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2021 DEC -8 AM 10:51

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DEPUTY

WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

REGULATIONS
OF
THE WASHOE COUNTY DISTRICT BOARD OF HEALTH
GOVERNING

FOOD ESTABLISHMENTS

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

ADOPTED BY THE WASHOE COUNTY DISTRICT BOARD OF HEALTH ON OCTOBER 28, 2021
APPROVED BY THE NEVADA STATE BOARD OF HEALTH ON DECEMBER 3, 2021



Public Health
Prevent. Promote. Protect.

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AUTHORITY

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

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

Now, therefore, the Washoe County District Board of Health does hereby adopt the following Regulations of the Washoe County District Board of Health Governing Food Establishments on July 25, 2019. Approved by the Nevada State Board of Health on September 6, 2019.

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

CHAPTER 010

DEFINITIONS

General

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

010.005 “Accessible” defined. “Accessible” means:

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

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

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

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

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

010.020 **“Approved” defined.** “Approved” means acceptable to the Health Authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health.

010.023 **“Asymptomatic” defined.**

- A. "Asymptomatic" means 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.

010.025 **"a_w" defined.** “a_w” means the symbol for water activity.

010.030 **"Balut" defined.** “Balut” means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

010.035 **“Barbecue” defined.** “Barbecue” means cooking food outdoors on equipment suitably designed and maintained for use outdoors that is operated on the same premises as, and in conjunction with, a supporting permitted food establishment. Barbeque equipment includes, but is not limited to, outdoor grills, and smokers.

010.040 **“Bed and breakfast facility” defined.** “Bed and breakfast facility” means a commercial home offering bed and breakfast accommodations to one (1) or more persons.

010.045 **"Beverage" defined.** “Beverage” means a liquid for drinking, including water.

010.050 **“Board of Health” defined.** “Board of Health” means the District Board of Health of the Washoe County Health District created pursuant to Chapter 439 of the Nevada Revised Statutes and by the interlocal agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada.

010.055 **"Bottled drinking water" defined.** “Bottled drinking water” means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

010.060 **“Bulk food” defined.** “Bulk food” means processed or unprocessed food in aggregate containers from which quantities desired by the customer are withdrawn. The term includes a self-service operation.

010.065 "Casing" defined. "Casing" means a tubular container for sausage products made of either natural or artificial (synthetic) material.

010.070 "Catering operation" defined. "Catering operation" means a food service that is conducted by a permitted food establishment where food is served, or limited food preparation is conducted, at a location other than its permitted location in either of the following circumstances:

- A. As part of a contracted offsite food service event; or
- B. When operating in conjunction with a host facility with direct food sales.
- C. "Catering operation" includes the following types of service:
 - 1. Self-service, where consumers serve themselves (i.e., buffet, appetizer and/or dessert tables) and the operation is monitored by catering staff; or
 - 2. Served meals, where catering staff serve consumers by means of plated meals, buffet, carving, or cooking stations requiring catering staff to remain as attendants during the operation.
- D. "Catering operation" does not include either of the following circumstances:
 - 1. Food ordered as takeout or delivery from a food facility, where the food is provided to the consumer for self-service;
 - 2. Food delivered to an event in all disposable containers or equipment that does not require staff to remain on site, or return to the site, for service; or
 - 3. A food facility that is participating as part of a "special event" as defined in Section 010.825.

010.075 "Certification number" defined. "Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

010.080 "Certification organization" defined. "Certification organization" means an organization that provides an accredited certification program for food protection manager certification, including a recognized examination, and issues a certificate for passage of the examination.

010.085 "Certified Food Protection Manager" defined. "Certified Food Protection Manager" means a person who has demonstrated by means of a food safety certification examination to a certification organization that they have the knowledge, skills, and abilities required to protect the public from foodborne disease.

010.090 "CFP" defined. "CFP" is the acronym for the Conference for Food Protection.

010.095 "Child care facility" defined. "Child care facility" means a facility as defined in the Washoe County Department of Social Services Regulations for Child Care Facilities.

010.100 "Cleaned-in-place" defined. "Cleaned-in-place" means:

- A. Cleaned-in-place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that

require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

- B. Cleaned-in-place does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a cleaned-in-place system.

010.105 **“Closed” defined.** “Closed” means fitted together snugly, leaving no openings large enough to permit the entrance of vermin.

010.110 **"Commingle" defined.** “Commingle” means:

- A. To combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or
- B. “Commingle” means to combine shucked shellfish from containers with different container codes or different shucking dates.

010.115 **“Communicable disease” defined.** “Communicable disease” means a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism. Communicable diseases are those listed in NAC 441A.040.

010.120 **“Comminuted” defined.** “Comminuted” means:

- A. To reduce in size by methods including chopping, flaking, grinding, or mincing.
- B. "Comminuted" includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

010.125 **"Conditional employee" defined.** "Conditional employee" means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

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

010.130 **“Consumer” defined.** “Consumer” means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment and does not offer food for resale.

010.135 **“Control” defined.** “Control” means to manage the operations of a food establishment to maintain compliance with established food protection standards, applicable laws and regulations. The state where correct procedures are being followed and compliance is being met.

- 010.140** “Control point” defined. “Control point” means any point or procedure at which a biological, chemical, or physical hazard can be controlled.
- 010.145** "Corrosion-resistant" defined. "Corrosion-resistant" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.
- 010.150** "Counter-mounted equipment" defined. "Counter-mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.
- 010.155** “Critical control point” defined. “Critical control point” means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.
- 010.160** “Critical item” defined. "Critical item" means a provision of these regulations that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.
- 010.165** "Critical limit" defined. "Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.
- 010.170** “Cut leafy greens” defined. “Cut leafy greens” means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term “leafy greens” includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e. immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula, and chard. The term “leafy greens” does not include herbs such as cilantro or parsley.
- 010.175** “Direct supervision” defined. “Direct supervision” means the training and supervision of a designated person-in-charge, by a Certified Food Protection Manager, to operate a permitted food establishment in compliance with all applicable laws and regulations pertaining to food when the Certified Food Protection Manager is absent from the food establishment.
- 010.180** "Disclosure" defined. "Disclosure" means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.
- 010.185** “Donated game animals” defined. “Donated game animals” means any game animals that are processed in an approved facility which are given as a gift, grant or contribution; a donation which is not affected or restricted by any given condition, circumstance or monetary means.
- 010.187** “Drinking water” defined.
- A. “Drinking water” means water that meets criteria as specified in *40 CFR 141 National Primary Drinking Water Regulations*.

- B. "Drinking water" is traditionally known as "potable water".
- C. "Drinking water" includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water", "mop water", "rainwater", "wastewater", and "nondrinking" water.

010.190 "Dry storage area" defined. "Dry storage area" means a room or area designated for the storage of packaged or containerized bulk food that is not time/temperature control for safety food and dry goods such as single-service items.

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

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

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

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

010.205 "Egg" defined.

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

010.210 "Egg product" defined.

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

010.215 "Employee" defined. "Employee" means the permit holder, person-in-charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.

010.220 "EPA" defined. "EPA" means the U.S. Environmental Protection Agency.

010.225 “Equipment” defined.

- A. "Equipment" means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.
- B. "Equipment" does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

010.230 “Event promoter” defined. “Event promoter” means a person, firm, association or corporation licensed by the county commission or city council to conduct a special event or activity.

010.235 "Exclude" defined. “Exclude” means to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee.

010.240 “Extensively remodeled” defined. “Extensively remodeled” means the construction, building, repair or alteration of, or installation of new equipment in a food establishment which requires a permit from the Health Authority or local building department.

010.245 “Family child care home” defined. “Family child care home” means a home as defined in the Washoe County Department of Social Services Regulations for Child Care Facilities.

010.250 “Farm products” defined. “Farm products” includes all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, livestock and livestock products and hay. The term does not include timber products or milk and milk products. (NRS 576.0155).

010.255 “Farm-to-fork” defined. “Farm-to-fork” means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of these regulations.

010.260 “Farmers’ market” defined. “Farmers’ market” means a place of business where the actual producer of farm products can bring products for direct sale to consumers. The term includes a place of business where a person rents space to producers for the sale of farm products.

010.265 "FDA" defined. “FDA” means the U.S. Food and Drug Administration.

010.270 "Fish" defined.

- A. "Fish" means fresh or saltwater fin-fish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.
- B. "Fish" includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

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

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

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

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

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

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

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

010.295 "Food establishment" defined.

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

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

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

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

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

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

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

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

8. Jelly or jam;
9. Condiments; or
10. Candy; or

B. Cans food or packages food in packaging with a modified atmosphere.

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

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

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

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

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

010.350 “Game animal” defined:

- A. "Game animal" means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine, or as poultry, or fish.
- B. "Game animal" includes mammals without limitation such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.
- C. "Game animal" does not include ratites.

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

- A. Offal, swill, kitchen and table waste, and other organic animal and vegetable waste;
- B. Bottles, cans, cups, plates, utensils, containers, and any other materials that have been in direct contact with a food or beverage; and
- C. Components used in the preparation or manufacture of food intended for animal or human consumption.

- 010.360 “General-use pesticide” defined.** “General-use pesticide” means a pesticide that is not classified by EPA for restricted use.
- 010.365 “Golf cart-style food unit” defined.** “Golf cart-style food unit” means a very small, motorized vehicle, including golf carts and similar vehicles, used to transport and serve food or beverages at various locations inside large buildings or on large tracts of land including but not limited to golf courses. Such units shall be permitted as portable units for service of food.
- 010.370 “Grade A standards” defined.** “Grade A standards” means the requirements of the United States Public Health Service/FDA “Grade A Pasteurized Milk Ordinance” with which certain fluid and dry milk and milk products comply.
- 010.375 “Group child care home” defined.** “Group child care home” means a home as defined in the Washoe County Department of Social Services Regulations for Child Care Facilities.
- 010.380 “HACCP” defined.** “HACCP” is the acronym for Hazard Analysis Critical Control Point and means a systematic approach to the identification, evaluation, and control of food safety hazards.
- 010.385 “HACCP plan” defined.** “HACCP plan” means a written document that delineates the formal procedures for following the hazard analysis and critical control point principles developed by the National Advisory Committee on Microbiological Criteria for Foods to include pertinent critical items and critical limits.
- 010.390 “HACCP system” defined.** “HACCP system” means the result of the implementation of a HACCP plan.
- 010.395 “Handwashing sink” defined:**
- A. "Handwashing sink" means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands.
 - B. "Handwashing sink" includes an automatic handwashing facility.
- 010.400 “Hazard” defined.** “Hazard” means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.
- 010.405 “Hazard analysis” defined.** “Hazard analysis” means the process of collecting and evaluating information on hazards associated with food to decide which are significant and must be addressed in a HACCP Plan.
- 010.410 “Health Authority” defined.** “Health Authority” means the officers and agents of the Washoe County District Board of Health.
- 010.415 “Health District” defined.** “Health District” means the Washoe County Health District created pursuant to NRS 439 and the interlocal agreement of the City of Reno, the City of Sparks, and the County of

Washoe, Nevada. It includes all the incorporated cities and unincorporated areas within the geographic boundaries of Washoe County, Nevada.

- 010.420 “Health practitioner” defined.** “Health practitioner” means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physicians assistant, or a person with similar qualifications.
- 010.425 “Hermetically sealed container” defined.** “Hermetically sealed container” means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low-acid canned foods, to maintain the commercial sterility of its contents after processing.
- 010.430 “Highly susceptible population” defined.** “Highly susceptible population” means persons who are more likely than other people in the general population to experience foodborne disease because they are:
- A. Immunocompromised; preschool age children, or older adults; and
 - B. Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day-care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.
- 010.440 “Intact Meat” defined.** Means a cut of whole muscle(s) meat that has not undergone comminution, mechanical tenderization, vacuum tumbling with solutions, or reconstruction.
- 010.445 “Juice” defined:**
- A. "Juice" means the aqueous liquid expressed or extracted from one (1) or more fruits or vegetables, purées of the edible portions of one (1) or more fruits or vegetables, or any concentrates of such liquid or purée.
 - B. "Juice" does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.
- 010.450 “Kitchenware” defined.** “Kitchenware” means food preparation and storage utensils.
- 010.455 “Law” defined.** “Law” means applicable local, State, and Federal statutes, regulations and ordinances.
- 010.460 “Linens” defined.** “Linens” means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.
- 010.465 “Liquid waste” defined.** “Liquid waste” means a waste material which is not spadeable.
- 010.470 “Low-risk food” defined.** “Low-risk food” means food that presents very low risk of causing foodborne disease when handled in specific ways as approved by the Health Authority. Examples include, but are not limited to:
- A. Open containers of pasteurized or ultra-pasteurized milk or similar liquid dairy products which are maintained at 41°F or lower, to be steamed for immediate use in espresso-type beverages.

- B. Ultra-pasteurized half-and-half, or similar coffee creamers in single-serving hermetically sealed containers.
- C. Prepackaged ice cream bars, and other frozen dairy products which are served without the need for a dipper well.
- D. Commercially packaged hot dogs heated for hot holding.
- E. Nuts, high-sugar candy, honey, cookies, bread, beef jerky, unsliced melons, and intact raw fruit.

010.475 “Major food allergen” defined. “Major food allergen” means:

- A. Milk, egg, fish such as bass, flounder, cod, crab, lobster or shrimp; tree nuts such as almonds, pecans, or walnuts; wheat, peanuts, and soybeans; or
- B. A food ingredient that contains protein derived from a food, as specified in Subsection A of this definition.
- C. "Major food allergen" does not include any highly refined oil derived from a food specified in Subsection A of this definition and any ingredient derived from such highly refined oil.

010.480 “Meat” defined. “Meat” means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals.

010.483 “Mechanically Tenderized” defined. Means 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.”

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

010.490 “Misbranded” defined. “Misbranded” means the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, which is false or misleading or which violates any applicable state or local labeling requirements. (NRS 446.053)

010.495 “Mobile unit” defined. “Mobile unit” means any vehicle operating from an approved servicing area in which food, beverages, frozen desserts or dairy products and mixes are prepared, processed or converted for human consumption and which is used to sell and dispense food and beverages to customers. The term includes full service “hot” trucks and limited service “ice cream” trucks. The term does not include any portable unit for service of food.

010.500 “Molluscan shellfish” defined. “Molluscan shellfish” means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

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

- 010.510 “New food establishment” defined.** “New food establishment” means any food establishment beginning operation at a location, which is newly constructed for that purpose or a food establishment beginning operation in any preexisting structure.
- 010.513 “Non-continuous cooking” defined:**
- A. “Non-continuous cooking” means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.
 - B. “Non-continuous cooking” does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.
- 010.515 “Nonprofit organization” defined.** “Nonprofit organization” means an entity which desires to be eligible for the nonprofit fee as defined in these regulations and meets the requirements of NRS 82 or which has tax exempt status recognized by the Internal Revenue Service.
- 010.520 “NSF” defined.** “NSF” means the National Sanitation Foundation.
- 010.525 “Operational plan” defined.** “Operational plan” means a written and approved document and contractual agreement other than a HACCP plan, in which are listed specific practices or procedures that are intended to ensure that:
- A. An establishment is maintained in a clean and sanitary condition; or
 - B. Activities associated with the establishment’s operations do not compromise public health.
- 010.530 “Operational supervision” defined.** “Operational supervision” means the on-site supervision and management of a permitted food establishment’s foodservice operations and foodservice employees.
- 010.540 “Outdoor food establishment” defined.** “Outdoor food establishment” means a type of food establishment that is in an unenclosed or partially enclosed outdoor area, may have equipment for cooking, staging or storing food, is not within its supporting food establishment’s physical structure, is on the premises of its supporting food establishment, and is not intended to be operated as a temporary food establishment.
- 010.550 “Packaged” defined:**
- A. “Packaged” means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing establishment.
 - B. “Packaged” does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
- 010.555 “Permit” defined.** “Permit” means the document issued by the Health Authority that authorizes a person to operate a food establishment.

- 010.560 “Permit holder” defined.** “Permit holder” means the entity that:
- A. Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and
 - B. Possesses a valid permit to operate a food establishment.
- 010.565 “Person” defined.** “Person” means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.
- 010.570 “Person-in-charge” defined.** “Person-in-charge” (PIC) means the person present at a food establishment who is responsible for the operation of the establishment at the time of an inspection.
- 010.575 “Personal care items” defined.** “Personal care items” means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance and include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.
- 010.580 “pH” defined.** “pH” means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.
- 010.585 “Physical facilities” defined.** “Physical facilities” means the structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air-conditioning system vents.
- 010.590 “Plumbing fixture” defined.** “Plumbing fixture” means a receptacle or device that:
- A. Is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or
 - B. Discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.
- 010.595 “Plumbing system” defined.** “Plumbing system” means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.
- 010.600 “Poisonous or toxic materials” defined.** “Poisonous or toxic materials” means substances that are not intended for ingestion and are included in these four (4) categories:
- A. Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
 - B. Both restricted- and general-use pesticides except sanitizers, which include substances such as insecticides and rodenticides;
 - C. Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and

- D. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

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

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

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

010.625 “Poultry” defined:

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

010.630 “Premises” defined:

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

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

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

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

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

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

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

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

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

010.675 “Ready-to-eat” defined. “Ready-to-eat” means a food that is in a form that is ready for immediate consumption or reasonably expected to be consumed in that form at the point of sale or that is edible without additional preparation to achieve food safety. It could be raw or cooked, hot or chilled and could be consumed without further heat-treatment including reheating.

A. "Ready-to-eat food" includes:

- 1. Raw animal food that is cooked as specified in these regulations and posted with the disclosure and reminder statement;
- 2. All time/temperature control for safety food that is unpackaged and cooked to the temperature and time required for that specific food;
- 3. Raw fruits and vegetables that are thoroughly washed in water to remove soil and other visible contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form;
- 4. Fruits and vegetables that are cooked for hot holding;
- 5. Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;
- 6. Substances derived from plants such as spices, seasonings, and sugar;
- 7. A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;
- 8. The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and thermally processed low-acid foods packaged in hermetically sealed containers.

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

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

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

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

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

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

010.690 **“Reduced oxygen packaging” defined:**

A. "Reduced oxygen packaging" means:

1. The reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and
2. A process as specified in Subsection A(1) of this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.

B. "Reduced oxygen packaging" includes:

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

010.695 **“Refuse” defined.** “Refuse” means garbage for purposes of these regulations.

010.700 **“Reminder” defined.** “Reminder” means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

010.705 “Reservice” defined. “Reservice” means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

010.710 “Restrict” defined. “Restrict” means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

010.715 “Restricted-use pesticide” defined. “Restricted-use pesticide” means a pesticide product that is limited to use by or under the direct supervision of a certified applicator or as defined in NRS 586.205.

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

010.725 “Risk Level I food establishment” defined. “Risk Level I food establishment” means a permitted food establishment that presents an extremely low relative risk of causing foodborne disease based upon few or no food handling operations implicated in foodborne disease outbreaks. Risk Level I food establishments are limited to food establishments that:

- A. Serve or sell only prepackaged non-time/temperature control for safety food;
- B. Conduct limited food preparation steps of non-time/temperature control for safety food such as slicing bagels, buttering toast, or opening prepackaged baked goods for individual sale;
- C. Serve only beverages and ice, such as espresso, mixed and blended drinks;
- D. Heat only commercially processed, time/temperature control for safety food such as hot dogs for hot holding and where cooling or reheating of food items is prohibited; or
- E. Conduct cold holding of commercially prepackaged, ready-to-eat, time/temperature control for safety food such as sandwiches and frozen foods, without opening of the package.

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

010.730 “Risk Level II food establishment” defined. “Risk Level II food establishment” means a permitted food establishment that presents a medium relative risk of causing foodborne disease based upon few food handling operations typically implicated in foodborne disease outbreaks. Risk Level II food establishments are limited to food establishments that:

- A. Prepare, cook, and serve most foods immediately;
- B. Limit the complex preparation of time/temperature control for safety food including cooking, cooling, and reheating for hot holding to extra or left-over foods from same day service. This excludes foods prepared in advance for future service;
- C. Limit cold or hot holding to a single meal service; or
- D. Use minimal preparation and assembly steps to prepare foods from raw ingredients.

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

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

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

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

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

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

010.750 “Safe temperatures” defined. “Safe temperatures” means temperatures of 41°F (5°C) or below and 135°F (57° C) and above for the transport or storage of time/temperature control for safety foods.

010.755 “Sample vendor” defined. “Sample vendor” means a vendor operating a temporary food establishment in which samples of food are prepared and distributed in individual portions.

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

- 010.765** **“Sealed” defined.** “Sealed” means free of cracks or other openings that could allow the entry or passage of moisture.
- 010.770** **“Service animal” defined.** “Service animal” means an animal that has been trained to assist or accommodate a person with a disability.
- 010.775** **“Servicing area” defined.** “Servicing area” means one (1) or more locations approved by the Health Authority and used by operators of mobile units, portable units for service of food, or vending machines for such things as food and supply storage, warewashing, food preparation, vehicle and equipment cleaning and maintenance, discharging liquid or solid wastes, and refilling water tanks and ice bins.
- 010.780** **“Sewage” defined.** “Sewage” means a combination of the liquid and water-carried wastes from any building or plumbing fixture together with such groundwater, surface water and storm water as may be present. Water-carried wastes, include but are not limited to, excrement and liquid wastes from kitchens, water closets, laundries, portable or non-sewered toilets and holding tanks.
- 010.785** **“Shellfish control authority” defined.** “Shellfish control authority” means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.
- 010.790** **“Shellstock” defined.** “Shellstock” means raw, in-shell molluscan shellfish.
- 010.795** **“Shucked shellfish” defined.** “Shucked shellfish” means molluscan shellfish that have one (1) or both shells removed.
- 010.800** **“Single-service articles” defined.** “Single-service articles” means tableware, carry-out utensils, and other items such as bags, containers, place mats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one (1) time, one person use after which they are intended for discard.
- 010.805** **“Single-use articles” defined:**
- A. "Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded.
 - B. "Single-use articles" includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications for multi-use utensils.
- 010.810** **“Slacking” defined.** “Slacking” means the process of moderating the temperature of a food such as allowing a food to gradually increase from temperature of -10°F (-23°C) to 25°F (-4°C) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as shrimp.

010.815 “Smooth” defined:

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

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

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

010.835 “Substantial health hazard” defined. “Substantial health hazard” means any factor or condition which has the potential to risk or cause injury to public health. Substantial health hazards include, but are not limited to, the following circumstances:

- A. Food from an unapproved or unknown source, or food which is or may be adulterated, improperly labeled, misbranded, contaminated, showing evidence of temperature abuse or be otherwise unfit for human consumption, is found in a food establishment.
- B. Time/temperature control for safety food is held longer than established allowable time parameters for preparation or service at an ambient temperature which is greater than 41°F (5°C) or less than 135°F (57°C) or under any other condition capable of supporting the rapid growth of bacteria.
- C. Time/temperature control for safety food served to customers or exposed to other contamination is served again.
- D. A person infected with a communicable disease that can be transmitted by food is working as a food handler in an establishment.
- E. Person(s) employed in a food establishment, not practicing strict standards of cleanliness and personal hygiene, which may result in the potential transmission of illness through food.
- F. Equipment, utensils and working surfaces are not cleaned and sanitized effectively and may contaminate food during preparation, storage or service.
- G. Sewage or liquid waste is not disposed of in an approved and sanitary manner, or the sewage or liquid waste contaminates or may contaminate any food, areas used to store or prepare food, or an area frequented by customers or employees.
- H. Toilets and facilities for washing hands are not provided, properly installed, designed, fully operable and accessible.
- I. The supply of potable water is not approved or does not meet the applicable requirements for sampling and public notification set forth in NRS 445A and any regulations adopted pursuant thereto, and an operator does not use items intended for a single use and bottled drinking water from an approved source.
- J. A defect or condition exists in the system supplying potable water, which may result in the contamination of the water and become a substantial health hazard.

