding as specified under ¶¶ (A)-(C) of this section must be done rapidly and the time the food is between 41 °F (5 °C) and the temperatures specified under ¶¶ (A)-(C) of this section must not exceed two hours.
- (E) Remaining unsliced portions of meat roasts that are cooked as specified under ¶ 3-401.1(B) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under ¶ 3-401.1(B).

### **3-404 Treating Juice**

Juice packaged in a food establishment must be:

- (A) Treated under an approved HACCP plan as specified in ¶¶ 8-201.4 to attain a 5-log reduction of the most resistant microorganism of public health significance; or

(B) If not treated to yield a 5-log reduction of the most resistant microorganism of public health significance, labeled as specified under § 3-602.1, and as specified in 21 CFR 101.17(g) *Food labeling, warning, notice, and safe handling statements. Juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens* with the following, “WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.”:

(1) As specified under §3-601.1, and

(2) As specified in 21 CFR 101.17 (g) Food labeling, warning, notice, and safe handling statements, juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following, “WARNING: This product has not been pasteurized and therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.”

<b>3-5</b>	<b>Limitation of Growth of Organisms of Public Health Concern</b>
<b>Subparts</b>	
<b>3-501</b>	<b>Temperature and Time Control</b>
<b>3-502</b>	<b>Specialized Processing Methods</b>

**3-501**            **Temperature and Time Control**  
**3-501.1**        **Frozen Food**

Stored frozen foods must be maintained frozen.

**3-501.2**        **TCS Food, Slacking**

Frozen TCS food that is slacked to moderate the temperature must be held:

(A) Under refrigeration that maintains the food temperature at 41 °F (5 °C) or below, or

(B) At any temperature if the food remains frozen.

**3-501.3**        **Thawing**

Except as specified in ¶ (D) of this section, TCS food must be thawed:

(A) Under refrigeration that maintains the food temperature at 41 °F (5 °C) or below, 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 as specified under ¶ 3-401.1(A) or (B) to be above 41 °F (5 °C), for more than four 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 ¶¶ 3-401.1(A) or (B) or § 3-401.2, or
  - (2) Thawed in a microwave oven and immediately transferred to conventional cooking equipment; 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.

#### **3-501.3.1 Thawing Reduced Oxygen Packaged Fish**

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

- (A) Prior to its thawing under refrigeration as specified in ¶ (A) of section 3-501.3, or
- (B) Prior to, or immediately upon completion of, its thawing using procedures specified in ¶ (B) of section 3-501.3.

#### **3-501.4 Cooling**

- (A) Cooked TCS food must be cooled:
  - (1) Within two hours from 135 °F (57 °C) to 70 °F (21 °C), and
  - (2) Within a total of six hours from 135 °F (57 °C) to 41 °F (5 °C) or below.
- (B) TCS food must be cooled within four hours to 41 °F (5 °C) or below if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
- (C) Except as specified under ¶ (D) of this section, a TCS food received in compliance with laws allowing a temperature above 41 °F (5 °C) during shipment from the supplier as specified in ¶ 3-202.1(B), must be cooled within four hours to 41 °F (5 °C) or below.

- (D) Raw eggs must be received as specified under ¶ 3-202.1(C) and immediately placed in refrigerated equipment that maintains an ambient air temperature of 45 °F (7 °C) or below.

### **3-501.5 Cooling Methods**

- (A) Cooling must be accomplished in accordance with the time and temperature criteria specified under § 3-501.4 by using one 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 as specified under Subparagraph 3-305.1(A)(2), during the cooling period to facilitate heat transfer from the surface of the food.

### **3-501.6 TCS Food, Hot and Cold Holding**

- (A) Except during active preparation, cooking, or cooling, or when time is used as the public health control as specified under § 3-501.9, and except as specified under ¶¶ (B) — (D) of this section, TCS food must be maintained:
- (1) At 135 °F (57 °C) or above, except roasts cooked to a temperature and for a time specified in ¶ 3-401.1(B) or reheated as specified in ¶ 3-403.1(E) may be held at a temperature of 130 °F (54 °C) or above, or
  - (2) At 41 °F (5 °C) or below.
- (B) Raw shell eggs must be stored in refrigerated equipment that maintains an ambient air temperature of 45 °F (7 °C) or below.

- (C) TCS food in a homogenous liquid form may be maintained outside of the temperature control requirements, as specified under ¶ (A) of this section, while contained within specially designed equipment that complies with the design and construction requirements specified under ¶ 4-204.3(E).
- (D) TCS food that is held cold between 42 °F — 45 °F must be served, cooked and served, or discarded within 24 hours and must be labeled with an expiration date.

**3-501.7 Ready-to-Eat, TCS Food, Date Marking**

- (A) Except when packaging food using a reduced oxygen packaging method as specified under § 3-502.2, and except as specified in ¶¶ (E) and (F) of this section, refrigerated, ready-to-eat, TCS 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 below for a maximum of seven calendar days. The day of preparation must be counted as day one.
- (B) Except as specified in ¶¶ (E)—(G) of this section, refrigerated, ready-to-eat TCS food prepared and packaged by a food processing plant 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 ¶ (A) of this section and:
  - (1) The day the original container is opened in the food establishment must be counted as day one, and
  - (2) The day or date marked by the food establishment must 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 TCS food ingredient or a portion of a refrigerated, ready-to-eat, TCS food that is subsequently combined with additional ingredients or portions of food must retain the date marking of the earliest-prepared or first- prepared ingredient.
- (D) A date marking system that meets the criteria stated in ¶¶ (A) and (B) of this section may include:
  - (1) Using an approved method for refrigerated, ready-to-eat TCS food that is frequently rewrapped, such as lunchmeat 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, in combination 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 ¶ (A) of this section,
  - (3) Marking the date or day the original container is opened in a food establishment, in combination 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 ¶ (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) ¶¶ (A) and (B) of this section do not apply to individual meal portions served or re-packaged for sale from a bulk container upon a consumer's request.
- (F) ¶¶ (A) and (B) of this section do not apply to shellstock.
- (G) ¶ (B) of this section does not apply to the following foods prepared and packaged by a food processing plant inspected by a Regulatory 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 21 CFR 110 *Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food*,
  - (2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133 *Cheeses and Related Cheese Products*, such as cheddar, gruyere, parmesan and reggiano, and romano,
  - (3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133 *Cheeses and Related Cheese Products*, such as blue, edam, gorgonzola, gouda, and monterey jack,
  - (4) Cultured dairy products as defined in 21 CFR 131 *Milk and Cream*, such as yogurt, sour cream, and buttermilk,
  - (5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114 *Acidified Foods*,
  - (6) Shelf stable, dry fermented sausages, such as pepperoni and Genoa, and
  - (7) Shelf stable salt-cured products such as prosciutto and Parma (ham).

### **3-501.8 Ready-to-Eat, TCS Food, Disposition**

- (A) A food specified in ¶ 3-501.7(A) or (B) must be discarded if it:
  - (1) Exceeds the temperature and time combination specified in ¶ 3-501.7(A), 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 ¶ 3-501.7(A).



- (B)** Refrigerated, ready-to-eat, TCS food prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control must be discarded if it exceeds a temperature and time combination as specified in ¶ 3-501.7(A).

**3-501.9 Time as a Public Health Control**

- (A)** Except as specified under ¶ (D) of this section, if time without temperature control is used as the public health control for a working supply of TCS food before cooking, or for ready-to-eat TCS food that is being sold, offered or displayed for sale, or service:

- (1)** Written procedures must be prepared in advance, maintained in the food establishment, and made available to the Health Authority upon request, and
- (2)** Written procedures must specify:
  - (a)** Methods of compliance with Subparagraphs (B)(1)-(3) or (C)(1)-(5) of this section, and
  - (b)** Methods of compliance with § 3-501.4 for food that is prepared, cooked, and refrigerated before time is used as a public health control.

- (B)** If time without temperature control is used as the public health control up to a maximum of four hours:

- (1)** Except as specified in ¶(B)(2), the food must have an initial temperature of 41 °F (5 °C) or less when removed from cold holding temperature control, or 135 °F (57 °C) or greater when removed from hot holding temperature control,
- (2)** The food may have an initial temperature of 21 °C (70 °F) or below if;
  - (a)** It is a ready-to-eat fruit or vegetable that upon cutting is rendered a TCS food as defined in ¶1-201.10(B), or
  - (b)** It is a ready-to-eat hermetically sealed food that upon opening is rendered a TCS food as defined in ¶1-201.10(B),
  - (c)** The food temperature does not exceed 21 °C (70 °F) within a maximum time period of 4 hours from the time it was rendered a TCS food; and
  - (d)** The food is marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is rendered a TCS food as specified in sub¶¶'s (B)(2)(a) and (b) of this section.
- (3)** The food must be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control;
- (4)** The food must be cooked and served, served at any temperature if ready-to-eat, or discarded, within four (4) hours from the point in time when the food is removed from temperature control; and
- (5)** The food in unmarked containers or packages or marked to exceed a four (4) hour limit, must be discarded.

- (C) If time without temperature control is used as the public health control up to a maximum of six hours:
- (1) The food must have an initial temperature of 41 °F (5 °C) or below when removed from temperature control and the food temperature must not exceed 70 °F (21 °C) within a maximum time period of six hours,
  - (2) The food must be monitored to ensure the warmest portion of the food does not exceed 70 °F (21 °C) during the six hour period, unless an ambient air temperature is maintained that ensures the food does not exceed 70 °F (21 °C) during the six hour holding 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 below cold holding temperature control, and
    - (b) The time that is six 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 at any temperature if ready-to-eat, or discarded within a maximum of six hours from the point in time when the food is removed from 41 °F (5 °C) or below cold holding temperature control, and
  - (5) The food in unmarked containers or packages, or marked with a time that exceeds the six-hour limit, must be discarded.
- (D) A food establishment that serves a highly susceptible population must not use time as specified under ¶¶ (A), (B) or (C) of this section as the public health control for raw eggs.

**3-502 Specialized Processing Methods**  
**3-502.1 Waiver Requirement**

A food establishment must obtain a waiver from the Health Authority as specified in § 8-103.1 and under § 8-103.2 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,

- (2) To render a food so that it is not TCS food, or
- (3) The additive has an upper-limit or maximum-use concentration as specified in 21 CFR Parts 170-186 *Food additive and GRAS regulations* and are generally recognized as safe when used in accordance with good manufacturing practices.

The Health Authority may approve an exemption to 3-502.1 (C)(1) or (C)(2) if, based on annual lab testing for  $a_w$ , pH, or a challenge study, the food is proven to be non-TCS and is sold only at retail with no distribution to other entities. Examples include but are not limited to salsa, sushi rice, masa dough, hot brine pickling, and vegetable kimchi.

- (D) Packaging TCS food using a reduced oxygen packaging method, except a waiver is not required when the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* are controlled as specified under § 3-502.2,
- (E) Operating a molluscan shellstock life-support system display tank used to store or display shellstock that are offered for human consumption,
- (F) Custom processing animals that are for personal use as food and are not sold, offered or displayed for sale, or service in a food establishment, and
- (G) Sprouting of seeds or beans.

### **3-502.2 Reduced Oxygen Packaging Without a Waiver, Criteria**

- (A) Except for a food establishment that obtains a waiver as specified under § 3-502.1, a food establishment that packages TCS food using a reduced oxygen packaging method must control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.
- (B) Except as specified under ¶ (F) of this section, a food establishment that packages TCS food using a reduced oxygen packaging method must implement a HACCP plan that contains the information specified under ¶¶ 8-201.4 (C), (D), and (E) and that:
  - (1) Identifies the food to be packaged,
  - (2) Except as specified under ¶¶ (C)—(E) of this section, requires that the packaged food must be maintained at 41 °F (5 °C) or below and meet at least one 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 plant 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 if 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 ready-to-eat food with bare hands as specified under ¶ 3-301.1(B),
    - (b)** Identify a designated work area and the method by which:
      - (i)** Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and
      - (ii)** Access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation, and
    - (c)** Delineate cleaning and sanitization procedures for food-contact surfaces, and
  - (6)** Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the :
    - (a)** Concepts required for a safe operation,
    - (b)** Equipment and facilities, and
    - (c)** Procedures specified under Subparagraph (B)(5) of this section and ¶¶ 8-201.4 (C) and (E).
  - (7)** Is provided to the Health Authority prior to implementation as specified under ¶ 8-201.3(B).
- (C)** Except for fish that is frozen before, during, and after packaging and bears a label indicating that it is to be kept frozen until time of use, a food establishment must not package fish using a reduced oxygen packaging method.
  - (D)** Except as specified under ¶ (C) and ¶ (F) of this section, a food establishment that packages TCS food using a cook-chill or sous vide process must:
    - (1)** Provide a HACCP plan that contains the information as specified under ¶¶ 8-201.4(C), (D), and (E) to the Health Authority prior to implementation,
    - (2)** Ensure the food is:

- (a) Prepared and consumed on the premises or prepared and consumed off the premises with no distribution or sales of package 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 under ¶¶ 3-401.1(A), (B), and (C),
  - (c) Protected from contamination before and after cooking as specified under Parts 3-3 and 3-4 of these regulations,
  - (d) Placed in a package with an oxygen barrier and sealed before cooking, or placed in a package and sealed immediately after cooking and before reaching a temperature below 135 °F (57 °C)
  - (e) Cooled to 41 °F (5 °C) in the sealed package or bag as specified under § 3-501.4 and:
    - (i) 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 calendar days after the date of packaging,
    - (ii) Held at 41 °F (5 °C) or below for no more than seven calendar days, at which time the food must be consumed or discarded, or
    - (iii) Cooled to 34 °F (1 °C) within 48 hours of reaching 41 °F (5 °C) and then may be stored at 41 °F (5 °C) or below for no more than 7 days, at which time the food must be consumed or discarded. The total shelf-life of the food must not exceed 30 days from its date of packaging, or
    - (iv) Held frozen with no shelf-life restriction while frozen until consumed or used.
  - (f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily,
  - (g) Monitored with verifiable time and food temperature electronic monitoring devices if transported off-site to a satellite location for retail sale by the same person, and
  - (h) Labeled with the product name and the date packaged, and
- (3) Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP plan and:
- (a) Make such records available to the Health Authority upon request, and
  - (b) Hold such records for at least six months, and
- (4) Implement written operational procedures as specified under Subparagraph (B)(5) of this section and a training program as specified under Subparagraph (B)(6) of this section.
- (E) Except as specified under ¶ (F) of this section, a food establishment that packages cheese using a reduced oxygen packaging method must:
- (1) Limit the cheeses packaged to those that are commercially manufactured in a food processing plant 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) Have a HACCP plan that contains the information specified under ¶¶ 8-201.4(C) and (E) and as specified under ¶¶ (B)(1), (B)(3)(a), (B)(5) and (B)(6) of this section,
  - (3) Label the package on the principal display panel with a use-by date that does not exceed 30 calendar days from its packaging or the original manufacturer's sell-by or use-by date, whichever occurs first, and
  - (4) 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 TCS food that is always:
- (1) Labeled with the production time and date,
  - (2) Held at 41 °F (5 °C) or below during refrigerated storage, and
  - (3) Removed from its package in the food establishment within 48 hours after packaging.

<b>3-6</b>	<b>Food Identity, Presentation, and On-Premises Labeling</b>
<b>Subparts</b>	
<b>3-601</b>	<b>Accurate Representation</b>
<b>3-602</b>	<b>Labeling</b>
<b>3-603</b>	<b>Consumer Advisory for Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens</b>

**3-601            Accurate Representation**  
**3-601.1        Standards of Identity**

Packaged food must comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 319 *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*.

**3-601.2        Honestly Presented**

- (A) Food must be sold, offered or displayed for sale, or served in a way that does not mislead or misinform the consumer.
- (B) Food or color additives, colored overwraps, or lights must not be used to misrepresent the true appearance, color, or quality of a food.

**3-602            Labeling**  
**3-602.1        Food Labels**

- (A)** Food packaged in a food establishment for retail sale must be labeled as specified in NAC 446.187 *Labeling*, 21 CFR 101 *Food Labeling*, and 9 CFR 317 *Labeling, Marking Devices, and Containers*.
- (B)** Label information must include:
- (1)** The common name of the food, or absent a common name, an adequately descriptive identity statement,
  - (2)** If made from two or more ingredients, a list of ingredients and sub-ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors, and chemical preservatives, if contained in the food,
  - (3)** An accurate declaration of net quantity of contents,
  - (4)** The name of the food establishment and address for the place of business of the manufacturer, packer, or distributor,
  - (5)** The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient,
  - (6)** Nutrition labeling as specified in 21 CFR 101 *Food Labeling* and 9 CFR 317 Subpart B *Nutrition Labeling* unless exempted in the Federal Food, Drug, and Cosmetic Act § 403(q)(3)—(5), and
  - (7)** If canthaxanthin or astaxanthin is used as a color additive for any salmonid fish, an ingredient label that discloses the use of canthaxanthin or astaxanthin must be present on any bulk containers or retail packages. If the fish is not in a package or container, the list of ingredients may be disclosed by other written means, such as a placard or counter card.
- (C)** 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 information specified under Subparagraphs (B)(1), (2), and (6) of this section.
- (D)** 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, and
  - (2)** Not otherwise required by law, and

- (3) The food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency of jurisdiction.

### **3-602.2 Other Forms of Information**

- (A) If required by law, consumer warnings must be provided.
- (B) Food establishment or manufacturer dating information on foods must not be concealed or altered.

### **3-603 Consumer Advisory for Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens**

- (A) Except as specified in ¶ 3-401.1(C) and under ¶ 3-801(C), if an animal food such as beef, eggs, fish, lamb, pork, poultry, or shellstock is sold, offered for sale, or served 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 food establishment must inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and a reminder, as specified in ¶¶ (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.
- (B) The disclosure must include:
  - (1) A description of the animal-derived food, 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) The 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 illness, or
  - (3) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

<b>3-7</b>	<b>Contaminated Food</b>
<b>Subpart</b>	
<b>3-701</b>	<b>Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food</b>

### **3-701 Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food**



- (A) A food that is unsafe, adulterated, misbranded or not honestly presented as specified under § 3-101 must be discarded or reconditioned according to an approved procedure.
- (B) Food that is not from an approved source as specified under Subpart 3-201 must be discarded.
- (C) Ready-to-eat food that might have been contaminated by a food handler who has been restricted or excluded as specified under § 2-201.2 must be discarded.
- (D) Food that is contaminated by food handlers, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means must be discarded.

<b>3-8</b>	<b>Special Requirements for Highly Susceptible Populations</b>
<b>Subpart</b>	
<b>3-801</b>	<b>Pasteurized Foods, Prohibited Re-Service, and Prohibited Food</b>

**3-801 Pasteurized Foods, Prohibited Re-Service, 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 paragraph (A) only, children who are age 9 or less and receive food in a school, daycare, 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*, Juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens must not be sold, offered or displayed for sale, or served,
  - (3) Packaged juice or a packaged beverage containing juice, that bears a warning label as specified under ¶ 3-404(B) must not be sold, offered or displayed for sale, or served, and
  - (4) 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 that contains the information specified under ¶¶ 8-201.4(C)—(E) and as specified in 21 CFR Part 120 *Hazard Analysis and Critical Control Point (HACCP) Systems*, including, without limitation, Subpart B Pathogen Reduction and 21 CFR 120.24 *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 ¶ (F) of this section, recipes in which more than one egg is broken and the eggs are combined,
- (C) The following foods must not be sold, offered or displayed for sale, or served 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 handlers must not contact ready-to-eat food as specified under ¶¶ 3-301.1(B) and (E).
- (E) Time only, as the public health control as specified under ¶ 3-501.9(D), must not be used for raw eggs.
- (F) Subparagraph (B)(2) of this section does not apply if:
- (1) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under Subparagraph 3-401.1(A)(1), 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:
      - (i) *Salmonella* Enteritidis growth is controlled before and after cooking, and
      - (ii) *Salmonella* Enteritidis is destroyed by cooking the eggs according to the temperature and time specified in Subparagraph 3-401.1(A)(2),
    - (d) Contains the information specified under ¶ 8-201.4(D) including procedures that:
      - (i) Control cross-contamination of ready-to-eat food with raw eggs, and
      - (ii) Delineate cleaning and sanitization procedures for food-contact surfaces, and
    - (e) Describes the training program that ensures that the food handler responsible for the preparation of the food understands the procedures to be used.

- (G)** Except as specified in ¶ (H) of this section, food may be re-served as specified under Subparagraph 3-306.4(B)(1) and (2).
- (H)** Food must 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 must 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.

## Chapter 4 Equipment, Utensils, and Linens

### Parts

- 4-1 Materials for Construction and Repair
- 4-2 Design and Construction
- 4-3 Numbers and Capacities
- 4-4 Location and Installation
- 4-5 Maintenance and Operation
- 4-6 Cleaning of Equipment and Utensils
- 4-7 Sanitization of Equipment and Utensils
- 4-8 Laundering
- 4-9 Protection of Clean Items

<b>4-1</b>	<b>Materials for Construction and Repair</b>
<b>Subparts</b>	
<b>4-101</b>	<b>Multiuse</b>
<b>4-102</b>	<b>Single-Service and Single-Use Characteristics</b>

- 4-101 Multiuse
- 4-101.1 Characteristics

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

- (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.

#### 4-101.2 Cast Iron, Use Limitation

- (A) Except as specified in ¶¶ (B) and (C) of this section, cast iron must 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 as utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

#### 4-101.3 Lead, Use Limitation

- (A) Ceramic, china and crystal utensils, including, without limitation, hand painted ceramic or china that are used in contact with food must be lead-free or contain levels of lead not exceeding the limits in 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% must not be used as a food-contact surface.
- (C) Solder and flux containing lead in excess of 0.2% must not be used as a food-contact surface.

#### **4-101.4 Copper, Use Limitation**

- (A) Except as specified in ¶ (B) of this section, copper and copper alloys such as brass must 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 device 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 pre-fermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

#### **4-101.5 Galvanized Metal, Use Limitation**

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

#### **4-101.6 Sponges, Use Limitation**

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

#### **4-101.7 Wood, Use Limitation**

- (A) Except as specified in ¶¶ (B)-(D) of this section, wood must not be used as a food-contact surface.
- (B) Sealed wood may be used for non-food contact surfaces that are not regularly exposed to moisture and have no wet-line penetrations. Examples include, but are not limited to, bar tops, dining tables, or cabinets in a customer interface area that are not used for open food storage or preparation.
- (C) 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.
- (D) 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.
- (E) 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*.

#### **4-101.8 Nonstick Coatings, Use Limitation**

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

#### **4-101.9 Nonfood-Contact Surfaces**

Nonfood-contact surfaces 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.

#### **4-102 Single-Service and Single-Use Characteristics**

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.

<b>4-2</b>	<b>Design and Construction</b>
<b>Subparts</b>	
<b>4-201</b>	<b>Durability and Strength</b>
<b>4-202</b>	<b>Cleanability</b>
<b>4-203</b>	<b>Accuracy</b>
<b>4-204</b>	<b>Functionality</b>
<b>4-205</b>	<b>Acceptability of Food Equipment, Certification and Classification</b>

**4-201 Durability and Strength**

**4-201.1 Equipment and Utensils**

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

**4-201.2 Food Temperature Measuring Devices**

Food temperature measuring devices must 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.

**4-202 Cleanability**

**4-202.1 Food-Contact Surfaces**

**(A)** Multiuse 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 ¶ (B) of this section, accessible for cleaning and inspection by one of the following methods:
  - (a)** Without being disassembled,
  - (b)** By disassembling without the use of tools, or
  - (c)** By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.

**(B)** Subparagraph (A)(5) of this section does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.

**4-202.2 CIP Equipment**

- (A)** CIP equipment must meet the characteristics specified under § 4-202.1 and 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)** CIP equipment that is not designed to be disassembled for cleaning must be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

#### **4-202.3 V Threads, Use Limitation**

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

#### **4-202.4 Hot Oil Filtering Equipment**

Hot oil filtering equipment must meet the characteristics specified under § 4-202.1 or § 4-202.2 and must be readily accessible for filter replacement and cleaning of the filter.

#### **4-202.5 Can Openers**

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

#### **4-202.6 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.

#### **4-202.7 Kick Plates, Removable**

Kick plates must be designed so that the areas behind them are accessible for inspection and cleaning by being removable by one of the methods specified under Subparagraph 4-202.1(A)(5), or capable of being rotated open, without unlocking equipment doors.

#### **4-202.8 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.

#### **4-202.9 Shelving**

- (A)** Shelves that are located in areas subject to moisture, including where food is prepared, in refrigerators and freezers, or where utensils are washed must be made of metal, plastic, or plastic coated corrosion-resistant material, and be easily cleanable,



- (B) Shelves located in refrigerators or freezers must be maintained in a manner that does not restrict the circulation of air,
- (C) Shelves located in separate dry storage areas must be made of corrosion-resistant material, and made of metal, plastic, plastic coated materials, or other durable easily cleanable materials, including wood products that have a smooth finish that is resistant to damage by spills of food, water, or other leaks,
- (D) Shelves constructed of pressure-treated wood products which are impregnated or otherwise treated with chemicals to inhibit rotting or insect infestation must not be used in a food establishment, and
- (E) Shelves may not be lined with cardboard, aluminum foil, contact paper or other non-durable material.

#### **4-203 Accuracy**

##### **4-203.1 Temperature Measuring Devices, Food**

- (A) Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit must be accurate to  $\pm 1$  °C in the intended range of use.
- (B) Food temperature measuring devices that are scaled only in Fahrenheit must be accurate to  $\pm 2$  °F in the intended range of use.

##### **4-203.2 Temperature Measuring Devices, Ambient Air and Water**

- (A) Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit must be designed to be easily readable and accurate to  $\pm 1.5$  °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  $\pm 3$  °F in the intended range of use.

##### **4-203.3 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 1 pound per square inch (7 kilopascals) or smaller and must be accurate to  $\pm 2$  pounds per square inch ( $\pm 14$  kilopascals) in the range indicated on the manufacturer's data plate.

#### **4-204 Functionality**

##### **4-204.1 Ventilation Hood Systems, Drip Prevention**

Exhaust ventilation hood systems in food preparation and warewashing areas including, without limitation, components such as hoods, fans, guards, and ducting must be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

##### **4-204.2 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 ¶ (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 ¶ (B) of this section.

#### **4-204.3 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 handler, 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.
- (E) Dispensing equipment in which TCS food in a homogenous liquid form is maintained outside of the temperature control requirements as specified under §3-501.6(A) must:

- (1) Be specifically designed and equipped to maintain the commercial sterility of aseptically packaged food in a homogenous liquid form for a specified duration from the time of opening the packaging within the equipment, and
- (2) Conform to the requirements for this equipment as specified in NSF/ANSI 18 Manual Food and Beverage Dispensing Equipment.

#### **4-204.4 Beverage Tubing, Separation**

Except for cold plates that are constructed integrally with an ice storage bin, beverage tubing and cold-plate beverage cooling devices must not be installed in contact with stored ice.

#### **4-204.5 Ice Units, Separation of Drains**

Drain lines must not pass through an ice machine or ice storage bin.

#### **4-204.6 Condenser Unit, Separation**

If a condenser unit is an integral component of equipment, the condenser unit must be separated from the food and food storage space by a dustproof barrier.

#### **4-204.7 Molluscan Shellfish Tanks**

- (A) Except as specified under ¶ (B) of this section, molluscan shellfish life support system display tanks must not be used to store or 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 or display shellfish that are offered for human consumption must be operated and maintained in accordance with a waiver granted by the Health Authority as specified in § 8-103.1 and a HACCP plan that :
  - (1) Is submitted by the permit holder and approved as specified under § 8-103.2, 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 under § 3-202.9.

#### **4-204.8 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 ¶ (C) of this section, cold or hot holding equipment used for TCS food must be designed to include and must be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.
- (C) Paragraph (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 calrod 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.

#### **4-204.9 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 freshwater 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.

#### **4-204.10 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.

#### **4-204.11 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.

#### **4-204.12 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 (77.2 °C), and
- (B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

#### **4-204.13 Warewashing Machines, Automatic Dispensing of Detergents and Sanitizers**

A warewashing machine that is installed after adoption of these regulations by the Health Authority, 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.

#### **4-204.14 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 one-fourth inch (6.4 millimeter) Iron Pipe Size (IPS) valve.
- (C) Paragraphs (A) and (B) of this section do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

#### **4-204.15 Warewashing Sinks and Drainboards, Self-Draining**

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

#### **4-204.16 Equipment Compartments, Drainage**

- (A) Equipment and equipment compartments that are subject to accumulation of moisture due to conditions such as condensation, food or beverage drip, or water from melting ice must be sloped to an outlet that allows complete draining and prevents water from pooling on the floor.

#### **4-204.17 Vending Machine, Vending Stage Closure**

The dispensing compartment of a vending machine including a machine that is designed to vend prepackaged snack food that is not TCS food such as chips, party mixes, and pretzels must be equipped with a self-closing door or cover if the machine is:

- (A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or
- (B) Available for self-service during hours when it is not under the full-time supervision of a food handler.

**4-204.18 Vending Machines, Automatic Shutoff**

- (A) A machine vending TCS 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 temperatures as specified under Chapter 3, and
  - (2) If a condition specified under Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Chapter 3.
- (B) When the automatic shutoff within a machine vending TCS food is activated:
  - (1) In a refrigerated vending machine, the ambient air temperature must 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 air temperature must not be less than 135 °F (57 °C) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

**4-204.19 Vending Machines, Liquid Waste Products**

- (A) Vending machines designed to store beverages that are packaged in containers made from paper products must be equipped with diversion devices and retention pans or drains for container leakage.
- (B) Vending machines that dispense liquid food in bulk must be:
  - (1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes, and
  - (2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.
- (C) Shutoff devices specified under Subparagraph (B)(2) of this section must prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

#### **4-204.20      Vending Machine Doors and Openings**

- (A) Vending machine doors and access opening covers to food and container storage spaces must be tight fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than one-sixteenth inch (1.5 millimeters) by:
- (1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one-sixteenth inch or 1.5 millimeters. Screening of 12 or more mesh to 1 inch (12 mesh to 2.5 centimeters) meets this requirement,
  - (2) Being effectively gasketed,
  - (3) Having interface surfaces that are at least one-half inch or 13 millimeters wide, or
  - (4) Jambs or surfaces used to form an L-shaped entry path to the interface.
- (B) Vending machine service connection openings through an exterior wall of a machine must be closed by sealants, clamps, or grommets so that the openings are no larger than one-sixteenth inch or 1.5 millimeters.

#### **4-204.21      Can Openers on Vending Machines**

Cutting or piercing parts of can openers on vending machines must be protected from manual contact, dust, insects, rodents, and other contamination.

#### **4-204.22      Bearings and Gear Boxes, Leakproof**

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.

#### **4-204.23      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.

#### **4-205            Acceptability of Food Equipment, Certification and Classification**

- (A) Food equipment must meet the standard for sanitation set by an American National Standards Institute accredited certification program. Upon request of the Health Authority, the PIC must provide verification that the equipment meets the sanitation standard in the form of:
- (1) Documentation of a sanitation certification marking from an ANSI accredited certification program,
  - (2) A field evaluation of the equipment by an ANSI accredited certification program with correction of deficiencies, or

- (3) Other evidence that the equipment has been approved for use by a regulatory authority such as the USDA or FDA and is in compliance with Subparts 4-201 and 4-202 of these regulations.
- (B) Specialized food equipment such as barbecue grills or smokers, brick ovens, and processing equipment that does not have documentation of sanitation certification will be evaluated by the Health Authority to determine whether a field evaluation is required to verify compliance with Subparts 4-201 and 4-202.

<b>4-3</b>	<b>Numbers and Capacities</b>
<b>Subparts</b>	
<b>4-301</b>	<b>Equipment</b>
<b>4-302</b>	<b>Utensils, Temperature Measuring Devices, and Testing Devices</b>
<b>4-303</b>	<b>Availability of Cleaning Agents and Sanitizers</b>

**4-301 Equipment**  
**4-301.1 Cooling, Heating, and Holding Capacities**

Equipment for cooling, heating, and holding cold and hot food, must be sufficient in number and capacity to provide food temperatures as specified under Chapter 3.

**4-301.2 Manual Warewashing, Sink Compartment Requirements**

- (A) Except as specified in ¶¶ (C) and (D) of this section, a sink with at least three-compartments and an integral self-draining drainboard on each end, must be provided in each food establishment in which warewashing and sanitizing equipment and utensils is required.
- (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 ¶ (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,
- (D) Satellite areas operated by the same person within a food establishment may operate without a three-compartment sink if there is a three-compartment sink available for use within 600 feet of the satellite area and the satellite area:



- (1) Has a warewashing machine,
- (2) Is a low-risk food establishment and uses disposable service wares, or
- (3) Is a low-risk food establishment and no soiled service wares are returned to the satellite area after consumer use.

#### **4-301.3 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. Drainboards, utensil racks, and tables must be designed to prevent the accumulation of standing water.

#### **4-301.4 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.

#### **4-301.5 Clothes Washers and Dryers**

- (A) Except as specified in ¶ (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 as specified under § 4-901.2, a mechanical clothes washer and dryer need not be provided.

### **4-302 Utensils, Temperature Measuring Devices, and Testing Devices**

#### **4-302.1 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.

#### **4-302.2 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 as specified under Chapter 3.
- (B) A food 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.

#### **4-302.3 Temperature Measuring Devices, Manual and Mechanical Warewashing**

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

- (B) In hot water mechanical warewashing operations, an irreversible registering temperature indicator must be provided and readily accessible for measuring the utensil surface temperature.

#### **4-302.4 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.

#### **4-303 Availability of Cleaning Agents and Sanitizers**

- (A) Cleaning agents that are used to clean equipment and utensils as specified under Part 4-6 of these regulations, must be provided and available for use during all hours of operation.
- (B) Except for those that are generated on-site at the time of use, chemical sanitizers that are used to sanitize equipment and utensils as specified under Part 4-7 of these regulations, must be provided and available for use during all hours of operation.

<b>4-4</b>	<b>Location and Installation</b>
<b>Subparts</b>	
<b>4-401</b>	<b>Location of Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention</b>
<b>4-402</b>	<b>Installation</b>

#### **4-401 Location of Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention**

- (A) Except as specified in ¶ (B) of this section, equipment, 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 must not be located:
- (1) In locker rooms,
  - (2) In restrooms,
  - (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) A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.
- (C) 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.

#### **4-402 Installation**

##### **4-402.1 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 or 1 millimeter, 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 as specified under ¶ 4-402.2(D).

##### **4-402.2 Fixed Equipment, Elevation or Sealing**

- (A) Except as specified in ¶¶ (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 ¶ (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 (7.5 centimeters) if the horizontal distance of the tabletop 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 tabletop under the equipment is no more than 3 inches (7.5 centimeters) from the point of access for cleaning.

<b>4-5</b>	<b>Maintenance and Operation</b>
<b>Subparts</b>	
<b>4-501</b>	<b>Equipment</b>
<b>4-502</b>	<b>Utensils and Measuring Devices</b>

#### **4-501 Equipment**

##### **4-501.1 Good Repair and Proper Adjustment**

- (A) Equipment must be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2 of these regulations.
- (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.

##### **4-501.2 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.

##### **4-501.3 Microwave Ovens**

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

##### **4-501.4 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 as specified under § 4-301.3 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.

#### **4-501.5 Warewashing Machines, Manufacturers' 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.

#### **4-501.6 Warewashing Sinks, Use Limitation**

- (A) A warewashing sink must not be used for handwashing as specified under § 2-301.4.
- (B) If a warewashing sink is used to wash wiping cloths, wash farm products, or thaw food, the sink must be cleaned as specified under § 4-501.4 before and after each time it is used to wash wiping cloths or wash farm products or thaw food. Sinks used for food preparation must be sanitized as specified under Part 4-7 of these regulations before and after using the sink to prepare food.

#### **4-501.7 Warewashing Equipment, Cleaning Agents**

When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in ¶ 4-301.2(C), 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.

#### **4-501.8 Warewashing Equipment, Clean Solutions**

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

#### **4-501.9 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.

#### **4-501.10 Mechanical Warewashing Equipment, Wash Solution Temperature**

- (A) The temperature of the wash solution in spray type warewashers that use hot water to sanitize must 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 multitank, conveyor, multitemperature machine, 150 °F (66 °C).

- (B) The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize must not be less than 120 °F (49 °C) unless otherwise specified by the equipment manufacturer.

#### **4-501.11 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.

#### **4-501.12 Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures**

- (A) Except as specified in ¶ (B) of this section, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold must not be more than 194 °F (90 °C), or less than:
- (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 ¶ (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 manual cleaning and sanitizing of equipment such as meat saws.

#### **4-501.13 Mechanical Warewashing Equipment, Sanitization Pressure**

The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine, as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve, must be within the range specified on the machine manufacturer's data plate and must not be less than 5 pounds per square inch (35 kilopascals) or more than 30 pounds per square inch (200 kilopascals).

#### **4-501.14 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 contact times specified under ¶4-702(C) must meet the criteria specified under §7-204.1 Sanitizers, Criteria, must be used in accordance with the EPA-registered label use instructions, 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,

Concentration Range (MG/L)	Minimum Temperature PH 10 or less °F ( °C)	Minimum Temperature PH 8 or less °F ( °C)
25-49	120 (49)	120 (49)
50-99	100 (38)	75 (24)
100	55 (13)	55 (13)

- (B) An iodine solution must have a:

- (1) Minimum temperature of 68 °F (20 °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 and 25 MG/L,
- (C) A quaternary ammonium compound solution must:
- (1) Have a minimum temperature of 75 °F (24 °C),
  - (2) Have a concentration as specified under § 7-204.1 and as indicated by the manufacturer's use directions included in the labeling, and
  - (3) Be used only in water with 500 MG/L hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions,
- (D) If another solution of a chemical specified under ¶¶ (A)-(C) of this section is used, the permit holder must demonstrate to the Health Authority that the solution achieves sanitization and the use of the solution must be approved,
- (E) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it must be applied in accordance with the EPA-registered label use instructions, and
- (F) If a chemical sanitizer is generated by a device located on-site at the food establishment it must be used as specified in ¶¶(A)-(D) of this section and must be produced by a device that:
- (1) Complies with Regulation as specified in §§ 2(q)(1) and 12 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
  - (2) Complies with 40 CFR 152.500 *Requirement for Devices* and 40 CFR 156.10 *Labeling requirements*,
  - (3) Displays the EPA device manufacturing facility registration number on the device, and
  - (4) Is operated and maintained in accordance with manufacturer's instructions.