- K. There exists the presence of insects, rodents or other animals, which may result in contamination of food.
- L. There exist poisonous or toxic materials which are labeled, stored or used improperly or inadequately.

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

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

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

010.852 “Time/temperature control for safety food” defined:

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

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

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

Table B: Interaction of pH and a_w for control of vegetative cells and spores in food not heat-

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

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

C. “Time/temperature control for safety food” does not include:

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

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

010.860 “Utensil” defined. “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multi-use, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

- 010.865** **“Variance” defined.** “Variance” means a written document issued by the Health Authority that relieves a permit holder from one (1) or more requirements of these regulations if, in the opinion of the Health Authority, a health hazard or nuisance will not result from the issuance of the variance.
- 010.870** **“Vehicle” defined.** “Vehicle” means any device that transports any person and goods upon a highway, except devices moved by human power.
- 010.875** **“Vending machine” defined.** “Vending machine” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. The term does not include any device which dispenses only nuts, popcorn, ball gum, hard candy, prepackaged candy, cookies, crackers or similar snacks, beverages which are not time/temperature control for safety food or prepackaged ice.
- 010.880** **“Vending machine location” defined.** “Vending machine location” means the room, enclosure, space, or area where one (1) or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machine(s).
- 010.885** **“Waiver” defined.** “Waiver” means a written agreement between the Health Authority and a permit holder that authorizes an operator to utilize food safety controls equivalent to the provisions in these regulations if, in the opinion of the Health Authority, a health hazard will not result. Supporting documents for a waiver may include, but are not limited to operational plans, scientific challenge studies, monitoring logs, and validation studies from certified processing authorities.
- 010.890** **“Warewashing” defined.** “Warewashing” means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.
- 010.895** **“Water activity” defined.** “Water activity”, as indicated by the symbol “ a_w ,” means the quotient of the pressure of water vapor in a substance divided by the pressure of water vapor in pure water when the pure water is at the same temperature as the substance.
- 010.900** **“Whole-muscle, intact beef” defined.** “Whole-muscle, intact beef” means whole-muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.
- 010.905** **“Wholesome” defined.** “Wholesome” means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

CHAPTER 020

PERMITS AND FEES

PERMITS

020.005 Prohibition from operating an establishment without a valid permit

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

020.010 Requirement to submit an application for permit to operate

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

- A. The applicant's full name and post office address.
- B. A statement whether the applicant is a natural person, firm or corporation, and, if a partnership, the names of the partners, together with their addresses.
- C. A statement of the location and type of the proposed food establishment.
- D. The signature of the applicant or applicants that attests to the accuracy of the information provided in the application and affirms that, should the permit be approved, the applicant will comply with the applicable requirements of these regulations.

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

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

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

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

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

020.025 Responsibilities of the permit holder

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

- A. Post the permit in a location in the food establishment that is conspicuous to consumers;
- B. Comply with the provisions of these regulations including the conditions granted through a waiver, variance or exemption;
- C. Cooperate fully with the Health Authority during inspections, investigations of complaints, and in recalling food determined to be adulterated;
- D. If a food establishment is required to operate under any operational plan, HACCP plan or other criteria approved as a condition of the permit, comply with the plan unless written approval is first obtained from the Health Authority;
- E. Immediately contact the Health Authority to report an illness of a food employee or conditional employee;
- F. Immediately discontinue operations and notify the Health Authority if a substantial health hazard may exist;
- G. Allow representatives of the Health Authority access to the food establishment as specified under NRS 446.885;
- H. Replace existing facilities and equipment with facilities and equipment that comply with these regulations if:
 - 1. The Health Authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria, upon which the facilities and equipment were accepted; or
 - 2. The Health Authority directs the replacement of the facilities and equipment because of a change of ownership;
- I. Comply with directives of the Health Authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Health Authority in regard to the permit holder's food establishment or in response to community emergencies;
- J. Accept notices issued and served by the Health Authority; and
- K. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in these regulations for failure to comply with a directive of the Health Authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

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

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

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

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

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

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

020.040 Allowance for permit exemption for charitable organizations

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

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

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

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

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

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

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

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

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

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

020.060 Revocation of an exemption

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

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

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

020.070 Invalidation of permit, transferring prohibited

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

020.075 Invalidation of a permit for failure to use it

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

020.080 Invalidation of a permit for failure to pay renewal fees

A permit shall become invalid if the permit holder fails to pay the required renewal fee and, if applicable, any late fee or reinspection fee. Once a permit becomes invalid the associated establishment may not be operated again until a new permit is obtained from the Health Authority. To obtain a new permit, a new application must be submitted and processed as provided for in these regulations.

FEES

020.085 Application fee for permit to operate

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

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

020.090 Application fee for exemption from permit to operate request

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

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

020.095 Fee for HACCP and operational plans

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

020.100 Payment of renewal fees

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

020.105 Late Fees

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

020.110 Permit application fee, refund

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

020.115 Reinspection fees

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

CHAPTER 030

MANAGEMENT AND PERSONNEL

030.005 Assignment, person-in-charge required

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

030.010 Demonstration of knowledge

Based on the risks inherent to the food operation, during inspections and upon request the person-in-charge shall demonstrate to the Health Authority knowledge of foodborne disease prevention, application of the hazard analysis and critical control point principles, and the requirements of these regulations. The person-in-charge shall demonstrate this knowledge by:

- A. Complying with these regulations by having no critical violations during the current inspection;
- B. Being a Certified Food Protection Manager who has shown proficiency of required information through passing an exam that is part of an accredited program; or
- 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 disease and the personal hygiene of a food employee;
 2. Explaining the responsibility of the person-in-charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;
 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 time/temperature control for safety food and the prevention of foodborne disease;
 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 safe cooking of time/temperature control for safety 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 time/temperature control for safety food;
 8. Describing the relationship between the prevention of foodborne disease 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 clean condition and in good repair;
 9. Describing foods identified as major food allergens and symptoms that a major food allergen could cause in a sensitive individual who has an allergic react
 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 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 operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne disease 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 person-in-charge and food employees comply with the HACCP plan if a plan is required by 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 employee,
 - b) Conditional employee,
 - c) Person-in-charge,
 - d) Health Authority; and
 - e) Explaining how the person-in-charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees.

030.015 Duties of the person-in-charge

The person-in-charge shall ensure that:

- A. Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified in NRS 446.020 and 446.870.
- B. Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person-in-charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;
- C. Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with these regulations;
- D. Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;

- E. Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
- F. Employees are 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 time/temperature control for safety food being particularly careful in cooking those foods known to cause severe foodborne disease and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated;
- H. Employees are using proper methods to rapidly cool time/temperature control for safety foods that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- I. Employees are properly maintaining the temperatures of time/temperature control for safety food during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures;
- J. Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety;
- K. Employees are properly sanitizing cleaned multi-use equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;
- L. Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets;
- M. Except when approval is obtained from the Health Authority as specified in these regulations, employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;
- N. Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties;
- O. Food employees and conditional food employees are informed of their responsibility to report to the person-in-charge, information about their symptoms as they relate to diseases that are transmissible through food; and
- P. Written procedures and plans, where specified by these regulations and as developed by the food establishment, are maintained and implemented as required.

030.020 Employee Health; Responsibility of permit holder, person-in-charge, food employees, and conditional employees

- A. The permit holder shall require food employees and conditional employees to report to the person-in-charge information about their health and activities as they relate to diseases that are transmissible through food. A food employee or conditional employee shall report the information in a manner that allows the person-in-charge to reduce the risk of foodborne disease 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 employee or conditional employee:

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 (caused by Salmonella Typhi) or
 - f) Salmonella (nontyphoidal);
3. Had Typhoid fever, diagnosed by a health practitioner, within the past three (3) 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 employee or conditional employee consumed or prepared 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 (3) days of the last exposure,
 - c) Typhoid fever within the past 14 days of the last exposure, or
 - d) Hepatitis A virus within the past 30 days of the last exposure; or
5. Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, 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 (3) days of the last exposure,
 - c) Typhoid fever (caused by Salmonella Typhi) within the past 14 days of the last exposure, or

- d) Hepatitis A virus within the past thirty (30) days of the last exposure.
- B. The person-in-charge shall notify the Health Authority when a food employee is:
 - 1. Jaundiced, or
 - 2. Diagnosed with an illness due to a pathogen as specified under Subsections (A)(2)(a)-(f) of this section.
- C. The person-in-charge shall ensure that a conditional employee:
 - 1. Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under Subsections (A)(1)-(3) of this section, is prohibited from becoming a food employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified under Section 030.022; and
 - 2. Who will work as a food employee in a food establishment that serves a highly susceptible population and reports a history of exposure as specified under Subsections(A)(4)-(5), is prohibited from becoming a food employee until the conditional employee meets the criteria as specified under Section 030.022 (J).
- D. The person-in-charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under Subsections (A)(1)-(5) of this section is:
 - 1. Excluded as specified under Section 030.021 (A)-(C), and Subsections (D)(1), (E)(1), (F)(1), (G) or (H)(1) and in compliance with the provisions specified under Section 030.022(A)-(H); or
 - 2. Restricted as specified under Section 030.021 (D)(2), (E)(2), (F)(2), (H)(2), or Section 030.021(I) or (J) and in compliance with the provisions specified under Section 030.022(D)-(J).
- E. A food employee or conditional employee shall report to the person-in-charge the information as specified under Subsection (A) of this section.
- F. A food employee shall:
 - 1. Comply with an exclusion as specified under Section 030.021 (A)-(C) and Section 030.021 (D)(1), (E)(1), (F)(1), (G), or (H)(1) and with the provisions specified under Section 030.022 (A)-(H); or
 - 2. Comply with a restriction as specified under Section 030.021 (D)(2), (E)(2), (F)(2), (G), (H)(2), or Section 030.021 (H), (I), or (J) and comply with the provisions specified under Section 030.022 (D)-(J).

030.021 Exclusions and restrictions

The person-in-charge shall exclude or restrict a food employee from a food establishment in accordance with the following:

- A. Except when the symptom is from a noninfectious condition, exclude a food employee if the food employee is:
 - 1. Symptomatic with vomiting or diarrhea; or
 - 2. Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, Shigella spp., Salmonella (nontyphoidal), or Shiga toxin-producing E. coli.
- B. Exclude a food employee who is:
 - 1. Jaundiced and the onset of jaundice occurred within the last seven (7) calendar days, unless the food employee provides to the person-in-charge 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 (7) calendar days of the onset of jaundice; or
 3. Diagnosed with an infection from hepatitis A virus without developing symptoms.
- C. Exclude a food employee who is diagnosed with Typhoid fever, or reports having Typhoid fever within the past three (3) months as specified under Section 030.020 (A)(3)
- D. If a food employee is diagnosed with an infection from Norovirus and is asymptomatic:
1. Exclude the food employee who works in a food establishment serving a highly susceptible population; or
 2. Restrict the food employee who works in a food establishment not serving a highly susceptible population.
- E. If a food employee is diagnosed with an infection from Shigella spp. and is asymptomatic:
1. Exclude the food employee who works in a food establishment serving a highly susceptible population; or
 2. Restrict the food employee who works in a food establishment not serving a highly susceptible population.
- F. If a food employee is diagnosed with an infection from Shiga toxin-producing E. coli, and is asymptomatic:
1. Exclude the food employee who works in a food establishment serving a highly susceptible population; or
 2. Restrict the food employee who works in a food establishment not serving a highly susceptible population.
- G. If a food employee is diagnosed with an infection from Salmonella (nontyphoidal) and is asymptomatic, restrict the food employee who works in a food establishment serving a highly susceptible population or in a food establishment not serving a highly susceptible population.
- H. If a food employee is ill with symptoms of acute onset of sore throat with fever:
1. Exclude the food employee who works in a food establishment serving a highly susceptible population; or
 2. Restrict the food employee who works in a food establishment not serving a highly susceptible population.
- I. If a food employee is 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 Section 030.020 (A)(1)(e), restrict the food employee.
- J. If a food employee is exposed to a foodborne pathogen as specified under Section 030.020 (A)(4)(a)-(d) or Section 030.020 (A)(5)(a)-(d), restrict the food employee who works in a food establishment serving a highly susceptible population.

030.022 Managing removal, adjustment, or retention of exclusions and restrictions.

The person-in-charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of a food employee:

- A. Except when a food employee is diagnosed with Typhoid fever or an infection from hepatitis A virus:

1. Reinstatement of a food employee who was excluded as specified under Section 030.021 (A)(1) if the food employee:
 - a) Is asymptomatic for at least 24 hours; or
 - b) Provides to the person-in-charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.
 2. If a food employee was diagnosed with an infection from Norovirus and excluded as specified under Section 030.021 (A)(2):
 - a) Restrict the food employee 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 Subsections (D)(1) or (2) of this section are met; or
 - b) Retain the exclusion for the food employee, 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 Subsections (D)(1) or (2) of this section are met.
 3. If a food employee was diagnosed with an infection from Shigella spp. and excluded as specified under Section 030.021 (A)(2):
 - a) Restrict the food employee, 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 Subsections (E)(1) or (2) of this section are met; or
 - b) Retain the exclusion for the food employee, 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 Subsections (E)(1) or (2), or (E)(1) and (3)(a) of this section are met.
 4. If a food employee was diagnosed with an infection from Shiga toxin-producing Escherichia coli and excluded as specified under Section 030.021(A)(2):
 - a) Restrict the food employee, 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 Subsections (F)(1) or (2) of this section are met; or
 - b) Retain the exclusion for the food employee, 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 Subsections (F)(1) or (2) are met.
 5. If a food employee was diagnosed with an infection from Salmonella (nontyphoidal) and excluded as specified under Section 030.021 (A)(2):
 - a) Restrict the food employee, who is asymptomatic for at least 30 days until conditions for reinstatement as specified under Subsections (G)(1) or (2) of this section are met; or
 - b) Retain the exclusion for the food employee who is symptomatic, until conditions for reinstatement as specified under Sections (G)(1) or (G)(2) of this section are met.
- B. Reinstatement of a food employee who was excluded due to jaundice or diagnosed with hepatitis A infection as specified under Section 030.021 (B) if the person-in-charge obtains approval from the Health Authority and one of the following conditions is met;
1. The food employee has been jaundiced for more than seven (7) calendar days;

2. The anicteric food employee has been symptomatic with symptoms other than jaundice for more than 14 calendar days; or
 3. The food employee provides to the person-in-charge written medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection.
- C. Reinstatement of a food employee who was excluded with diagnosed or reported previous illness with Typhoid fever as specified under Section 030.021 (C) if:
1. The person-in-charge obtains approval from the Health Authority; and
 2. The food employee provides to the person-in-charge written medical documentation from a health practitioner that states the food employee is free from Typhoid fever.
- D. Reinstatement of a food employee who was excluded as specified under Section 030.021 (A)(2) or (D)(1) who was restricted under Section 030.021 (D)(2) with Norovirus if the person-in-charge obtains approval from the Health Authority and one of the following conditions is met:
1. The excluded or restricted food employee provides to the person-in-charge written medical documentation from a health practitioner stating that the food employee is free of a Norovirus infection;
 2. The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the food employee became asymptomatic; or
 3. The food employee was excluded or restricted and did not develop symptoms and more than 48 hours have passed since the food employee was diagnosed.
- E. Reinstatement of a food employee who was excluded with *Shigella* spp. diagnosis as specified under Section 030.021 (A)(2) or (E)(1) or who was restricted under Section 030.021 (E)(2) if the person-in-charge obtains approval from the Health Authority and one of the following conditions is met:
1. The excluded or restricted food employee provides to the person-in-charge written medical documentation from a health practitioner stating that the food employee is free of a *Shigella* spp. infection based on test results showing two (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 employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than seven (7) calendar days have passed since the food employee became asymptomatic; or
 3. The food employee was excluded or restricted and did not develop symptoms and more than seven (7) calendar days have passed since the food employee was diagnosed.
- F. Reinstatement of a food employee who was excluded or restricted with an infection from Shiga toxin-producing *Escherichia coli* as specified under Section 030.021 (A)(2) or (F)(1) or who was restricted under Section 030.021 (F)(2) if the person-in-charge obtains approval from the Health Authority and one of the following conditions is met:
1. The excluded or restricted food employee provides to the person-in-charge written medical documentation from a health practitioner stating that the food employee is free of an infection from Shiga toxin-producing *Escherichia coli* based on test results that show two (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 employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than seven (7) calendar days have passed since the food employee became asymptomatic; or
 3. The food employee was excluded or restricted and did not develop symptoms and more than seven (7) days have passed since the food employee was diagnosed.
- G. Reinstatement of a food employee who was excluded with nontyphoidal Salmonella as specified under Section 030.021 (A)(2) or who was restricted as specified under Section 030.02 (G) if the person-in-charge obtains approval from the Health Authority and one of the following conditions is met:
1. The excluded or restricted food employee provides to the person-in-charge written medical documentation from a health practitioner stating that the food employee is free of a Salmonella (nontyphoidal) infection based on test results showing two (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 employee was restricted after symptoms of vomiting or diarrhea resolved, and more than 30 days have passed since the food employee became asymptomatic; or
 3. The food employee was excluded or restricted and did not develop symptoms and more than 30 days have passed since the food employee was diagnosed.
- H. Reinstatement of a food employee who was excluded or restricted with sore throat with fever as specified under Section 030.021 (H)(1) or (2) if the food employee provides to the person-in-charge written medical documentation from a health practitioner stating that the food employee 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 (1) 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 employee who was restricted with an uncovered infected wound or pustular boil as specified under Section 030.021 (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 employee who was restricted as specified under Section 030.021 (J) and was exposed to one of the following pathogens as specified under Section 030.020 (A)(4)(a)-(d) or Section 030.020 (A)(5)(a)-(d):
1. Norovirus and one of the following conditions is met:
 - a) More than 48 hours have passed since the last day the food employee 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 (3) calendar days have passed since the last day the food employee was potentially exposed; or
 - b) More than three (3) calendar days have passed since the food employee'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 employee was potentially exposed; or
 - b) More than 14 calendar days have passed since the food employee's household contact became asymptomatic.
4. Hepatitis A virus and one of the following conditions is met:
 - a) The food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A;
 - b) The food employee is immune to hepatitis A virus infection because of vaccination against hepatitis A;
 - c) The food employee 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 employee was potentially exposed;
 - e) More than 30 calendar days have passed since the food employee's household contact became jaundiced; or
 - f) The food employee does not use an alternative procedure that allows bare hand contact with ready-to-eat food until at least 30 days after the potential exposure, as specified in Subsections (J)(4)(d) and (e) of this section, and the food employee 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.

030.025 Clean condition, hands and arms

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

030.030 Cleaning procedure

Except as specified in Subsection C of this section:

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

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

030.035 When to wash

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

- A. After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- B. After using the toilet room;
- C. After caring for or handling service animals or aquatic animals;
- D. Except as specified in Section 030.065 (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 for working with food;
- I. After engaging in other activities that contaminate the hands.

030.040 Where to wash

Food employees shall clean their hands in a handwashing sink or approved automatic handwashing facility or device and may not clean their hands in a sink used for food preparation or warewashing, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste unless otherwise approved by the Health Authority.

030.045 Hand antiseptics

- A. A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:
 - 1. Comply with one (1) of the following:
 - a) Be an approved drug that is listed in the FDA publication, *Approved Drug Products With Therapeutic Equivalence Evaluations* as an approved drug based on safety and effectiveness; or
 - b) Have active antimicrobial ingredients which are listed in the FDA monograph for *OTC Health-Care Antiseptic Drug Products* as an antiseptic hand wash; and
 - 2. Consist only of components which the intended use of each complies with one (1) 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) A Food Contact Notification that is effective, and
 - 3. Be applied only to hands that are cleaned as specified under Section 030.030.
- B. If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Subsection A(2) of this section, use shall be:
 - 1. Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or
 - 2. Limited to situations that involve no direct contact with food by bare hands.
- C. A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/L (ppm) chlorine.

030.050 Maintenance of fingernails

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

030.055 Prohibition of jewelry

Employees may not wear jewelry on their hand or arms including medical information jewelry while preparing food except for a plain ring such as a wedding band.

030.060 Clean condition, outer clothing

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

030.065 Eating, drinking, or using tobacco

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

- A. An employee shall not eat, drink, or use any form of tobacco where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection can result.
- B. A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:
 - 1. The employee's hands;
 - 2. The container; and
 - 3. Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- C. The premises must comply fully with NRS 202, "Nevada Clean Indoor Air Act". For food establishments that must comply with the Nevada Clean Indoor Air Act:
 - 1. The permit holder shall conspicuously post, at every entrance, a sign clearly stating that smoking is prohibited; and
 - 2. All ashtrays and other smoking paraphernalia shall be removed from all areas where smoking is prohibited.

030.070 Discharges from the eyes, nose, and mouth

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

030.073 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 employee working with exposed food shall be covered with a single-use glove.

030.075 Effectiveness of hair restraints

- A. Except as provided in Subsection B, food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- B. This section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

030.080 Handling animals prohibition

- A. Except as specified in Subsection B of this section, food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in these regulations.
- B. Food employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustaceans in display tanks if they wash their hands as prescribed in these regulations.

030.085 Clean-up of vomiting and diarrheal events

A food establishment shall have written procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures shall 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.

CHAPTER 040

FOOD PROTECTION MANAGER CERTIFICATION

040.005 Certified Food Protection Manager, required

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

040.010 Risk Level I food establishments, child care centers

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

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

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

040.015 Special circumstances

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

040.020 Food protection manager certificate, posting

Food Protection Manager certificates issued by an accredited certification organization must be made available to the Health Authority upon request.

040.022 Certified food protection manager

The person-in-charge must be a certified food protection manager who has shown proficiency of required information through passing an exam that is part of an accredited program as required in Section 040.025 of these regulations

040.025 Food protection manager certification

- A. A person-in-charge who demonstrates knowledge by being a food protection manager that is certified by a certification program that is evaluated and listed by an accredited certification organization recognized by the CFP is deemed to comply with Section 030.010 (B) of these regulations.
- B. A food establishment that has a person-in-charge that is certified by a food protection manager certification program that is evaluated and listed by an accredited certification organization recognized by the CFP is deemed to comply with Section 040.022 of these regulations.

040.030 Certified Food Protection Manager, responsibilities

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

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

040.035 Certified Food Protection Manager, compliance and enforcement

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

CHAPTER 050

FOOD

050.005 Safe, unadulterated, and honestly presented

All food must be free from spoilage, filth, adulteration, misbranding, contamination and as specified under Section 050.345, honestly presented, and safe for human consumption.

050.010 Compliance

- A. Food must be obtained from approved sources.
- B. Except as specified under Cottage Food Operations or as specifically exempted in these regulations, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him by the Health Authority for that purpose.
- C. Fish, other than molluscan shellfish, that are intended for consumption in their raw form, and not served to a highly susceptible population, may be offered for sale or service if they are obtained from a supplier that certifies that the fish are frozen for parasite destruction; or fish is frozen on the premises using appropriate industry guidelines to ensure parasite destruction and records are retained as described in these regulations.
- D. Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in these regulations must be:
 1. Obtained from a food processing establishment that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of “whole-muscle, intact beef”; or
 2. Deemed acceptable by the Health Authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of “whole-muscle, intact beef”; and
 3. If individually cut in a food establishment:
 - a) Cut from whole-muscle, intact beef that is labeled by a food processing establishment as specified in Subsection D(1) of this section or identified as specified in Subsection D(2) in this section;
 - b) Prepared so they remain intact; and
 - c) If packaged for undercooking in a food establishment, labeled as specified in Subsection D(1) of this section or identified as specified in Subsection D(2) of this section.
- E. All meat, meat products, poultry and poultry products used in a food establishment must have been properly labeled to include safe handling instructions as specified in 9 CFR 317.2 (1) and 9 CFR 381.125 (b) and inspected for wholesomeness under an official United States Department of Agriculture (USDA) program and applicable Nevada law.