#### **4-501.15 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.

#### **4-501.16 Warewashing Equipment, Determining Chemical Sanitizer Concentration**

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

**4-502                    Utensils and Measuring Devices**  
**4-502.1                Good Repair and Calibration**

- (A)     Utensils must be maintained in a state of repair or condition that complies with the requirements specified under Parts 4-1 and 4-2 or must 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.

**4-502.2                Single-Service and Single-Use Articles, Required Use**

A food establishment without facilities specified under Parts 4-6 and 4-7 for cleaning and sanitizing kitchenware and tableware must provide only single-use kitchenware, single-service articles, and single-use articles for use by food handlers, and single-service articles for use by consumers.

**4-502.3                Single-Service and Single-Use Articles, Use Limitation**

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

**4-502.4                Shells, Use Limitation**

Mollusk and crustacea shells must not be used more than once as serving containers.

<b>4-6</b>	<b>Cleaning of Equipment and Utensils</b>
<b>Subparts</b>	
<b>4-601</b>	<b>Cleaning Objective for Equipment , Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils</b>
<b>4-602</b>	<b>Frequency</b>
<b>4-603</b>	<b>Methods</b>

**4-601                    Cleaning Objective for 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.



**4-602 Frequency**  
**4-602.1 Equipment Food-Contact Surfaces and Utensils**

- (A) Equipment, food-contact surfaces, and utensils must be cleaned:
- (1) Except as specified in ¶ (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 TCS 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) Subparagraph (A)(1) of this section does not apply if the utensils and food-contact surfaces of equipment are in contact with a succession of different types of raw meat and poultry each requiring a higher cooking temperature as specified under § 3-401.1 than the previous type.
- (C) Except as specified in ¶ (D) of this section, if used with TCS food, utensils and food-contact surfaces of equipment must be cleaned throughout the day at least every four hours.
- (D) Surfaces of utensils and equipment contacting TCS food may be cleaned less frequently than every four hours if:
- (1) In storage, containers of TCS food and their contents are maintained at temperatures specified under Chapter 3 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 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 below	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 that hold ready-to-eat TCS food that is maintained at the temperatures specified under Chapter 3, 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 temperatures specified under Chapter 3,
  - (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 illness, 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 as specified under § 4-603.1, surfaces of utensils and equipment contacting food that is not TCS 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 beverage dispensing nozzles and enclosed components of equipment such as cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, and coffee bean grinders:
    - (a) At a frequency specified by the manufacturer, or
    - (b) At a frequency necessary to preclude accumulation of soil, scale, or microbial growth.
  - (5) Equipment such as ice bins, ice makers, and water vending machines must be cleaned at a frequency necessary to preclude accumulation of soil, scale, or microbial growth.

**(F)** To verify that the frequency of cleaning for ice bins, ice makers, and water vending machines is adequate, a food establishment that is packaging ice for human consumption must submit to an approved laboratory, once every six months, a sample of each type of finished product for microbiological analysis. The analysis must include testing for fecal coliform and total coliform organisms, and:

- (1)** If the test results in a positive sample, the unit must be taken out of service until such time a follow up test confirms the absence of total coliform.
- (2)** Records of sampling and analyses must be maintained for a period of not less than 2 years and made available to the Health Authority upon request.

#### **4-602.2          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 as specified in Subparagraph 4-602.1(D)(6).
- (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.

#### **4-602.3          Nonfood-Contact Surfaces**

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

#### **4-603          Methods**

##### **4-603.1          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 TCS food.
- (B)** Cleaning equipment used in dry cleaning food-contact surfaces must not be used for any other purpose.

##### **4-603.2          Precleaning**

- (A)** Food debris on equipment and utensils must be scraped over a 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 rinsed, presoaked, or scrubbed with abrasives.

##### **4-603.3          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.

#### **4-603.4 Wet Cleaning**

- (A) Utensils and food-contact surfaces of equipment must be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary 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.

#### **4-603.5 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 as specified in ¶ 4-301.2(C) 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 as specified under ¶ 4-603.4(A).

#### **4-603.6 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 of the following procedures:

- (A) Use of a distinct, separate water rinse after washing and before sanitizing if using:
  - (1) A three-compartment sink,
  - (2) Alternative manual warewashing equipment equivalent to a three-compartment sink as specified in ¶ 4-301.2(C), or
  - (3) A three-step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment,
- (B) Use of a detergent-sanitizer as specified under § 4-501.15 if using:
  - (1) Alternative warewashing equipment as specified in ¶ 4-301.2(C) that is approved for use with a detergent-sanitizer, or

- (2) A warewashing system for CIP equipment,
- (C) If using a warewashing machine that does not recycle the sanitizing solution as specified under ¶ (D) of this section, or alternative manual warewashing equipment such as sprayers, use of a non-distinct water rinse that is:
  - (1) Integrated in the application of the sanitizing solution, and
  - (2) Wasted immediately after each application, or
- (D) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a non-distinct water rinse that is integrated in the application of the sanitizing solution.

<b>4-7</b>	<b>Sanitization of Equipment and Utensils</b>
<b>Subparts</b>	
<b>4-701</b>	<b>Sanitization Objective for Food-Contact Surfaces and Utensils</b>
<b>4-702</b>	<b>Hot Water and Chemical Sanitization Methods</b>

**4-701 Sanitization Objective for Food-Contact Surfaces and Utensils**  
**4-701.1 Frequency Before Use After Cleaning**

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

**4-702 Hot Water and Chemical Sanitization Methods**

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

- (A) Hot water manual operations by immersion for at least 30 seconds and as specified under § 4-501.11,
- (B) Hot water mechanical operations by being cycled through equipment that is set up as specified under §§ 4-501.5, 4-501.12, and 4-501.13 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 under § 4-501.14. Contact times must be consistent with those on EPA-registered label use instructions by providing:
  - (1) Except as specified under Subparagraph (C)(2) of this section, a contact time of at least ten (10) seconds for a chlorine solution specified under ¶ 4-501.14(A),
  - (2) A contact time of at least seven seconds for a chlorine solution of 50 mg/L 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) A contact time of at least 30 seconds for other chemical sanitizing solutions, or
- (4) A contact time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in ¶ 1-201.

<b>4-8</b>	<b>Laundering</b>
<b>Subparts</b>	
<b>4-801</b>	<b>Laundering Objective for Clean Linens</b>
<b>4-802</b>	<b>Frequency Specifications</b>
<b>4-803</b>	<b>Methods</b>

#### **4-801 Laundering Objective for Clean Linens**

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

#### **4-802 Frequency 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 used as specified in ¶ 3-304.5(D) must be laundered before being used with a different type of raw animal food such as beef, fish, lamb, pork or poultry.
- (C) Linens that are used as specified under § 3-304.3 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.

#### **4-803 Methods**

##### **4-803.1 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.

##### **4-803.2 Mechanical Washing**

- (A) Except as specified in ¶ (B) of this section, linens must be mechanically washed.
- (B) In food establishments in which only wiping cloths are laundered as specified in ¶4- 301.5(B), 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 as specified under § 4-501.4.

### **4-803.3 Use of Laundry Facilities**

- (A)** Except as specified in ¶ (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.

<b>4-9</b>	<b>Protection of Clean Items</b>
<b>Subparts</b>	
<b>4-901</b>	<b>Drying</b>
<b>4-902</b>	<b>Lubricating and Reassembling</b>
<b>4-903</b>	<b>Storing</b>
<b>4-904</b>	<b>Preventing Contamination</b>

#### **4-901 Drying**

##### **4-901.1 Equipment and Utensils, Air-Drying Required**

After cleaning and sanitizing, equipment and utensils:

- (A)** Shall be air-dried or used after adequate draining as specified in the first paragraph of 40 CFR 180.940 *Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions)*, 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.

##### **4-901.2 Wiping Cloths, Air-Drying Locations**

Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer as specified in ¶ 4-301.5(B) 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 as specified under § 4-501.14.

#### **4-902 Lubricating and Reassembling**

##### **4-902.1 Food-Contact Surfaces**

Lubricants as specified under § 7-205 must be applied to food-contact surfaces that require lubrication in a manner that does not contaminate the food-contact surfaces.

##### **4-902.2 Equipment**

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

**4-903                    Storing**  
**4-903.1                Equipment, Utensils, Linens, and Single- Service and Single-Use Articles**

- (A) Except as specified in ¶ (D) of this section, cleaned and sanitized 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 cm) above the floor.
- (B) Clean equipment and utensils must be stored as specified under ¶ (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 ¶(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 cm) above the floor on dollies, pallets, racks, and skids that are designed as specified under § 4- 204.23.

**4-903.2                Prohibitions**

- (A) Except as specified in ¶ (B) of this section, cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles must not be stored:
- (1) In locker rooms,
  - (2) In restrooms,
  - (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.

**4-904 Preventing Contamination**  
**4-904.1 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 food handlers and by consumers if consumer self-service is provided.
- (C) Except as specified under ¶ (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.

**4-904.2 Soiled and Clean Tableware**

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

**4-904.3 Preset Tableware**

- (A) Except as specified in ¶ (B) of this section, tableware that is preset must be protected from contamination by being wrapped, covered, or inverted.
- (B) Preset tableware may be exposed if:
  - (1) Unused settings are removed when a consumer is seated, or
  - (2) Settings not removed when a consumer is seated are cleaned and sanitized before further use.

**4-904.4 Rinsing Equipment and Utensils after Cleaning and Sanitizing**

After being cleaned and sanitized, equipment and utensils must 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 under Subparts 4-204 and 4-501, 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.

## Chapter 5 Water, Plumbing, and Waste

### Parts

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

5-1	Water
Subparts	
5-101	Source
5-102	Quality
5-103	Quantity and Availability
5-104	Distribution, Delivery, and Retention

- 5-101 Source
- 5-101.1 Approved System

Drinking water must be obtained from an approved source that is:

- (A) A public water system meeting NRS 445A, NAC 445A and 40 CFR 141, or
- (B) A non-public water system that meets state standards and requires:
  - (1) Sampling and testing at least annually or as required by the state drinking water standards, and
  - (2) Test results for water analysis to be retained in the food establishment, or as required by law, or
- (C) Bottled drinking water that meets the requirements in 5-101.3.

### 5-101.2 System Flushing and Disinfection

A drinking water system must be flushed and disinfected before being placed in service after construction, repair, modification, or after an emergency situation, such as a flood, that may introduce contaminants to the system.

### 5-101.3 Bottled Drinking Water

Bottled drinking water used or sold in a food establishment must be obtained from an approved source in accordance with 21 CFR 129 *Processing and Bottling of Bottled Drinking Water* and 21 CFR 165.110 *Bottled Water*.

- 5-102 Quality
- 5-102.1 Standards

Except as specified under § 5-102.2:

- (A) Water from a public water system must meet 40 CFR 141 *National Primary Drinking Water Regulations* and state drinking water quality standards, and
- (B) Water from a non-public water system must meet state drinking water quality standards.

#### **5-102.2 Non-Drinking Water**

- (A) A non-drinking water supply must be used only if its use is approved.
- (B) Non-drinking water must be used only for non-culinary purposes such as air conditioning, non-food equipment cooling, irrigation, and fire protection.

#### **5-102.3 Sampling**

Except when used as specified under § 5-102.2, water from a non-public water system must be sampled and tested at least annually and as required by the water quality standard regulations for Nevada.

#### **5-102.4 Sample Report**

The most recent sample report for the non-public water system must be retained on file in the food establishment or the report must be maintained as specified by water quality standard regulations for Nevada.

### **5-103 Quantity and Availability**

#### **5-103.1 Capacity**

- (A) The water source and system must be of sufficient capacity to meet the peak water demands of the food establishment.
- (B) Hot water generation and distribution systems must be sufficient to meet the peak hot water demands throughout the food establishment. The Health Authority may require an assessment by a professional engineer or a licensed plumbing contractor to determine sufficient hot water capacity if peak demands cannot be met.

#### **5-103.2 Pressure**

Water under pressure must be provided to all fixtures, equipment, and non-food equipment that are required to use water except that water supplied as specified under ¶¶ 5-104.2(A) and (B) to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.

### **5-104 Distribution, Delivery, and Retention**

#### **5-104.1 System**

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

- (A) An approved public water main, or
- (B) One or more of the following that must be constructed, maintained, and operated according to law:
  - (1) Non-public water main, water pumps, pipes, hoses, connections, and other appurtenances,
  - (2) Water transport vehicles, or
  - (3) Water containers.

#### **5-104.2 Alternative Water Supply**

Water meeting the requirements specified under §§ 5-101, 5-102, and 5-103 must be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a food establishment with a temporary interruption of its water supply through:

- (A) A supply of containers of commercially bottled drinking water,
- (B) One or more closed portable water containers,
- (C) An enclosed vehicular water tank,
- (D) An on-premises water storage tank, or
- (E) Piping, tubing, or hoses connected to an adjacent approved source.

<b>5-2</b>	<b>Plumbing System</b>
<b>Subparts</b>	
<b>5-201</b>	<b>Approved Materials</b>
<b>5-202</b>	<b>Design, Construction, and Installation</b>
<b>5-203</b>	<b>Numbers and Capacities</b>
<b>5-204</b>	<b>Location and Placement</b>
<b>5-205</b>	<b>Operation and Maintenance</b>

#### **5-201 Approved Materials**

- (A) A plumbing system and hoses conveying water must be constructed and repaired with approved materials according to law.
- (B) A water filter must be made of approved materials.

#### **5-202 Design, Construction, and Installation**

##### **5-202.1 Approved System and Cleanable Fixtures**

- (A) A plumbing system must be designed, constructed, and installed according to law.
- (B) A plumbing fixture such as a handwashing sink, toilet, or urinal must be easily cleanable.

#### **5-202.2 Handwashing Sink, Installation**

- (A) Handwashing sinks must be equipped to provide water at a temperature of at least 100 °F (38 °C) through a mixing valve or combination faucet.
- (B) A steam mixing valve must not be used at a handwashing sink.
- (C) A self-closing, slow-closing, or metering faucet must provide a flow of water for at least 15 seconds without the need to reactivate the faucet.
- (D) An automatic handwashing facility must be installed in accordance with the manufacturer's instructions.

#### **5-202.3 Backflow Prevention, Air Gap**

An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or non-food equipment must be at least twice the diameter of the water supply inlet and must not be less than 1 inch (25 mm).

#### **5-202.4 Backflow Prevention Device, Design Standard**

A backflow or back siphonage prevention device installed on a water supply system must meet American Society of Sanitary Engineering (ASSE) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.

#### **5-202.5 Conditioning Device, Design**

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

### **5-203 Numbers and Capacities**

#### **5-203.1 Handwashing Sinks**

- (A) Except as specified in ¶¶ (B) and (C) of this section, each food establishment must have a number of handwashing sinks necessary for convenient use by employees in areas specified under §5-204.1, and no less than the number of handwashing sinks required by the Uniform Plumbing Code.
- (B) If approved and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing sinks in a food establishment that has at least one handwashing sink.

#### **5-203.2 Toilets and Urinals**

At least one toilet, and not fewer than the toilets required by the Uniform Plumbing Code, must be provided.

### **5-203.3 Service Sink**

- (A) At least one service sink or one curbed cleaning facility equipped with a floor drain must be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid wastewater.
- (B) Toilets, urinals, or sinks normally used for preparing food or washing utensils or equipment may not be used as a service sink for the disposal of commercial or industrial wastewater such as mop water.

### **5-203.4 Backflow Prevention Device, When Required**

A plumbing system must be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food establishment, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by law, by:

- (A) Providing an air gap as specified under §5-202.3, or
- (B) Installing an approved backflow prevention device as specified under §5-202.4.

### **5-203.5 Backflow Prevention Device, Carbonator**

- (A) If not provided with an air gap as specified under §5-202.3, a dual 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.
- (B) A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under ¶ (A) of this section.

## **5-204 Location and Placement**

### **5-204.1 Handwashing Sinks**

A handwashing sink must be located:

- (A) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas, and
- (B) In, or immediately adjacent to, restrooms.

### **5-204.2 Backflow Prevention Device, Location**

A backflow prevention device must be located so that it may be serviced and maintained.

### **5-204.3 Conditioning Device, Location**

A water filter, screen, and other water conditioning device installed on water lines must be located to facilitate disassembly for periodic servicing and cleaning.

**5-205                    Operation and Maintenance**  
**5-205.1                Using a Handwashing Sink**

- (A)            A handwashing sink must be maintained so that it is accessible at all times for employee use.
- (B)            A handwashing sink must not be used for purposes other than handwashing.
- (C)            An automatic handwashing facility must be used in accordance with manufacturer's instructions.

**5-205.2                Prohibiting a Cross Connection**

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

**5-205.3                Scheduling Inspection and Service for a Water System Device**

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 or obtained by the PIC and made available to the Health Authority upon request.

**5-205.4                Water Reservoir of Fogging Devices, Cleaning**

- (A)            A reservoir that is used to supply water to a device such as a 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 ¶ (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 hypochlorite solution.

#### **5-205.5 System Maintained in Good Repair**

A plumbing system must be:

- (A) Repaired according to law, and
- (B) Maintained in good repair.

<b>5-3</b>	<b>Mobile Water Tank and Mobile Food Establishment Water Tank</b>
<b>Subparts</b>	
<b>5-301</b>	<b>Approved Materials</b>
<b>5-302</b>	<b>Design and Construction</b>
<b>5-303</b>	<b>Numbers and Capacities</b>
<b>5-304</b>	<b>Operation and Maintenance</b>

#### **5-301 Approved Materials**

Materials that are used in the construction of a mobile water tank, mobile unit water tank, and appurtenances must be:

- (A) Safe,
- (B) Durable, corrosion-resistant, and nonabsorbent, and
- (C) Finished to have a smooth, easily cleanable surface.

#### **5-302 Design and Construction** **5-302.1 Enclosed System, Sloped to Drain**

A mobile water tank must be:

- (A) Enclosed from the filling inlet to the discharge outlet, and
- (B) Sloped to an outlet that allows complete drainage of the tank.

#### **5-302.2 Inspection and Cleaning Port, Protected and Secured**

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

- (A) Flanged upward at least ½ inch (13 mm), and
- (B) Equipped with a port cover assembly that is:



- (1) Provided with a gasket and a device for securing the cover in place, and
- (2) Flanged to overlap the opening and sloped to drain.

### **5-302.3 V Type Threads, Use Limitation**

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

### **5-302.4 Tank Vent, Protected**

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

- (A) 16 mesh to 1 inch (16 mesh to 25.4 mm) screen or equivalent when the vent is in a protected area, or
- (B) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

### **5-302.5 Inlet and Outlet, Sloped to Drain**

- (A) A water tank and its inlet and outlet must be sloped to drain.
- (B) A water tank inlet must be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

### **5-302.6 Hose, Construction and Identification**

A hose used for conveying drinking water from a water tank must be:

- (A) Safe,
- (B) Durable, corrosion-resistant, and nonabsorbent,
- (C) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition,
- (D) Finished with a smooth interior surface, and
- (E) Clearly and durably identified as to its use if not permanently attached.