050.015 Food in a hermetically sealed container

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

050.020 Milk and milk products

Fluid milk and products made from milk used or served in a food establishment must be pasteurized and from a source approved by the Health Authority.

050.025 Fish

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

050.030 Molluscan shellfish

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

050.035 Wild mushrooms

- A. Except as specified in Subsection B of this section, mushroom species picked in the wild shall not be offered for sale or service by a food establishment unless the food establishment has been approved by the Health Authority 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 food regulatory agency that has jurisdiction over the operation; or
 - 2. Wild mushroom species if they are in packaged form and are the product of a food processing establishment that is regulated by the food regulatory agency that has jurisdiction over the establishment.

050.040 Game animals

- A. Except as specified in Subsection B, if game animals or donated game animals are received for sale or service in a food establishment they shall 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 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. Game animals that have not been inspected as described in Subsection A may not be served in a food establishment.
- C. Legally harvested game animals not inspected as described in Subsection A may be given to any charitable, religious, or a nonprofit organization for use in accordance with NRS 446.870 (5).
- D. Game animals used in accordance with NRS 446.870(5) must be labeled "Not for Sale."
- E. Road kill animals shall not be approved as a food source.
- F. A game animal may not be received for sale or service if it is a species of wildlife that is listed in *50 CFR 17 Endangered and threatened wildlife and plants*.

050.045 Specifications for receiving temperature

- A. Except as specified in Subsection B of this section, refrigerated, time/temperature control for safety food must be at a temperature of 41°F (5°C) or below when received.
- B. If a temperature other than 41°F (5°C) for a time/temperature control for safety food is specified in law governing its distribution, such as laws governing milk and molluscan shellfish, the food may be received at the specified temperature.

- C. Raw eggs, must be received in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.
- D. Time/temperature control for safety food that is cooked to a temperature and for a time specified in Sections 050.245 - 050.255 of these regulations and received hot must be at a temperature of 135°F (57°C) or above.
- E. A food that is labeled frozen and shipped frozen by a food processing establishment must be received frozen.
- F. Upon receipt, time/temperature control for safety food must be free of evidence of previous temperature abuse.

050.050 Additives

Food may not contain unapproved food additives or additives that exceed amounts specified in *21 CFR 170-180* relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in *21 CFR 181-186*, substances that exceed amounts specified in *9 CFR Subpart C Section 424.21(b) food ingredients and sources of radiation*, or pesticide residues that exceed provisions specified in *40 CFR 180 Tolerances for pesticides chemicals in food, and exceptions*.

050.055 Eggs

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

050.060 Eggs and milk products, pasteurization

- A. Egg products must be obtained pasteurized.
- B. Fluid and dry milk and milk products shall:
 - 1. Be obtained pasteurized; and
 - 2. Comply with grade A standards as specified in law.
- C. All frozen milk products, such as ice cream, shall be obtained pasteurized as specified in *21 CFR 135 – Frozen desserts*.
- D. All cheeses shall be obtained pasteurized unless alternative procedures to pasteurization are specified in the CFR, such as *21 CFR 133 – Cheeses and related cheese products, for curing certain cheese varieties*.

050.070 Package integrity

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

050.075 Ice

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

050.085 Shucked shellfish, packaging and identification

- A. Raw shucked shellfish must be obtained in nonreturnable packages which bear a legible label that identifies the:

1. Name, address, and certification number of the shucker-packer or repacker of the molluscan shellfish; and
 2. "Sell by" date or "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 shellfish that does not comply with the above labeling guidelines must be subject to a hold order, seized or discarded.

050.090 Shellstock identification

- A. Shellstock must be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the "National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish", and that list:
1. Except as specified under Subsection C of this section, on the harvester's tag or label shall have the following information:
 - a) The harvester's identification number that is assigned by the shellfish control authority;
 - b) The date of harvesting;
 - c) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested;
 - d) The type and quantity of shellfish; and
 - e) The following statement in bold, capitalized type: **"THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS;"** and
 2. Except as specified in Subsection D of this section, on each dealer's tag or label, the following information in the following order:
 - a) The dealer's name and address, and the certification number assigned by the shellfish control authority;
 - b) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested;
 - c) The same information as specified for a harvester's tag under Subsections A(1)(b)-(d) of this section; and
 - d) The following statement in bold, capitalized type: **"THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS."**
- B. A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified in Subsection A of this section may be subject to a hold order, seized, discarded or destroyed in accordance with *21 CFR Subpart D – Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d)* .
- C. If a place is provided on the harvester's tag or label for a dealer's name, address, and certification number, the dealer's information must be listed first.
- D. If the harvester's tag or label is designed to accommodate each dealer's identification as specified under Subsections A(2)(a) and(b) of this section, individual dealer tags or labels need not be provided.

050.095 Shellstock condition

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

050.100 Commercially processed juice treated

Prepackaged juice shall:

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

050.105 Molluscan shellfish, original container

- A. Except as specified in Subsections B–D of this section, molluscan shellfish may not be removed from the container in which they are received other than immediately before sale or preparation for service.
- B. For display purposes, shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:
 - 1. The source of the shellstock on display is identified as specified in Section 050.090 and recorded as specified under Section 050.110; and
 - 2. The shellstock are protected from contamination.
- C. Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:
 - 1. The labeling information for the shellfish on display as specified in Section 050.085 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and
 - 2. The shellfish are protected from contamination.
- D. Shucked shellfish may be removed from the container in which they were received and repacked in consumer self-service containers where allowed by law if:
 - 1. The labeling information for the shellfish is on each consumer self-service container as specified under Section 050.085 and Section 050.350 (B) and C(1)–(5);
 - 2. The labeling information as specified under Section 050.085 is retained and correlated with the date when, or dates during which, the shellfish are sold or served;
 - 3. The labeling information and dates specified under Subsection D(2) of this section are maintained for 90 days; and
 - 4. The shellfish are protected from contamination.

050.110 Shellstock, maintaining identification

- A. Except as specified under Subsection C(2) of this section, shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.

- B. The date when the last shellstock from the container is sold or served shall 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 shellstock tags or labels for 90 calendar days from the date that is recorded on the tag or label, as specified under Subsection 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 Subsection B of this section, and
 - 2. If shellstock are removed from their tagged or labeled container:
 - a) Preserving source identification by using a record keeping system as specified under Subsection 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.

050.115 Preventing contamination from hands

- A. Food employees shall wash their hands as specified in these regulations.
- B. Except when washing fruits and vegetables or as specified in Subsection D and E of this section, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- C. Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- D. Subsection B of this section does not apply to a food employee 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 Section 050.245 A and B or Section 050.250; 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 employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:
 - 1. The permit holder obtains prior approval from the Health Authority;
 - 2. Written procedures are maintained in the food establishment and made available to the Health Authority upon request that include:
 - a) For each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands,
 - b) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified in these regulations are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;
 - 3. A written employee health policy that details how the food establishment complies with the provisions of these regulations including:

- a) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases transmittable through food as specified in these regulations;
 - b) Documentation that food employees and conditional employees acknowledge their responsibilities as specified in these regulations; and
 - c) Documentation that the person-in-charge acknowledges the responsibilities as specified in these regulations;
4. Documentation that food employees acknowledge that they have received training in:
 - a) The risks of contacting the specific ready-to-eat foods with bare hands;
 - b) Proper handwashing as specified in these regulations;
 - c) When to wash their hands as specified in these regulations;
 - d) Where to wash their hands as specified in these regulations;
 - e) Proper fingernail maintenance as specified in these regulations;
 - f) Prohibition of jewelry as specified in these regulations;
 - g) Good hygienic practices as specified in these regulations;
 5. Documentation that hands are washed before food preparation and as necessary to prevent cross-contamination by food employees as specified in these regulations during all hours of operation when the specific ready-to-eat foods are prepared;
 6. Documentation that food employees contacting ready-to-eat food with bare hands use two (2) or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:
 - a) Double handwashing;
 - b) Nail brushes;
 - c) A hand antiseptic after handwashing as specified in these regulations;
 - d) Incentive programs such as paid sick leave that assist or encourage food employees not to work when they are ill; or
 - e) Other control measures approved by the Health Authority; and
 7. Documentation that corrective action is taken when Subsection D(6) of this section is not followed.

050.120 Preventing contamination when tasting food

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

050.125 Preventing contamination from food used for personal use

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

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

A. Food must be protected from cross-contamination by:

1. Except as specified under Subsection A(4) of this section, 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, and
 - b) Cooked ready-to-eat food, and
 - c) Fruits and vegetables before they are washed;
 - d) 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 and sanitizing equipment and utensils using an approved method;
 4. Except as specified under Subsection B of this section and Section 050.305 B(2), storing the food in packages, covered container, 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 Section 080.125 of these regulations; and
 8. Separating fruits and vegetables before they are washed as specified in these regulations from ready-to-eat food.
- B. Subsection 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. Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;
 3. Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks;
 4. Food being cooled as specified in Section 050.305 B(2) of these regulations; or
 5. Shellstock.

050.135 Food storage containers, identified with common name of food

Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the food establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar must be identified with the common name of the food.

050.140 Pasteurized eggs, substitute for raw eggs for certain recipes

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

- A. Cooked as specified under Section 050.245 (A)(1) or (2); or
- B. Included in Section 050.245 (D),

50.145 Protection from unapproved additives

- A. Food must be protected from contamination that may result from the addition of, as specified in Section 050.050:
 - 1. Unsafe or unapproved food or color additives; and
 - 2. Unsafe or unapproved levels of approved food and color additives.
- B. A food employee may not:
 - 1. Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or
 - 2. Except for grapes, serve or sell food specified under Subsection B(1) of this section that is treated with sulfiting agents before receipt by the food establishment.

050.150 Washing fruits and vegetables

- A. Except as specified in Subsection B of this section and except for whole, raw fruits and vegetables that are intended for washing by the consumer before consumption, raw fruits and vegetables must be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form.
- B. Fruits and vegetables may be washed by using chemicals as specified under Section 100.040.
- C. Devices used for on-site generation of chemicals meeting the requirements specified in *21 CFR 173.315, Chemicals used in washing or to assist in the peeling of fruits and vegetables*, for the washing of raw, whole fruits and vegetables must be used in accordance with the manufacturer's instructions.

050.155 Ice used as exterior coolant, prohibited as ingredient

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

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

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

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

050.165 Food contact with equipment and utensils

Food shall only contact surfaces of:

- A. Equipment and utensils that are cleaned and sanitized as specified in these regulations;
- B. Single-service and single-use articles, or
- C. Linens, such as cloth napkins, as specified under Section 050.175 that are laundered as specified in these regulations.

050.170 In-use utensils, between-use storage

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

- A. Except as specified under Subsection B of this section, in the food with their handles above the top of the food and the container;
- B. In food that is not time/temperature control for safety food with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;
- C. On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized at the frequency specified under Section 060.370 and Section 060.420.
- 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 time/temperature control for safety food; or
- F. In a container of water if the water is maintained at a temperature of at least 135°F (57°C) and the container is cleaned at the frequency specified under Section 060.370 D(7).

050.175 Linens and napkins, limitation on use

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

050.180 Wiping cloths, limitation on use

- A. Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served must be:
 - 1. Maintained dry; and
 - 2. Used for no other purpose.
- B. Cloths in-use for wiping counters and other equipment surfaces must be:
 - 1. Held between uses in a chemical sanitizer solution at an approved concentration; and
 - 2. Laundered daily as specified in these regulations.
- C. Cloths in-use for wiping surfaces in contact with raw animal foods must be kept separate from cloths used for other purposes.

- D. Dry wiping cloths and the chemical sanitizing solutions specified in Subsection B(1) of this section in which wet wiping cloths are held between uses must be free of food debris and visible soil.
- E. Containers of chemical sanitizing solutions specified in Subsection B(1) of this section in which wet wiping cloths are held between uses must be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.
- F. Single-use disposable sanitizer wipes must be used in accordance with EPA approved manufacturer's label use instructions.

050.185 Gloves, limitation on use

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

050.190 Using clean tableware for second portions and refills

- A. Except for refilling a consumers drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills.
- B. Except as specified in Subsection C of this section, self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.
- C. Drinking cups and containers may be reused by self-service consumers if refilling is an approved contamination-free process as specified under Section 060.130 (A), (B) and (D).

050.195 Refilling returnable containers

- A. Except as specified in Subsections (B)–(E), empty containers returned to a food establishment for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing 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 as specified in 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 in these regulations,
 - b) Sanitized as specified in these regulations; and
 - c) Visually inspected by a food employee to verify that the container, as returned, meets the requirements specified in 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 time/temperature control for safety 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) An employee of the food establishment, or
 - b) The owner of the container if the beverage system includes a contamination-free transfer process as specified under Section 060.130 (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, nonspill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under Section 060.130 (A), (B) and (D).
- E. Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

050.200 Food storage and dispensing

- A. Except as specified in Subsections B and C of this section, food must be protected from contamination by storing the food:
 - 1. In a clean, dry location;

2. Where it is not exposed to splash, dust, or other contamination; and
 3. At least six (6) inches (15 centimeters) above the floor.
- B. Food in packages and working containers may be stored less than six (6) inches (15 centimeters) above the floor on case lot handling equipment.
- C. Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

050.210 Food storage and preparation, prohibited areas

Food may not be stored:

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

050.215 Food preparation

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

050.220 Food display

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display must be protected from contamination by the use of packaging; counter, service line, or salad bar food guards; display cases; or other effective means.

050.225 Condiments, protection

- A. Condiments must be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.
- B. Condiments at a vending machine location must be in individual packages or provided in dispensers that are filled at an approved location, such as the food establishment that provides food to the vending machine location, a food processing establishment that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the vending machine location.

050.230 Consumer self-service operations

- A. Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This section does not apply to:
 - 1. Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish;
 - 2. Ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or
 - 3. Raw, frozen, shell-on shrimp, or lobster.
- B. Consumer self-service operations for ready-to-eat foods must be provided with suitable utensils or effective dispensing methods that protect the food from contamination.
- C. Consumer self-service operations such as buffets and salad bars must be monitored by food employees trained in safe operating procedures.

050.235 Returned food and reservice of food

- A. Except as specified in Subsection B of this section, after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.
- B. Except as specified in Section 050.375 (G), a container of food that is not time/temperature control for safety food may be re-served from one consumer to another if:
 - 1. The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
 - 2. The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

050.240 Miscellaneous sources of contamination

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

050.245 Cooking raw animal foods

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

Minimum Temperature °F (°C)	Minimum Time
145 (63)	3 minutes
150 (66)	1 minute
158 (70)	< 1 second (instantaneous)

;or

3. 165°F (74°C) or above for < 1 second (instantaneous) for poultry, baluts, wild game animals as specified under these regulations, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry or ratites.
- B. Whole meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham must be cooked:
1. As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:

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

¹ Holding time may include post oven heat rise.

;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 that is held at that temperature:

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

High Humidity ¹	250°F (121°C) or less	250°F (121°C) or less
¹ Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.		

- B. A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:
1. The food establishment serves a population that is not a highly susceptible population,
 2. The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" as specified under Section 050.010 (D), 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.
- C. A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft-cooked eggs or rare meat other than whole-muscle, intact beef steaks as specified in Subsection C of this section, may be served or offered for sale upon consumer request or selection in a ready-to eat form if:
1. As specified in Section 050.375 (C)(1) and (2), the food establishment serves a population that is not a highly susceptible population;
 2. The food, if served or offered for service by consumer selection from a children's menu, does not contain comminuted meat; and
 3. The consumer is informed as specified in Section 050.360, that to ensure its safety, the food should be cooked as specified under Subsections A or B of this section; or
 4. The Health Authority grants a waiver from Subsections A or B of this section as specified in these regulations based on a HACCP plan that:
 - a) Is submitted by the permit holder and approved as specified under these regulations,
 - b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food, and
 - c) Verifies that equipment and procedures for food preparation and training of food employees at the food establishment meet the conditions of the waiver.

050.250 Microwave cooking

Raw animal foods cooked in a microwave oven must be:

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

050.255 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).

050.258 Non-continuous cooking of raw animal food

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

- A. Subject to an initial heating process that is no longer than sixty minutes in duration;
- B. Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked time/temperature control for safety food under Section 050.300 (A);
- C. After cooling, held frozen or cold as specified for time/temperature control for safety food under Section 050.310 (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 Section 050.245 (A)-(C);
- E. Cooled according to the time and temperature parameters specified for cooked time/temperature control for safety food under Section 050.300 (A) if not either hot held as specified under Section 050.310 (A), served immediately, or held using time as a public health control as specified under Section 050.330 after complete cooking; and
- F. Prepared and stored according to written procedures that:
 1. Have obtained prior approval from the Health Authority;
 2. Are maintained in the food establishment and are available to the Health Authority upon request;
 3. Describe how the requirements specified in Subsections (A)–(E) of this section are to be monitored and documented by the permit holder and the corrective actions to be taken if the requirements are not met;
 4. Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified in Subsection D of this section prior to being offered for sale or service; and
 5. Describe how the foods, after initial heating but prior to cooking as specified under Subsection D of this section, are to be separated from ready-to-eat foods as specified under Section 050.130 (A).

050.260 Parasite destruction

- A. Except as specified in Subsection B of this section, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated partially cooked fish must be:
 1. Frozen and stored at a temperature of -4°F (-20°C) or below for a minimum of 168 hours (7 days) in a freezer;
 2. Frozen at -31°F (-35°C) or below until solid and stored at -31°F (-35°C) or below for a minimum of 15 hours; or
 3. Frozen at -31°F (-35°C) or below until solid and stored at -4°F (-20°C) or below for a minimum of 24 hours.
- B. Subsection A of this section does not apply to:
 1. Molluscan shellfish;
 2. 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.

050.265 Records, creation and retention

- A. Except as specified in Section 050.260 (B) and Subsection B of this section, if raw, raw-marinated, partially cooked, or marinated partially cooked fish are served or sold in ready-to-eat form, the person-in-charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records of the food establishment for 90 calendar days beyond the time of service or sale of the fish.
- B. If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time which ensures parasite destruction as provided for in these regulations, may substitute for the records specified under Subsection A of this section.
- C. If raw, raw-marinated, partially cooked, or marinated partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in Section 050.260(B)(4) a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in Section 050.260(B)(4) must be obtained by the person-in-charge and retained in the records of the food establishment for 90 calendar days beyond the time of service or sale of the fish.

050.270 Preparation for immediate service

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

050.275 Reheating for hot holding

- A. Except as specified under Subsections B and C and in E of this section, time/temperature control for safety food that is cooked, cooled, and reheated for hot holding must be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) for 15 seconds.
- B. Except as specified under Subsection C of this section, time/temperature control for safety food reheated in a microwave oven for hot holding must be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.
- C. Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing establishment that is inspected by the Health Authority that has jurisdiction over the establishment, must be heated to a temperature of at least 135°F (57°C) for hot holding.
- D. Reheating for hot holding as specified under Subsections A, B and C of this section shall not exceed two (2) hours.
- E. Remaining unsliced portions of meat roasts that are cooked to an approved temperature may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified in these regulations.

050.280 Treating Juice

Juice packaged in a food establishment must be:

- A. Treated under an approved HACCP plan to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance; or
- B. Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance:
 - 1. As specified under Section 050.350, 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".

050.285 Frozen food

Stored frozen foods must be maintained frozen.

050.290 Time/temperature control for safety food; slacking

Frozen time/temperature control for safety food that is slacked to moderate the temperature must be held:

- A. Under refrigeration that maintains the food temperature at 41°F (5°C) or less; or
- B. At any temperature if the food remains frozen.

050.295 Thawing

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

- A. Under refrigeration that maintains the food temperature at 41°F (5°C) or less; or
- B. Completely submerged under running water:
 - 1. At a water temperature of 70°F (21°C) or below,
 - 2. With sufficient water velocity to agitate and float off loose particles in an overflow, and
 - 3. For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41°F (5°C); or
 - 4. For a period of time that does not allow thawed portions of a raw animal food requiring cooking to be above 41°F (5°C), for more than four (4) hours including:
 - a) The time the food is exposed to the running water and the time needed for preparation for cooking, or
 - b) The time it takes under refrigeration to lower the food temperature to 41°F (5°C).
- C. As part of a cooking process if the food that is frozen is:
 - 1. Cooked as specified in Section 050.245 (A) or (B) or Section 050.250, or
 - 2. Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or

- D. Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.
- E. Reduced oxygen packaged fish that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:
 - 1. Prior to its thawing under refrigeration as specified in Subsection A of this section; or
 - 2. Prior to, or immediately upon completion of, its thawing using procedures specified in Subsection B of this section.

050.300 Cooling

- A. Cooked time/temperature control for safety food shall be cooled:
 - 1. Within two (2) hours from 135°F (57°C) to 70°F (21°C); and
 - 2. Within a total of six (6) hours from 135°F (57°C) to 41°F (5°C) or less.
- B. Time/temperature control for safety food shall be cooled within four (4) hours to 41°F (5°C) or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
- C. Except as specified under Subsection D of this section, a time/temperature control for safety food received in compliance with laws allowing a temperature above 41°F (5°C) during shipment from the supplier as specified in Section 050.045 (B), shall be cooled within four (4) hours to 41°F (5°C) or less.
- D. Raw eggs shall be received as specified in Section 050.045 (C) and immediately placed in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.

050.305 Cooling Methods

- A. Cooling must be accomplished in accordance with the time and temperature criteria specified in Section 050.300 by using one (1) or more of the following methods based on the type of food being cooled:
 - 1. Placing the food in shallow pans;
 - 2. Separating the food into smaller or thinner portions;
 - 3. Using rapid cooling equipment;
 - 4. Stirring the food in a container placed in an ice water bath;
 - 5. Using containers that facilitate heat transfer;
 - 6. Adding ice as an ingredient; or
 - 7. Other effective methods.
- B. When placed in cooling or cold holding equipment, food containers in which food is being cooled must be:
 - 1. Arranged in the equipment to provide maximum heat transfer through the container walls; and
 - 2. Loosely covered, or uncovered if protected from overhead contamination, during the cooling period to facilitate heat transfer from the surface of the food.

050.310 Time/temperature control for safety food, hot and cold holding

- A. Except during preparation, cooking, or cooling, or when time is used as the public health control as described in these regulations, and except as specified under Subsections B and C of this section, time/temperature control for safety food must be maintained:
 - 1. At 135°F (57°C) or above, except that roasts cooked or reheated as specified in these regulations may be held at a temperature of 130°F (54°C) or above; or
 - 2. At a temperature of 41°F (5°C) or less.
- B. Eggs that have not been treated to destroy all viable *Salmonellae* must be stored in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.
- C. Time/temperature control for safety food in a homogenous liquid form may be maintained outside of the temperature control requirements, as specified under Subsection A of this section, while contained within specially designed equipment that complies with the design and construction requirements as specified under Section 060.130 (E).

on-premises preparation

- Prepare and hold cold

050.320 Ready-to-eat, time/temperature control for safety food, date marking

- A. Except when packaging food using a reduced oxygen packaging method as specified in section 050.340, and except as specified in Subsections E and F of this section, refrigerated, ready-to-eat, time/temperature control for safety food prepared and held in a food establishment for more than 24 hours must be clearly marked to indicate the date or day by which the food must be consumed on the premises, sold, or discarded, when held at a temperature of 41°F (5°C) or less for a maximum of seven (7) days. The day of preparation shall be counted as Day 1.

commercially processed food

- Open and hold cold

- A. Except as specified in Subsections E–G of this section, refrigerated, ready-to-eat, time/temperature control for safety food prepared and packaged by a food processing establishment must be clearly marked, at the time the original container is opened in a food establishment and if the food is held for more than 24 hours, to indicate the date or day by which the food must be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in Subsection A of this section and:
 - 1. The day the original container is opened in the food establishment must be counted as “Day 1”; and
 - 2. The day or date marked by the food establishment may not exceed a manufacturer’s use-by date if the manufacturer determined the use-by date based on food safety.
- B. A refrigerated, ready-to-eat, time/temperature control for safety food ingredient or a portion of a refrigerated, ready-to-eat, time/temperature control for safety food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.
- C. A date marking system that meets the criteria stated in Subsections A and B of this section may include:
 - 1. Using a method approved by the Health Authority for refrigerated, ready-to-eat time/temperature control for safety food that is frequently rewrapped, such as lunch meat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;

2. Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under Subsection A of this section;
 3. Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under Subsection B of this section; or
 4. Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the Health Authority upon request.
- D. Subsections A and B of this section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.
- E. Subsections A and B of this section do not apply to shellstock.
- F. Subsection B of this section does not apply to the following foods prepared and packaged by a food processing establishment inspected by a Health Authority:
1. Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with *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. Semisoft 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).

050.325 Ready-to-eat, time/temperature control for safety food, disposition

- A. A food specified in Section 050.320 (A) or (B) must be discarded if it:
1. Exceeds either of the temperature and time combinations specified in Section 050.320 (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 inappropriately marked with a date or day that exceeds a temperature and time combination as specified in Section 050.320 (A).
- B. Refrigerated, ready-to-eat, time/temperature control for safety food prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control must be discarded if the food exceeds a temperature and time combination as specified in Section 050.320(A).

050.330 Time as a public health control

- A. Except as specified under Subsection D of this section, if time, without temperature control is used as the public health control for a working supply of time/temperature control for safety food before cooking, or for ready-to-eat time/temperature control for safety food that is displayed or held 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 that specify:
 - a) Methods of compliance with Subsections B(1)–(4) or C(1)–(5) of this section; and
 - b) Methods of compliance with Section 050.300 for food that is prepared, cooked, and refrigerated before time is used as a public health control.

Time – maximum up to 4 hours

- B. If time without temperature control is used as the public health control up to a maximum of four (4) hours:
1. Except as specified in (B) (2), the food shall 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 if removed from hot holding temperature control;
 2. The food may have an initial temperature of 70°F (21°C) or less if:
 - a) It is a ready-to-eat fruit or vegetable that upon cutting is rendered a Time/Temperature Control for Safety Food as defined in Section 010.852, or
 - b) It is a ready-to-eat hermetically sealed food that upon opening is rendered a Time/Temperature Control for Safety Food as defined in Section 010.852, c) The food temperature does not exceed 70°F (21°C) within a maximum time period of 4 hours from the time it was rendered a Time/Temperature Control For Safety Food; and
 - d) The food is marked otherwise identified to indicate the time that is 4 hours past the point in time when the food is rendered a Time/Temperature Control for Safety Food as specified in (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.

Time – maximum up to 6 hours

- C. If time without temperature control is used as the public health control up to a maximum of six (6) hours:
1. The food must have an initial temperature of 41°F (5°C) or less when removed from temperature control and the food temperature may not exceed 70°F (21°C) within a maximum time period of six (6) hours;
 2. The food must be monitored to ensure the warmest portion of the food does not exceed 70°F (21°C) during the six (6)-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed 70°F (21°C) during the six (6)-hour period;
 3. The food must be marked or otherwise identified to indicate:
 - a) The time when the food is removed from 41°F (5°C) or less cold holding temperature control, and

- b) The time that is six (6) hours past the point in time when the food is removed from cold holding temperature control;
- 4. The food must be:
 - a) Discarded if the temperature of the food exceeds 70°F (21°C), or
 - b) Cooked and served, served at any temperature if ready-to-eat, or discarded within a maximum of six (6) hours from the point in time when the food is removed from 41°F (5°C) or less cold holding temperature control; and
- 5. The food in unmarked containers or packages, or marked with a time that exceeds the six (6)-hour limit must be discarded.
- D. A food establishment that serves a highly susceptible population may not use time as specified under Subsections A, B or C of this section as the public health control for raw eggs.

050.335 Specialized processing methods, waiver requirement

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

- A. Smoking food as a method of food preservation rather than as a method of flavor enhancement;
- B. Curing food;
- C. Using food additives or adding components such as vinegar:
 - 1. As a method of food preservation rather than as a method of flavor enhancement, or
 - 2. To render a food so that it is not time/temperature control for safety food;
- D. Packaging time/temperature control for safety food using a reduced oxygen packaging method except where the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* are controlled as specified in Section 050.340;
- E. Operating a molluscan shellfish life-support system display tank used to store and display shellfish that are offered for human consumption;
- F. Custom processing animals that are for personal use as food and not for sale or service in a food establishment;
- G. Preparing food by another method that is determined by the Health Authority to require a waiver; or
- H. Sprouting seeds or beans.

050.340 Reduced oxygen packaging without a waiver criteria

- A. Except for a food establishment that obtains a waiver as specified in Section 050.335, a food establishment that packages time/temperature control for safety food using a reduced oxygen packaging method shall control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.
- B. Except as specified under Subsection F of this section, a food establishment that packages time/temperature control for safety food using a reduced oxygen packaging method shall have an approved HACCP plan that contains the information specified in Section 110.010 and that:
 - 1. Identifies the food to be packaged;
 - 2. Except as specified under Subsection C, D and E of this section, requires that the packaged food must be maintained at 41°F (5°C) or less and meet at least one (1) of the following criteria:
 - a) Has an a_w of 0.91 or less,

- b) Has a pH of 4.6 or less,
 - c) Is a meat or poultry product cured at a food processing establishment regulated by the USDA using substances specified in 9 CFR 424.21, *Use of food ingredients and sources of radiation* and is received in an intact package, or
 - d) Is a food with a high level of competing organisms such as raw meat, raw poultry, or raw vegetables;
3. Describes how the package must be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
 - a) Maintain the food at 41°F (5°C) or below, and
 - b) Discard the food if within 30 calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;
 4. Limits the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use-by" date, whichever occurs first;
 5. Includes operational procedures that:
 - a) Prohibit contacting food with bare hands as specified under Section 050.115 (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 person 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 Subsection B(5) of this section and Section 110.010 (C) and (D).
 7. Is provided to and approved by the Health Authority prior to implementation as specified in Section 110.005.

Fish

- 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 may not package fish using a reduced oxygen packaging method.

Cook-Chill or Sous Vide

- D. Except as specified under Subsection C and F of this section, a food establishment may package time/temperature control for safety food using a cook-chill or sous vide process if :
 1. The food establishment implements a HACCP plan that has been approved in advance by the Health Authority.
 2. The food is:
 - a) Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the packaged or bagged product to another business entity or the consumer,

- b) Cooked to heat all parts of the food to a temperature and for a time as specified in Section 050.245 (A), (B) and (C);
 - c) Protected from contamination before and after cooking as specified in these regulations;
 - d) Placed in a package or bag with an oxygen barrier and sealed before cooking, or placed in a package or bag and sealed immediately after cooking and before reaching a temperature below 135°F C (57°),
 - e) Cooled to 41°F (5°C) in the sealed package or bag as specified in Section 050.300 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 days after the date of packaging
 - ii. Held at 41°F (5°C) or less for no more than seven (7) 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), removed from refrigeration equipment that maintains a 34°F (1°C) food temperature and then held at 41°F (5°C) or less for no more than 7 days, not to exceed 30 days from its date of packaging or bagging at which time the food must be consumed or discarded; or
 - iv. Held frozen with no shelf life restriction while frozen until consumed or used.
 - f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily.
 - g) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation, and
 - h) Labeled with the product name and the date packaged; and
3. The records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP plan, are maintained and are:
- a) Made available to the Health Authority upon request, and
 - b) Held for at least six (6) months; and
4. Written operational procedures as specified under Subsection B(5) of this section and a training program as specified under Subsection B(6) of this section are implemented.
- E. Except as specified under Subsection F of this section, a food establishment may package cheese using a reduced oxygen packaging method if it:
- 1. Limits the cheeses packaged to those that are commercially manufactured in a food processing establishment with no ingredients added in the food establishment and that meet the Standards of Identity as specified in *21 CFR 133.150 Hard cheeses*, *21 CFR 133.169 Pasteurized process cheese* or *21 CFR 133.187 Semisoft cheeses*;
 - 2. Has a HACCP plan that has been approved by the Health Authority and that contains the information as specified in Section 110.010 (C) and (D) and as specified under subsection (B)(1), (B)(3)(a), (B)(5), and (B)(6) of this section;
 - 3. Labels the package on the principal display panel with a “use-by” date that does not exceed 30 days of its packaging or the original manufacturer’s “sell by” or “use-by” date, whichever occurs first; and

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 time/temperature control for safety food that is always:
1. Labeled with the production time and date;
 2. Held at 41°F (5°C) or less during refrigerated storage; and
 3. Removed from its package in the food establishment within 48 hours after packaging.

050.343 Standards of Identity

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

050.345 Honestly Presented

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

050.350 Food Labels

- A. Packages of food, including processed foods, dietary supplements and packages of food repackaged from bulk prepared in Washoe County, that are for sale in a food establishment must have a label which has been approved by the Health Authority. The label must be printed in English in addition to any other languages required by the Health Authority. Such labels must be reviewed and approved by the Health Authority and any fees required must be paid in full before any label may be used.
- B. Food packaged in a food establishment, for retail sale, shall be labeled as specified in law, including *21 CFR 101 Food labeling*, and *9 CFR 317 Labeling, marking devices, and containers*.
- C. 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 (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food;
 3. An accurate declaration of the quantity of contents;
 4. The name of the food establishment and the place of business of the manufacturer, packer, or distributor and;
 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. Except as exempted in the Federal Food, Drug, and Cosmetic ACT. § 403(q)(3) - (5), nutrition labeling as specified in *21 CFR 101 Food Labeling* and *9 CFR 317 Subpart B Nutrition Labeling*.

7. For any salmonid fish containing canthaxanthin and astaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.
- D. Bulk food that is available for consumer self-dispensing must be prominently labeled with the following information in plain view of the consumer:
 1. The manufacturer's or processor's label that was provided with the food; or
 2. A card, sign, or other method of notification that includes the following information as specified under Subsections C(1), C(2) and C(6) of this section.
 - E. Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:
 1. A health, nutrient content, or other claim is not made;
 2. There are no state or local laws requiring labeling; and
 3. The food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing establishment that is owned by the same person and is regulated by the Health Authority that has jurisdiction.

050.355 Other forms of information

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

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

- A. Except as specified in Section 050.245 (C), (D)(4), and under Section 050.375 (C), if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready- to-eat food, the permit holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in Subsections B and C of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.
- B. Disclosure must include:
 1. A description of the animal-derived foods, such as “oysters on the half shell (raw oysters),” “raw-egg Caesar salad,” and “hamburgers (can be cooked to order);” or
 2. Identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.
- C. Reminder must include asterisking the animal-derived foods requiring disclosure to a footnote that states:
 1. Regarding the safety of these items, written information is available upon request;
 2. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne disease; or
 3. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne disease, especially if you have certain medical conditions.

050.365 Consumer advisory, alcoholic beverages

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

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

HEALTH WARNING

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

¡ADVERTENCIA!

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

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

050.370 Discarding or reconditioning unsafe, adulterated, or contaminated food

- A. A food that is unsafe, adulterated, or not honestly presented as specified in Section 050.005 must be discarded or reconditioned according to an approved procedure.
- B. Food that is not from an approved source as specified in Sections 050.010 - 050.040 must be discarded.
- C. Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded must be discarded.
- D. Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means must be discarded.

050.375 Pasteurized foods, prohibited reservice, and prohibited food

In a food establishment that serves a highly susceptible population:

- A. The following criteria apply to juice:
 - 1. For the purposes of this subsection only, children who are age nine (9) or less and receive food in a school, day-care setting, or similar facility that provides custodial care are included as highly susceptible populations;
 - 2. Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label, as specified in *21 CFR, 101.17 (G) Food labeling, warning, notice and safe handling statements* or juices that have not been specifically processed to prevent, reduce or eliminate the presence of pathogens or a packaged juice or beverage containing juice that bears a warning label may not be served or offered for sale; and
 - 3. Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form must be processed under a HACCP plan approved by the Health Authority and as specified in *21 CFR 120 Hazard Analysis and Critical Control Point (HACCP) Systems, Subpart B Pathogen Reduction, 120.4 Process controls*.
- B. Pasteurized eggs or egg products must be substituted for raw eggs in the preparation of:
 - 1. Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages, and
 - 2. Except as specified in Subsection F of this section, recipes in which more than one (1) egg is broken and the eggs are combined;
- C. The following foods may not be served or offered for sale in a ready-to-eat form:
 - 1. Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare,
 - 2. A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue; and
 - 3. Raw seed sprouts.
- D. Food employees may not contact ready-to-eat food as Specified in Section 050.115 (B) and (E)
- E. Time only, as the public health control, may not be used for raw eggs.
- F. Subsection B(2) of this section does not apply if:
 - 1. The raw eggs are combined immediately before cooking for one (1) consumers serving at a single meal, cooked as specified under Section 050.245 (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 Section 050.245 (A)(2).
 - d) Contains the information in an approved HACCP plan including procedures that:
 - i. Control cross-contamination of ready-to-eat food with raw eggs, and
 - ii. Delineate cleaning and sanitization procedures for food-contact surfaces, and
 - e) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

Re-service of Food

- G. Except as specified in Subsection H of this section, food may be re-served as specified in Section 050.235 (B)(1) and (2).

Prohibited Re-service of Food

- H. Food may not be re-served under the following conditions:
 1. Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation may not be re-served to others outside.
 2. Packages of food from any patients, clients, or other consumers should not be re-served to persons in protective environment isolation.

CHAPTER 060

EQUIPMENT, UTENSILS AND LINENS

060.005 Characteristics

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

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

060.010 Cast iron, limitations for use

- A. Except as specified in Subsection B and C of this section, cast iron may not be used for utensils or food-contact surfaces of equipment.
- B. Cast iron may be used as a surface for cooking.
- C. Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

060.015 Lead, limitations for use

- A. Ceramic, china, and crystal utensils, and decorative utensils such as hand painted ceramic or china that are used in contact with food must be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

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

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

060.020 Copper, limitations for use

- A. Except as specified in Subsection B of this section, copper and copper alloys such as brass may not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention assembly and a carbonator.
- B. Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

060.025 Galvanized metal, limitations for use

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

060.030 Sponges, limitations of use

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

060.035 Wood, limitations for use

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

060.040 Nonstick coatings, limitations for use

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

060.045 Nonfood-contact surfaces

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

060.050 Characteristics, single-service articles

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

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

060.055 Equipment and utensils

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

060.060 Food temperature measuring devices

Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.

060.065 Food-contact surfaces

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

060.070 Clean-in-place equipment

- A. Cleaned-in-place equipment must meet the characteristics specified under Section 060.065 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. Cleaned-in-place equipment that is not designed to be disassembled for cleaning must be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

060.075 "V" Threads, limitations

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

060.080 Hot oil filtering equipment

Hot oil filtering equipment must meet the characteristics in Section 060.065 and 060.070 and must be readily accessible for filter replacement and cleaning of the filter.

060.085 Can openers

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

060.090 Nonfood-contact surfaces

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

060.095 Kick plates, removable

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

- A. Easily removable by one of the methods specified in Section 060.065 (A)(5) or capable of being rotated open; and
- B. Easily removable or capable of being rotated open without unlocking equipment doors.

060.100 Ventilation hood systems, filters

Filters or other grease extracting equipment must be designed to be readily removable for cleaning and replacement if not designed to be cleaned-in-place.

060.105 Temperature measuring devices for food

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

060.110 Temperature measuring devices, ambient air and water

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

060.115 Pressure measuring devices, mechanical warewashing equipment

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse must have increments of 7 kilopascals (1 pounds per square inch) or smaller and must be accurate to plus or minus 14 kilopascals (plus or minus 2 pounds per square inch) in the range indicated on the manufacturer's data plate.

060.120 Ventilation hood systems, drip prevention

Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting must be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

060.125 Equipment openings, closures and deflectors

- A. A cover or lid for equipment must overlap the opening and be sloped to drain.
- B. An opening located within the top of a unit of equipment that is designed for use with a cover or lid must be flanged upward at least two-tenths of an inch (5 millimeters).
- C. Except as specified under Subsection D of this section, fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment must be provided with a watertight joint at the point where the item enters the equipment.
- D. If a watertight joint is not provided:
 - 1. The piping, temperature measuring devices, rotary shafts, and other parts extending through the openings must be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and
 - 2. The opening must be flanged as specified under Subsection B of this section.

060.130 Dispensing equipment, protection of equipment and food

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

- A. The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food must be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;
- B. The delivery tube, chute, and orifice must be protected from manual contact such as by being recessed;
- C. The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers must be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

1. Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or
 2. Available for self-service during hours when it is not under the full-time supervision of a food employee; and
- D. The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment must be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.
- E. Dispensing equipment in which time/temperature control for safety food in homogenous liquid form is maintained outside of the temperature control requirements specified under Section 050.310 (A) shall:
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 18-2006-Manual Food and Beverage Dispensing Equipment.

060.135 Bearings and gear boxes, leak-proof

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

060.140 Beverage tubing, separation

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

060.145 Ice units, separation of drains

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

060.147 Condenser unit, separation

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

060.150 Molluscan shellfish tanks

- A. Except as specified in Subsection B of this section, molluscan shellfish life-support system display tanks may not be used to display shellfish that are offered for human consumption and must be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.
- B. Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption must be operated and maintained in accordance with a waiver granted by the Health Authority as specified in Section 240.115 and a HACCP plan that:
 1. Is submitted by the permit holder and approved as specified in these regulations; and
 2. Ensures that:

- a) Water used with fish other than molluscan shellfish does not flow into the molluscan tank,
- b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and
- c) The identity of the source of the shellstock is retained as specified in Section 050.110.

060.155 Temperature measuring devices

- A. In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device must be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.
- B. Except as specified in Subsection C of this section, cold or hot holding equipment used for time/temperature control for safety food must be designed to include and must be equipped with at least one (1) integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.
- C. Subsection B of this section does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as 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.

060.160 Warewashing machine, data plate operating specifications

A warewashing machine must be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operation specifications including the:

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

060.165 Warewashing machines, internal baffles

Warewashing machine wash and rinse tanks must be equipped with baffles, curtains, or other means to minimize internal cross-contamination of the solutions in wash and rinse tanks.

060.170 Warewashing machines, temperature measuring devices

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

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

060.175 Manual warewashing equipment, heaters and baskets

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

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

060.180 Warewashing machines, automatic dispensing of detergents and sanitizers

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

- A. Automatically dispense detergents and sanitizers; and
- B. Incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

060.185 Warewashing machines, flow pressure device

- A. Warewashing machines that provide a fresh hot water sanitizing rinse must be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the warewashing machine; and
- B. If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device must be mounted in a 6.4 millimeter or one-fourth (1/4) inch Iron Pipe Size (IPS) valve.
- C. Subsections A and B of this section do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

060.190 Warewashing sinks and drainboards self-draining

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

060.195 Equipment compartments, drainage

Equipment compartments that are subject to accumulation of moisture because of conditions such as condensation, food or beverage drip, or water from melting ice must be sloped to an outlet that allows complete draining.

060.200 Case lot handling apparatuses, movability

Apparatuses, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, must be designed to be moved by hand or by conveniently available apparatuses such as hand trucks and forklifts.

060.205 Food equipment, certification and classification

- A. Except as provided in Subsections B of this section, food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program is deemed to comply with these regulations.
- B. Exemption may only be considered when, in the opinion of the Health Authority, the equipment in question meets acceptable standards of durability, cleanability, and temperature maintenance.

060.210 Cooling, heating, and holding capacities

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

060.215 Manual warewashing, sink compartment requirements

- A. Except as specified in Subsection C of this section, a sink with at least three (3)-compartments must be provided for manually washing, rinsing, and sanitizing equipment and utensils.
- B. Sink compartments must be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in Subsection C of this section must be used.
- C. Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:
 - 1. High-pressure detergent sprayers;
 - 2. Low- or line-pressure spray detergent foamers;
 - 3. Other task-specific cleaning equipment;
 - 4. Brushes or other implements;
 - 5. Two (2)-compartment sinks as specified under Subsections D and E of this section;
 - 6. Receptacles that substitute for the compartments of a multi-compartment sink.
- D. Before a two (2)-compartment sink is used:
 - 1. The permit holder shall have its use approved; and
 - 2. The permit holder shall limit the number of kitchenware items cleaned and sanitized in the two (2)-compartment sink, and shall limit warewashing to batch operations for cleaning kitchenware such as between cutting one type of raw meat and another or cleanup at the end of a shift, and must:
 - a) Make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use, and
 - b) Use a detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified in Section 060.335, or
 - c) Use a hot water sanitization immersion step as specified in Section 060.410 (C).
- E. A two (2)-compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

060.220 Drainboards

Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation must be provided for necessary utensil holding before cleaning and after sanitizing.

060.225 Ventilation hood systems, adequacy

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

060.230 Clothes washers and dryers

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

060.235 Utensils, consumer self-service

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

060.240 Food temperature measuring devices

- A. Food temperature measuring devices must be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures.
- B. A temperature measuring device with a suitable small diameter probe that is designed to measure the temperature of thin masses must be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish filets.

060.245 Temperature measuring devices, manual 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 shall be provided and readily accessible for measuring the utensil surface temperature.

060.250 Sanitizing solutions, testing devices

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

060.252 Cleaning agents and sanitizers, availability

- A. Cleaning agents that are used to clean equipment and utensils as specified in these regulations, shall 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 in these regulations, shall be provided and available for use during all hours of operation.

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

- A. A cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located:
 - 1. In locker rooms;
 - 2. In toilet rooms;
 - 3. In garbage rooms;
 - 4. In mechanical rooms;
 - 5. Under sewer lines that are not shielded to intercept potential drips;
 - 6. Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
 - 7. Under open stairwells; or
 - 8. Under other sources of contamination.
- B. 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.

060.260 Fixed equipment, spacing or sealing

- A. Equipment that is fixed because it is not easily movable must be installed so that it is:
 - 1. Spaced to allow access for cleaning along the sides, behind, and above the equipment;
 - 2. Spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second inch (1 mm); or
 - 3. Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.
- B. Counter-mounted equipment that is not easily movable must be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:
 - 1. Sealed or
 - 2. Elevated on legs as specified in Section 060.265 (D).

060.265 Fixed equipment, elevation or sealing

- A. Except as specified in Subsections B and C of this section, floor-mounted equipment that is not easily movable must be sealed to the floor or elevated on legs that provide at least a six (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 six (6) inches (15 centimeters) from the point of cleaning access, the clearance space may be only four (4) inches (10 centimeters).