## **5-303 Numbers and Capacities**

### **5-303.1 Filter, Compressed Air**

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

### **5-303.2 Protective Cover or Device**

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.

### **5-303.3 Mobile Food Establishment Tank Inlet**

A mobile food establishment's water tank inlet must be:

- (A) Three-fourths inch (19.1 mm) in inner diameter or less, and
- (B) Provided with a hose connection of a size or type that will prevent its use for any other service.

### **5-304 Operation and Maintenance**

#### **5-304.1 System Flushing and Sanitization**

A water tank, pump, and hoses must be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.

#### **5-304.2 Using a Pump and Hoses, Backflow Prevention**

A person must operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

#### **5-304.3 Protecting Inlet, Outlet, and Hose Fitting**

If not in use, a water tank and hose inlet and outlet fitting must be protected using a cover or device as specified under § 5-303.2.

#### **5-304.4 Tank, Pump, and Hoses, Dedication**

- (A) Except as specified in ¶ (B) of this section, a water tank, pump, and hoses used for conveying drinking water must be used for no other purpose.
- (B) Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

<b>5-4</b>	<b>Sewage, Other Liquid Waste, and Rainwater</b>
<b>Subparts</b>	
<b>5-401</b>	<b>Mobile Holding Tank</b>
<b>5-402</b>	<b>Retention, Drainage, and Delivery</b>
<b>5-403</b>	<b>Disposal Facility</b>

### **5-401 Mobile Holding Tank**

#### **5-401.1 Capacity and Drainage**

A sewage holding tank in a mobile unit must be:

- (A) Sized 15 percent larger in capacity than the water supply tank(s), and
- (B) Sloped to a drain that is 1 inch (25 mm) in inner diameter or greater and equipped with a shut-off valve.

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

**5-402.1 Establishment Drainage System**

Food establishment drainage systems that convey sewage, including grease interceptors, must be designed and installed as specified under ¶ 5-202.1(A).

**5-402.2 Backflow Prevention**

- (A) Except as specified in ¶¶ (B), and (C) of this section, a direct connection must not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.
- (B) Paragraph (A) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.
- (C) If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 5 feet (1.5 m) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

**5-402.3 Grease Interceptor**

If present, a grease interceptor must be located to be easily accessible for cleaning, maintenance, and inspections.

**5-402.4 Conveying Sewage**

Sewage must be conveyed to the point of disposal through an approved sanitary sewage system or other approved system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

**5-402.5 Removing Mobile Unit Waste**

Sewage and other liquid wastes must be removed from a mobile unit at an approved waste servicing area or by a permitted liquid waste hauler. The sewage must be removed in such a way that a public health hazard or nuisance is not created.

**5-402.6 Flushing a Waste Retention Tank**

A tank for liquid waste retention must be thoroughly flushed and drained in a sanitary manner during the servicing operation.

**5-403 Disposal Facility**

**5-403.1 Approved Sewage Disposal System**

Sewage must be disposed through an approved facility that is:

- (A) A public sewage treatment plant, or
- (B) A permitted individual sewage disposal system that is sized, constructed, maintained, and operated according to law.

#### **5-403.2 Other Liquid Wastes and Rainwater**

Condensate drainage and other non-sewage liquids and rainwater must be drained from the point of discharge to disposal according to law.

<b>5-5</b>	<b>Refuse, Recyclables, and Returnables</b>
<b>Subparts</b>	
<b>5-501</b>	<b>Facilities on the Premises</b>
<b>5-502</b>	<b>Removal</b>
<b>5-503</b>	<b>Community or Individual Facilities for Disposal and Recycling</b>

#### **5-501 Facilities on the Premises**

##### **5-501.1 Indoor Storage Area**

If located within the food establishment, a storage area for refuse, recyclables, and returnables must meet the requirements specified under Subparts 6-101 and 6-201 and §§ 6-202.5 and 6-202.6.

##### **5-501.2 Outdoor Storage Surface**

An outdoor storage surface for refuse, recyclables, and returnables must be constructed of nonabsorbent material such as concrete or asphalt and must be of a cleanable design, durable, and sloped to drain.

##### **5-501.3 Outdoor Enclosure**

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

##### **5-501.4 Receptacles**

- (A) Except as specified in ¶ (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, leakproof, 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.

##### **5-501.5 Receptacles in Vending Machines**

Except for a receptacle for beverage bottle crown closures, a refuse receptacle must not be located within a vending machine.

**5-501.6 Outside Receptacles**

- (A) Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment must be designed and constructed to have tight-fitting lids, doors, or covers.
- (B) 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 under the unit, if the unit is not installed flush with the base pad.

**5-501.7 Storage Areas, Rooms, and Receptacles, Capacity and Availability**

- (A) Interior and exterior storage areas, enclosures, and receptacles used to hold refuse, recyclables, and returnables must be of sufficient capacity to prevent nuisance conditions.
- (B) A minimum of one 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.
- (C) If disposable towels are used at handwashing lavatories, a waste receptacle must be located at each restroom sink or group of adjacent sinks.

**5-501.8 Restroom Receptacle, Covered**

A restroom used by females must be provided with a covered receptacle for sanitary napkins.

**5-501.9 Cleaning Implements and Supplies**

- (A) Except as specified in ¶ (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.

**5-501.10 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location**

- (A) An area designated for refuse, recyclables, returnables, and, except as specified in ¶(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 must not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

#### **5-501.11 Storing Refuse, Recyclables, and Returnables**

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

#### **5-501.12 Areas, Enclosures, and Receptacles, Good Repair**

Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables must be maintained in good repair.

#### **5-501.13 Outside Storage Prohibitions**

- (A) Except as specified in ¶ (B) of this section, refuse receptacles not meeting the requirements specified under ¶ 5-501.4(A) such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue must not be stored outside.
- (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.

#### **5-501.14 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.

#### **5-501.15 Using Drain Plugs**

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

#### **5-501.16 Maintaining Refuse Areas and Enclosures**

Storage areas and enclosures for refuse, recyclables, or returnables must be maintained clean and free of unnecessary items, as specified under § 6-501.15.

**5-501.17            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 § 5-402.4.
- (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.

**5-502                Removal**  
**5-502.1            Frequency**

Refuse, recyclables, and returnables must be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

**5-502.2            Receptacles or Vehicles**

Refuse, recyclables, and returnables must be removed from the premises by way of:

- (A)**     Portable receptacles that are constructed and maintained according to law, or
- (B)**     A transport vehicle that is constructed, maintained, and operated according to law.

**5-503                Community or Individual Facilities for Disposal and Recycling**

Solid waste must be recycled or disposed of in an approved recycling or refuse facility; or disposed of in an individual refuse facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to law.

## Chapter 6 Facilities

### Parts

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

6-1	Materials for Construction and Repair
Subparts	
6-101	Indoor Area Surface Characteristics
6-102	Outdoor Area Surface Characteristics

### 6-101 Indoor Area Surface Characteristics

- (A) Except as specified in ¶ (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use must be:
- (1) Smooth, durable, and easily cleanable for areas where food establishment operations are conducted,
  - (2) Closely woven and easily cleanable carpet where carpeted areas are allowed, and
  - (3) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, restrooms, mobile unit servicing areas, and areas subject to flushing or spray cleaning methods.
- (B) In a Temporary food establishment:
- (1) If graded to drain, a floor may be concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other approved materials that are effectively treated to control dust and mud, and
  - (2) Walls and ceilings must be constructed of a material that protects the interior from the weather and windblown dust and debris.

### 6-102 Outdoor Area Surface Characteristics

- (A) The outdoor walking and driving areas must be surfaced with concrete, asphalt, gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- (B) Exterior surfaces of buildings and Mobile Units must be of weather-resistant materials.
- (C) Outdoor storage areas for refuse, recyclables, or returnables must be of materials specified under §§ 5-501.2 and 5-501.3.



<b>6-2</b>	<b>Design, Construction, and Installation</b>
<b>Subparts</b>	
<b>6-201</b>	<b>Cleanability</b>
<b>6-202</b>	<b>Functionality</b>

**6-201**            **Cleanability**  
**6-201.1**        **Floors, Walls, and Ceilings**

Except as specified under § 6-201.4 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, easily cleanable.

**6-201.2**        **Floors, Walls, and Ceilings, Utility Lines**

- (A)    Utility service lines and pipes must 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 must not be installed on the floor.

**6-201.3**        **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.

**6-201.4**        **Floor Carpeting, Restrictions and Installation**

- (A)    A floor covering such as carpeting or similar material must not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, restroom 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 ¶ (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 approved method, 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.

**6-201.5 Floor Covering, Mats and Duckboards**

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

**6-201.6 Wall and Ceiling Coverings and Coatings**

- (A) Wall and ceiling covering materials must be attached so that they are easily cleanable.
- (B) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction must be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

**6-201.7 Walls and Ceilings, Attachments**

- (A) Except as specified in ¶ (B) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall and ceiling mounted fans, decorative items, and other attachments must be easily cleanable and secured with no gaps.
- (B) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

**6-201.8 Walls and Ceilings, Studs, Joists, and Rafters**

Except for temporary food establishments, studs, joists, and rafters must not be exposed in areas subject to moisture.

**6-202 Functionality**

**6-202.1 Light Bulbs, Protective Shielding**

- (A) Except as specified in ¶ (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.

**6-202.2 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.

#### **6-202.3 Insect Control Devices, Design and Installation**

- (A)** Insect control devices that are used to electrocute or stun flying insects must be designed to retain the insect within the device.
- (B)** Insect control devices must be installed so that:
  - (1)** The devices are not located over a food handling or storage area, and
  - (2)** Dead insects and insect fragments are prevented from being impelled onto or falling on food-contact surfaces, exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

#### **6-202.4 Restrooms, Enclosed**

A restroom located within a food preparation area must be completely enclosed and provided with a tight fitting and self-closing door. The restroom must be adequately vented as required by the International Building Code.

#### **6-202.5 Outer Openings, Protected**

- (A)** Except as specified in ¶¶ (B), (C), and (E) and under ¶ (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)** Paragraph (A) of this section does not apply if a food establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and 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) Except as specified in ¶¶ (B) and (E) of this section, if the windows or doors of a food establishment, or of a larger structure within which a food establishment is located, are kept open for ventilation or other purposes or a temporary food establishment is not provided with windows and doors as specified under ¶ (A) of this section, 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.
- (E) Paragraph (D) of this section does not apply if flying insects and other pests are absent due to the location of the establishment or other limiting conditions.

**6-202.6 Exterior Walls and Roofs, Protective Barrier**

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

**6-202.7 Outdoor Food Vending Areas, Overhead Protection**

Except for machines that vend canned beverages, if located outside, a machine used to vend food must be provided with overhead protection.

**6-202.8 Outdoor Servicing Areas, Overhead Protection**

Servicing depot areas utilized for filling freshwater or the discharge of sewage or other liquid waste freshwater tanks must be provided with overhead protection unless otherwise protected using a closed system of hoses.

**6-202.9 Outdoor Walking and Driving Surfaces, Graded to Drain**

Exterior walking and driving surfaces must be graded to drain.

**6-202.10 Outdoor Refuse Areas, Curbed and Graded to Drain**

Outdoor refuse areas must be constructed in accordance with law and must be curbed and graded to a drain which collects and disposes of wastewater that results from the refuse and from cleaning the area and waste receptacles to the sanitary sewer or other approved sewer disposal system.

**6-202.11 Private Homes and Living or Sleeping Quarters, Use Prohibition**

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters must not be used for conducting food establishment operations.

**6-202.12 Living or Sleeping Quarters, Separation**

Living or sleeping quarters located on the premises of a food establishment such as those provided for lodging registration clerks or resident managers must be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.

<b>6-3</b>	<b>Numbers and Capacities</b>
<b>Subparts</b>	
<b>6-301</b>	<b>Handwashing Sinks</b>
<b>6-302</b>	<b>Toilets and Urinals</b>
<b>6-303</b>	<b>Lighting Intensity</b>
<b>6-304</b>	<b>Mechanical Ventilation</b>
<b>6-305</b>	<b>Designated Dressing Areas and Lockers</b>
<b>6-306</b>	<b>Availability of Service Sinks</b>

## **6-301 Handwashing Sinks**

### **6-301.1 Minimum Number**

Handwashing sinks must be provided as specified under § 5-203.1.

### **6-301.2 Handwashing Cleanser, Availability**

Each handwashing sink, or group of two adjacent handwashing sinks, must be provided with a supply of hand cleaning liquid or powder in an approved dispenser.

### **6-301.3 Hand Drying Provision**

Each handwashing sink, or group of two adjacent handwashing sinks, must be provided with individual, disposable towels stored in a sanitary manner.

### **6-301.4 Handwashing Aids and Devices, Use Restrictions**

A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, must not be provided with the handwashing aids and devices required for a handwashing sink as specified under §§ 6-301.2 and 6-301.3 and ¶ 5-501.7(C).

### **6-301.5 Handwashing Signage**

A sign or poster that notifies food handlers to wash their hands must be provided at all wall-mounted handwashing sinks used by food handlers and must be clearly visible to food handlers.

### **6-301.6 Disposable Towels, Waste Receptacle**

A handwashing sink, or group of adjacent handwashing sinks, that is provided with disposable towels must be provided with an uncovered or hands-free waste receptacle as specified under ¶ 5-501.7(C).

## **6-302 Toilets and Urinals**

### **6-302.1 Minimum Number**

Toilets and urinals must be provided as specified under § 5-203.2.

**6-302.2 Toilet Tissue, Availability**

A supply of toilet tissue in a dispenser must be available at each toilet.

**6-303 Lighting Intensity**

The light intensity must be:

- (A)** At least ten-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 use or 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, offered or displayed for sale, or served,
  - (2)** Inside equipment such as reach-in and under-counter refrigerators, and
  - (3)** At a distance of 30 inches (75 cm) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in restrooms, and,
- (C)** At least 50-foot candles (540 lux) at a surface where a food handler is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

**6-304 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.

**6-305 Designated Dressing Areas and Lockers**

- (A)** Dressing rooms or dressing areas must be designated and used if employees routinely change their clothes in the establishment.
- (B)** Lockers or other suitable facilities must be provided and used for the orderly storage of employees' clothing and other possessions, away from where food is prepared or unpackaged food is stored.

**6-306 Availability of Service Sinks**

A service sink or curbed cleaning facility must be provided as specified under ¶ 5-203.3(A).

<b>6-4</b>	<b>Location and Placement</b>
<b>Subparts</b>	
<b>6-401</b>	<b>Conveniently Located Handwashing Sinks</b>
<b>6-402</b>	<b>Convenience and Accessibility of Toilet Rooms</b>
<b>6-403</b>	<b>Designated Areas for Employee Accommodations</b>
<b>6-404</b>	<b>Segregation and Location of Distressed Merchandise</b>
<b>6-405</b>	<b>Refuse, Recyclables, and Returnables Receptacles, Waste Handling Units, and Designated Storage Areas</b>

**6-401 Conveniently Located Handwashing Sinks**

Handwashing sinks must be conveniently located as specified under § 5-204.1.

**6-402 Convenience and Accessibility of Restrooms**

Restrooms must be conveniently located and accessible to employees during all hours of operation.

**6-403 Designated Areas for Employee Accommodations**

- (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.

**6-404 Segregation and Location of Distressed Merchandise**

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.

**6-405 Refuse, Recyclables, and Returnables Receptacles, Waste Handling Units, and Designated Storage Areas**

Storage areas, enclosures, receptacles, and waste handling units for storage of refuse, recyclables, and returnables must be located as specified under § 5-501.10.

<b>6-5</b>	<b>Maintenance and Operation</b>
<b>Subpart</b>	
<b>6-501</b>	<b>Premises, Structures, Attachments, and Fixtures—Methods</b>

**6-501 Premises, Structures, Attachments, and Fixtures—Methods**  
**6-501.1 Repairing**

Facilities must be maintained in good repair.

#### **6-501.2            Cleaning, Frequency and Restrictions**

- (A)**     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 and the potential for cross-contamination is minimized.

#### **6-501.3            Cleaning Floors, Dustless Methods**

- (A)**     Except as specified in ¶ (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.

#### **6-501.4            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 must not create a public health hazard, nuisance, or unlawful discharge.

#### **6-501.5            Cleaning Maintenance Tools, Preventing Contamination**

Food preparation sinks, handwashing sinks, and warewashing equipment must not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of commercial or industrial wastewater such as mop water.

#### **6-501.6            Drying Mops**

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

#### **6-501.7            Absorbent Materials on Floors, Use Limitation**

Except as specified in ¶ 6-501.3(B), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials must not be used on floors.

#### **6-501.8            Cleaning of Plumbing Fixtures**



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

**6-501.9 Closing Restroom Doors**

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

**6-501.10 Controlling Pests**

The premises must be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests must be controlled to eliminate their presence on the premises by:

- (A) Routinely inspecting incoming shipments of food and supplies,
- (B) Routinely inspecting the premises for evidence of pests,
- (C) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under §§ 7-202.2, 7-206.2, and 7-206.3, and
- (D) Eliminating harborage conditions.

**6-501.11 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.

**6-501.12 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.

**6-501.13 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.

**6-501.14 Prohibiting Animals**

- (A) Except as specified in ¶¶ (B) and (C) of this section, live animals must not be allowed on the premises of a food establishment.

- (B)** Live animals may be allowed in the following situations if the contamination of food, grocery carts or baskets, dining tables or chairs, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result:
- (1)** Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems,
  - (2)** Patrol dogs accompanying police or security officers in offices, storage areas, and dining areas,
  - (3)** Sentry dogs running loose in outside fenced areas for security reasons,
  - (4)** Service animals as defined by NRS 426.097, and as provided by the Americans with Disabilities Act, controlled by the disabled employee or person in areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, if a health or safety hazard will not result from the presence or activities of the service animal,
  - (5)** Dogs in outdoor dining areas, which are accessible without passing through the food establishment, and the patrons and staff operate in accordance with a signed *Dogs in Outdoor Dining Areas Agreement* (Appendix C), and
  - (6)** Caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals in areas that are not used for food preparation, storage, sales, display, or dining.
- (C)** Live or dead fish bait must be stored where contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result.

## Chapter 7    Poisonous or Toxic Materials

### Parts

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

- 7-1                    Labeling and Identification**
- Subparts**
- 7-101                Identifying Information on Original Containers**
- 7-102                Common Name on Working Containers**

### **7-101                Identifying Information on Original Containers**

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

### **7-102                Common Name on Working Containers**

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.

- 7-2                    Operational Supplies and Applications**
- Subpart**
- 7-201                Separation in Storage**
- 7-202                Presence and Use**
- 7-203                Poisonous or Toxic Material Container Prohibitions**
- 7-204                Chemicals**
- 7-205                Criteria for Lubricants with Incidental Food Contact**
- 7-206                Pesticides**
- 7-207                Medicines**
- 7-208                Storage of First Aid Supplies**
- 7-209                Storage of Other Personal Care Items**

### **7-201                Separation in Storage**

Poisonous or toxic materials must be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (A)**    Separating the poisonous or toxic materials by spacing or partitioning, and
- (B)**    Locating the poisonous or toxic materials in a location that is not above food, equipment, utensils, linens, and single-service and single-use articles. This paragraph 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.

**7-202**                **Presence and Use**  
**7-202.1**            **Restriction**

- (A) 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, must be allowed in a food establishment.
- (B) Paragraph (A) of this section does not apply to packaged poisonous or toxic materials that are for retail sale.