- C. This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained clean.
- D. Except as specified in Subsection E of this section, counter-mounted equipment that is not easily movable must be elevated on legs that provide at least a four (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. Three (3) inches (7.50 centimeters) if the horizontal distance of the table top under the equipment is no more than 20 inches (50 centimeters) from the point of access for cleaning; or
 - 2. Two (2) inches (5 centimeters) if the horizontal distance of the table top under the equipment is no more than three (3) inches (7.50 centimeters) from the point of access for cleaning.

060.270 Good repair and proper adjustment

- A. Equipment must be maintained in a state of good repair and condition.
- B. Equipment components such as doors, seals, hinges, fasteners, and kick plates must be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- C. Cutting or piercing parts of can openers must be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

060.275 Cutting surfaces

Surfaces such as cutting blocks and boards that are subject to scratching and scoring must be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

060.278 Microwave Ovens

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

060.280 Warewashing equipment, cleaning frequency

A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards must be cleaned:

- A. Before use;
- B. Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and
- C. If used, at least every 24 hours.

060.285 Warewashing machines, manufacturer's operating instructions

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

060.290 Warewashing sinks, limitations

- A. A warewashing sink may not be used for handwashing.
- B. If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink must be cleaned as specified in Section 060.280 before and after each time it is used to wash wiping cloths, wash produce or thaw food. Sinks used to wash or thaw food must be sanitized as specified in these regulations before and after using the sink to wash produce or thaw food.

060.295 Warewashing equipment, cleaning agents

When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in Section 060.215 (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.

060.300 Warewashing equipment, clean solutions

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

060.305 Manual warewashing equipment, wash solution temperature

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

060.310 Mechanical warewashing equipment, wash solution temperature

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

060.315 Manual warewashing equipment, hot water sanitization temperatures

If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water must be maintained at 171°F (77°C) or above.

060.320 Mechanical warewashing equipment, hot water sanitization temperatures

- A. Except as specified in Subsection B of this section, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than 194°F (90°C), or less than:
 - 1. For a stationary rack, single temperature machine, 165°F (74°C); or
 - 2. For all other machines, 180°F (82°C).

- B. The maximum temperature specified under Subsection A of this section, does not apply to the high-pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

060.325 Mechanical warewashing equipment, sanitization pressure

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

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

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified under Section 060.430 (C), must meet the criteria specified under Section 100.035 , 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 (ppm)	Minimum Temperature	
	pH 10 or less, °F (°C)	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 (ppm) and 25 mg/L (ppm);
- C. A quaternary ammonium compound solution must:
 1. Have a minimum temperature of 75°F (24°C),
 2. Have a concentration as specified under Section 100.035 and as indicated by the manufacturer's use directions included in the labeling, and
 3. Be used only in water with 500 mg/L (ppm) hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions;
- D. If another solution of a chemical specified under Subsections A, B and C of this section is used, the permit holder shall demonstrate to the Health Authority that the solution achieves sanitization and the use of the solution must be approved; or
- E. If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it must be applied in accordance with the 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 Subsections (A)–(D) of this section and shall 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 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.

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

If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step must be the same detergent-sanitizer that is used in the washing step.

060.340 Warewashing equipment, determining chemical sanitizer concentration

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

060.345 Good repair and calibration

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

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

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

060.355 Single-service and single-use articles, limitations

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

060.360 Shells, limitations

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

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

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

060.370 Equipment food-contact surfaces and utensils

- A. Equipment food-contact surfaces and utensils must be cleaned:
 - 1. Except as specified in Subsection B of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
 - 2. Each time there is a change from working with raw foods to working with ready-to-eat foods;
 - 3. Between uses with raw fruits and vegetables and with time/temperature control for safety food;
 - 4. Before using or storing a food temperature measuring device; and
 - 5. At any time during the operation when contamination may have occurred.
- B. Subsection A(1) of this section does not apply if the food-contact surface or utensil is in contact with a succession of different types of raw meat and poultry each requiring a higher cooking temperature as specified under Section 050.245 than the previous type.
- C. Except as specified in Subsection D of this section, if used with time/temperature control for safety food equipment food-contact surfaces and utensils must be cleaned throughout the day at least every four (4) hours.
- D. Surfaces of utensils and equipment contacting time/temperature control for safety food may be cleaned less frequently than every four (4) hours if:
 - 1. In storage, containers of time/temperature control for safety food and their contents are maintained at required temperatures and the containers are cleaned when they are empty;
 - 2. Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one (1) of the temperatures in the following chart and:
 - a) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature; and

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

- b) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment.
- 3. Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat time/temperature control for safety food that is maintained at required temperatures, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every 24 hours;
- 4. Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at required temperatures.
- 5. Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.
- 6. The cleaning schedule is approved based on consideration of:
 - a) Characteristics of the equipment and its use,
 - b) The type of food involved,

- c) The amount of food residue accumulation, and
 - d) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or
7. In-use utensils are intermittently stored in a container of water in which the water is maintained at 135°F (57°C) or more and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.
- E. Except when dry cleaning methods are used as specified under Section 060.385, surfaces of utensils and equipment contacting food that is not time/temperature control for safety food must be cleaned:
- 1. At any time when contamination may have occurred;
 - 2. At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;
 - 3. Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and
 - 4. In equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:
 - a) At a frequency specified by the manufacturer, or
 - b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

060.375 Cooking and baking equipment

- A. The food-contact surfaces of cooking and baking equipment must be cleaned at least every 24 hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in Section 060.370 (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.

060.380 Nonfood-contact surfaces

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

060.385 Dry cleaning

- A. If used, dry cleaning methods such as brushing, scraping, and vacuuming must contact only surfaces that are soiled with dry food residues that are not time/temperature control for safety food.
- B. Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

060.390 Precleaning

- A. Food debris on equipment and utensils must be scraped over a waste disposal unit or garbage receptacle or must be removed in a warewashing machine with a prewash cycle.

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

060.395 Loading of soiled items, warewashing machines

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

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

060.400 Wet cleaning

- A. Equipment food-contact surfaces and utensils must be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.
- B. The washing procedures selected must be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

060.405 Washing, procedures for alternative manual warewashing equipment

If washing in sink compartments or a warewashing machine is impractical such as when the equipment is fixed or the utensils are too large, washing must be done by using alternative manual warewashing equipment as specified in Section 060.215 (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 in Section 060.400 (A).

060.410 Rinsing procedures

Washed utensils and equipment must be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one (1) of the following procedures:

- A. Use of a distinct, separate water rinse after washing and before sanitizing if using:
 - 1. A three (3)-compartment sink,
 - 2. Alternative manual warewashing equipment equivalent to a three (3)-compartment sink as specified in Section 060.215 (C); or
 - 3. A three (3)-step washing, rinsing, and sanitizing procedure in a warewashing system for cleaned-in-place equipment;
- B. Use of a detergent-sanitizer as specified under Section 060.335 if using:
 - 1. Alternative warewashing equipment as specified in Section 060.215 (C) that is approved for use with a detergent-sanitizer, or
 - 2. A warewashing system for cleaned-in-place equipment;

- C. Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2)-compartment sink operation;
- D. If using a warewashing machine that does not recycle the sanitizing solution as specified under Subsection E of this section, or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:
 - 1. Integrated in the application of the sanitizing solution, and
 - 2. Wasted immediately after each application; or
- E. If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

060.420 Food-contact surfaces and utensils

Equipment food-contact surfaces and utensils must be sanitized.

060.425 Before use after cleaning

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

060.430 Hot water and chemical

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

- A. Hot water manual operations by immersion for at least 30 seconds with a temperature of 171°F (77°C) or above; or
- B. Hot water mechanical operations by being cycled through equipment that is set up as specified under Sections 060.285, 060.320, and 060.325 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 Section 060.330. Contact times shall be consistent with those on EPA-registered label use instructions by providing:
 - 1. Except as specified under Subsection C(2) of this section, a contact time of at least 10 seconds for a chlorine solution specified under Section 060.330;
 - 2. A contact time of at least seven (7) seconds for a chlorine solution of 50 mg/L (ppm) that has a pH of 10 or less and a temperature of at least 100°F (38°C) or a pH of 8 or less and a temperature of at least 75°F (24°C);
 - 3. 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 approved levels of sanitization.

060.435 Clean linens

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

060.440 Specifications

- A. Linens that do not come in direct contact with food must be laundered between operations if they become wet, sticky, or visibly soiled.
- B. Cloth gloves used as specified in Section 050.185 shall 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 Section 050.175 and cloth napkins must be laundered between each use.
- D. Wet wiping cloths must be laundered daily.
- E. Dry wiping cloths must be laundered as necessary to prevent contamination of food and clean serving utensils.

060.445 Storage of soiled linens

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

060.450 Mechanical washing

- A. Except as specified in Subsection B of this section, linens must be mechanically washed.
- B. In food establishments in which only wiping cloths are laundered as specified in Section 060.230 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 Section 060.280.

060.455 Use of laundry facilities

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

060.460 Equipment and utensils, air-drying required

After cleaning and sanitizing, equipment and utensils:

- A. Must be air-dried or used after adequate draining as specified in the first paragraph of *40 CFR 180.940 Tolerance exemptions for active and inert ingredient 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.

060.465 Wiping cloths, air-drying locations

Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer as specified in Section 060.230 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 Section 060.330.

060.470 Food-contact surfaces; lubricants

Lubricants as specified under Section 100.055 must be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

060.475 Equipment, reassembling

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

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

- A. Except as specified in Subsection D of this section, cleaned equipment and utensils, laundered linens, and single-service and single-use articles must be stored:
 - 1. In a clean, dry location;
 - 2. Where they are not exposed to splash, dust, or other contamination; and
 - 3. At least six (6) inches (15 centimeters) above the floor.
- B. Clean equipment and utensils must be stored as specified under Subsection A of this section and must be stored:
 - 1. In a self-draining position that allows air-drying; and
 - 2. Covered or inverted.
- C. Single-service and single-use articles must be stored as specified under Subsection A of this section and must be kept in the original protective package or stored by using other means that afford protection from contamination until used.
- D. Items that are kept in closed packages may be stored less than six (6) inches (15 centimeters) above the floor on dollies, pallets, racks, and skids that are designed as specified under Section 060.200.

060.485 Prohibitions

- A. Except as specified in Subsection B, cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored:
 - 1. In locker rooms;
 - 2. In toilet rooms;
 - 3. In garbage rooms;
 - 4. In mechanical rooms;
 - 5. Under sewer lines that are not shielded to intercept potential drips;
 - 6. Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
 - 7. Under open stairwells; or
 - 8. Under other sources of contamination.
- B. Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

060.490 Kitchenware and tableware

- A. Single-service and single-use articles and cleaned and sanitized utensils must be handled, displayed, and dispensed so that contamination of food and lip-contact surfaces is prevented.
- B. Knives, forks, and spoons that are not prewrapped must be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.
- C. Except as specified under Subsection B of this section, single-service articles that are intended for food or lip-contact must be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

060.495 Soiled and clean tableware

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

060.500 Preset tableware

- A. Except as specified in Subsection 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. Cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

060.503 Rinsing equipment and utensils after cleaning and sanitizing

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

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

CHAPTER 070

WATER, PLUMBING AND WASTE

070.005 Approved system

Drinking water for food establishments shall 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 meeting State standards and requiring:
 - 1. Sampling and testing at least annually or as required by the State drinking water standards.
 - 2. The test results report to be retained in the food establishment, or as required by law, or,
- C. Bottled water from an approved source.

070.008 System flushing and disinfection

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

070.010 Bottled drinking water

Bottled drinking water used or sold in a food establishment must be obtained from approved sources in accordance with *21 CFR 129 – Processing and bottling of bottled drinking water*.

070.011 Nondrinking water

- A. A nondrinking water supply shall be used only if its use is approved.
- B. Nondrinking water shall be used only for nonculinary purposes such as air conditioning, nonfood equipment cooling, and fire protection.

070.012 Capacity

- A. The water source and system shall be of sufficient capacity to meet the peak water demands of the food establishment.
- B. Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food establishment.

070.013 Pressure

Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under Section 070.015 (A) and (B) to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.

070.014 Distribution, delivery, and retention system

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

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

070.015 Alternative water supply

Potable water must be provided from an approved source for a mobile unit or for a temporary food establishment without a permanent water supply, and for a food establishment with a temporary interruption of its water supply through:

- A. A supply of containers of commercially bottled drinking water;
- B. One (1) or more sealable, portable water containers;
- C. An enclosed vehicular water tank that is permitted as a potable water hauler;
- D. An on-premises water storage tank; or
- E. Piping, tubing, or hoses connected to an adjacent approved source.

070.020 Plumbing system

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

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

070.025 Cleanable fixtures

A plumbing fixture such as a handwashing sink, toilet, or urinal shall be easily cleanable.

070.030 Handwashing sink, installation

- A. A handwashing sink shall 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 may not be used at a handwashing sink.
- C. Any faucet which closes automatically, closes slowly or is metered must provide a flow of water for at least 15 seconds without the need to reactivate the faucet.
- D. An automatic handwashing facility must be installed in accordance with manufacturer's instructions.

070.032 Backflow prevention, air gap

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

070.033 Backflow prevention device, design standard

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

070.035 Handwashing sink: use, operation and maintenance

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

070.045 Conditioning device, location and design

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

070.047 Handwashing sinks, numbers and capacities

- A. Except as specified in Subsection B of this section, at least one (1) handwashing sink, a number of handwashing sinks necessary for their convenient use by employees in areas specified under Section 070.058, and not fewer than the number of handwashing sinks required by law shall be provided.
- 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 (1) handwashing sink.

070.050 Toilets and urinals

- A. At least one (1) toilet and not fewer than the toilets required by law shall be provided. If authorized by law and urinals are substituted for toilets, the substitution shall be done as specified in law.
- B. A supply of toilet tissue must be provided at each toilet at all times.

070.055 Mop sink

- A. At least one (1) mop sink or one (1) curbed cleaning facility equipped with a floor drain must be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.
- B. Toilets and urinals may not be used as a mop sink for the disposal of mop water and similar liquid waste.

070.056 Backflow prevention device, when required

A plumbing system shall 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 bib if a hose is attached or on a hose bib if a hose is not attached and backflow prevention is required by law by:

- A. Providing an air gap as specified in Section 070.032 of these regulations, or
- B. Installing an approved backflow prevention device as specified under Section 070.033 of these regulations.

070.057 Backflow prevention device, carbonator

- A. If not provided with an air gap as specific in Section 070.032 of these regulations, a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to 1 inch) shall 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 Subsection A.

070.058 Handwashing sinks, location and placement

A handwashing sink shall be located:

- A. To allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and
- B. In, or immediately adjacent to, toilet rooms.

070.059 Backflow prevention device, location

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

070.060 Water reservoir of fogging devices, cleaning

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

070.062 Prohibiting a cross-connection

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

070.063 Scheduling inspection and service for a water system device

A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the person-in-charge.

070.064 System maintained in good repair

A plumbing system shall be:

- A. Repaired according to law; and
- B. Maintained in good repair.

070.065 Drains

Food establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under Section 070.020

070.070 Backflow prevention

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

070.075 Grease traps

If used a grease trap must be located to be easily accessible for cleaning and not present a risk of contamination of food, food-contact surfaces, equipment or utensils including during cleaning or pumping operations.

070.080 Conveying sewage

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

070.085 Flushing a waste retention tank

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

070.087 Approved sewage disposal system

Sewage shall be disposed through an approved facility that is:

- A. A public sewage treatment plant; or
- B. An on-site sewage disposal system that is sized, constructed, maintained, and operated according to law.

070.089 Other liquid wastes and rainwater

Condensate drainage and other nonsewage liquids and rainwater shall be drained from the point of discharge to disposal according to law.

070.090 Indoor storage area

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

070.095 Outdoor storage surface

An outdoor storage surface for refuse, recyclables, and returnables must be smooth and durable, maintained in good repair and constructed of nonabsorbent material such as concrete or asphalt, and sloped to drain when a drain is present.

070.105 Outdoor enclosure

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

070.110 Receptacles

- A. Except as specified in Subsection B of this section, receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue must be durable, cleanable, insect- and rodent-resistant, leak-proof, and nonabsorbent.
- B. Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food establishment, or within closed outside receptacles.
- C. Receptacles and waste handling units for refuse and recyclables such as an on-site compactor must be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

070.112 Outside receptacles

Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.

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

- A. An inside storage room and area and outside storage area and enclosure, and receptacles must be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.
- B. A receptacle must be provided in each area of the food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.
- C. If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

070.120 Toilet room receptacle, covered

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

070.125 Cleaning implements and supplies

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

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

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

070.135 Storing refuse, recyclables, and returnables

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

070.137 Areas, enclosures, and receptacles, good repair

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

070.140 Outside storage prohibitions

- A. Except as specified in Subsection B of this section, refuse receptacles not meeting the requirements specified under Section 070.110 (A) such as receptacles that are not rodent-

resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.

- B. Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

070.145 Covering receptacles

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

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

070.150 Using drain plugs

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

070.155 Maintaining refuse areas and enclosures

A storage area and enclosure for refuse, recyclables, or returnables must be maintained free of unnecessary items, as specified under Section 080.195, and clean.

070.160 Cleaning receptacles

- A. Receptacles and waste handling units for refuse, recyclables, and returnables must be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and wastewater must be disposed of as specified under Section 070.080.
- B. Soiled receptacles and waste handling units for refuse, recyclables, and returnables must be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

070.165 Approved service

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

070.170 Storing refuse, recyclables and returnables, frequency

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

070.175 Receptacles or vehicles

Refuse, recyclables, and returnables shall 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.

070.180 Community or individual facility

Solid waste not disposed of through the sewage system such as through grinders and pulpers shall be recycled or disposed of in an approved public or private community recycling or refuse facility; or solid waste shall be disposed of in an individual refuse facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to law.

CHAPTER 080

PHYSICAL FACILITIES

080.005 Indoor surface characteristics

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

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

080.010 Outdoor surface characteristics

- A. The outdoor walking and driving areas must be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- B. The outdoor walking and driving areas must be graded to drain.
- C. Exterior surfaces of buildings and mobile units must be of weather-resistant materials and shall comply with law.
- D. Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under Sections 070.095 and 070.105.

080.020 Floors, walls, and ceilings

Except as specified under Section 080.035 and except for anti-slip floor coverings or applications that may be used for safety reasons, floors, floor coverings, walls, wall coverings, and ceilings must be designed, constructed, and installed so they are smooth and easily cleanable.

080.025 Floors, walls, and ceilings, utility lines

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

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

- A. In food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures must be coved and closed to no larger than one thirty-second inch (1 mm).
- B. The floors in food establishments in which water flush cleaning methods are used must be provided with drains and be graded to drain, and the floor and wall junctures must be coved and sealed.

080.035 Floor carpeting, restrictions and installation

- A. A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing sinks, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.
- B. If carpeting is installed as a floor covering in areas other than those specified under Subsection A of this section, it must be:
 - 1. Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method approved by the Health Authority; and
 - 2. Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means approved by the Health Authority.

080.040 Floor covering, mats and duckboards

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

080.045 Wall and ceiling coverings and coatings

- A. Wall and ceiling covering materials must be attached so that they are easily cleanable.
- B. Except in dry storage areas, concrete, porous blocks, or bricks used for indoor wall construction must be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

080.050 Walls and ceilings, attachments

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

B. In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambience need not meet this requirement if they are kept clean.

080.055 Walls and ceilings, studs, joists, and rafters

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

080.060 Light bulbs, protective shielding

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

- C. An infrared or other heat lamp must be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

080.070 Heating, ventilating, air-conditioning system vents

Heating, ventilating, and air-conditioning systems must be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment, or utensils.

080.075 Devices to electrocute flying insects

- A. Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.
- B. Insect control devices shall be installed so that:
 - 1. The devices are not located over a food preparation area; and
 - 2. Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

080.080 Toilet rooms, enclosed

Except where a toilet room is located outside a food establishment and does not open directly into a food establishment such as a toilet room that is provided by the management of a shopping mall, a toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door.

080.085 Outer openings, protected

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

2. Properly designed and installed air curtains to control flying insects; or
 3. Other effective means approved by the Health Authority.
- E. Subsection D of this section does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting conditions.

080.090 Exterior walls and roofs, protective barrier

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

080.092 Outdoor refuse areas, curbed and graded to drain

Outdoor refuse areas shall be constructed in accordance with law and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

080.093 Private homes and living or sleeping quarters, use prohibition

- A. Except as specified in Section 080.095 a private home may not be used for conducting food establishment operations.
- B. A room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations.

080.094 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 shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.

080.095 Private homes, prohibitions

- A. A food establishment may not be located in a private home unless:
 1. A dedicated exterior entrance has been provided;
 2. The areas used for conducting food establishment operations are physically separated from the living or sleeping quarters by complete partitioning and solid self-closing doors; and
 3. Areas used for food establishment operations are not used as thoroughfares.
- B. When a permit to operate is issued to an owner allowing operation of a food establishment from a portion of a private residence as indicated in this section, the portion of the private home, residence or their premises shall no longer be considered part of the private home or residence and shall be considered a food establishment the operation of which is subject to all laws and regulations applicable to food establishments including those requiring inspections.

080.096 Handwashing cleanser, availability

Each handwashing sink or group of two (2) adjacent handwashing sinks shall be provided with a supply of hand cleaning liquid, powder, or bar soap.

080.097 Hand drying provision

Each handwashing sink or group of adjacent handwashing sinks shall be provided with:

- A. Individual, disposable towels;
- B. A continuous towel system that supplies the user with a clean towel; or
- C. A heated-air and drying device; or
- D. A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

080.098 Handwashing aids and devices, use restrictions

A sink used for food preparation or utensil washing, or a mop sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing sink as specified under Sections 080.096, 080.097, and 070.115 (C).

080.099 Handwashing signage

A sign or a poster that notifies food employees to wash their hands shall be provided at all handwashing sinks used by food employees and shall be clearly visible to food employees.

080.0995 Disposable towels, waste receptacle

A handwashing sink or group of adjacent handwashing sinks that is provided with disposable towels shall be provided with a waste receptacle as specified under Section 070.115 (C).

080.100 Lighting intensity

The light intensity must be:

- A. At least ten (10) foot-candles (108 lux) at a distance of 30 inches (75 cm) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;
- B. At least 20 foot-candles (215 lux):
 - 1. At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption,
 - 2. Inside equipment such as reach-in and under-counter refrigerators; and
 - 3. At a distance of 30 inches (75cm) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, areas for garbage, refuse and recyclables and in toilet rooms; and
- C. At least 50 foot-candles (540 lux) at a surface where an employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

080.105 Mechanical ventilation

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

080.110 Dressing areas and lockers, designation

- A. Dressing rooms or dressing areas must be designated if employees routinely change their clothes in the establishment.
- B. Lockers or other suitable facilities must be provided for the orderly storage of employees' clothing and other possessions.

080.120 Employee accommodations, designated areas

- A. Areas designated for employees to eat, drink, and use tobacco must be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.
- B. Lockers or other suitable facilities must be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles cannot occur.

080.125 Distressed merchandise, segregation and location

Products that are held by the permit holder for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, must be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.

080.130 Repair

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

080.135 Cleaning, frequency and restrictions

- A. Physical facilities must be cleaned as often as necessary to keep them clean.
- B. Except for cleaning that is necessary because of a spill or other accident, cleaning must be done during periods when the least amount of food is exposed such as after closing.

080.140 Cleaning floors, dustless methods

- A. Except as specified in Subsection B of this section, only dustless methods of cleaning must be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.
- B. Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:
 - 1. Without the use of dust-arresting compounds; and
 - 2. In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

080.145 Cleaning ventilation systems, nuisance and discharge prohibition

- A. Intake and exhaust air ducts must be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.
- B. If vented to the outside, ventilation systems may not create a public health hazard.