**7-202.2**            **Conditions of Use**

Poisonous or toxic materials must be:

- (A) Used according to:
  - (1) Law and these regulations,
  - (2) 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,
  - (3) The conditions of certification, if certification is required, for use of the pest control materials, and
  - (4) Additional conditions that may be established by the Health Authority, and
- (B) Applied so that:
  - (1) A hazard to employees or other persons is not constituted, and
  - (2) Contamination, including, without limitation, toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, which, for a restricted-use pesticide, must be achieved by:
    - (a) Removing the items,
    - (b) Covering the items with impermeable covers or taking other appropriate preventive actions, and
    - (c) Cleaning and sanitizing equipment and utensils after the application.
- (C) A restricted-use pesticide must be applied only by an applicator certified by the State of Nevada in accordance with NAC Chapter 555 and 40 CFR 152, or an individual under the direct supervision of a certified applicator.

**7-203**                **Poisonous or Toxic Material Container Prohibitions**

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

**7-204                    Chemicals**  
**7-204.1                Sanitizers, Criteria**

Chemical sanitizers, including chemical sanitizing solutions generated on-site, and other chemical antimicrobials applied to food-contact surfaces must:

- (A) Meet the requirements specified in 40 CFR 180.940 *Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions)*, or
- (B) Meet the requirements as specified in 40 CFR 180.2020 *Pesticide Chemicals Not Requiring a Tolerance or Exemption from Tolerance Non-food determinations*.

**7-204.2                Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria**

- (A) Chemicals, including those generated on-site, used to wash or peel raw, whole fruits and vegetables or used in the treatment, storage, and processing of fruits and vegetables must:
  - (1) Be an approved food additive listed for this intended use in 21 CFR 173 *Perfluorinated ion exchange membranes*, or
  - (2) Be generally recognized as safe (GRAS) 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 Pesticides 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*.

**7-204.3                Boiler Water Additives, Criteria**

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

**7-204.4                Drying Agents, Criteria**

Drying agents used in conjunction with sanitization must:

- (A) Contain only components that are listed as one of the following:
  - (1) GRAS for use in food as specified in 21 CFR 182 *Substances Generally Recognized as Safe*, or 21 CFR 184 *Direct Food Substances Affirmed as Generally Recognized as Safe*,

- (2) GRAS for the intended use as specified in 21 CFR 186 *Indirect Food Substances Affirmed as Generally Recognized as Safe*,
  - (3) GRAS for the intended use as determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to food as described in 21 CFR 170.30 *Eligibility for classification as generally recognized as safe (GRAS)*,
  - (4) Subject of an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act Section 409(h),
  - (5) Approved for use as a drying agent under a prior sanction as described in the Federal Food Drug and Cosmetic Act (FFDCA) § 201(s)(4),
  - (6) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR Parts 174-178, or
  - (7) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 *Threshold of regulation for substances used in food-contact articles*; and
- (B) When sanitization is with chemicals, the requirements under Subparagraph (A)(5), (A)(6), or (A)(7) of this section must be specifically for use with chemical sanitizing solutions.

#### **7-205 Criteria for Lubricants with Incidental Food Contact**

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

#### **7-206 Pesticides**

##### **7-206.1 Restricted-Use Pesticides, Criteria**

Restricted-use pesticides specified under ¶ 7-202.2(C) must meet the requirements specified in 40 CFR 152 Subpart I *Classification of Pesticides*.

##### **7-206.2 Rodent Bait Stations and Snap Traps**

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

##### **7-206.3 Tracking-Powders, Pest Control Monitoring**

- (A) Except as specified in ¶ (B) of this section, a tracking-powder pesticide must 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.

**7-207 Medicines**  
**7-207.1 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 may be allowed in a food establishment.
- (B) Medicines that are in a food establishment for the employees' use must be labeled as specified under § 7-101.1 and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

**7-207.2 Refrigerated Medicines, Storage**

Medicines belonging to employees, or to children in a day 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, leakproof container that is identified as a container for the storage of medicines, and
- (B) Located so they are inaccessible to children.

**7-208 Storage of First Aid Supplies**

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

- (A) Labeled as specified under § 7-101, 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.

**7-209 Storage of Other Personal Care Items**

Except as specified under §§ 7-207.2 and 7-208, employees must store their personal care items in facilities as specified under ¶ 6-305.1 (B).

<b>7-3</b>	<b>Stock and Retail Sale</b>
<b>Subpart</b>	
<b>7-301</b>	<b>Separation during Storage and Display</b>

**7-301 Separation During Storage and Display**

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 and single-use articles.

## Chapter 8 Compliance and Enforcement

### Parts

- 8-1 Regulatory Applicability
- 8-2 Plan Submission and Approval
- 8-3 Permit to Operate
- 8-4 Inspection and Correction of Violations
- 8-5 Prevention of Foodborne Disease Transmission by Employees
- 8-6 Administrative, Hearing, and Appeals Process

### 8-1 Regulatory Applicability

#### Subparts

- 8-101 Use for Intended Purpose—Public Health Protection
- 8-102 Additional Requirements for Preventing Health Hazards, Provision for Conditions Not Addressed
- 8-103 Waivers

### 8-101 Use for Intended Purpose -Public Health Protection

- (A) Existing facilities or equipment that were in use and approved before the effective date of these regulations will be considered compliant only when:
  - (1) The facilities or equipment are in good repair and capable of being maintained in a sanitary condition,
  - (2) Food-contact surfaces comply with Subpart 4-101,
  - (3) The capacities of cooling, heating, and holding equipment comply with § 4-301.1, and
  - (4) The permit holder has not changed or substantially remodeled the facility.

### 8-102 Additional Requirements for Preventing Health Hazards, Provision for Conditions Not Addressed

- (A) 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.
- (B) The Health Authority must document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation must be provided to the permit applicant or permit holder and a copy must be maintained in the Health Authority's file for the food establishment.
- (C) If a food establishment objects to additional requirements imposed upon it, the permit holder may request a hearing before the Board of Health. In order to object and request a hearing, the permit holder must notify the Health Authority of its objection and desire for a hearing within five business days of the date documentation was sent pursuant to Subsection (B).



**8-103           Waivers****8-103.1       Modifications and Waivers**

The Health Authority may grant a waiver by modifying the requirements of these regulations if in the opinion of the Health Authority a health hazard or nuisance will be sufficiently mitigated. If the permit holder fails to meet the conditions of the waiver, the Health Authority may revoke the waiver. Waivers automatically terminate without further notice upon change of permit holder.

**8-103.2       Documentation of Proposed Waiver and Justification**

Before a waiver request is approved, the applicant must submit the following information to the Health Authority for consideration:

- (A)    A statement citing the relevant regulation to be waived,
- (B)    The reasons the regulation should be waived,
- (C)    An analysis of the rationale for how potential health hazards and nuisances addressed by the relevant regulation will be alternatively mitigated,
- (D)    A HACCP plan, if required as specified under ¶ 8-201.3(A), that includes the information specified under § 8-201.4 as it is relevant to the waiver requested, and,
- (E)    Any other information necessary to explain how the potential health hazard or nuisance will be sufficiently mitigated.

**8-103.3       Conformance with Approved Procedures**

If the Health Authority grants a waiver as specified in § 8-103.1, or a HACCP plan is otherwise required as specified under § 8-201.3, the permit holder must:

- (A)    Comply with the HACCP plans, procedures, and conditions that are submitted as specified under §8-201.4 and approved as a basis for the modification or waiver; and
- (B)    Maintain and provide to the Health Authority, upon request, records specified under ¶¶ 8-201.4(D) and (E)(3) that demonstrate that the following are routinely employed,
  - (1)    Procedures for monitoring the critical control points,
  - (2)    Monitoring of the critical control points,
  - (3)    Verification of the effectiveness of the operation or process, and
  - (4)    Necessary corrective actions if there is failure at a critical control point.

<b>8-2</b>	<b>Plan Submission and Approval</b>
<b>Subparts</b>	
<b>8-201</b>	<b>Facility and Operating Plans</b>
<b>8-202</b>	<b>Confidentiality of Trade Secrets</b>
<b>8-203</b>	<b>Construction Inspection and Approval—Preoperational Inspections</b>

## **8-201 Facility and Operating Plans**

### **8-201.1 When Plans are Required**

A permit applicant or permit holder must submit properly prepared plans and specifications to the Health Authority for review and approval before:

- (A)** The construction of a food establishment,
- (B)** The conversion of an existing structure for use as a food establishment, or
- (C)** The remodeling of a food establishment or a change of type of food establishment or food operation as specified under 8-302 if the Health Authority determines that plans and specifications are necessary to ensure compliance with these regulations,

### **8-201.2 Contents of the Plans and Specifications**

The plans and specifications for a food establishment, including a food establishment specified under § 8-201.3, 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 these regulation provisions:

- (A)** Intended menu,
- (B)** Anticipated volume of food to be stored, prepared, and sold or served,
- (C)** Proposed equipment layout, mechanical and plumbing schematics, construction materials, and finish and lighting schedules,
- (D)** Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications,
- (E)** Evidence that standard procedures that ensure compliance with the requirements of these regulations are developed or are being developed, and
- (F)** Other information, such as approvals from the building department, fire prevention, and the sewer authority, that may be required by the Health Authority for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.

### **8-201.3 When a HACCP Plan is Required**

- (A)** Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall submit to the Health Authority for approval a HACCP plan as specified under § 8-201. 4 and the relevant provisions of this regulations if:

  - (1)** Approval of a HACCP plan is required according to law,
  - (2)** A waiver is required as specified under 3-502.1 or 4-204.7,
- (B)** Before engaging in reduced oxygen packaging without a waiver as specified under § 3-502.2, a permit applicant or permit holder will submit a HACCP plan to the Health Authority. The permit applicant or permit holder may engage in in reduced oxygen packaging without a waiver as specified under § 3-502.2 after the Health Authority’s acknowledgment of receipt for the required documentation.

#### **8-201.4 Contents of a HACCP Plan**

For a food establishment that is required under § 8-201.3 to have a HACCP plan, the permit applicant or permit holder must submit a properly prepared HACCP plan to the Health Authority that includes:

- (A)** General information such as the name of the permit applicant or permit holder, the food establishment address, and contact information,
- (B)** A categorization of the types of TCS foods that are to be controlled under the HACCP plan,
- (C)** A flow diagram or chart for specific food or category type that identifies:

  - (1)** Each step in the process, and
  - (2)** The steps that are critical control points,
- (D)** The ingredients, recipes or formulations, materials and equipment used in the preparation of each specific food or category type and methods and procedural control measures that address the food safety concerns involved,
- (E)** A critical control point summary for each specific food or category type that clearly identifies:

  - (1)** Each critical control point,
  - (2)** The significant hazards for each critical control point,
  - (3)** The critical limits for each critical control point,
  - (4)** The method and frequency for monitoring and controlling each critical control point by the designated food handler or the PIC,
  - (5)** Action to be taken by the designated food handler or PIC if the limits for each critical control point are not met,

- (6) The method and frequency for the PIC to routinely verify that the food handler is following the approved operating procedures and monitoring critical control points, and
  - (7) Records to be maintained by the PIC to demonstrate that the HACCP plan is properly operated and managed,
- (F) Supporting documents such as:
- (1) Food handler and supervisory training plan that addresses the food safety issues of concern;
  - (2) Copies of blank records forms that are necessary to implement the HACCP plan;
  - (3) Additional scientific data or other information supporting the determination that food safety is not compromised by the proposal.
- (G) Any other information required by the Health Authority.

## **8-202 Confidentiality of Trade Secrets**

The Health Authority will not treat any information as confidential unless a request is made in writing identifying the information to be kept confidential, citations to relevant legal authority, and explanation why confidentiality outweighs the public interest in availability of information. A declaration outlining which information is intended to remain proprietary in nature must accompany the request for confidentiality and will be reviewed for compliance with Nevada law. A confirmation letter will be provided once it is approved.

## **8-203 Construction Inspection and Approval—Preoperational Inspections**

The Health Authority must conduct one or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, has established standard operating procedures as specified under ¶ 8-201.2(E), and is in compliance with law and these regulations.

<b>8-3</b>	<b>Permit to Operate</b>
<b>Subparts</b>	
<b>8-301</b>	<b>Prerequisite for Operation Requirement</b>
<b>8-302</b>	<b>Application Procedure</b>
<b>8-303</b>	<b>Permit Issuance</b>
<b>8-304</b>	<b>Conditions of Retention</b>

## **8-301 Prerequisite for Operation Requirement**

A person must not operate a food establishment without a valid permit to operate issued by the Health Authority.

**8-302 Application Procedure**

**8-302.1 Submission 30 Calendar Days Before Proposed Opening**

- (A) An applicant must submit an application for a permit at least 30 calendar days before the date planned for opening a food establishment or the expiration date of the current permit for an existing facility.

**8-302.2 Form of Submission**

- (A) A person desiring to operate a food establishment must submit to the Health Authority an application for a permit on a form provided by the Health Authority.
- (B) An application for a permit or waiver is subject to the following time constraints:
- (1) Except as indicated in Subparagraph (2) of this section, applications expire 180 calendar days after the date the application is received by the Health Authority unless the Health Authority grants an extension before the expiration date.
- (2) Permit applications issued in conjunction with the construction of new establishments or in conjunction with food establishments undergoing remodeling, expire one calendar year after the date the application is received by the Health Authority unless the Health Authority grants an extension before the expiration date.

**8-302.3 Qualifications and Responsibilities of Applicants**

To qualify for a permit, an applicant must:

- (A) Be an owner of the food establishment or an officer of the legal entity that is an owner of the food establishment,
- (B) Comply with the requirements of these regulations,
- (C) Demonstrate adequate food safety knowledge or employ a PIC who demonstrates adequate food safety knowledge,
- (D) As specified under subparagraph 8-402.2, agree to allow access to the food establishment and to provide required information, and
- (E) Pay the applicable fees either at the time the application is submitted or by the payment due date.

**8-302.4 Contents of the Application**

The application submission must include:

- (A) The name, mailing address, telephone number, email, and signature of the person who is an owner of the business or owner's designee,

- (B) The name, mailing address, and the physical location of the food establishment,
- (C) A copy of the deed, lease, management agreement, or other legal document demonstrating the right to occupy and control where the food establishment is to be located,
- (D) A statement signed by the applicant that:
  - (1) Attests to the accuracy of the information provided in the application, and
  - (2) Affirms that the applicant will:
    - (a) Comply with these regulations, and
    - (b) As specified under subparagraph 8-402.2, agree to allow access to the food establishment and to provide required information as specified in NRS 446.890, and
- (E) A completed food establishment questionnaire,
- (F) A statement signed by the applicant declaring exempt or non-exempt status of the facility as specified in the Nevada Clean Indoor Air Act, NRS 202.2483. Facilities declaring exempt status must also provide documentation verifying exempt status, including but not limited to a non-restricted gaming license, a retail tobacco store license, or any other exemption as specified in NRS 202.2483, Subsection 3, and,
- (G) Other information required by the Health Authority.

**8-303 Issuance**  
**8-303.1 Permit Issuance**

The Health Authority may issue a permit to a food establishment after the following requirements are met:

- (A) A properly completed application is submitted,
- (B) The required fee is paid, and
- (C) A final permitting inspection shows that the food establishment:
  - (1) Has designated a PIC with adequate food safety knowledge,
  - (2) Has the necessary equipment and infrastructure to support the intended menu and anticipated volume of food to be stored, prepared, and sold or served, and
  - (3) Is in substantial compliance with these regulations either by:
    - (a) Being constructed, converted, or remodeled in accordance with the approved plans, or

- (b) Receiving 15 or fewer demerits during a final permitting inspection. Food establishments receiving more than 15 demerits during a final permitting inspection for change of permit holder must be closed, if in operation. A reinspection may be conducted after applicable fees are paid and must result in 15 or fewer demerits, with no repeat priority or priority foundation violations occurring, for permit issuance.

#### **8-303.2 Denial of Application for Permit, Notice**

If an application for a permit to operate is denied, the Health Authority must provide the applicant with a notice that includes:

- (A) The specific reasons and regulatory citations for the permit denial,
- (B) The actions, if any, that the applicant must take to qualify for a permit, and
- (C) Reference to the applicant's right of appeal provided in NAC 439.346.

#### **8-304 Conditions of Retention**

##### **8-304.1 Responsibilities of the Health Authority**

- (A) At the time a permit is first issued, the Health Authority must inform the permit holder where a copy of these regulations may be obtained so that the permit holder is notified of the compliance requirements and the conditions of retention, as specified under § 8-304.2, that are applicable to the permit.
- (B) Failure to provide the information specified in ¶ (A) of this section does not preclude the Health Authority from taking authorized action or seeking remedies if the permit holder fails to comply with these regulations or an order, warning, or directive of the Health Authority.

##### **8-304.2 Responsibilities of the Permit Holder**

A food establishment must:

- (A) Post the most recent grade or pass card and health permit in a location that is conspicuous to the consumer upon entering the food establishment. Obscuring or unauthorized removal of the grade or pass card, may result in administrative action including, but not limited to the assessment of applicable fees,
- (B) Post a health warning for drinking during pregnancy as specified in NRS 446.842,
- (C) Comply with the provisions of these regulations including the conditions of a granted variance, approved waiver, or required HACCP plan,
- (D) Immediately contact the Health Authority to report an illness of a food handler as specified in ¶ 2-201.1 of these regulations,
- (E) Immediately discontinue operations and notify the Health Authority when an imminent health hazard might exist as specified in § 8-404.1 of this chapter,

- (F) Allow representatives of the Health Authority access to the food establishment as specified in NRS 446.890 and § 8-402.1 of these regulations,
- (G) Replace facilities and equipment which are no longer serviceable with facilities and equipment that comply with these regulations when:
  - (1) The Health Authority directs replacement because the existing facilities and equipment constitute a public health hazard or the facilities and equipment no longer comply with the criteria upon which the facilities and equipment were approved,
  - (2) The Health Authority directs the replacement of the facilities and equipment at a change of permit holder, or
  - (3) The facilities and equipment have exceeded their useful service life and should be replaced in the normal course of operation,
- (H) Comply with the requirements of NRS 202.2483, the Nevada Clean Indoor Air Act, including posting required signage,
- (I) Comply with directives of the Health Authority, including, but not limited to, time frames for corrective actions specified in inspection reports, supervisory conferences, compliance schedules, notices, orders, warnings, and other directives issued by the Health Authority concerning the permit holder's food establishment or in response to community emergencies,
- (J) Comply with all laws related to the operation of a food establishment. The responsibility of upholding these requirements falls solely on the permit holder and failure to do so may result in permit suspension or revocation,
- (K) Comply with notices issued and served by the Health Authority according to law,
- (L) Notify the Health Authority in writing no later than 30 calendar days after a business closure. Failure to do so will result in the permit holder being responsible for any fees incurred,
- (M) Notify the Health Authority in writing no later than 30 calendar days after establishment updates such as changes to mailing address or business name, failure to do so will result in the permit holder being responsible for any fees incurred, and
- (N) Maintain a valid health permit to operate by renewing the permit annually when applicable. Failure to pay the health permit fee within the established timeframes will result in late fees and permit suspension.

### **8-304.3 Permits Not Transferable**

A permit may not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another unless approved by the Health Authority.



<b>8-4</b>	<b>Inspection and Correction of Violations</b>
<b>Subpart</b>	
<b>8-401</b>	<b>Frequency</b>
<b>8-402</b>	<b>Competency and Access</b>
<b>8-403</b>	<b>Report of Findings</b>
<b>8-404</b>	<b>Imminent Health Hazard</b>
<b>8-405</b>	<b>Violation of Priority Items and Priority Foundation Items</b>
<b>8-406</b>	<b>Time Frame for Correction of Core Items</b>
<b>8-407</b>	<b>Unsafe Food—Examination and Condemnation of Food</b>

**8-401 Frequency**

**8-401.1 Establishing Inspection Interval**

- (A) The Health Authority may inspect each permitted food establishment at least once every year as provided by NRS 446.885, or as often as necessary to ensure compliance with these regulations.
- (B) After receiving a downgrade, a food establishment must accept reinspection to ensure compliance with these regulations. The food establishment must pay applicable fees no later than ten business days after the reinspection to avoid permit suspension. Reinspection may occur less than 15 business days after the inspection resulting in the downgrade at the request of the permit holder and at the discretion of the Health Authority. If the PIC requests an inspection prior to 15 business days, applicable fees must be paid prior to the reinspection.

**8-401.2 Performance and Risk-Based**

Within the parameters specified in § 8-401.1, the Health Authority may conduct more frequent inspections of a food establishment based upon the Health Authority's assessment of a food establishment's history of compliance with this Regulation and the establishment's potential as a vector of foodborne illness by evaluating:

- (A) Past performance, for nonconformance with these regulations or HACCP plan requirements that are priority or priority foundation items,
- (B) Past performance, for numerous or repeat violations of these regulations or HACCP plan requirements that are core items,
- (C) Past complaints investigated and found to be valid,
- (D) The hazards associated with the foods that are prepared, stored, or served,
- (E) The type of operation including the methods and extent of food storage, preparation, and service,
- (F) The number of people served, and
- (G) Whether the population served is a highly susceptible population.

#### **8-402.1 Allowed at Reasonable Times after Due Notice**

A food establishment must allow the Health Authority to inspect the food establishment during normal business hours or at any other reasonable time. After the Health Authority presents official credentials, the PIC must allow the Health Authority to inspect the food establishment and must provide information and records for review as specified in these regulations and to which the Health Authority is entitled according to NRS 446.890. In the event of a disease outbreak or suspected disease outbreak, a food establishment must grant emergency access to the Health Authority upon request.

#### **8-402.2 Refusal, Notification of Right to Access, and Final Request for Access**

- (A)** If a person denies the Health Authority full access to inspect a food establishment, or refuses to provide requested information or documents, the Health Authority must inform the person that:
  - (1)** The permit holder is required to allow access to the Health Authority as specified under § 8-402.1 of these regulations, and
  - (2)** Access is a condition of the acceptance and retention of a food establishment permit to operate.
- (B)** If access continues to be denied, the Health Authority may:
  - (1)** Contact law enforcement in accordance with NRS 446.940 to assist with entrance into the facility, or
  - (2)** Immediately suspend all food establishment permits, assess any associated fees, and take any further administrative action up to and including permit revocation.

#### **8-402.3 Intimidation of a Public Officer**

A food establishment and its employees and agents must not directly or indirectly intimidate a public employee. Intimidation of a public officer is a serious violation of these regulations and is grounds for administrative action up to and including permit revocation and food handler safety training card revocation.

#### **8-403 Report of Findings**

##### **8-403.1 Documentation Information and Observations**

After inspecting a food establishment, the Health Authority must document its findings on an inspection report form, including:

- (A)** Administrative information about the food establishment's identity, street address, inspection date and inspection result,
- (B)** Specific factual observations of conditions or deviations from these regulations that require correction by the permit holder, including:

- (1) Failure of the PIC to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of these regulations as specified under § 2-102.1,
- (2) Failure of food handlers, or the PIC, to report a disease or medical condition as specified under ¶¶ 2-201.1(B) and (D),
- (3) Imminent health hazards, priority or priority foundation items, and core items of this regulation,
- (4) Failure of the appropriate food handlers to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the Health Authority as specified under § 8- 103.3,
- (5) Failure of the PIC to provide records required by the Health Authority for determining conformance with a HACCP plan as specified under Subparagraph 8-201.4(E)(7),
- (6) Non-conformance with critical limits of a HACCP plan, and
- (C) Corrective actions for deviations from these regulations

**8-403.2 Food Establishment Grades**

- (A) Except for temporary food establishments, every food establishment must post its health permit and the current grade or pass card for each permitted area, received at the time of the most recent inspection, in an area that is conspicuous to the consumer upon entering the food establishment.
- (B) Food establishment grades must be determined as follows:
  - (1) A Grade; a demerit score of 0 to 10,
  - (2) B Grade; a demerit score of 11 to 20, and
  - (3) C Grade; a demerit score of 21 to 40.
- (C) When a food establishment receives more than 40 demerits in an inspection, the permit must be suspended immediately. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid all applicable and outstanding fees, and an inspection is conducted that results in a score of ten or fewer demerits with no repeat violations of priority or priority foundation items.
- (D) When a food establishment with a current B Grade receives 11 or more demerits or repeat violations of priority or priority foundation items on its reinspection, the food establishment will be placed on a C Grade even if it does not receive 21 or more demerits. A subsequent reinspection must be conducted as specified in ¶ 8-403.2(D) and the food establishment must pay all applicable and outstanding fees.

- (E) When a food establishment with a current C Grade receives 11 or more demerits or repeat violations of priority or priority foundation items on its reinspection, the food establishment's permit must be suspended even if it receives fewer than 41 demerits. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid applicable and outstanding fees, and an inspection is conducted resulting in a score of 10 or fewer demerits with no repeat violations of priority or priority foundation items.
- (F) Notwithstanding the grade criteria of ¶ 8-403.2(B), whenever a repeat violation of a priority item is documented in the next routine inspection, the food establishment must be downgraded to the next lower grade.
- (G) Notwithstanding the grade criteria of ¶ 8-403.2(B), whenever the Health Authority orders a food establishment to take a piece of equipment out of service because it constitutes a public health hazard or is not approved, the equipment must remain out of service until approved. If a food establishment places the equipment back into service without approval, the food establishment must be downgraded to the next lower grade.
- (H) Food establishments such as, annual itinerants, farmers markets, and those undergoing a Change of Permit Holder will be inspected on a pass-fail criteria which is determined as follows:
  - (1) Pass; a demerit score of 0 – 15,
  - (2) Fail; a demerit score of 16 or more.
- (I) Notwithstanding the Pass/Fail criteria of ¶ 8-403.2(H), whenever a repeat violation of a priority item is documented in the next routine inspection, the permit must be immediately suspended. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid any applicable fees, and an inspection is conducted that results in a score of 15 or fewer demerits with no repeat violation of a priority or priority foundation item.

**8-403.3 Refusal to Sign Acknowledgment.**

- (A) When an individual declines to sign an acknowledgment of receipt of inspection findings, the Health Authority must inform the individual that:
  - (1) Signing is for the sole purpose of acknowledging receipt of a copy of the report and does not signify agreement with findings,
  - (2) Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the priority and priority foundation items noted in the inspection report within the time frames specified, and
  - (3) Refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Health Authority's historical record for the food establishment, and
- (B) After informing the individual as specified in ¶ (A), the Health Authority must make a final request that the PIC sign an acknowledgment receipt of inspectional findings.

**8-404**                    **Imminent Health Hazard**  
**8-404.1**                **Ceasing Operations and Reporting**

- (A) Except as specified in ¶ (B) and (C) of this section, a permit holder must immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, pest infestation, onset of an apparent foodborne illness 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 imminent health hazard.
- (C) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to continuing operations in the event of an extended interruption of electrical or water service if:
  - (1) A written emergency operating plan has been approved,
  - (2) Immediate corrective action is taken to eliminate, prevent, or control any food safety risk and imminent health hazard associated with the electrical or water service interruption, and
  - (3) The Health Authority is informed upon implementation of the written emergency operating plan.

**8-404.2**                **Resuming Operations**

- (A) If a food establishment voluntarily ceases operation due to an imminent health hazard, the permit holder or PIC must notify the Health Authority when all items on the *Checklist for Reopening After an Imminent Health Hazard, Appendix B* are in compliance prior to resuming operations.
- (B) If food establishment operations are discontinued by the Health Authority due to an imminent health hazard, as specified in ¶ 8-404.1 of this Chapter, the permit holder or PIC must pay applicable fees and when all items on the *Checklist for Reopening After an Imminent Health Hazard, Appendix B*, are in compliance and verified by the Health Authority, may be granted written permission to resume operation.
- (C) If food establishments operations are discontinued for excessive priority and priority foundation items as specified in § 8-403.2(B) of this Chapter, the permit holder or PIC must pay applicable fees and pass a reopening inspection with 10 or fewer demerits, and no repeat violations of priority or priority foundation items.
- (D) A food establishment with a history of non-compliance, including repeat violations of priority or priority foundation items, may be required to enter an administrative process such that required training, compliance plans, or other stipulations are placed on the permit to operate.

**8-405**                    **Priority Items and Priority Foundation Items**

#### **8-405.1 Timely Correction**

- (A)** Except as specified in ¶ (B) of this section, a permit holder must at the time of inspection correct a violation of a priority item or priority foundation item of these regulations and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.
- (B)** Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed:
  - (1)** For priority items, correction is required within 72 hours after the inspection, or
  - (2)** For priority foundation items and HACCP plan deviations, correction is required within 10 calendar days after the inspection.

#### **8-406 Time Frame for Correction of Core Items**

- (A)** Except as specified in ¶ (B), the permit holder must correct core items by a date and time specified by the Health Authority but no later than 90 calendar days after the inspection.
- (B)** The Health Authority may approve a compliance schedule that extends beyond the time limits specified under ¶ (A) if a written schedule of compliance is submitted by the permit holder.

#### **8-407 Unsafe Food—Examination and Condemnation of Food**

A food establishment must comply with any order issued pursuant to NRS 585.360 and NRS 446.920.

<b>8-5</b>	<b>Prevention of Foodborne Disease Transmission by Employees</b>
<b>Subpart</b>	
<b>8-501</b>	<b>Investigation and Control</b>

#### **8-501 Investigation and Control**

##### **8-501.1 Obtaining Information: Personal History of Illness, Medical Examination, and Specimen Analysis**

- (A)** When the Health Authority has reasonable cause to believe that a food handler has possibly transmitted disease, might be infected with a disease in a communicable form that is transmissible through food, might be a carrier of infectious agents that cause a disease that is transmissible through food, or is affected with a boil, an infected wound, or acute respiratory infection, the Health Authority may:
  - (1)** Secure a confidential medical history of the food handler suspected of transmitting disease or make other investigations as deemed appropriate, and
  - (2)** Require appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected food handler.

- (B) Any confidential medical history obtained pursuant to ¶ (A) must be kept confidential and not released, except as required by law or by order of a court having jurisdiction.

**8-501.2            Restriction or Exclusion of Food Handler, or Summary Suspension of Permit**

- (A) Based on the findings of an investigation related to a food handler who is suspected of being infected or diseased, the Health Authority may issue an order to the suspected food handler or permit holder instituting one or more of the following control measures:

- (1) Restricting the food handler,
- (2) Excluding the food handler, or
- (3) Closing the food establishment by suspending a permit to operate in accordance with NRS 446.935.

- (B) Any such order must not be released to the public, except as required by law or by order of a court having jurisdiction, or after redacting out the name and any identifying information for the food handler.

**8-501.3            Restriction or Exclusion Order, Warning or Hearing Not Required, Information Required in Order**

Based on the findings of the investigation as specified in ¶ 8-501.1, and to control disease transmission, the Health Authority may issue an order of restriction or exclusion to a suspected food handler or the permit holder without prior warning, notice of a hearing. Any such order must:

- (A) State the reasons for the restriction or exclusion that is ordered,
- (B) State the evidence that the food handler or the permit holder must provide in order to demonstrate that the reasons for the restriction or exclusion are resolved,
- (C) State that the suspected food handler or the permit holder may request a hearing by submitting a timely request as provided in law, and
- (D) Provide the name and address of the Health Authority representative to whom a request for a hearing may be made.

**8-501.4            Removal of Exclusions and Restrictions**

The Health Authority must release a food handler from restriction or exclusion in accordance with NRS 446.935 and the conditions specified under § 2- 201.3.

<b>8-6</b>	<b>Administrative Process</b>
<b>Subparts</b>	
<b>8-601</b>	<b>Administrative Process for Non-Compliance</b>
<b>8-602</b>	<b>Permit Suspension and Reinstatement</b>
<b>8-603</b>	<b>Appeal Process</b>

## **8-601 Administrative Process for Non-Compliance**

Food establishments exhibiting a history of uncontrolled risk factors for foodborne illness and non-compliance with these regulations may enter the administrative process for non-compliance.

- (A)** Additional conditions may be placed upon the permit.
- (B)** Failure to gain control of risk factors for foodborne illness at the facility can lead to further administrative actions up to and including suspension of the permit to operate, pending permit revocation.

## **8-602 Permit Suspension and Reinstatement**

### **8-602.1 Suspension or Revocation of Permit, Reinstatement of Suspended Permit, Hearings**

Permits issued under the provisions of these regulations may be suspended as specified in NRS 446.880.

- (A)** Permits issued under the provisions of these regulations may be suspended temporarily by the Health Authority for failure of the permit holder to comply with the requirements of these regulations.
- (B)** Whenever a permit holder or PIC fails to comply with any notice issued under the provisions of these regulations, the permit holder or PIC must be notified in writing that the permit and associated permits are, upon service of the notice, immediately suspended pending permit revocation. The notice must contain a statement informing the permit holder or PIC that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority within five business days.
- (C)** Whenever the Health Authority finds an insanitary or other condition in the operation of a food establishment which, in its judgment, constitutes an imminent health hazard to public health, it may without warning, notice, or hearing issue a written order to the permit holder or PIC 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 at all associated permits must be immediately discontinued. Any person to whom such an order is issued must comply with it immediately. Upon written petition to the Health Authority, the person must be afforded a hearing as soon as possible.
- (D)** Any person whose permit(s) has been suspended but is not pending revocation may, at any time, make application for reinspection for reinstatement of the permit. Within ten business days following receipt of a written request, including a statement signed by the applicant that in their opinion the conditions causing suspension of the permit have been corrected, the Health



Authority may conduct a reinspection. If the applicant is in compliance with the requirements of these regulations, the permit must be reinstated.

- (E) For serious or repeated violations of any of the requirements of these regulations, or for interference with the Health Authority in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Before taking such an action the Health Authority must notify the permit holder, in writing, of the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
- (F) Unless a request for a hearing is filed with the Health Authority by the permit holder within five business days following service of the notice, the Health Authority may permanently revoke the permit.
- (G) The hearings provided for in this section must be conducted at a time and place designated by the Health Authority. Based upon the record of the hearing, the Health Authority must make a finding and may sustain, modify, or rescind any previous 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.

#### **8-602.2 Post Revocation Action**

- (A) Once the permit has been revoked, as specified in § 8-602.1, the permit holder must discontinue all food activity associated with the food establishment in question. Failure to do so may result in:
  - (1) The Health Authority requesting an injunction from the District Court of Jurisdiction, against continued operation by the previous permit holder.
  - (2) The Health Authority referring the non-compliance to the District Attorney of Jurisdiction for prosecution.
- (B) Once the timeframe for appeal has transpired, any food remaining at the location in question may be denatured and destroyed by the Health Authority as specified in NRS 446.920.
- (C) Following permit revocation, any persons listed as sole proprietor, officer, or managing member of the business must be prohibited from obtaining a food establishment permit within the jurisdiction of the Southern Nevada Health District.

#### **8-603 Appeal Process**

- (A) A person aggrieved by findings or corrective action required by the Health Authority following an inspection or investigation may make a written request for a meeting with the inspector responsible for the action and the program supervisor to discuss the inspection or investigation, including, if applicable, the person's objections to the findings or corrective action required, and any requests to modify the inspection or investigation report. A request for such a meeting must be received by the Health Authority no later than 15 business days after the date of the inspection or investigation.

- (B) If the meeting held pursuant to ¶ (A) does not resolve the issue, the aggrieved person may submit a written request for a meeting with the section manager or division director to discuss any unresolved issues. A request for such a meeting must be received by the Health Authority no later than 10 business days after the meeting held pursuant to ¶ (A).

<b>8-7</b>	<b>Service of Notice</b>
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<b>Subparts</b>	
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<b>8-701</b>	<b>Service of Notice</b>
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**8-701**                      **Service of Notice**

**8-701.1**                  **Delivery 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 PIC, or such notice has been sent by email, registered, or certified mail, return or read 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.

## Chapter 9 Commissaries

### Parts

- 9-1 Permitting Requirements
- 9-2 Operational Requirements

9-1	Permitting Requirements
Subparts	
9-101	Prerequisite for Operation

### 9-1 Permitting Requirements

Commissaries must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to Commissaries.

#### 9-101 Prerequisite for Operation

##### 9-101.1 Commissaries

Commissaries must:

- (A) Limit the number and type of permit holders contracted based on their equipment capabilities, space, and service capacity,
- (B) Designate an easily identifiable area for each contracted permit holder that is large enough to accommodate storage of their food and equipment,
- (C) Have a three-compartment sink and handwashing sink that is conveniently located and easily accessible for use by contracted permit holders,
- (D) Provide access to restrooms stocked with handwashing soap and disposable hand towels during all hours of operation for use by contracted permit holders,
- (E) Have an area for filling freshwater tanks with drinking water that meets Section 5-202, and
- (F) If the commissary contracts with Mobile Unit permit holders, it must:
  - (1) Have an area for washing equipment and vehicles. Hoses used for washing must be pressurized, long enough to reach all parts of the equipment or vehicle and be stored off the ground,
  - (2) Construct the premises with curbs and proper slopes which direct wastewater to drains as approved by the agencies having jurisdiction, and
  - (3) Provide an area for mobile units to dump wastewater into an exterior drain with adequate grease capture as approved by the sewer agency having jurisdiction.

## **9-101.2 Support Kitchens**

- (A)** Support Kitchens may be utilized by a temporary event vendor if such use will not cause a nuisance or unmanageable food safety risk and is approved.
- (B)** A support kitchen must not be used as a commissary for a food establishment with an annually renewable permit unless approved.

<b>9-2</b>	<b>Operational Requirements</b>
<b>Subparts</b>	
<b>9-201</b>	<b>Responsibilities of the Commissary Manager</b>
<b>9-202</b>	<b>Commissary Service Agreement</b>

## **9-201 Responsibilities of the Commissary Manager**

A Commissary Manager, or designated PIC, must:

- (A)** Be on the premises or readily accessible during all hours of operation,
- (B)** Prohibit the use of the commissary by unpermitted operators,
- (C)** Provide written notification within five business days to the Health Authority:
  - (1)** When a contracted permit holder no longer has a valid agreement to use the commissary, or
  - (2)** When a contracted permit holder's agreement or lease is changed in any way,
- (D)** Provide written notification to each contracted permit holder when an imminent health hazard exists and prohibit them from utilizing the commissary until such time that the hazard is mitigated.
- (E)** Provide an up-to-date list of contracted permit holders upon request of the Health Authority,
- (F)** Maintain a sign in/sign out attendance log for all contracted permit holders. The attendance log must be true and accurate, updated daily, and made available upon request. The attendance log must include the following information:
  - (1)** The commissary business name, address, phone number, and permit number,
  - (2)** The contracted permit holder's business name and the name and signature of the PIC,
  - (3)** The vehicle identification number, if applicable, when there is more than one mobile unit operating under the same business name, and
  - (4)** The date, time in, and time out of each visit, or,

- (5) Other approved time tracking system.
- (G) Flush and sanitize pumps and hoses used to supply drinking water before being placed into service following construction, repair, modification, or periods exceeding 14 calendar days during which they were not used. The Health Authority may require water testing to verify the safety of the water supply.