080.150 Cleaning maintenance tools, preventing contamination

Food preparation sinks, handwashing sinks, and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

080.155 Drying mops

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

080.160 Absorbent materials on floors, limitations

- A. Except as specified in these regulations wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.
- B. The operator of the butcher shop utilizing sawdust shall, upon request by the Health Authority, demonstrate that he is in compliance with the provisions of NRS 446.841.

080.165 Cleaning of plumbing fixtures

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

080.170 Closing toilet room doors

Except during cleaning and maintenance operations, toilet room doors as specified in Section 080.080 must be kept closed.

080.175 Using dressing rooms and lockers

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

080.180 Controlling pests

The premises shall 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 and for potential entry points;
- C. Using methods, if pests are found, such as trapping devices or other means of pest control as specified in Sections 100.025, 100.060, and 100.065; and
- D. Eliminating harborage conditions.

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

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

080.190 Storing maintenance tools

Maintenance tools such as brooms, mops, vacuum cleaners, and similar items must be:

- A. Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and
- B. Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

080.195 Maintaining premises, unnecessary items and litter

The premises must be free of:

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

080.200 Animals on premises prohibited, exceptions

- A. Except as otherwise provided in this section, live animals, including birds and turtles, are not allowed on the premises of a food establishment or on adjacent areas under the control of the holder of the permit for the operation of the food establishment. Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in a display tank may be present on the premises of a food establishment if food, equipment, utensils, linens or unwrapped articles designed for a single service or a single use are not contaminated.
- B. Dogs accompanying security or police officers are permitted in offices, storage areas and dining areas. Service animals accompanying people with disabilities or trainers who are training service animals are permitted in dining or sales areas.
- C. Service animals are not allowed in shopping carts, on benches, seats or tables of a food establishment.
- D. Food handlers must not care for or handle any pets while on duty.
- E. Live or dead fish bait must be stored separately from food or food products in retail stores.
- F. Therapy and comfort animals are not allowed in food establishments.
- G. Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities may be allowed at times other than during meals if:
 - 1. Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,
 - 2. Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and
 - 3. Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service.
- H. Nothing in this section shall be construed, or in conflict, with the Americans with Disability Act.

CHAPTER 090

PLAN REVIEW

090.005 Plan review, when required

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

090.010 Plan review, specifications

The plans and specifications for a food establishment must include, as required by the Health Authority based on the type of operation, type of food preparation and foods prepared, the following information to demonstrate conformance with the provisions of these regulations:

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

Any other information that may be required by the Health Authority for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.

090.020 Plan review, on-site corrections

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

090.025 Plan review, fees

The Health Authority may charge fees for:

- A. Plan review;

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

090.030 Plan review, expiration

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

090.035 Plan review, stop work order

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

CHAPTER 100

POISONOUS OR TOXIC MATERIALS

100.005 Identifying information, prominence

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

100.010 Common name

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

100.015 Separation

Poisonous or toxic materials must be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- A. Separating the poisonous or toxic materials by spacing or partitioning; and
- B. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

100.020 Restriction

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

100.025 Conditions of use

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; and
 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 toxic residues because of drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted-use pesticide, this is achieved by:
 - a) Removing the items,
 - b) Covering the items with impermeable covers, or
 - c) Taking other appropriate preventive actions, and
 - d) Cleaning and sanitizing equipment and utensils after the application.
- C. A restricted-use pesticide must be applied only by an applicator certified by law, or a person under the direct supervision of an applicator certified by law. .

100.030 Poisonous or toxic material containers

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

100.035 Chemical sanitizers, criteria

Chemical sanitizers, including chemical sanitizing solutions generated on-site, and other chemical antimicrobials applied to food-contact surfaces shall:

- 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*.

100.040 Chemicals for washing fruits and vegetables, criteria

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:

- A. Be an approved food additive listed for this intended use in 21 CFR 173, or
- B. Be generally recognized as safe for this intended use, or
- C. 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
- D. Meet the requirements in *40 CFR 156 Labeling Requirements for Pesticide and Devices*.

100.045 Boiler water additives, criteria

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

100.050 Drying agents, criteria

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

100.055 Lubricants for equipment, incidental food contact lubricants

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

100.058 Restricted-use pesticides, criteria

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

100.060 Rodent bait stations

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

100.065 Tracking powders, pest control and monitoring

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

100.070 Restriction and storage

- A. Except for medicines that are stored or displayed for retail sale, only those medicines that are necessary for the health of employees must be allowed in a food establishment.
- B. Medicines that are in a food establishment for the employees' use must be labeled, as specified in Section 100.005 of these regulations and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

100.075 Refrigerated medicines, storage

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

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

100.080 First aid supplies, storage

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

- A. Labeled as specified in Section 100.005 of these regulations; and
- B. Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, and linens, and single-service and single-use articles.

100.085 Personal care items, storage

Except as specified in these regulations for the storage of refrigerated medicines and first aid supplies, employees must store their personal care items in lockers or other suitable facilities as specified in Section 080.110 (B) of these regulations.

100.090 Separation

Poisonous or toxic materials must be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

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

CHAPTER 110

HACCP AND OPERATIONAL PLANS

110.005 When a HACCP plan is required

Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder must submit to the Health Authority for approval a properly prepared HACCP plan as specified in Section 110.010 and the relevant provisions of these regulations if:

- A. Submission of a HACCP plan is required;
- B. A waiver or variance is required as specified in these regulations; or
- C. The Health Authority determines that a food preparation or processing method requires a waiver based on a plan submittal specified in these regulations, an inspectional finding, or a waiver requirement.

110.010 Contents of a HACCP Plan

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

- 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 time/temperature control for safety foods that are to be controlled under the HACCP plan;
- C. A flow diagram or chart for each 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 points 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 employee or the person-in-charge,
 5. The method and frequency for the person-in-charge to verify routinely that the food employee is following standard operating procedures and monitoring critical control points,
 6. Action to be taken by the designated food employee or person-in-charge if the critical limits for each critical control point are not met, and
 7. Records required to be maintained by the person-in-charge to demonstrate that the HACCP plan is properly operated and managed;
- F. Supporting documents such as:

1. Food employee 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, as required by the Health Authority, supporting the determination that food safety is not compromised by the proposal.

G Any other information required by the Health Authority.

110.015 Confidentiality, trade secrets, HACCP plans

The Health Authority shall treat as confidential in accordance with law, information that meets the criteria specified in law for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified under Section 110.010.

110.030 Operational plans, when required

A food establishment operator shall submit an operational plan to the Health Authority for approval before engaging in the following activities:

- A. Outdoor food establishments;
- B. Outdoor barbecue/cooking equipment operations;
- C. Catering activities; and

Any other food preparation or food processing activities as determined by the Health Authority to require specific practices and procedures to protect against health hazards.

110.035 HACCP and operational plans, not transferable

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

CHAPTER 120

BARBECUES

120.005 Barbecue, applicable requirements

- A. Barbecues must comply with all applicable requirements of these regulations. When facilities or equipment are inadequate to protect the public health, the Health Authority may impose operational and/or menu restrictions on a barbecue to protect against potential health hazards.
- B. The Health Authority shall not issue approval to operate a barbecue if there is no supporting permitted food establishment or if the supporting food establishment is not able, in the opinion of the Health Authority, to support the barbecue operation as indicated in the permit application.

120.010 Barbecue, operational plan required

An operational plan must be submitted to, and approved by, the Health Authority before a food establishment may construct or operate a barbecue. The plan must include the equipment, applicable standard operating procedures, site map, menu, and any additional information as required by the Health Authority.

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

- A. A barbecue must be located in an area that allows convenient and easy access to the support services provided by the permanent food establishment on the property where the food establishment is located.
- B. Outdoor cooking equipment must be located in areas approved by the applicable fire authority and any other entity having regulatory authority.
- C. The site where the barbecue is located must be drained properly to ensure that water will not pool, collect or cause a nuisance.
- D. The area underlying a barbecue must be located on floors constructed of concrete, asphalt, nonabsorbent matting, plywood (or other hard wood surface), or other material approved by the Health Authority.
- E. Wood chips, bark or other organic materials used for smoking and flavoring in the cooking process must be stored at the barbecue in a manner which will not lead to the contamination of the wood chips, bark or other organic materials or food.
- F. A handwashing station approved by the Health Authority must be readily accessible and conveniently located.

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

- A. Any methods for preparing food and the kinds of food to be cooked at a barbecue must be approved by the Health Authority.
- B. All food cooked at a barbecue must be protected from contamination by covering it properly.
- C. The preparation of food must be completed in the food establishment before the food is transported to the barbecue.
- D. All food at a barbecue must be cooked immediately, and

1. Served directly to the customer; or
 2. Transported to a proper area for hot holding, storage, preparation, packaging and sale.
- E. A barbecue must be attended by an employee of the food establishment at all times it is in operation and may only be operated by an employee of the establishment.
- F. The barbecue equipment must be roped off or otherwise segregated from the public by a distance of not less than four (4) feet (1.22 meters).

120.035 Barbecue, compliance and enforcement

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

CHAPTER 140

CHILD CARE FACILITIES

140.005 Child care facilities, exemption from provisions of NRS 446

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

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

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

140.010 Child care facilities, exemptions from construction and equipment standards

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

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

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

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

CHAPTER 150

COTTAGE FOOD OPERATIONS

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

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

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

CHAPTER 160

FARM-TO-FORK EVENTS

160.005 Farm-to-fork events, exempt from definition of “food establishment”

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

160.010 Farm-to-fork events, registration required

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

CHAPTER 170

FARMERS' MARKETS

170.005 Farmers' markets, applicable requirements

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

170.010 Farmers' markets, permit required

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

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

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

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

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

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

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

170.030 Farmers' markets, operation at a temporary food event

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

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

170.035 Farmers' markets, approved source

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

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

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

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

170.045 Farmers' markets, food storage

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

170.050 Farmers' markets, food preparation; prohibitions, exceptions

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

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

- I. Cutting boards and utensils used to cut, slice or prepare time/temperature control for safety food must be washed, rinsed and sanitized every two (2) hours. If facilities are not available to accomplish this, extra cleaned and sanitized utensils and cutting boards must be on site for use.

170.055 Farmers' markets, produce stands, construction requirements

Produce stands must meet the construction requirements set forth in Section 210.095.

170.060 Farmers' markets, toilet facilities

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

170.065 Farmers' markets, handwashing facilities

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

170.070 Farmers' markets, animals prohibited; exception

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

170.075 Farmers' markets, fresh eggs

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

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

170.080 Farmers' markets, compliance and enforcement

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

CHAPTER 190

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

GENERAL; MOBILE UNITS AND PORTABLE UNITS FOR SERVICE OF FOOD

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

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

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

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

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

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

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

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

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

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

- A. Menu and food preparation procedures;
- B. Construction plan, including but not limited to, the location of all food equipment, plumbing, electrical services and mechanical ventilation, potable water and wastewater holding units;
- C. Equipment specifications, including but not limited to, make and model numbers of all food equipment;

- D. Material type and color to be used on all surfaces including but not limited to floors, walls, ceilings and counters;
- E. Proposed itinerary or sites to be served;
- F. Source of potable water;
- G. Site used for sewage and wastewater disposal;
- H. Availability of public restrooms;
- I. The site of the servicing area; and
- J. Proposed food handling procedures that occur on mobile unit and at servicing area.

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

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

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

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

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

- A. Except as provided for portable banquet bars in Section 190.125 (A)(1) a dedicated handwashing sink must be provided and accessible to food handlers and other employees at all times and include the following:
 - 1. An adequate amount of warm, running, potable water under pressure from an approved source;
 - 2. Pump soap; and

- 3. Individual paper towels.
- B. Requirements for handwashing may be waived or modified when only prepackaged foods are served.
- C. Toilet facilities for food employees must be available and readily accessible.
- D. For units equipped with onboard toilet facilities, waste containment systems must be completely isolated from food service wastewater storage system and must comply with Section 190.060 (B)-(C).

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

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

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

- A. A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device must be provided for a water inlet, outlet, and hose.
- B. If not in use, a water tank and hose inlet and outlet fitting must be protected using a cover or device as specified in Subsection A of this section.

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

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

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

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

- A. Liquid waste must be stored in a waste retention tank that has at least 15 percent more capacity than the potable water tank. The bottom of the waste retention tank must be sloped to a drain, or readily removable and easily handled.
- B. All liquid waste must be retained on the mobile unit until emptied and flushed into an approved sanitary sewer system or dump station, in a manner approved by the Health Authority.
- C. The contents of the waste retention tank must be gauged unless the water level can be easily observed. A waste retention tank with an outlet for overflow is prohibited.
- D. The wastewater system must be operable under all climatic conditions, including subfreezing temperatures.

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

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

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

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

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

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

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

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

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

SERVICING AREAS

190.085 Servicing area, approval and operation

- A. Mobile units and portable units for service of food must operate from an approved servicing area and must report daily to that location for supplies, cleaning and servicing operations unless otherwise approved by the Health Authority.
- B. If the mobile unit or portable unit for service of food operator is not the permit holder of the servicing area, authorization from the permit holder allowing use of the facility must be provided to the Health Authority. The authorization must be submitted and approved on forms provided by the Health Authority.
- C. The authorization signed by the permit holder of the servicing area must be provided before the mobile unit or portable unit for service of food begins operations. The authorization must state that the approved food establishment can support the mobile unit or portable unit for service of food to:
 - 1. Store food products inside the food establishment;
 - 2. Use the facilities of the food establishment for the cleaning and/or maintenance of utensils and equipment;
 - 3. Deposit used cooking grease and refuse in the food establishment trash disposal and grease rendering facilities;
 - 4. Prepare food items that will be served from the mobile unit or portable unit for service of food; and
 - 5. Be allowed full access to the food establishment during hours or days in which the food establishment might not otherwise operate.

- D. In the event that the servicing area lessens its scope of food preparation, changes ownership, or is out of business for any reason the mobile unit or portable unit for service of food must cease operations and immediately advise the Health Authority.
- E. A servicing area that is located outside the jurisdiction of the Health Authority may be approved if the operator of the mobile unit or portable unit for service of food:
 - 1. Satisfies the requirements of these regulations and obtains a permit issued pursuant to the provisions of NRS 446.875;
 - 2. Provides a copy of a valid health permit issued by the Health Authority which has jurisdiction; and
 - 3. Provides a copy of the most recent health inspection.
- F. There must be a location provided for the flushing and drainage of liquid waste separate from the location provided for potable water servicing and for the loading and unloading of food and related supplies.
- G. Food storage and preparation in a servicing area must be separated from the area used for mobile unit or portable unit for service of food servicing operations such that no contamination of food storage or preparation areas occurs.
- H. Unit cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization must be done with potable water and must be done in a manner which will not contaminate the food storage or food preparation areas or equipment of the mobile unit or portable unit for service of food.

190.090 Servicing area, construction

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

190.095 Servicing area, change in location

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

190.100 Servicing area, fee for change in location

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

MOBILE UNIT

190.105 Mobile unit, food and food preparation

- A. Preparation of time/temperature control for safety food on the mobile unit must be accomplished daily, for service that same day, or conducted at the approved servicing area.
- B. Hot and cold holding equipment must be preheated or prechilled to appropriate holding temperatures before loading time/temperature control for safety food onto the mobile unit.

190.110 Mobile unit, water supply

- A. When a mobile unit has a water system, the source and system design must be approved by the Health Authority.
- B. The tank, pump and hoses must be flushed and sanitized before being placed in service after construction, repair, modification and periods during which they were not used.
- C. The system must be of sufficient capacity to furnish enough hot and cold water under pressure for each of the following procedures, if they occur on the mobile unit:
 - 1. Food preparation;
 - 2. Utensil cleaning;
 - 3. Sanitizing;
 - 4. Handwashing sink, or
 - 5. Mobile unit cleaning
- D. The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it must be capped.
- E. A person shall operate a water tank pump and hoses so that backflow and other contamination of the water supply are prevented.
- F. The filler hose must be of an approved material and stored with the ends connected or covered when not in use. This hose must not be used for any purpose other than supplying potable water to the mobile unit.
- G. The filler hose must be clearly and durably identified as to its use if not permanently attached.
- H. The water system must be operable under all climatic conditions, including subfreezing temperatures.
- I. If a tank is designed with an access port for inspection and cleaning, the opening must be in the top of the tank and flanged upward at least one-half (1/2) inch (13 mm), equipped with a port cover assembly that includes a gasket and a device for securing the cover in place, and flanged to overlap the opening and sloped to drain.
- J. Tank vents must be terminated in a downward direction and be covered, screened, or equipped with a protective filter if not otherwise protected from windblown dirt and debris.
- K. Any operation that runs out of fresh water supply or has no more wastewater capacity must immediately discontinue food service operations.

190.115 Mobile unit, construction requirements

All mobile units must comply with the construction requirements as specified in these regulations and the following:

- A. Doors, windows and covers must close tightly and must be closed when the vehicle is being moved.
- B. Where cooking is conducted mechanical ventilation must be provided.
- C. All connections on the vehicle used for servicing the mobile unit waste disposal facilities must be of a different size or type than those used for supplying potable water to the mobile unit.
- D. The waste connection must not be located above the potable water inlet connection.
- E. Compressed gas bottles must be securely fastened to a wall or other stationary object in such a manner as to prevent damage to the valve mechanism.

PORTABLE UNIT FOR SERVICE OF FOOD

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

A portable unit for service of food may serve any type of food including time/temperature control for safety food for which they have been designed, constructed, and approved by the Health Authority. Menu restrictions may apply to the following types of portable units for service of food:

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

190.125 Portable unit for service of food, operational restrictions

Food operations at a portable unit for service of food is restricted as follows:

- A. Portable banquet bars must have a handwashing sink that is:
 - 1. An integral part of the portable banquet bar;
 - 2. An approved portable handwashing sink that is accessible and located within 25 feet (7.62 m) of the portable banquet bar; or
 - 3. Wall-hung, accessible, and located within 25 feet (7.62 m) of the portable banquet bar.
- B. Golf cart-style food units may serve open consumer ice if the unit's design and construction is approved by the Health Authority and the unit is equipped with a handwashing station as specified in Section 190.040(A).

190.130 Portable unit for service of food, water supply

- A. A supply of potable water must be present on any portable unit for service of food where water is required for food preparation or handwashing.
- B. The tank which supplies potable water, pump and hoses must be flushed and sanitized before being placed in service after construction, repair, modification and periods during which they were not used.
- C. A potable water storage tank must have at least a five (5)-gallon capacity, except that a portable unit for service of food that is equipped with a three (3)-compartment sink must have a potable water storage tank of sufficient capacity of the total volume of the warewashing sinks plus a five (5)-gallon handwashing capacity, or be connected to an approved potable water supply system when set up for operation.
- D. The wastewater retention tank must be at least 15% more capacity than the potable water storage tank.
- E. The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it must be capped.
- F. A person shall operate a water tank pump and hoses so that backflow and other contamination of the water supply are prevented.

- G. The filler hose must be of an approved material and stored with the ends connected or covered when not in use. This hose must not be used for any purpose other than supplying potable water to the portable unit for service of food.
- H. The filler hose must be clearly and durably identified as to its use if not permanently attached.
- I. The water system must be operable under all climatic conditions, including subfreezing temperatures.
- J. If a tank is designed with an access port for inspection and cleaning, the opening must be in the top of the tank and flanged upward at least one-half (1/2) inch (13 mm), equipped with a port cover assembly that includes a gasket and a device for securing the cover in place, and flanged to overlap the opening and sloped to drain.
- K. Tank vents must be terminated in a downward direction and be covered, screened, or equipped with a protective filter if not otherwise protected from windblown dirt and debris.

190.135 Portable unit for service of food, wastewater handling

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

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

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

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

- A. No glass or breakable items shall be allowed except that glass liquor and mixer bottles under the control of a food handler are acceptable.
- B. Portable units for service of food shall be located remotely from the edge of the pool on the raised rear deck area if available.
- C. Work stations shall not obstruct access to the pool deck, or to necessary fixtures, including but not limited to showers and water fountains.
- D. Work stations shall not be placed in any location where there is standing water.
- E. Work stations shall be broken down, covered, protected, and stored when not in use.
- F. All electrical connections for work stations shall be GFCI protected and testable, and temporary electrical runs shall not pass across walkways used by bathers or in wet areas such as deck drains.

CHAPTER 200

OUTDOOR FOOD ESTABLISHMENTS

200.005 Outdoor food establishment, applicable requirements

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

200.010 Outdoor food establishment, permit to operate

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

200.015 Outdoor food establishment, conditions for use

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

200.020 Outdoor food establishment, plan submittal

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

200.025 Outdoor food establishment, general construction requirements

Electrical, plumbing, or other conduits shall be installed per Section 080.025 of these regulations.

- A. The ground under which the entire outdoor food establishment area is located must be smooth, maintained in good repair and constructed of a nonabsorbent material such as concrete or asphalt unless otherwise approved by the Health Authority.
- B. The surface on which the entire outdoor food establishment area is located must be sloped or constructed with drains such that water will not accumulate on the surface.
- C. Handwashing sinks that are accessible must be provided for use by food handlers and other employees at the outdoor food establishment at all times when the outdoor food establishment is being used. Handwashing sinks must be installed per Section 070.030 and adequately stocked per Sections 080.096 and 080.097 of these regulations.

- D. Each individual piece of cooking and hot and cold holding equipment must be separately covered or have overhead protection.
- E. Patrons or other unauthorized individuals must be prevented from accessing unsupervised areas of the outdoor food establishment where food, food contact surfaces, and equipment are located.

200.030 Outdoor food establishment, location

- A. Outdoor food establishments must be located in an area that allows convenient and easy access to the support services provided by the permanent food establishment.
- B. Outdoor cooking equipment must be located in open areas where mechanical ventilation is not considered to be necessary by the Health Authority or by any other entity having applicable regulatory authority. In the case of an enclosed area, mechanical ventilation of sufficient capacity may be required to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
- C. Outdoor cooking equipment must be located in areas approved by the applicable fire authority and any other entity having regulatory authority.
- D. The site where the outdoor food establishment is located must be drained properly to ensure that water will not pool, collect or cause a nuisance.

200.035 Outdoor food establishment, operational plan required

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

200.040 Outdoor food establishments, food

- A. Food items that are within the perimeter of the outdoor food establishment or are being transported to or from it shall be covered or kept in closed containers unless the food items are undergoing preparation or are being readied for service to consumers.

- B. Cooling of time/temperature control for safety food must be conducted in the supporting food establishment unless approved by the Health Authority.

200.045 Outdoor food establishment, equipment cleaning

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

200.050 Outdoor food establishment, food handler required

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

200.055 Outdoor food establishment, food preparation by consumer

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

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

200.060 Outdoor food establishment, compliance and enforcement

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

CHAPTER 205

CATERING OPERATIONS

205.005 Catering operation, applicable requirements

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

205.010 Catering operation, operational plan required

An operational plan must be submitted to, and approved by, the Health Authority before an establishment may commence catering operations. The plan must include but is not limited to:

- A. List of equipment and materials used;
- B. Applicable standard operating procedures;
- C. Descriptions of the catering activities that will take place offsite at the venue;
- D. Food safety logs if applicable;
- E. List of menu items;
- F. List of offsite food service locations;
- G. Description of type of service (i.e., self service or served meals);
- H. Event site plan if applicable;
- I. An operating schedule;
- J. Description of vehicle used to transport all food and equipment.

205.015 Catering operation, equipment

All equipment and utensils must be transported back to the permitted food facility for cleaning. Approval for cleaning equipment and utensils at the offsite food service location may be granted by the Health Authority following review of the operational plan and if the offsite food service location site meets the requirements of these regulations.