**9-202 Commissary Service Agreement**

A commissary service agreement must contain:

- (A) The commissary name, address, phone number, health permit number and signature of the PIC,
- (B) The service(s) that the commissary will provide,
- (C) The number of hours per week/month that services are available to the contracted permit holder, and
- (D) A clause that indicates termination or changes to the agreement must result in written notification to the Health Authority within five business days of the date the agreement was terminated.

## Chapter 10 Mobile Units

### Parts

- 10-1**            **Permitting and Construction Requirements**
- 10-2**            **Operational Requirements**
- 10-3**            **Record Requirements**

<b>10-1</b>	<b>Permitting and Construction Requirements for Mobile Units</b>
<b>Subparts</b>	
<b>10-101</b>	<b>Prerequisite for Operation</b>
<b>10-102</b>	<b>Construction Requirements</b>
<b>10-103</b>	<b>Mobile Unit Markings</b>

### **10-1            Permitting and Construction Requirements for Mobile Units**

Mobile Units must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to Mobile Units.

#### **10-101            Prerequisite for Operation**

Mobile Units must submit the following with their permit application:

- (A)**    Plans showing the layout of equipment and plumbing,
- (B)**    Proof of vehicle registration which includes the name of the registered owner, license plate number, vehicle identification number, and state of issuance,
- (C)**    If the mobile unit is being leased, a signed copy of the lease agreement,
- (D)**    A copy of the Nevada Secretary of State business license certificate,
- (E)**    Documentation of mobile unit identification markings that comply with 10-103,
- (F)**    Specifications for mechanical ventilation and electrical power generating equipment,
- (G)**    If liquified petroleum gas is used, a copy of a Nevada liquified petroleum gas inspection for the vehicle,
- (H)**    Menu,
- (I)**    The commercial business address where the mobile unit will be stored when not in use,
- (J)**    A commissary service agreement that complies with 9-202 and provides the number of hours and services necessary for the operation, and
- (K)**    Site-specific mobile units must also provide:

- (1) A letter of permission to the Health Authority for access to restrooms that are conveniently located and accessible for use by food handlers during all hours of operation, and
- (2) A lease agreement granting permission to operate on premises.

## **10-102 Construction Requirements**

### **10-102.1 Prohibitions**

- (A) Restrooms must not be built as an integral part of a Mobile Unit.
- (B) Freshwater and wastewater tanks must be built as an integral part of a Mobile Unit and are prohibited from being on the ground.
- (C) Permanent utility hook up is prohibited. The unit must be easily conveyable from place to place and return to the commissary whenever necessary for dumping wastewater and filling freshwater.

### **10-102.2 Mobile Unit Equipment and Structure**

Mobile units must comply with the following when applicable:

- (A) The mobile unit must be fully enclosed and tall enough on the inside to stand upright, 6-foot minimum height.
- (B) A maximum of two service openings that are no larger than 18 inches square, with either hinged or slider windows located in a manner to protect the food from contamination. Service openings must either be self-closing or protected by mechanical air curtains.
- (C) Screens must be limited to ventilation windows, service openings and doors.
- (D) Cooling and ventilation must be sufficient to maintain the interior ambient air temperature of the mobile unit below 100 °F.
- (E) The freshwater holding tank connected to the 3-compartment sink and hand sink must be no less than 40 gallons in capacity, unless specified otherwise, and comply with Part 5-3 of these regulations and wastewater tanks must comply with Subpart 5-401 of these regulations. Water supplying more than one 3-compartment sink or handwashing sink may require increased water holding capacity. Water fixtures and tanks must meet the following requirements:
  - (1) Water pumps must activate automatically when water is dispensed from a fixture. Manually operated water pumps are prohibited.
  - (2) Shut off valves on wastewater tanks must be recreational vehicle waste valves.
  - (3) Tanks must be fitted with an electronic capacity indicator easily visible to the operator.

- (4) There must be no outlet(s) for overflow on wastewater tanks. Wastewater tanks may be vented as outlined in 5-302.4 or by use of an air admittance valve.
- (5) Mobile units that are low-risk food establishments may be approved to have a minimum of a 15-gallon freshwater tank.
- (F) Mobile Units must comply with all fuel gas and fire codes including, but not limited to, having an approved liquefied petroleum gas system with a leak detection alarm device installed when applicable.
- (G) Food equipment located on exterior attached patios of mobile units must be limited to a single unit of equipment that is inaccessible to the public.
- (H) Liquefied petroleum gas piping systems, tanks, valves, connectors, appliances, and related parts must be installed according to current regulations of the Nevada Board for the Regulation of Liquefied Petroleum Gas by properly licensed and certified individuals.
- (I) Electrical service, wiring, connections, panels, and associated parts of equipment must be installed by properly licensed individuals and be compliant with manufacturer installation specifications.

#### **10-103 Mobile Unit Markings**

- (A) The mobile unit must have the business name and business address or business phone number clearly visible on the back, left and right sides of the mobile unit.
- (B) The name on the mobile unit must be the same as the fictitious business name filed with business licensing.
- (C) Each mobile unit having the same business name must provide markings to include a unique vehicle number for each unit.
- (D) The lettering must be easily visible from 50 feet away, no less than 3 inches tall and in colors that contrast with the paint color of the vehicle.

<b>10-2</b>	<b>Operational Requirements</b>
<b>Subparts</b>	
<b>10-201</b>	<b>Operational Restrictions</b>

#### **10-201 Operational Restrictions**

A mobile unit must not:

- (A) Operate at one location for more than four hours unless it:
  - (1) Is operating at a special event or farmers market, or



- (2) Has been issued a site-specific permit by the Health Authority,
- (B) Operate at one location for more than one hour except where restrooms are available by employees, or unless prior approval is granted by the Health Authority,
- (C) Place tables, chairs or accessory items in the surrounding area,
- (D) Cool TCS food,
- (E) Store open TCS food in the vehicle overnight, or
- (F) Accumulate solid waste in a manner that creates a cross-contamination hazard, nuisance, or attractant for pests.

<b>10-3</b>	<b>Record Requirements</b>
<b>Subparts</b>	
<b>10-301</b>	<b>Required Records for Mobile Units</b>

#### **10-301 Required Records for Mobile Units**

The following records must be submitted to the Health Authority upon request or as specified below. Records are to be maintained for no less than 90 calendar days.

- (A) The PIC must submit a route sheet to the Health Authority monthly. Changes to the route sheet must be submitted, in writing, to the Health Authority within five business days. The route sheet must contain:
  - (1) The business name and permit number of the mobile unit,
  - (2) The physical address for each stop, including for special events, and
  - (3) The date and estimated time of arrival and departure from each location.
- (B) A valid commissary agreement letter,
- (C) Permission letters, operational plans, or waivers associated with the permit, and
- (D) Same-day receipts for food when applicable.

## Chapter 11 Open-Air Vendors

### Parts

- 11-1**            **Permitting Requirements**
- 11-2**            **Operational Requirements**
- 11-3**            **Record Requirements**

<b>11-1</b>	<b>Permitting Requirements</b>
<b>Subparts</b>	
<b>11-101</b>	<b>Prerequisite for Operation</b>
<b>11-102</b>	<b>Equipment Requirements</b>

### **11-1**            **Permitting Requirements**

Open-air vendors must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to open-air vendors. Prerequisite for Operation

The following must be submitted and approved prior to operating an open-air vendor permit:

- (A)**    A lease agreement granting permission to operate on premises,
- (B)**    Equipment specifications, plans, and menu,
- (C)**    A commissary service agreement that complies with Subpart 9-202 and provides the number of hours and services necessary for the operation, and
- (D)**    A letter of permission to the Health Authority for access to restrooms that are conveniently located and accessible for use by food handlers during all hours of operation.

### **11-101**            **Equipment Requirements** **11-102.1**        **Open-Air Vendor Equipment and Design**

Open-Air Vendors must:

- (A)**    Be limited to 200 square feet,
- (B)**    Provide an adequate number of handwashing sinks for open-food handling that meet the following criteria:
  - (1)**    A handwashing sink must be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event,
  - (2)**    The handwashing sink must be located within 10 feet of the open-food handling area and ready for use prior to any open food handling,
  - (3)**    If portable, the handwashing sink must meet the requirements of Subpart 4-205,

- (a) Provide a continuous flow of hot and cold running water without the use of a manual pump,
  - (b) Be self-contained, and
  - (c) Be equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply,
- (C) Provide overhead protection for food preparation areas unless prohibited by fire code,
- (D) If located outside:
  - (1) Operate on a surface such as asphalt or concrete and provide adequate groundcover to prevent environmental contamination from excessive food debris and grease buildup on the ground,
  - (2) Submit an outdoor control plan which describes how food will be protected from pests and during inclement weather conditions such as high wind or rain,
  - (3) Provide covers, lids, or doors for outdoor cooking equipment to protect food from contamination when it is left unattended, and
  - (4) Have equipment that is designed and capable of operating when the ambient temperature exceeds 100 °F.
- (E) Be easily identifiable and have conspicuous name plates or other durable markings which match the permit name and number,
- (F) Have equipment which is portable and easily conveyed to the commissary for cleaning and maintenance,
- (G) Have no connections to a permanent utility such as water, sewer, gas, or power without approval from the agency of jurisdiction and the Health Authority, and
- (H) Have a physical separation between patrons and open food preparation areas using partitions, food shields, planters, walls, or similar means.

#### **11-102.2 Barbecue Equipment and Design**

A barbecue must comply with §11-102.1 for open-air vendors and must:

- (A) Have barbecue cooking equipment that is commercially manufactured and made from non-toxic, durable, cleanable, and rust-resistant materials. All other equipment associated with the barbecue permit must meet the requirements of section 4-205,
- (B) Install a handwashing sink in the barbecue area if food service or preparation, other than cooking, is occurring,
- (C) Be located within 50 feet of:

- (1) A food establishment under the same permit holder that is capable of supporting the operation of the barbecue, or
- (2) A mobile unit under the same permit holder that is capable of supporting the operation of the barbecue.
- (D) Limit cooking equipment to commercially manufactured barbecue grills, smokers, rotisserie ovens, pizza ovens, or similar types of equipment,
- (E) Provide protective storage for wood chips, bark, or other organic materials used for smoking and flavoring to prevent contamination, and
- (F) Have a grease collection container or system for smokers and grills that prevents grease accumulation on the ground.

<b>11-2</b>	<b>Operational Requirements</b>
<b>Subparts</b>	
<b>11-201</b>	<b>Operational Requirements for Open-Air Vendors</b>
<b>11-202</b>	<b>Operational Requirements for Seasonal Permits</b>

#### **11-201 Operational Requirements for Open-Air Vendors**

Open-Air Vendors must:

- (A) Operate only at sites specified in the permit issued by the Health Authority,
- (B) Operate as a low-risk food establishment, unless approved to operate as a barbecue as described in 11-102.2 or a seasonal permit as described in 11-202 (B),
- (C) Conduct minimal food preparation on site,
- (D) Not conduct complex food processes such as cooling,
- (E) Not hold open TCS food for next-day service,
- (F) Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation,
- (G) Provide the Health Authority access to transportation or food storage vehicles utilized by the open-air vendor to ensure that the vehicle is maintained clean, free of trash, food debris, spills, insects, or any other source of contamination to the food or equipment, and
- (H) Provide a means to store and convey trash generated by the open-air vendor and consumers.

#### **11-202 Operational Requirements for Seasonal Permits**

- (A) Seasonal permits are only valid for periods up to 8 consecutive months of operation.

- (B)** Seasonal permits must comply with all applicable sections of this regulation and once expired, must not be renewed until 12 months have elapsed from the start date of the previous operating period.
- (C)** A Seasonal permit must operate as a low-risk food establishment unless it is located within 50 feet of:
  - (1)** The contracted commissary, or
  - (2)** A food establishment under the same permit holder that will provide the necessary support services to the seasonal operation.

<b>11-3</b>	<b>Required Records</b>
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<b>Subparts</b>	
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<b>11-301</b>	<b>Required Records for Open-Air Vendors</b>
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**11-301 Required Records for Open-Air Vendors**

Open-Air Vendors must provide the following records to the Health Authority upon request:

- (A)** A valid commissary agreement letter,
- (B)** Permission letters, operational plans, or waivers associated with the permit, and
- (C)** Same-day receipts for food when applicable.

## Chapter 12 Catering

### Parts

- 12-1            **Permitting Requirements**
- 12-2            **Operational Requirements**

12-1	Permitting Requirements
Subparts	
12-101	Prerequisite for Operation

### 12-1            **Permitting Requirements**

Catering food establishments must operate within the parameters set forth in Chapters 1-8 of these Regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to catering food establishments.

#### 12-101        **Prerequisite for Operation**

- (A) A catering food establishment must provide an adequate number of handwashing sinks at the remote service site where open-food handling will occur. Handwashing sinks must:
  - (1) Be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event.
  - (2) Be located within 10 feet of the open-food handling area and ready for use prior to any open food handling.
  - (3) Be adequate in number and meet the following criteria:
    - (a) If portable, the handwashing sink must meet the requirements of Subpart 4-205,
    - (b) Provide a continuous flow of hot and cold running water without the use of a manual pump, and
    - (c) Be self-contained and equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply.
- (B) Food transport vehicles must be constructed, equipped, and maintained in a manner that protects all food, equipment, utensils, linens, single-service, and single-use articles from contamination.

<b>12-2</b>	<b>Operational Requirements</b>
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<b>Subparts</b>
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<b>12-201</b>	<b>Operational Requirements</b>
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**12-201            Operational Requirements**

At the site of the catering event, catering food establishments must:

- (A)**     Not perform complex food processes, including but not limited to cooling and par-cooking,
- (B)**     Prohibit TCS food served or displayed at an event from being re-served or held over for future service. Food that has been served or displayed must be left with the host or discarded at the conclusion of the event,
- (C)**     Provide the Health Authority access to transportation or food storage vehicles utilized by the caterer to ensure that the vehicle is maintained clean, free of trash, food debris, spills, pests, or any other source of contamination to the food or equipment,
- (D)**     Dispose of waste generated at the event prior to leaving the site unless other arrangements have been made with the host for proper disposal, and
- (E)**     Return soiled utensils, equipment, tableware, and linen to the commissary kitchen at the completion of the catered event for cleaning, sanitizing, and storage.

## Chapter 13 Swap Meet and Farmers Markets

### Parts

- 13-1**            **Permitting Requirements**
- 13-2**            **Operational Requirements**

<b>13-1</b>	<b>Permitting Requirements</b>
<b>Subparts</b>	
<b>13-101</b>	<b>Prerequisite for Operation</b>

### **13-1**            **Permitting Requirements**

- (A)**    Swap meets and farmers markets must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to swap meets and farmers markets.
- (B)**    Food vendors and temporary food establishments may operate at a swap meet or farmers market if site requirements are met and support services are provided as specified in 13-101.2.

### **13-101**        **Prerequisite for Operation**

#### **13-101.1**      **Swap Meet and Farmers Market Manager**

- (A)**    Each swap meet or farmers market establishment must designate an operations manager who is responsible for ensuring that:
  - (1)**    A PIC is on the premises during all hours of operation.
  - (2)**    An up-to-date list of food vendors and temporary food establishments is provided to the Health Authority upon request,
  - (3)**    A copy of the producers certificate for exempt farmers participating in the swap meet or farmers market is provided to the Health Authority upon request,
  - (4)**    Health permits and grade cards are posted conspicuously as required,
  - (5)**    Unpermitted food vendors or temporary food establishments and food establishments with a suspended permit are prohibited from operating at the swap meet or farmers market,
  - (6)**    Animal attractions, animal pens, and petting zoos are at least 50 feet away from any food establishment or food establishment support area,
  - (7)**    The premises are maintained such that there is no overflowing trash, wastewater, sewage, or other nuisance condition present,
  - (8)**    There is a surplus of liquid soap and disposable towels for use in restroom facilities and all site requirements and support services are in compliance with these regulations, and



- (9) There is a resource recovery plan implemented such that cardboard, glass, plastic bottles, and aluminum is collected and recycled if there are greater than 5000 patrons in attendance per day.

#### **13-101.2 Support Services**

Newly constructed or substantially remodeled swap meets must have an onsite commissary if they contract with or lease space to three or more food vendors that handle TCS foods. The swap meet must provide access to the necessary support services for all contracted food vendors.

#### **13-101.3 Farmers Market Certified Producer**

- (A) Farmers markets must have at least one farmer who possesses a valid producer certificate for farm products being sold, offered or displayed for sale, or served.
- (B) A vendor may sell farm products of another farmer provided that a copy of the producer certificate or same-day receipts are available upon request for farm products being sold, offered or displayed for sale, or served.
- (C) Farmers are exempt from obtaining a health permit only if the farmer sells only farm products in their natural and unprocessed state. The Health Authority reserves the right to conduct surveys to verify exemption status.
- (D) Farmers must store, handle, and display farm products in a manner which prevents adulteration or the creation of a public health hazard or nuisance.

#### **13-101.4 Site Location**

- (A) Each swap meet and farmers market establishment must have an adequate number of permanently plumbed restrooms that meet the requirements of Chapters 5 and 6 of these regulations. Restrooms must be available for use by food handlers during all hours of operation.
- (B) Each swap meet and farmers market establishment must have waste receptacles, including
  - (1) A minimum of one waste container, for use by patrons, located within 15 feet of each food vendor's space or booth.
  - (2) Waste containers located within or adjacent to restroom and handwashing facilities.
- (C) Farmers' Markets vendors may operate at any permitted Farmers Market location with permission from the Farmers Market manager and prior written notification to the Health Authority detailing where and when the food establishment will be in operation.

<b>13-2</b>	<b>Operational Requirements</b>
<b>Subparts</b>	
<b>13-201</b>	<b>Required Records</b>

### **13-201 Required Records**

The following records must be maintained on site by the swap meet or farmer market manager and be available for review by the Health Authority:

- (A)** Copies of the health permit for each participating food establishment,
- (B)** A list of all participating food vendors and temporary food establishments, and
- (C)** A copy of the producer certificate which lists the approved food for each participating farmer.

## Chapter 14 Special Events and Temporary Food Establishments

### Parts

- 14-1**            **Special Event Requirements**
- 14-2**            **Temporary Food Establishments**
- 14-3**            **Annual Itinerants**

<b>14-1</b>	<b>Special Event Requirements</b>
<b>Subparts</b>	
<b>14-101</b>	<b>Event Coordinator</b>
<b>14-102</b>	<b>General Requirements for Special Events</b>
<b>14-103</b>	<b>Trade Shows, Conventions, Cook-Offs, and Tasting Events</b>

### **14-1            Special Events and Temporary Food Establishments**

Special events, temporary food establishments, and annual itinerants are required to operate within the parameters set forth in Chapters 1-8 of these regulations. This chapter describes additional requirements specific to special events, temporary food establishments, and annual itinerants.