205.020 Catering operation, handwashing and toilet facilities

- A. A handwashing station approved by the Health Authority must be readily accessible, conveniently located, and have dispenser-fed soap and paper towels. The handwashing station may be one of the following:
 1. The catering operation must provide an ANSI certified self-contained handwashing station that includes pressurized potable water and a potable water tank of sufficient capacity to provide water for the duration of the event; or
 2. The venue must have a handwashing sink installed per Section 070.030 and used per Section 070.035.
- B. The catering operation must provide a waste receptacle for paper-towel waste.
- C. Toilet facilities for catering operation employees must be available at the offsite food service location.

205.025 Catering operation, preparation and service of food

- A. The preparation and cooking of food must be completed in the permitted food establishment before the food is transported to the offsite food service location. Approval for limited food handling at the offsite food service location may be granted by the Health Authority following review of the operational plan and if the offsite food service location meets the requirements in these regulations.
- B. All food products that have been prepared or cooked for the offsite food service location are to be discarded at the end of each day.

205.030 Catering operation, transportation of food and equipment

- A. All food products requiring temperature control must be transported and stored in equipment intended for temperature control; and
- B. The vehicle(s) used for transportation must be in good condition and should be sufficient in size to accommodate all food and equipment.

205.035 Catering operation, outdoor service of food

- A. All outdoor catering operations must be located in a manner as to minimize the risk of contamination from external sources such as sewage, flooding, dust and vector or vermin;
- B. Food must be protected from contamination by the use of overhead protection; and
- C. Each individual piece of hot and cold holding equipment must be separately covered or have overhead protection.

205.040 Catering operation, liquid waste disposal

All liquid waste must be disposed of in sanitary sewer.

205.045 Catering operation, record retention

The catering operation shall maintain records for all offsite food service activities for at least 90 days after each event. The catering operation shall provide these records to the Health Authority upon request and must include the following information:

- A. Location and date of the offsite food service activity;
- B. Description of type of service provided by the catering operation; and
- C. Complete menu of food provided.

205.050 Catering operation, compliance and enforcement

Catering operations are subject to enforcement action as outlined in these regulations and NRS 446.

205.055 Catering operation, interference with performance of duty

No person shall refuse entry or access to the Health Authority who, upon presentation of appropriate credentials, requests to inspect any catering operation, or any related facility of that operation for the purpose of ascertaining compliance with these regulations. Per NRS 446.885(3), it is unlawful for any person to interfere with the Health Authority in the performance of his or her duties.

CHAPTER 210

TEMPORARY FOOD ESTABLISHMENTS AND SPECIAL EVENTS

210.005 Temporary food establishment and special event, applicable requirements

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

210.007 Special event, permit to operate

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

210.010 Special event, application for permit to operate

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

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

210.012 Temporary food establishment, permit to operate

- A. It is unlawful for any person to operate a temporary food establishment unless a valid permit has been issued for the establishment by the Health Authority. After receipt of an application, the Health Authority shall review the application and make an inspection of the temporary food establishment to determine compliance with the provisions of NRS 446 and the provisions of these regulations applicable to the operation of a temporary food establishment.

- B. The permit issued pursuant to this section is not transferable from person to person or from place to place.
- C. The Health Authority may exempt a temporary food establishment from the provisions of these regulations if the Health Authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public.
- D. Temporary food establishments that are larger than 800 square feet in area or have divided operations that require more than one (1) inspection are subject to requirements for additional permits and corresponding fees.

210.015 Temporary food establishment, application for permit to operate

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

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

210.030 Temporary food establishment, permit exemptions.

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

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

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

210.035 Special event, fee

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

210.040 Temporary food establishment, fee

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

210.045 Temporary food establishment, cumulative maximum fee

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

foodservice operation under cumulative maximum fee permit. A separate application and fee for a temporary food establishment permit is required for any event in which the cumulative maximum fee has not yet been paid. A late fee will be assessed in accordance with the fee schedule adopted by the Board of Health each time an application is not submitted seven (7) days prior to operating a temporary food establishment.

210.050 Special events, fee for annual sampling permit

- A. An annual fee has been established by the Board of Health for food operators engaged in the practice of providing only food samples to the public. The permit can be renewed annually, provided the permit has not been suspended or revoked for chronic or repeated sanitation violations. The permit is valid only for the calendar year in which it was purchased. Following suspension or revocation of an annual sampling permit, a reinstatement fee shall be submitted prior to reactivation of the permit to operate. All violations that prompted the permit suspension must be corrected prior to the request for reinstatement.
- B. Operators of temporary food establishments that apply for the annual sampling permit must submit a proposed schedule outlining the events and locations at which they will be operating and meet applicable sanitation requirements set forth in this regulation.

210.055 Temporary food establishment, fee for low-risk foods

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

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

210.065 Temporary food establishment and annual sampling operation, reinspection fee

If more than one (1) reinspection of a temporary food establishment or annual sampling operation is required to pay the amount of the permit application fee set by the Board of Health will be charged. The fee will be assessed in the field and is due to the Environmental Health Services Office within five (5) working days following the event. Subsequent temporary food establishment permit applications will be denied until the reinspection fee is paid.

210.070 Temporary food establishment and special event, food source

- A. Food must be obtained from a supplier or source approved by the Health Authority. Food sources approved by the Health Authority include sources where the producer, manufacturer, distributor, or food establishment is determined by the Health Authority to conform to applicable laws, or in the absence of applicable laws, conforms to current public health principles and practices and recognized industry standards to protect public health. Operators that obtain their food source outside Washoe County shall be required to provide proof to the Health Authority that the source of the food products is regulated and approved by a Health Authority in the jurisdiction of origin.
- B. All food shall be protected against contamination and held within the safe temperature requirements set forth in these regulations during transport and storage.
- C. Except as specified in Chapter 150 Cottage Food Operations, any preparation or storage at a private residence of any food items to be sold at a special event in Washoe County is strictly prohibited.

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

- A. All food holding, service and cooking equipment shall be clean, in good repair and in such condition to present no risk to public health. All equipment used in temporary food establishments is subject to approval by the Health Authority.
- B. Chafing dishes, which are not heated mechanically or similar equipment, are prohibited for use at outdoor special events.
- C. Adequate power shall be supplied by the event promoter to temporary food establishments that require electrical or mechanical means to hold food products at safe temperatures
- D. The event promoter must ensure that adequate refrigeration is available for temporary food establishment operators who intend to hold time/temperature control for safety foods overnight for a multi-day event. Temporary food establishment operators shall not store time/temperature control for safety foods off-site at non-permitted food establishments.

210.090 Temporary food establishment, temperature measuring devices required

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

210.095 Temporary food establishment, construction requirements

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

- E. Adequate lighting by artificial or natural means must be provided. A minimum of 35 foot-candles of artificial light must be provided after dusk in all food preparation, foodservice, or warewashing areas. Lighting above food preparation or foodservice areas must be shielded.
- F. Local regulations must govern ventilation and fire protection requirements.

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

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

210.105 Temporary food establishment, thawing time/temperature control for safety foods

- A. Time/temperature control for safety foods shall be thawed in accordance with Section 050.295 of these regulations.
- B. If mechanical refrigeration as specified in Subsection 050.295(A) is not available, time/temperature control for safety foods can be thawed in an insulated container with enough ice to maintain 41°F (5°C).

210.110 Temporary food establishment, hot and cold holding

Except as provided in Subsection B of this section:

- A. Time/temperature control for safety foods must be held hot or cold in accordance with Section 050.310 of these regulations.
- B. Time as a public health control may be used in a temporary food establishment provided that all applicable provisions of Section 050.330 of these regulations have been met.

210.115 Temporary food establishment, reheating and cooling

- A. Cooling and/or reheating of time/temperature control for safety foods intended for sale or distribution from a temporary food establishment is prohibited, unless approved in advance by the Health Authority.

All foods that have been cooked and refrigerated must be reheated for hot holding in accordance with Section 050.275 of these regulations.

210.120 Temporary food establishment, food protection

- A. A temporary food establishment must not operate during dust storms, wind storms, snow storms, rain storms, infestations of insects or vermin or under any other circumstance when protection of food cannot be ensured.
- B. Temporary food establishments that offer food samples must serve individual portions. Common bowls are strictly prohibited.
- C. All food must be protected from customer handling, coughing, sneezing, or other contamination by wrapping, the use of food shields, or other effective barriers, including but not limited to containers that can be closed, covered or otherwise protected.

- D. Condiments must be dispensed in single-service packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food handlers, patrons, insects, or other sources.
- E. Personal clothing or belongings must be stored at a designated place away from the preparation of food, foodservice, or warewashing areas.

210.125 Temporary food establishment handwashing facilities

- A. A handwashing facility must be readily accessible inside or directly adjacent to, but not more than 10 feet from, the preparation area of a temporary food establishment. Temporary food establishments without hot and cold running water must provide a container with a spigot or other apparatus that will dispense water without continuous manual contact holding a minimum of two (2) gallons of water for the purpose of handwashing. Wastewater generated must empty into a spill-proof container.
- B. Pump soap and single-service towels must be available at the handwashing sink.
- C. A waste receptacle shall be located adjacent to the handwashing facility

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

- A. Foodservice utensils and tableware shall be washed, rinsed and sanitized using a frequency specified under Section 060.370 in a three (3)-compartment sink, or an approved mechanical dishwasher. An adequate supply of clean and sanitary utensils shall be available for daily operation. The practice of washing, rinsing and sanitizing in buckets must be preapproved by the Health Authority.
- B. At special events exceeding one (1) day in duration, a three (3)-compartment sink or an approved dishwasher shall be provided by the event promoter for temporary food establishment operators who do not have access to these facilities. The sink shall have hot and cold running water. Utensils shall be thoroughly washed, rinsed, and sanitized in accordance with the provisions of these regulations.
- C. Equipment and food surfaces that are too large for immersion in a three (3)-compartment sink or fit in an approved mechanical dishwasher shall be cleaned as specified under Section 060.070. All bottles or containers of solutions used in this process must be properly labeled as to their contents. Any solution or textiles used for this purpose must be changed as needed to ensure appropriate concentration and application of sanitizer without stagnation of the solution. Sanitization which is done in this manner must not be done during food preparation on or near the equipment or food surface being sanitized or in any way contaminate food with sanitizing solutions or chemical residues.
- D. A kit for testing or other device that accurately measures the concentration of the sanitary solution in mg/L (ppm) shall be available and routinely used to verify the sanitizing solution concentration.

210.135 Temporary food establishment and special event, potable water

- A. An accessible potable water supply must be available for handwashing, cooking and cleaning equipment and utensils.
- B. The event promoter shall notify all temporary food establishment operators of the location of potable water sources.
- C. Non-potable water sources shall not be used within temporary food establishments or in areas at special events where spray and/or flow may contaminate food sources. All water connections

and water service containers must be marked and clearly identifiable as to potable and non-potable.

- D. Any water source provided for an event outside the approved service connections located on the event premises must be approved by the Health Authority prior to use.
- E. Potable water may be provided to a temporary food establishment or special event without a permanent water supply through a permitted potable water hauler using an enclosed vehicular water tank.
- F. Food grade hoses connected to public water sources must be equipped with an approved backflow prevention device.
- G. Water lines or hoses and connections used to conduct potable water must not be used for any other purpose. They must be clearly identified as potable water systems.

210.140 Temporary food establishment and special event, liquid waste

- A. The special event promoter must ensure that all wastewater generated at an event is discharged to sanitary sewer. The dumping of wastewater into a storm drain is strictly prohibited. Upon approval by the Health Authority and the local pretreatment sewer discharge authority water that is not contaminated may be discarded by other means.
- B. Wastewater holding tanks are required for temporary food establishment operations, unless a suitable alternative for collection of wastewater is provided. The Health Authority must approve the alternative system prior to the event. The tanks must be readily accessible to temporary food establishment employees for dumping of wastewater. In the event that wastewater cannot be transported by the employees of a temporary food establishment, the promoter shall be responsible for collecting the wastewater and ensuring proper disposal into wastewater holding tanks and/or sanitary sewer. The tanks must be emptied at least daily or as often as necessary to prevent overflowing, the development of odors, or the attraction of vermin.
- C. Hoses used to drain or flush the wastewater must be permanently and distinctly labeled for such use, used for no other purpose and stored in a manner that protects them from contamination.

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

- A. Grease and waste cooking oil must be disposed in a manner approved by the Health Authority. Disposal of grease or waste cooking oil to the sanitary sewer system or storm drain system is prohibited. Wastewater must not be dumped into containers dedicated to grease and cooking oil waste.
- B. Disposal of grease or waste cooking oil on the ground is prohibited.

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

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

TABLE 1
NON-SEWERED TOILETS – SPECIAL EVENTS

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

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

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

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

210.160 Temporary food establishment and special event, solid waste

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

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

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

210.170 Temporary food establishment and special event, inspections

Inspections may be conducted during event, pre-event and post-event hours to ensure compliance with the requirements of these regulations. If the Health Authority suspects that a hazardous condition exists with food intended for the public or with public safety in a temporary food establishment or annual sampling operation, they may enter at any time to ensure that such conditions are abated.

210.175 Temporary food establishment, examination and condemnation of food

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

210.180 Temporary food establishment and special event, compliance and enforcement

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

210.185 Temporary food establishment and special event, suspension or revocation of permit and reinstatement

- A. Whenever the Health Authority finds an unsanitary or other condition at a special event or in the operation of a temporary food establishment which, constitutes a substantial hazard to the public health, they may, without warning, notice or hearing, issue a written Notice of Violation (NOV) to the permit holder or operator citing the condition and specifying the time in which the corrective action must be taken. The specified period must not be more than 24 hours.
- B. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such a NOV is issued shall comply with it immediately. Upon written petition to the Health Authority, the person must be afforded a hearing as soon as possible.
- C. A reinspection will be conducted to determine compliance with the correction notification. The temporary food establishment permit will be reinstated only after violations have been corrected.
- D. A temporary food establishment permit to operate shall be revoked in accordance with the compliance procedures outlined in these regulations.

210.190 Temporary food establishment, failure to comply

After the Health Authority has notified the owner, operator or person-in-charge of a temporary food establishment of any violation to these regulations, it shall be unlawful for that person to refuse or fail to correct these violations within the time limits set in the notice.

210.195 Temporary food establishment, interference with performance of duty

No person shall refuse entry or access to the Health Authority who, upon presentation of appropriate credentials, requests to inspect any temporary food establishment, or any related facility of that temporary food establishment, for the purpose of ascertaining compliance with these regulations. Per NRS 446.885(3), it is unlawful for any person to interfere with the Health Authority in the performance of his or her duties.

CHAPTER 220

VENDING MACHINE OPERATIONS

220.005 Vending machines, applicable requirements

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

220.010 Vending machines, permit to operate

- A. Any person desiring to operate a vending machine that dispenses time/temperature control for safety food must make written application for a permit to operate a vending machine location on forms provided by the Health Authority.
- B. Unless the Health Authority determines that the information is not relevant, applicants desiring to operate a vending machine location must include the following information on forms approved by the Health Authority:
 1. A menu of the food to be dispensed from the machines;
 2. The proposed location of any machine that dispenses time/temperature control for safety food;
 3. A cleaning and servicing schedule; and
 4. The proposed storage location of back-up food stocks used to refill the machines.
- C. Upon written application, the Health Authority shall make an inspection of the vending machine location and the vending machine(s) installed at the location to determine compliance with these regulations. When the inspection reveals that the applicable requirements of these regulations have been met, the Health Authority shall issue a permit to operate the vending machines at the specified vending machine location and affix a Washoe County Health District approval sticker to the machines.

220.015 Vending machines, identification

The company name and telephone number of the operator of the vending machine, the health permit number, and the vending unit number must be prominently displayed on the vending machine.

220.020 Vending machines, doors and openings

- A. Vending machine doors and access opening covers to food and container storage spaces shall 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):
 1. Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one-sixteenth inch (1.5 millimeters). Screening of 12 or more mesh to 2.5 centimeters (12 mesh to 1 inch) meets this requirement;

2. Being effectively gasketed;
 3. Having interface surfaces that are at least one-half inch (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 shall be closed by sealants, clamps, or grommets so that the openings are no larger than one-sixteenth inch (1.5 millimeters).

220.022 Vending machines, vending stage closure

The dispensing compartment of a vending machine shall 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 employee.

220.025 Vending machines, automatic shutoff

- A. A machine vending time/temperature control for safety food must have an automatic control that prevents the machine from vending food:
 1. If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food at safe temperatures as specified in these regulations; and
 2. If a condition specified under Subsection A(1) of this section occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified in these regulations.
- B. When the automatic shutoff within a machine vending time/temperature control for safety food is activated:
 1. In a refrigerated vending machine, the ambient temperature may not exceed 41°F (5°C) for more than 30 minutes immediately after the machine is filled, serviced, or restocked; or
 2. In a hot holding vending machine, the ambient temperature may not be less than 135°F (57°C) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

220.027 Vending machines, liquid waste products

- A. Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.
- B. Vending machines that dispense liquid food in bulk shall 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 Subsection B(2) of this section shall 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.

220.030 Vending machines, can openers

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

220.032 Vending machines, receptacles inside of

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

220.035 Vending machines, receptacles for trash

Trash receptacles must be provided in the vicinity of each vending machine or group of vending machines, but not within the vending machine. The receptacles must close automatically, must be leak-proof, easily cleaned, insect proof and rodent proof, and must be cleaned daily to prevent the attraction of insects and rodents.

220.40 Vending machines, time/temperature control for safety food

- A. Time/temperature control for safety food dispensed through a vending machine shall be in the package in which it was placed at the food establishment or food processing establishment at which it was prepared.
- B. Vending machines which dispense time/temperature control for safety food must be provided with adequate refrigerating or heating units and thermostatic controls which ensure the maintenance of refrigerated foods at a temperature of 41°F (5°C) or below and hot foods at a temperature of 135°F (57°C) or above.
- C. Time/temperature control for safety food which fails to conform to the requirements of this section must be removed from the vending machine, rendered unusable for human consumption and properly discarded.

220.065 Vending machines, compliance and enforcement

Operators of vending machines are subject to enforcement actions outlined in these regulations and NRS 446.

CHAPTER 230

MISCELLANEOUS PROVISIONS

230.005 Emergencies

- A. Except as specified in Subsections B and C of this section, a permit holder shall immediately discontinue operations and notify the Health Authority if a substantial health hazard may exist because of an emergency such as a fire, flood, interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne disease outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.
- B. A permit holder need not discontinue operations in an area of an establishment that is unaffected by the substantial health hazard if approved by the Health Authority.
- 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 by the Health Authority;
 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.

230.010 Resumption of Operations

If operations are discontinued for an emergency as specified in these regulations, the permit holder shall obtain approval from the Health Authority before resuming operations.

CHAPTER 240

COMPLIANCE AND ENFORCEMENT

240.005 Preventing health hazards, provision for conditions not addressed

If necessary to protect against public health hazards or nuisances, the Health Authority may impose specific requirements in addition to the requirements contained in these regulations that are authorized by law.

240.010 Unlawful to interfere with the Health Authority

Pursuant to NRS 446.885(3), it is unlawful for any person to interfere with the Health Authority in the performance of his or her duties. Duties include among others, inspections, sanitation complaint investigations, foodborne disease complaint and outbreak investigations and suppression activities, food source verification, food hold orders and condemnation, posting of notices, and permit suspensions and revocations.

240.015 Inspection frequency

The Health Authority shall conduct inspections and reinspections of food establishments:

- A. At least once per calendar year; and
- B. As often as necessary to ensure compliance with any applicable provisions of these regulations and law.

240.020 Health Authority allowed to examine records

The Health Authority shall be allowed to examine the records of an establishment to obtain pertinent information regarding food and supplies purchased, received or used, and persons employed.

240.025 Health Authority allowed entry to perform inspections

The Health Authority, after providing proper identification must be allowed to enter, at any reasonable time, any food establishment within the Washoe County Health District for the purpose of making an inspection to determine compliance with these regulations.

240.030 Health Authority to issue a written inspection report

Whenever the Health Authority makes an inspection of an establishment he shall:

- A. Notify the permit holder, operator, or person-in-charge of the findings of the inspection by means of a written inspection report; and
- B. Furnish the original of the inspection report to the permit holder, operator, or person-in-charge.

240.035 Health Authority to provide specific information when violations noted on written inspection report

An NOV issued by the Health Authority shall:

- A. Set forth the specific violations found;
- B. Specify the corrective action to be taken to abate the violations;
- C. Establish a specific and reasonable time for abatement of the violations;
- D. State that failure to comply with the abatement requirements of a notice or inspection report issued in accordance with these regulations, may result in immediate suspension of the permit of the establishment; and
- E. State that an opportunity for an appeal from any notice or inspection finding or abatement requirement will be provided if a written request to bring an appeal before the Food Protection Hearing and Advisory Board is filed with the Health Authority within the period established in the notice of abatement of the violations.

240.040 Violations, shared facilities

A violation of any provision of these regulations relating to facilities held in common or shared by more than one (1) food establishment shall be a violation for which owners, operators, or persons-in-charge of each food establishment is responsible.

240.045 Examination and condemnation of food, hold orders

- A. Food may be examined or sampled by the Health Authority as often as necessary to determine freedom from adulteration or misbranding.
- B. The Health Authority, may, upon written notice to the owner, operator or person-in-charge, place a hold order on any food which he determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.
- C. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on the food by the Health Authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission from the Health Authority, except by order of a court of competent jurisdiction.
- D. After the owner, operator or person-in-charge has had a hearing as provided in NRS 446.895, and on the basis of evidence produced at such hearing or on the basis of his examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order, or may, by written order direct the owner or person-in-charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of NRS 446. Such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of NRS 446 shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

240.050 Food establishment outside jurisdiction of Health Authority

Food from food establishments outside the jurisdiction of the Washoe County Health District may be sold within the Washoe County Health District if such food establishments conform to the provisions of these regulations or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in the jurisdictions where such food establishments are located.

240.055 Sampling and testing

If the Health Authority determines or has probable cause to consider that a food is unwholesome, adulterated, or misbranded, he may collect a reasonable number of samples without recompense to the owner of the food and have them tested.

240.070 Refusal to sign acknowledgement

Refusal to sign an acknowledgement of receipt of inspectional findings does not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified.

240.075 Requirement to abate violations in the time specified

Except as otherwise specified in these regulations, the permit holder of an establishment or person-in-charge shall ensure that any violations documented by the Health Authority during an inspection or investigation, are abated in the time specified by him.

240.080 Notice, suspension and revocation of permits

- A. Whenever the Health Authority finds an unsanitary or other condition in the operation of a food establishment which, in his judgment constitutes a substantial hazard to the public health, he may, without warning, notice or hearing, issue a written Notice of Violation (NOV) to the permit holder or person-in-charge citing the condition, specifying the corrective action to be taken, and specifying the time in which the corrective action must be completed.
- B. The NOV may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom a NOV is issued must comply within the time frame specified by the Health Authority. Upon written petition to the Health Authority, the person shall be afforded a hearing pursuant to the provisions of these regulations.
- C. A reinspection will be conducted to determine compliance with the corrective action stated in the NOV. The food establishment permit will be reinstated only after the violations have been corrected and operations shall not be resumed until authorized by the Health Authority.
- D. Any permit shall be suspended or revoked for the practice of fraud or deceit in obtaining or attempting to obtain or renew a permit.
- E. Any permit may be suspended or revoked for serious or repeated violations of these regulations.
- F. Any person who violates any part of these regulations is guilty of a misdemeanor. Violators may be subject to warning, criminal citation, criminal complaint or other legal action deemed necessary to protect public health.

240.085 Creation of the Food Protection Hearing and Advisory Board

There is hereby created a Food Protection Hearing and Advisory Board of the Washoe County Health District. The Food Protection Hearing and Advisory Board shall hold hearings to consider variance requests or appeals to compliance action taken by the Health Authority on any permit required by these regulations.

- A. All members serving on the Hearing Board as of July 1, 2021 shall expire on July 1, 2022. New applications will be made available for all prospective members of the Hearing Board beginning January 1, 2022.

- B. The Food Protection Hearing and Advisory Board shall consist of seven (7) members appointed by the Board of Health. At least two (2) members of the Food Protection Hearing and Advisory Board shall be representatives of the local food industry.
- C. Three (3) members shall be appointed for a term of one (1) year.
- D. Three (3) members shall be appointed for a term of two (2) years.
- E. One (1) member shall be appointed for a term of three (3) years.
- F. Each succeeding term shall be for a period of three (3) years.
- G. The Hearing Board shall select a chairman, vice-chairman, and such other officers as it deems necessary. Officers of the Board shall serve at its pleasure.
- H. Subject to the approval of the District Board of Health, the Board may adopt a manual of procedure to govern its operation.
- I. Any member appointed by the District Board of Health may be removed for cause upon majority vote of the total membership of the District Board. Cause for removal includes:
 - 1. Unjustified absence from more than two (2) consecutive meetings of the Food Protection Hearing and Advisory Board.
 - 2. Failure to adhere strictly to the provisions contained in these regulations.

If the District Board of Health determines after hearing that cause for removal exists, it shall remove the member and appoint a member with appropriate qualifications to fill the unexpired term of the member removed.

240.087 Food Protection Hearing and Advisory Board, vacancies

- A. Upon the expiration of a term of office, a member may continue to serve until a successor is appointed.
- B. If a vacancy occurs in the Hearing Board, the Health Officer shall notify the District Board of Health and the District Board of Health will appoint a person to serve the remainder of the unexpired term.

240.095 Food Protection Hearing and Advisory Board quorum for hearings

A quorum of Food Protection Hearing and Advisory Board members shall be present for a hearing. A quorum shall consist of at least four (4) members of the Food Protection Hearing and Advisory Board one (1) of whom must be a representative of the local food industry. A majority of the members present must concur in any decision.

240.100 Hearing conducted by the Food Protection Hearing and Advisory Board

The Food Protection Hearing and Advisory Board shall hold hearings if any are pending, each month at the Washoe County Health District. The Board may hold additional hearings if necessary to facilitate hearing requests in a more timely manner.

240.105 Hearings, appeals

- A. An aggrieved person may bring an appeal before the Food Protection Hearing and Advisory Board when:
 - 1. Any permit, as required by these regulations, has been issued, denied, renewed, suspended, or revoked, and said action has adversely affected said person in any manner.

2. The Health Authority has taken any action pursuant to the authority of these regulations, which has adversely affected said person in any manner.
- B. All appeals to the Food Protection Hearing and Advisory Board shall be initiated by filing a petition or written notice of appeal to the office of the Health Authority within ten (10) business days after the person bringing the appeal has received any order, been subject to any action, or has had a permit, required by these regulations, issued, denied, renewed or suspended by the Health Authority.
 - C. For serious or repeated violations of any of the requirements of these regulations or for interference with the Health Authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing before the Food Protection Hearing and Advisory Board. Before taking such action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
 - D. The Health Authority may permanently revoke a permit after 10 days following service of the notice unless a request for a hearing is filed with the Health Authority by the permit holder within 10 days.
 - E. The hearing provided for in this section must be conducted by the Food Protection Hearing and Advisory Board at a time and place designated by the Health Authority. Based upon the record of the hearing, the Food Protection Hearing and Advisory Board shall make a finding and make recommendation to the District Board of Health to sustain, modify or rescind an official notice or order considered in the hearing.
 - F. After completion of the hearing, the findings and recommendation(s) of the Food Protection Hearing and Advisory Board, along with transcripts and evidence from the hearing, shall be transmitted to the District Board of Health who will make the final decision. In making its decision, the District Board of Health may affirm, modify or reverse the decision of the Food Protection Hearing and Advisory Board or refer the appeal back to the Food Protection Hearing and Advisory Board for additional consideration.
 - G. If the appeal is referred back to the Food Protection Hearing and Advisory Board, the Food Protection Hearing and Advisory Board shall, within 30 days, unless good cause exists, rehear the appeal. The District Board of Health may make no more than one (1) referral back to the Food Protection Hearing and Advisory Board.
 - H. A copy of the written findings and the final decision by the District Board of Health shall be sent by certified mail, return receipt requested, to the permit holder by the Health Authority.

240.110 Hearings, variances; conditions for approval, documentation, and justification

- A. After considering the recommendations of the Food Protection Hearing and Advisory Board, the District Board of Health may grant a variance to these regulations if it is determined that:
 1. Strict application of the regulation would result in exceptional and undue hardship to the person requesting the variance; and
 2. The variance, if granted, would not:
 - a) Cause substantial detriment to the public health; or
 - b) Substantially impair the purpose of that regulation.
- B. Any person requesting a variance to a requirement of these regulations must submit to the Health Authority:
 1. A statement of the proposed variance of the requirement citing the relevant regulation(s);

2. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant regulation will be alternatively addressed by the proposal;
 3. A HACCP plan, or an operational plan, if required by these regulations, that includes the information specified in these regulations as it relates to the variance request;
 4. An application requesting the variance submitted on forms provided by the Health Authority; and
 5. Payment of a fee in accordance with the fee schedule adopted by the District Board of Health.
- C. A hearing provided for a variance in this section must be conducted by the Food Protection Hearing and Advisory Board at a time and place designated by the Health Authority. Based upon the record of the hearing, the Food Protection Hearing and Advisory Board shall make a finding and make recommendation to the District Board of Health to sustain, modify or deny a variance request considered in the hearing.
 - D. After completion of the hearing, the findings and recommendation(s) of the Food Protection Hearing and Advisory Board, along with transcripts and evidence from the hearing, shall be transmitted to the District Board of Health who will make the final decision. In making its decision, the District Board of Health may affirm, modify or reverse the decision of the Food Protection Hearing and Advisory Board or refer the variance back to the Food Protection Hearing and Advisory Board for additional consideration.
 - E. If the variance is referred back to the Food Protection Hearing and Advisory Board, the Food Protection Hearing and Advisory Board shall, within 30 days, unless good cause exists, rehear the request. The District Board of Health may make no more than one (1) referral back to the Food Protection Hearing and Advisory Board.
 - F. A copy of the written findings and the final decision by the District Board of Health shall be sent by certified mail, return receipt requested, to the permit holder by the Health Authority.

240.115 Waivers, conditions for approval documentation and justification

The Health Authority may grant a waiver to these regulations if it is determined that a health hazard will not result if the waiver is granted. The Health Authority may also reverse or revoke the waiver if the permit holder does not comply with outlined conditions approved by the Health Authority. Any person requesting a waiver to a requirement of these regulations must submit to the Health Authority:

- A. A statement of the proposed waiver of the requirement citing the relevant regulation(s);
- B. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant regulation will be alternatively addressed by the proposal;
- C. A HACCP plan or an operational plan, if required by these regulations, that includes the information specified in these regulations as it relates to the waiver request;
- D. Supporting documents for proposed waiver that includes but is not limited to scientific challenge studies, monitoring logs, or validation studies from certified processing authorities;
- E. An application requesting the waiver submitted on forms provided by the Health Authority; and
- F. Payment of a fee in accordance with the fee schedule adopted by the District Board of Health.

240.118 Conformance with approved procedures

If the Health Authority grants a waiver as specified in Section 240.115, or a HACCP plan is otherwise required as specified under Section 110.005, the permit holder shall:

- A. Maintain the approved waiver at the food establishment; and

- B. Comply with the HACCP plans and procedures that are submitted as specified under Section 110.010 and approved as a basis for the waiver; and
- C. Maintain and provide to the Health Authority, upon request, records specified under Section 110.010 (D) and (E) that demonstrate that the following are routinely employed;
 - 1. Procedures for monitoring the critical control points,
 - 2. Monitoring of the critical control points,
 - 3. Verification of the effectiveness of the operation or process, and
 - 4. Necessary corrective actions if there is failure at a critical control point.

240.120 Failure to comply

After the Health Authority has notified the owner, operator or person-in-charge of any violation of these regulations, it shall be unlawful for that person to refuse or fail to correct these violations within the time limits set in the notice.

240.125 Penalties and prosecution

- A. Pursuant to NRS 446.943, the District Attorney shall prosecute any person who violates any provision of these regulations.
- B. Pursuant to NRS 446.945, any person who violates any provision of these regulations is guilty of a misdemeanor. In addition, such a person may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

CHAPTER 250

SEVERABILITY

Severability

If any provision of these regulations or any application thereof to any person, thing or circumstance is held invalid, the Washoe County District Board of Health intends that such invalidity not affect the remaining provisions of applications to the extent that they cannot be effective.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on February 26, 2003 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on June 6, 2003.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on July 24, 2003 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on October 24, 2003.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on October 25, 2007 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on December 7, 2007.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on May 28, 2015 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on June 12, 2015.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on August 25, 2016 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on September 9, 2016.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on July 25, 2019 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on September 6, 2019.

APPENDIX

Reference NRS 446

DEFINITIONS

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

[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1969, 803)—(Substituted in revision for NRS 446.040)

NRS 446.020 “Food establishment” defined.

1. Except as otherwise limited by subsection 2, “food establishment” means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.
2. The term does not include:
 - (a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;
 - (b) Fraternal or social clubhouses at which attendance is limited to members of the club;
 - (c) Vehicles operated by common carriers engaged in interstate commerce;
 - (d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;
 - (e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;
 - (f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS; or
 - (g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers.

[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1960, 295; 1963, 758; 1969, 803, 991; 1973, 1164; 1981, 697; 1985, 901; 1991, 286; 1993, 1624; 1999, 3624; 2001, 1504)

NRS 446.030 “Food handler” defined.

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

[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1969, 803; [2001, 1505](#); [2003, 595](#); [2007, 2175](#))

NRS 446.035 “Food processing establishment” defined. “Food processing establishment” means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

(Added to NRS by 1969, 816)

NRS 446.050 “Health authority” defined. “Health authority” means the officers and agents of the Health Division of the Department of Health and Human Services, or the officers and agents of the local boards of health.

[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1963, 311, 758; 1969, 803; 1973, 1406)

NRS 446.053 “Misbranded” defined. “Misbranded” means the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, which is false or misleading or which violates any applicable state or local labeling requirements.

(Added to NRS by 1969, 816)

NRS 446.057 “Potentially hazardous food” defined. “Potentially hazardous food” has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the *Food Code* published by the Food and Drug Administration of the United States Department of Health and Human Services, unless the Administrator of the Health Division of the Department of Health and Human Services has adopted a later edition of the *Food Code* for this purpose.

(Added to NRS by [2003, 594](#))

NRS 446.067 “Temporary food establishment” defined. “Temporary food establishment” means any food establishment which operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in **connection** with a fair, carnival, circus, public exhibition, celebration or similar transitory gathering.

(Added to NRS by 1969, 817)

NRS 446.069 “Wholesome” defined. “Wholesome” means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

(Added to NRS by 1969, 817)

FACILITIES AND OPERATIONS

NRS 446.841 Use of sawdust on floors in retail meat, poultry and fish markets. A food establishment engaged in the cutting and packaging of meat, poultry or fish for retail sale may use sawdust on the floors in that area of such establishment not visited by the public if:

1. Such sawdust is treated in a manner approved by the Health Division of the Department of Health and Human Services; and
2. The floors are cleaned and fresh sawdust is used daily.

(Added to NRS by 1971, 151; A 1973, 1406)

NRS 446.842 Food establishments which sell alcoholic beverages for consumption on premises required to post signs concerning birth defects; exception.

1. Except as otherwise provided in subsection 5, each food establishment in which alcoholic beverages are sold by the drink for consumption on the premises shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The conspicuous location described in this subsection may include, without limitation, a women’s restroom that is located within the establishment.
2. Each sign required by subsection 1 must be not less than 8 1/2 by 11 inches in size and must contain a notice in boldface type that is clearly legible and, except as otherwise provided in paragraph (a) of subsection 4, in substantially the following form:

HEALTH WARNING

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

¡ADVERTENCIA!

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

3. The letters in the words “HEALTH WARNING” and “¡ADVERTENCIA!” in the sign must be written in not less than 40-point type, and the letters in all other words in the sign must be written in not less than 30-point type.

4. The Health Division of the Department of Health and Human Services may:
 - (a) Provide by regulation for one or more alternative forms for the language of the warning to be included on the signs required by subsection 1 to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in subsection 2.
 - (b) Solicit and accept the donation of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Health Division shall distribute the signs upon request to food establishments that are required to post the signs.
5. A food establishment is not required to post the sign otherwise required by this section if the food establishment provides to its patrons a food or drink menu that contains a notice, in boldface type that is clearly legible and not less than the size of the type used for the items on the menu, in substantially the same form and language as is set forth in subsection 2 or authorized pursuant to paragraph (a) of subsection 4.
6. As used in this section, "alcoholic beverage" means:
 - (a) Beer, ale, porter, stout and other similar fermented beverages, including, without limitation, sake and similar products, of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.
 - (b) Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of one-half of 1 percent or more of alcohol by volume.
 - (c) Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including, without limitation, all dilutions and mixtures thereof from whatever process produced.(Added to NRS by 2003, 1361)

NRS 446.846 Certain employees of food establishments required to wear hair net or other suitable covering to confine hair. The State Board of Health shall adopt reasonable rules and regulations requiring that any person employed in the preparation or service of food or beverages to patrons on the premises of a food establishment, or who comes in contact with eating or cooking utensils used for such service, whose hair length exceeds specified limits shall wear a hair net, cap or other suitable covering which confines the hair while such person is engaged in the performance of his duties. Such rules and regulations shall specify the minimum hair length to which such requirement applies.
(Added to NRS by 1973, 1055)

TEMPORARY FOOD ESTABLISHMENTS

NRS 446.865 Compliance with chapter; powers of health authority. A temporary food establishment shall comply with all the provisions of this chapter which are applicable to its operation. The health authority may:

1. Augment such requirements when needed to assure the service of safe food.
2. Prohibit the sale of certain potentially hazardous food.
3. Modify specific requirements for physical facilities when in his opinion no imminent health hazard will result.

(Added to NRS by 1963, 753; A 1969, 810)

PROVISIONS FOR ENFORCEMENT

NRS 446.870 Prohibited acts: Operation of food establishment without valid permit issued by health authority; sale, offer or display for consideration of food prepared in private home without valid permit issued by health authority; exemptions.

1. Except as otherwise provided in this section, it is unlawful for any person to operate a food establishment unless he possesses a valid permit issued to him by the health authority.
2. The health authority may exempt a food establishment from the provisions of this chapter if the health authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health.
3. Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the provisions of this chapter, unless it is given to a food establishment.
4. Except as otherwise provided in subsection 5, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him by the health authority for that purpose.

5. A religious, charitable or other nonprofit organization may, without possessing a permit from the health authority, sell food occasionally to raise money, whether or not the food was prepared in a private home, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the health authority is required unless an exemption is granted pursuant to subsection 2.

(Added to NRS by 1963, 753; A 1969, 810; 1987, 382; 2001, 1505)

NRS 446.875 Issuance of permit.

1. Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include:
 - (a) The applicant's full name and post office address.
 - (b) A statement whether the applicant is a natural person, firm or corporation, and, if a partnership, the names of the partners, together with their addresses.
 - (c) A statement of the location and type of the proposed food establishment.
 - (d) The signature of the applicant or applicants.
2. An application for a permit to operate a temporary food establishment must also include the inclusive dates of the proposed operation.
3. Upon receipt of such an application, the health authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, the health authority shall issue a permit to the applicant.
4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.
5. A permit issued pursuant to this section:
 - (a) Is not transferable from person to person or from place to place.
 - (b) Must be posted in every food establishment.

(Added to NRS by 1963, 753; A 1969, 811; 1987, 383)

NRS 446.877 City or county business license must not be issued until permit issued by health authority. No license under any license ordinance of city, county or other licensing authority shall be issued for the operation of a food establishment to any person owning or operating such food establishment unless the permit required by this chapter has first been granted by the health authority.

[14:116:1943; 1943 NCL § 5319.13]—(NRS A 1963, 759; 1969, 804)—(Substituted in revision for NRS 446.190)

NRS 446.880 Suspension or revocation of permit; reinstatement of suspended permit; hearing.

1. Permits issued under the provisions of this chapter may be suspended temporarily by the health authority for failure of the holder to comply with the requirements of this chapter.
2. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator must be notified in writing that the permit is, upon service of the notice, immediately suspended or that the establishment is downgraded if that is the case. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed by him with the health authority.
3. Whenever the health authority finds an insanitary or other condition in the operation of a food establishment which, in his judgment, constitutes a substantial hazard to the public health, he may without warning, notice or hearing issue a written order to the permit holder or operator citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written petition to the health authority, the person must be afforded a hearing as soon as possible.
4. Any person whose permit has been suspended may, at any time, make application for a reinspection for reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the health authority shall make a reinspection. If the applicant is complying with the requirements of this chapter, the permit must be reinstated.

5. For serious or repeated violations of any of the requirements of this chapter or for interference with the health authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health authority. Before taking such an action, the health authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
 6. The health authority may permanently revoke a permit after 5 days following service of the notice unless a request for a hearing is filed with the health authority by the permit holder within 5 days.
 7. The hearings provided for in this section must be conducted by the health authority at a time and place designated by him. Based upon the record of the hearing, the health authority shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder by the health authority.
- (Added to NRS by 1963, 754; A 1969, 811; 1981, 604; 1985, 292)

NRS 446.883 Revocation of city or county business license if permit issued by health authority revoked.

1. A license to operate a food establishment issued by any licensing authority to a person owning or operating such food establishment shall be revoked when such person's permit has been revoked by the health authority, and no new license may be issued until such person again possesses an unrevoked permit from the health authority.
 2. Licensing authorities shall be notified by the health authority of the revocation of any permit.
- [15:116:1943; 1943 NCL § 5319.14]—(NRS A 1969, 804)—(Substituted in revision for NRS 446.200)

NRS 446.885 Inspection of food establishment.

1. At least once every year, the health authority shall inspect each food establishment located in the State.
 2. He shall make as many additional inspections and reinspections as are necessary for the enforcement of this chapter.
 3. It is unlawful for any person to interfere with the health authority in the performance of his or her duties.
- (Added to NRS by 1963, 755; A 1969, 812)

NRS 446.890 Access to food establishment; form for inspection report.

1. The health authority, after he has properly identified himself, must be permitted to enter, at any reasonable time, any food establishment within the State for the purpose of making any inspection to determine compliance with this chapter. He must be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.
 2. Whenever the health authority makes an inspection of a food establishment, he shall record his findings on an inspection report form provided for this purpose. The health authority shall furnish the original of the inspection report form to the permit holder or operator. The form must summarize the requirements of this chapter.
- (Added to NRS by 1963, 755; A 1969, 812; 1981, 605)

NRS 446.895 Issuance of notice. Except as otherwise provided in subsection 3 of NRS 446.880, whenever the health authority makes an inspection of a food establishment and discovers that any of the requirements of this chapter have been violated, he shall notify the permit holder or operator of the violations by means of an inspection report form or other written notice. The notice must:

1. Set forth the specific violations found;
2. Establish a specific and reasonable time for the correction of those violations;
3. In the case of temporary food establishments, state that the violations must be corrected within a specified period which must not be more than 24 hours. Failure to comply with the notice results in immediate suspension of the permit;
4. State that failure to comply with the requirements of any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the permit or in downgrading of the establishment; and
5. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the health authority within the period established in the notice for correction.

(Added to NRS by 1963, 755; A 1969, 813; 1981, 605)

NRS 446.900 Service of notice. Notices provided for in NRS 446.895 shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the health authority.

(Added to NRS by 1963, 756)

NRS 446.920 Examination and condemnation of food.

1. Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.
2. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the health authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission of the health authority, except by order of a court of competent jurisdiction.
3. After the owner or person in charge has had a hearing as provided for in NRS 446.895, and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within 10 days, the health authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this chapter. Such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of this chapter shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

(Added to NRS by 1963, 757; A 1969, 814)

NRS 446.925 Food establishment outside jurisdiction of health authority. Food from food establishments outside the jurisdiction of the health authority of the State of Nevada may be sold within the State of Nevada if such food establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the health authority may accept reports from responsible authorities in the jurisdictions where such food establishments are located.

(Added to NRS by 1963, 757; A 1969, 814)

NRS 446.930 Review of plan for construction or remodeling of food establishment. If, after April 18, 1963, a food establishment is constructed or extensively remodeled, or if an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling or alteration showing layout, arrangement and construction materials of work areas and the location, size and type of fixed equipment and facilities shall be submitted to the health authority for approval before such work is begun. Where full-time city, county or district health departments exist, such plans and specifications shall be submitted to such health authorities for approval before such work is begun.

(Added to NRS by 1963, 757; A 1969, 814)

NRS 446.935 Procedure if infection of food handler is suspected.

1. When the health authority has reasonable cause to suspect the possibility of disease transmission from any food handler of a food establishment, the health authority shall secure a morbidity history of the suspected food handler, or make such other investigation as may be indicated, and take appropriate action.
2. The health authority may require any or all of the following measures:
 - (a) The immediate exclusion of the food handler from all food establishments.
 - (b) The immediate closure of the food establishment concerned until, in the opinion of the health authority, no further danger of disease outbreak exists.
 - (c) Restriction of the food handler's services to some area of the establishment where there would be no danger of transmitting disease.
 - (d) Adequate medical and laboratory examinations of the food handler, of other food handlers and of his and their body discharges.

(Added to NRS by 1963, 757; A 1969, 815)

NRS 446.940 Enforcement.

1. Except as provided in subsection 2, this chapter must be enforced by the health authority in accordance with regulations hereby authorized to be adopted by the State Board of Health to carry out the requirements of this chapter.
2. A local board of health may adopt such regulations as it may deem necessary to carry out the requirements of this chapter. Such regulations:
 - (a) Become effective when approved by the State Board of Health;
 - (b) Must be enforced by the health authority; and
 - (c) Supersede the regulations adopted by the State Board of Health pursuant to subsection 1.
3. All sheriffs, constables, policemen, marshals and other peace officers shall render such services and assistance to the health authority in regard to enforcement as he may request.
(Added to NRS by 1963, 758; A 1969, 815; 1981, 606)

NRS 446.941 Inapplicability of certain regulations to child care facilities with limited menus.

1. Any regulation adopted by the State Board of Health or a local board of health pursuant to NRS 446.940 that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment shall not apply to any child care facility that limits its menu to:
 - (a) Food that does not constitute a potential or actual hazard to the public health; and
 - (b) Potentially hazardous food that has been:
 - (1) Commercially prepared and precooked; or
 - (2) Pasteurized.
2. As used in this section, "child care facility" includes:
 - (a) A child care facility licensed pursuant to chapter 432A of NRS; or
 - (b) A child care facility licensed by a city or county.
(Added to NRS by 2003, 594)

NRS 446.943 Prosecution by district attorney. The district attorney of each county shall prosecute any person who violates any provision of this chapter or any provision of the regulations of the State Board of Health or the local board of health adopted pursuant to this chapter.
[Part 21:116:1943; 1943 NCL § 5319.20]—(NRS A 1963, 760; 1969, 807; 1981, 606)

NRS 446.945 Penalties. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.
(Added to NRS by 1963, 758; A 1969, 815)