#### **14-101            Event Coordinator** **14-101.1        Permit Requirements**

- (A)**    An event coordinator permit is required for a special event when there are:
- (1)**    Five or more permitted food vendors, temporary food establishments, or mobile vendors, or
  - (2)**    Two or more tasting booths. A solitary tasting booth will be permitted as a temporary food establishment.
- (B)**    An event coordinator permit is not required if either of the following conditions apply:
- (1)**    Except as required in 14-101.1(A)(2), temporary food establishments or food vendors are owned and operated by the same person and the event is not a tasting event, or
  - (2)**    The special event does not meet the definition of a food establishment as described in these regulations.
- (C)**    An event coordinator hosting an event with greater than 100 food vendor and temporary food establishment permits may submit a proposal for the permitting of alternate booth sizes. Proposals must be submitted to the Health Authority no later than 30 days prior to the start date of the event.

#### **14-101.2        Application Submission**

- (A)**    The event coordinator must submit the following items with the event coordinator permit application:

- (1) A letter of permission or other legally executed document from the property owner granting permission to operate the event at the site address,
  - (2) A list of food vendors, temporary food establishments, and their contact information,
  - (3) A site map of the event indicating the location of food vendors and temporary food establishments, toilet and handwashing facilities, trash receptacles, parking, lighting, electrical access, and support service areas, and
  - (4) A description of support services.
- (B) The Health Authority may deny an Event Coordinator Permit if:
- (1) The application is not submitted at least one business day prior to the event start date, or
  - (2) The application is incomplete, or there are missing supporting documents, and resubmission does not occur at least three business days prior to the event start date, or
  - (3) Other authorities or agencies having jurisdiction do not authorize the event.

#### **14-101.3 Responsibilities of the Event Coordinator**

The event coordinator is responsible for all items as specified on the event coordinator permit application such as potable water supply, disposal of wastewater, disposal of solid waste, restroom facilities including associated handwashing sinks, power supply, central warewashing facilities, and central refrigeration services. The event coordinator must ensure that:

- (A) A finalized list of food vendors and temporary food establishments is provided to the Health Authority at least three business days prior to the event,
- (B) There is at least one PIC at the event during all hours of operation who is knowledgeable about the operation and available to the Health Authority during the event,
- (C) Unpermitted food vendors and temporary food establishments do not participate in the special event,
- (D) For special events that exceed three days in duration, a three-compartment sink is provided for use by food vendors and temporary food establishments ,
- (E) When power is supplied to food vendors and temporary food establishments by the event coordinator, power is capable of supporting all powered equipment, as contracted, for the duration of the event,
- (F) When central refrigeration services for food vendors and temporary food establishments are provided, the equipment is capable of maintaining food at 41 °F or below for the duration of the event,

- (G) Food vendors and temporary food establishments are notified in advance of the availability and location of potable water sources or that potable water will not be provided,
- (H) A plan for the disposal of wastewater is provided to include the schedule for emptying communal gray water tanks when applicable,
- (I) A plan for waste disposal is provided and addresses collection and removal of solid waste during and after the event,
- (J) A resource recovery plan is implemented at events where attendance is expected to exceed 5000 persons per day which provides that cardboard, glass, plastic bottles, and aluminum generated at an event of this size are collected and recycled, and
- (K) Non-potable water connections and containers are clearly labeled.

#### **14-102 General Requirements for Special Events**

##### **14-102.1 Toilet facilities**

- (A) The event coordinator must ensure that an adequate number of toilet facilities are provided for patron and participant use so as not to create a nuisance or public health hazard.
- (B) When the number of seweried toilets is insufficient, portable toilets must be provided. The permit holder of a special event must provide toilet facilities as set forth in NAC 444.825 unless otherwise approved based on an operational plan that includes more frequent cleaning and disposal of waste.
- (C) Toilets must be adequately serviced, stocked with dispenser-held toilet tissue, and maintained during the event.
- (D) Toilets must be set at least 50 feet away from any food operation.

##### **14-102.2 Handwashing Sinks**

- (A) Handwashing sinks must be located at each toileting area.
- (B) At least one handwashing sink for each group of five toilets must be provided.
- (C) Handwashing sinks must be adequately serviced, stocked, and maintained during the event. Liquid hand soap in a pump dispenser, and single-use paper towels dispensed in a sanitary manner, must be available at the handwashing sink.
- (D) A waste receptacle must be located at the handwashing sink for the disposal of paper towels.
- (E) Handwashing sinks for customer use must be placed at the exit to any animal attraction associated with the event.

##### **14-102.3 Animal Attractions**

Animal attractions must not create nuisances, odors, or pest problems that impact food service operations. The Health Authority may impose additional restrictions and requirements to ensure the health of the public. All animal attractions must be set at least 50 feet away from any food operation.

#### **14-103 Trade Shows, Conventions, Cook-Offs, and Tasting Events**

In addition to the responsibilities specified in section 14-101.3, the event coordinator of a trade show, convention, cook-off, or tasting event must inform all food vendors and temporary food establishments with a point of sale, or other arrangement for direct compensation for food or beverage, that they must have a valid health permit to participate in the event.

<b>14-2</b>	<b>Temporary Food Establishments</b>
<b>Subparts</b>	
<b>14-201</b>	<b>Temporary Permit Requirements</b>
<b>14-202</b>	<b>Temporary Food Establishment Permit Exemptions</b>
<b>14-203</b>	<b>Operational Requirements for Temporary Food Establishments</b>
<b>14-204</b>	<b>Site Requirements</b>

#### **14-201 Temporary Permit Requirements**

- (A)** A temporary food establishment permit must not exceed 14 consecutive days and is not transferable from person to person or from location to location.
- (B)** Except as specified in 14-101.1 (C), a single temporary food establishment must not exceed 400 square feet when serving only low-risk food and must not exceed 200 square feet in size when serving higher-risk food.
- (C)** The temporary food establishment permit may be denied if:
  - (1)** The application is not received at least one business day prior to the start date of the event,
  - (2)** There are inadequate support services available to operate safely, or
  - (3)** Food is unable to be protected due to inclement weather, or other conditions exist that cause a risk to public health.
- (D)** The permit holder of the temporary food establishment must provide proof of payment of the permit application invoice upon request.
- (E)** 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.

#### **14-202 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. Exemptions may include, but are not limited to:

- (A) Bottled water, canned soft drinks,
- (B) Customer self-service coffee or tea. This exemption does not include TCS food or open-food handling except brewing coffee or tea,
- (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) Hermetically sealed and unopened containers of non-TCS beverages, which do not require refrigeration,
- (E) Hot chocolate prepared for immediate service without the use of TCS foods,
- (F) Non-TCS prepackaged baked goods with proper labeling from an approved source and requiring no on-site preparation,
- (G) Non-TCS foods and unopened prepackaged food from an approved source with proper labeling, such as honey, jerked meats, potato chips, popcorn, and other similar foods,
- (H) Farm products sold by a vendor with a producer certificate and no food preparation, breaching of produce, or product sampling is done,
- (I) Commercially prepared, prepackaged, and unopened ice cream that is appropriately labeled including ingredients and manufacturer information, and
- (J) Vendors that provide samples of food without compensation, do not sell the food on-site, and are inspected under an Event Coordinator permit.

#### **14-203 Operational Requirements for Temporary Food Establishments**

In addition to compliance with Chapters 1-8 of these regulations, temporary food establishments are subject to the additional operational requirements in this section.

##### **14-203.1 Equipment**

Temporary food establishments are exempt from Subpart 4-205 but must operate using equipment, which is in good condition, easily cleanable, and does not pose a food safety risk.

##### **14-203.2 Operational Requirements**

Temporary food establishments must:

- (A) Conduct minimal food preparation on site,

- (B) Not conduct complex food processes, including but not limited to cooling, at the event location,
- (C) Prohibit use or sale of reduced oxygen packaged foods which were packaged at a retail food establishment unless prior approval has been granted by the Health Authority
- (D) Prohibit TCS food served or displayed at an event from being re-served or held over for future service,
- (E) Operate only at sites which written approval from the property owner has been obtained,
- (F) Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation,
- (G) Ensure that transportation vehicles are maintained clean, free of trash, food debris, spills, pests, or any other source of contamination to the food or equipment, and
- (H) In the absence of an approved commissary or permitted support kitchen, provide same day receipts for all TCS foods and/or open prepared food upon request to the Health Authority.

#### **14-203.3 Handwashing Facilities**

- (A) A handwashing sink must be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event.
- (B) The handwashing sink must be located within 10 feet of the open-food handling area and ready for use prior to any open food handling.
- (C) An adequate number of handwashing sinks that meet the following criteria must be provided:
  - (1) If portable, the handwashing sink must be self-contained and equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply and may be gravity-fed, and
  - (2) Provide a hands-free continuous flow of warm running water.

#### **14-204 Site Requirements**

- (A) Provide overhead protection for food preparation areas unless prohibited by fire code, and
- (B) Operate on a smooth surface such as asphalt or concrete, or provide adequate groundcover, to prevent dust or debris from becoming airborne.



<b>14-3</b>	<b>Annual Itinerants</b>
<b>Subparts</b>	
<b>14-301</b>	<b>Permit Requirements</b>
<b>14-302</b>	<b>Operational Requirements</b>
<b>14-303</b>	<b>Required Records</b>
<b>14-304</b>	<b>Annual Itinerant Event Coordinator</b>

#### **14-301 Permit Requirements**

In addition to compliance with Chapters 1-8 of these regulations, Annual Itinerants are subject to the additional requirements in this section. Annual Itinerants must:

- (A)** Only operate at sites for which prior notice was given to the Health Authority,
- (B)** Notify the Health Authority by submitting an Annual Itinerant Notification at least two business days prior to operating at a special event or farmers market. Updates to the schedule must be provided at least two business days prior to the start of each special event or farmers market. Failure to notify the Health Authority within the required timeframe will result in administrative action up to and including permit revocation,
- (C)** Operate only at sites that meet the requirements in Subpart 14-204 and which written approval from the property owner has been obtained,
- (D)** Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation,
- (E)** Provide access to transportation or food storage vehicles utilized by the food vendor to ensure that the vehicle is maintained clean, free of trash, food debris, spills, insects, or any other source of contamination to the food or equipment, and
- (F)** Not exceed 200 square feet in size.

#### **14-302 Operational Requirements**

##### **14-302.1 Operational Restrictions**

Annual Itinerants must:

- (A)** Conduct minimal food preparation on site,
- (B)** Not conduct complex food processes, including but not limited to cooling, at the event location,
- (C)** Prohibit TCS food served or displayed at an event from being re-served or held over for future service, and
- (D)** Prohibit use or sale of reduced oxygen packaged foods which were packaged at a retail food establishment unless prior approval has been granted by the Health Authority.

#### **14-302.2 Handwashing Facilities**

- (A)** A handwashing sink must be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event.
- (B)** The handwashing sink must be located within 10 feet of the open-food handling area and ready for use prior to any open food handling.
- (C)** An adequate number of handwashing sinks that meet the following criteria must be provided:
  - (1)** If portable, the handwashing sink must meet the requirements of Subpart 4-205,
  - (2)** Provide a continuous flow of hot and cold running water without the use of a manual pump,
  - (3)** Be self-contained, and
  - (4)** Be equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply.

#### **14-303 Required Records**

The Annual Itinerant permit holder must provide the following records to the Health Authority upon request:

- (A)** A valid commissary agreement letter,
- (B)** Permission letters, operational plans, or waivers associated with the permit, and
- (C)** Same-day receipts for food when applicable.

#### **14-304 Annual Event Venue Permit Requirements**

Annual Event Venues must comply with Subpart 14-101 and:

- (A)** Provide permanently plumbed restrooms that meet the requirements of Chapters 5 and 6 of these regulations and are conveniently located and available for use by food vendors and temporary food establishments during all hours of operation,
- (B)** Designate an area where food vendors and temporary food establishments may refill potable water and dump wastewater in an approved manner, and
- (C)** Provide sufficient area lighting if the event operates after sundown.

<b>14-4</b>	<b>Severability Clause</b>
<b>Subparts</b>	
<b>14-401</b>	<b>Severability Clause</b>

#### **14-401 Severability Clause**

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

## Appendix A— Communicable Disease Protocol

The purpose of this Protocol is to assist the Person in Charge of a food establishment to take appropriate measures when dealing with an employee ill with pathogens that may be spread in food as required by Nevada Administrative Code (NAC) 441A-Communicable Diseases

Communicable Diseases that have the potential to cause Foodborne illness and are reportable to the Health Authority include but are not limited to: Amebiasis, Campylobacteriosis, Cryptosporidiosis, *E.coli* 0157:H7, Giardiasis, Hepatitis A, Salmonellosis, Shigellosis, Typhoid Fever and any extraordinary occurrence of illness or foodborne disease outbreak such as that associated with Norovirus (a more extensive list can be found in NAC 441A).

Food and beverage handlers are considered to be employed in sensitive occupations (NAC 441A.170) which enhance the potential for transmission of a communicable disease to other persons if a person who is infected with the communicable disease is working while in a contagious stage.

The Person in Charge of a food establishment must:

- Report known or suspect communicable disease to the Health Authority (NAC 441A.255).
- Prohibit a food handler from working with:
  1. Symptoms of gastrointestinal illness such as abdominal cramping, diarrhea, or vomiting until symptom free for at least 24 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. Sore throat with fever. Note: A worker experiencing active symptoms caused by seasonal allergies or hay fever (persistent cough, running nose, and/or sneezing) shall be prohibited from open food service until symptoms are controlled.
- Cooperate with the Health Authority during an epidemiological investigation and carry out measures for the prevention, suppression, and control of a communicable disease (NAC 441A.280 and 441A.530) including:
  1. 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.
  2. Providing access to employees for interviewing and obtaining clinical specimens.
  3. Providing food, beverage and environmental samples for laboratory analysis.
  4. Exclusion of an employee as required by NAC 441A specific to the diagnosis until cleared to return to work by the Health Authority.
  5. Institute infection control, and hygienic and sanitation measures as required by the Health Authority.

More information can be found on the FDA website: [Employee Health and Personal Hygiene Handbook](#)

## Appendix B— Checklist for Reopening After an Imminent Health Hazard



### Checklist for Reopening After an Imminent Health Hazard

The permit holder shall ensure that the imminent health hazard has been corrected and all items on this checklist are verified:

EHFoodOpsAdmin@SNHD.ORG  
Main Office (702) 759 - 1110  
After hours (702) 759 - 1600

#### Physical Facility

- ☐ Electricity is available throughout facility
- ☐ If applicable, natural gas is available to facility
- ☐ All plumbing is operating properly
- ☐ There is no visible damage or incomplete repairs, all gaps and holes are sealed
- ☐ Floors, walls, and ceiling are clean
- ☐ Lights are operational and at proper brightness
- ☐ Cold and hot water is available throughout the facility
- ☐ Hot water is available at a minimum of 100°F at every hand sink
- ☐ Hot water is available at a minimum of 120°F at the 3-compartment sink

#### Facility Operation

- ☐ All potentially contaminated food is discarded
- ☐ All kitchenware and equipment are properly washed, rinsed, sanitized, and air dried
- ☐ All dishware and utensils are properly washed, rinsed, sanitized, and air dried
- ☐ Cold holding units are holding at or below 41°F
- ☐ Freezer units are holding at or below 0°F
- ☐ All unit thermometers are working properly
- ☐ Hot holding units are holding at or above 135°F
- ☐ Dishwasher/glasswasher is operating properly
- ☐ Hood ventilation system is operating properly
- ☐ Hand sinks and restrooms are stocked and operational

#### Inspection Readiness

- ☐ Sanitizer buckets are set up at proper concentration
- ☐ Thermometers are calibrated
- ☐ Pest control records are available
- ☐ Air curtains are operating properly
- ☐ Person in Charge is available and knowledgeable
- ☐ All food handlers have current Food Handler Safety Training Cards (Health Card)
- ☐ All food is labeled and dated as required
- ☐ Grade card and required signs are posted conspicuously

<b>Facility Name:</b>	<b>Closed on:</b>	<b>Re-Opened on:</b>
<b>Permit Number:</b>	<b>Date:</b>	<b>Date:</b>
<b>Person in Charge Name:</b>	<b>Time:</b>	<b>Time:</b>



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## Appendix C—Dogs in Outdoor Dining Areas Agreement

<b>Initials</b>	<b>By initialing next to each box below, I attest that I understand and agree to enforce the following conditions when allowing dogs in an outdoor dining area located on the premises of my food establishment.</b>	
_____	Other than service animals and security/police dogs, dogs will not be allowed inside the food establishment at any time and dogs will not be permitted to pass through the food establishment to access the outdoor dining area.	
_____	<p>Signage will be posted conspicuously at the outdoor dining area with the following minimum requirements listed:</p> <ul style="list-style-type: none"> <li>Patrons must keep their dogs on a leash, in a carrier, or otherwise restrained,</li> <li>Dog waste must be cleaned up by the dog owner using disposable bags and/or clean up kits provided, and discarded in the designated covered trashcans,</li> <li>Dogs must remain on the ground, and are not allowed on seats, benches, tables, or other furniture, and</li> <li>Dogs must not eat off of reusable tableware or utensils. If a cup or bowl is needed, please ask an employee for a disposable container.</li> </ul>	
_____	<p>Each outdoor dining area where dogs are permitted:</p> <ul style="list-style-type: none"> <li>Will have a covered trashcan and disposable trash bags conveniently and conspicuously located for use by patrons. The trashcan(s) will be emptied on a frequent basis, into an outdoor dumpster, to prevent nuisance conditions, and</li> <li>Will be deep cleaned on a frequent enough basis to prevent pests, the buildup of soil, and odors. Mops, brooms, and other tools used to clean the outdoor dining area will not be used for other purposes and will be stored separately from any food storage or handling area.</li> </ul>	
_____	<p>The Person in Charge will enforce, and employees will be trained, on the following:</p> <ul style="list-style-type: none"> <li>Prohibiting dogs from eating or drinking from reusable kitchenware (<u>i.e.</u> by offering disposable wares to the patron),</li> <li>Preparation of a waste clean-up kit, when to provide it to a patron, and how to block off or clear an area that requires clean-up,</li> <li>Proper handwashing techniques, and</li> <li>Avoiding cross-contamination by prohibiting touching, serving, or cleaning up after dogs while working in a food handling capacity.</li> </ul>	
_____	Waste clean-up kits will be provided by the food establishment to patrons as needed. The kit will contain disposable gloves, liquid absorbent, a scoop, and a scraper to be used by patrons to remove waste.	
_____	<p>I understand and agree that:</p> <ul style="list-style-type: none"> <li>The Americans with Disability Act takes precedence if there is a conflict with an interpretation of this agreement, and</li> <li>The permit holder is responsible for mitigating nuisance conditions created by allowing dogs on the outdoor premises of the food establishment. Damage to persons and/or animals related to animal interactions on premises are the sole responsibility of the permit holder and/or dog owner or handler.</li> </ul>	
	Print Name:	Title/Position:
	Signature:	Date: