

CLARK COUNTY DISTRICT BOARD OF HEALTH  
Regulations Governing the Sanitation of

**FARMERS' MARKETS AND  
SATELLITE FOOD ESTABLISHMENTS**

Adopted by the Clark County District Board of Health  
October 26, 2000

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FARMERS = MARKETS  
AND  
SATELLITE FOOD ESTABLISHMENTS

WHEREAS, the Nevada Revised Statutes 439.410 and 446.940 authorize District Boards of Health to adopt Regulations governing the sanitation of food establishments;

WHEREAS, the sanitation of food establishments is of particular concern to Southern Nevada with its tourist-based economy;

WHEREAS, the promotion of Nevada agriculture is a high priority for the Nevada Department of Agriculture, and farmers' markets provide a public venue for Nevada farmers to offer their farm products for sale;

WHEREAS, farmers' markets are community-oriented events that encourage and support the local economy, support and sustain traditional family farms, and promote healthy eating habits;

WHEREAS, unsanitary conditions of Farmers = Markets may constitute a hazard to public health and welfare; and

NOW, THEREFORE, the District Board of Health of Clark County hereby adopts the following Regulations for the enforcement of chapter 446 of the Nevada Revised Statutes.

INTENT AND SCOPE

INTENT            The purpose of these Regulations is to safeguard the public health and provide to consumers food that is safe, unadulterated and honestly presented at farmers' markets throughout Clark County, Nevada.

SCOPE            These Regulations establish definitions; set standards for management and personnel, food operations, equipment and facilities; and provide for permit issuance, inspection, employee restriction, permit suspension, and permit revocation.

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## REGULATION 00.01, DEFINITIONS

Definitions for Regulations governing Farmers= Markets.

00.01.0001 "Adulterated" defined. "Adulterated" means, the condition of a food:

1. Adulterated food: Poisonous or insanitary ingredients. A food shall be deemed to be adulterated if:
  - a. It bears or contains any poisonous or harmful 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;
  2. It consists wholly or in part of any diseased, filthy, putrid, contaminated, or decomposed substance, or if it is otherwise unfit for human consumption;
  - 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;
  3. It is held in a hermetically sealed container that has sustained damage to the seams on the top, bottom, or side of the container or that has sustained sharp or creasing dents to any areas other than the seams;
  - e. It is in whole or in part the product of a diseased animal, or an animal that has died otherwise than by slaughter;
  - f. Its container is composed, in whole or in part, of any poisonous or harmful substance which may render the contents injurious to health; or
  - g. It bears or contains any color additive which is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act.
2. Adulterated food: Absence, substitution or addition of constituents. A food shall be deemed to be adulterated:
  - a. If any valuable constituent has been in whole or in part omitted or abstracted therefrom;
  - b. If any substance has been substituted wholly or in part therefore;
  - c. If damage or inferiority has been concealed in any manner; or
4. If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality, or strength, or nutritional value, or make it appear better, or of greater value than it is.
3. Adulterated food: Standards of purity, quality or strength.
  5. A food shall be deemed to be adulterated if it falls below the standard of purity, quality, strength or nutritional value which it purports or is represented to possess.
    - b. A food shall be deemed to be adulterated if the food has an expiration, use by, sell by, or other manufacturer representation on the article, container, or wrapper that the product should or must not be used past a certain date, and the food is being offered for sale beyond this date.

4. Adulterated food: Confectionery containing non-nutritive substance.

- a. A food shall be deemed to be adulterated if it is confectionery and it bears or contains any non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 percent, harmless natural wax not in excess of four-tenths of 1 percent, harmless natural gum and pectin.
- b. This section does not apply to any confectionery by reason of its containing less than 4 percent alcohol by weight, or to any chewing gum by reason of its containing harmless non-nutritive chewable substances.
6. This section does not apply to any non-nutritive sweeteners approved by the Food and Drug Administration for use in food.

00.01.0002 "Agency of Jurisdiction" defined. "Agency of Jurisdiction" means the local building department, safety authority, fire marshal, business licensing, other state and local health departments, federal regulatory agencies, departments of agriculture, other than the health authority having jurisdiction concerning food processing, growing of farm products and the operation of a farmers' market.

00.01.0003 "Approved" defined. "Approved" means acceptable to the health authority based on conformance with law, and appropriate, accepted, or recognized industry standards.

00.01.0004 "Commissary" defined. "Commissary" means a fixed food establishment location maintained for the storage or preparation of food to be sold or served at a farmers' market, and the servicing and cleaning of offsite portable units, mobile units, and self-serve mobile units.

00.01.0005 "Commissioner" defined . "Commissioner" means an appointee or designee of the State of Nevada's Department of Human Resources, Health Division, that enforces and administers the regulations concerning adulterated, mislabeled, and misbranded foods, drugs, devices and cosmetics.

00.01.0006 "Cross-Contamination" defined. "Cross-Contamination" means the transfer of pathogenic organisms or other harmful substances from a raw food to a ready-to-eat food.

00.01.0007 "Demerit Point" defined. "Demerit Point" means one individual point as used on the inspection report. Each individual violation has one to ten demerit points.

00.01.0008 "Demerit Score" defined. "Demerit Score" means the total demerit points indicated on the inspection report.

00.01.0009 "District Board of Health" defined. The "District Board of Health" of Clark County is comprised of two representatives appointed from each of the six member entities plus one at-large representative elected by the Board.

00.01.0010 "Easily Cleanable" defined. "Easily Cleanable" means fabricated of materials, designed, and constructed so soil is removed by normal (non-mechanical) cleaning methods.

00.01.0011 "Employee" defined. "Employee" means any individual who is employed as a food handler at a farmers' market or any of its satellite food establishments.

00.01.0012 "Equipment" defined. "Equipment" means all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than kitchenware, utensils, and tableware used in the operation of a food establishment.

00.01.0013 "Farmer" defined. A "Farmer" is any person who as an owner, part owner, tenant or sharecropper operates a farm in the United States.

00.01.0014 "Farmers' Market" defined "Farmers' Market" means a place of business where the actual producer of farm products can bring the 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.

00.01.0015 "Farm Products" defined. "Farm Products" includes all agricultural, horticultural, viticultural and vegetable products of the soil. The term does not include livestock and livestock products, poultry and poultry products, hay, and timber products or milk and milk products.

00.01.0016 "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.

00.01.0017 "Food Contact Surfaces" defined. "Food Contact Surfaces" mean surfaces of equipment and utensils with which food normally comes in contact, and the surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

00.01.0018 "Food Establishment" defined. "Food Establishment" means any place, fixed and established place of business, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is stored, manufactured, or prepared by any manner or means, or in which any food is sold, offered, or displayed for sale or served. This term includes farmers' market and its associated satellite food establishments.

The term "Food Establishment" does not include:

1. Private homes;
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 United States 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; or
7. The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only those beverages which are in sealed containers.

- 00.01.0019 "Food Handler" defined. "Food Handler" means any person employed in or operating a food establishment, whether employer, employee, or independent individual 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 products.
- 00.01.0020 "Health Authority" defined. "Health Authority" means the officers and agents of the District Board of Health.
- 00.01.0021 "Hermetically Sealed Container" defined. "Hermetically Sealed Container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.
- 00.01.0022 "High-Risk Food" defined. "High-Risk Food" is a food that is capable of supporting the rapid and progressive growth of infectious, toxigenic or other harmful microorganisms. Some examples include: poultry including eggs, pork, fish, dairy products, and sliced melons.
- 00.01.0023 "High-Risk-Food Satellite Food Establishment" defined. "High-Risk-Food Satellite Food Establishment" is any food establishment at or associated with a farmers' market that sells potentially hazardous foods.
- 00.01.0024 "Honey" defined. "Honey" means the natural product of honeybees drawn from the nectar of flowers, transformed by the bees and stored in a honeycomb and later marketed in the honeycomb or taken from it and marketed in a liquid, candied, or granulated condition.
- 00.01.0025 "Kitchenware" defined. "Kitchenware" means all multi-use utensils, other than tableware, used in the storage, preparation, conveying, or serving of food.
- 00.01.0026 "Low-Risk Food" defined. "Low-Risk Food" is a food that is incapable of supporting the rapid and progressive growth of infectious, toxigenic or other harmful microorganisms. Some examples include: nuts, high-sugar candy, cookies, bread, beef jerky, unsliced melons, and intact raw fruit.
- 00.01.0027 "Misbranded Food" defined. A food shall be deemed to be misbranded:
1. If its labeling is false or misleading in any particular.
  2. If it is offered for sale under the name of another food.
  3. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "Imitation," and immediately thereafter the name of the food imitated.
  4. If its container is so made, formed or filled as to be misleading.
  5. If it is not labeled as required by NRS 583.045. NRS 583.045 states "Selling or offering to sell products

of a foreign country without a label stating country of origin prohibited; penalty."

6. If in package form, unless it bears a label containing: The name and place of business of the manufacturer, packer, distributor, or farmer.
7. If it purports to be or is represented as a food for which a definition and standard of identity, quality and fill of container has been prescribed, unless it conforms to such standards of identity, quality and fill.
8. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the commissioner determines to be, and by regulations prescribes as, necessary in order to inform purchasers fully as to its value for such uses.
9. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; but the provisions of this subsection with respect to artificial color shall not apply in the case of butter, cheese or ice cream.
10. If any food product is labeled or designated by the term "honey" alone if such food product consists partly or entirely of ingredients other than honey.
11. If any food product, except a honeydew melon, is designated by any combination of words which include the word "honey" in the label or brand name unless such food product contains honey as an ingredient and the other ingredients are disclosed.

00.01.0028 "Modified Atmosphere Packaging (MAP)" defined. "Modified Atmosphere Packaging" means a process that completely encases food in an impermeable or partially permeable membrane, with either a partial or complete vacuum, or a gas or mixture of gases surrounding the food (includes methods that may be referred to as reduced oxygen, altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging including sous vide).

00.01.0029 "Natural and Unprocessed State" means that a farm product is not cut, sliced, breached, shelled, canned, cooked, pickled, sealed, packaged, dried, milled, ground or otherwise altered from its original state after being harvested.

00.01.0030 "NSFI Standards" defined. "NSFI Standards" mean the most current National Sanitation Foundation International<sup>1</sup> Standards.

00.01.0031 "Nonfood Zone" defined. "Nonfood Zone" means all exposed surfaces other than food and splash zones.

00.01.0032 "On-site" defined. "On-site" means located within the confines of the farmers' market.

00.01.0033 "Operator" defined. An "Operator" is a person who oversees the management and operation of the farmers' market, or a person who oversees one or more food establishments within the farmers' market or satellite food establishments.

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<sup>1</sup> National Sanitation Foundation, International, P.O. Box 1468, Ann Arbor, Michigan 48106.



- 00.01.0034 "Perishable Food" defined. "Perishable Food" means any food of such type or in such condition as may be subject to spoilage.
- 00.01.0035 "Person" defined. "Person" means an individual, firm, partnership, association, corporation, or other legal entity.
- 00.01.0036 "Person in Charge" defined. "Person in Charge" is defined as the individual present in a food establishment who is the operational supervisor of the food establishment at the time of inspection. If no one person is the operational supervisor, then any employee present is the "Person in Charge."
- 00.01.0037 "Potentially Hazardous Food" defined. "Potentially Hazardous Food" (PHF) means any food that consists, in whole or in part, of: milk or products made from milk; eggs; meat; poultry; fish, shellfish, or edible Crustacea; or other food in a form capable of supporting the rapid and progressive growth of infectious, toxigenic, or other harmful microorganisms. The term does not include foods that have a pH level of 4.1 or below, or a water activity of 0.85 or less.
- 00.01.0038 AProcessed Farm Products@ means farm products that are manufactured, processed, or otherwise prepared, labeled, stored, and subsequently displayed for sale, by farmers for human consumption.
- 00.01.0039 AProduce@ See "Farm Products."
- 00.01.0040 "Producer" defined. "Producer" means any person engaged in the business of growing or producing any farm product.
- 00.01.0041 "Safe Holding Temperatures" defined. "Safe Holding Temperatures," as applied to potentially hazardous food, mean temperatures of 40\_ F. or below, and 140\_ F. or above ∨ 2\_ F.
- 00.01.0042 "Sanitize" defined. "Sanitize" means effective bactericidal treatment of clean surfaces of equipment and utensils by a process that has been approved by the health authority for being effective in destroying microorganisms, including pathogens.
- 00.01.0043 ASatellite Food Establishment@ defined. ASatellite Food Establishment@ means any food establishment which is operated ancillary to a farmers' market which sells or gives away food other than farm produce or processed farm products.
- 00.01.0044 "Sealed" defined. "Sealed" means fabricated without openings to prevent entry or leakage of liquid.
- 00.01.0045 "Service Animal" defined. "Service Animal" means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals regardless of whether they have been licensed or certified by the State of Nevada or a local governmental agency.
- 00.01.0046 "Single-Service Article" defined. "Single-Service Article" means any food service utensil, placemat, napkin, etc., which is by design, intended by the manufacturer to be used once before disposal.
- 00.01.0047 "Splash Zone" defined. "Splash Zone" means any surfaces, other than food zone, subject to routine splash, spillage, or other food soiling during normal use.
- 00.01.0048 "Substantial Health Hazard" defined. "Substantial Health Hazard" means any violation of the provisions of these Regulations that can injure the health or safety of the public.
- 00.01.0049 "Tableware" defined. "Tableware" means any approved multi-use eating and drinking utensils, including knives, forks, and spoons.

- 00.01.0050 "Utensil" defined. "Utensil" means any approved tableware and kitchenware used in the storage, preparation, conveying, or serving of food.
- 00.01.0051 "Wholesome" defined. "Wholesome" means in sound condition, clean, free from adulteration or contamination, and otherwise suitable for human consumption.
- 00.01.0052 Number, tense, and gender. Words used in the singular may also include the plural, and vice versa; verbs used in the present tense do not preclude the past and future tenses; use of the masculine gender may also include the neuter or feminine, as the context so indicates.

.02.0000. SUBSTANTIAL HEALTH HAZARDS  
REGULATION 00.02, SUBSTANTIAL HEALTH HAZARDS LIST

Substantial health hazards include, but are not limited to, the following circumstances:

8. Food from an unapproved or unknown source, or food that is or may be adulterated, contaminated, or otherwise unfit for human consumption.
1. Potentially hazardous food held longer than two hours during preparation or service at an ambient temperature that is greater than 40° F. (4° C.) or less than 140° F. (60° C), or under any other condition capable of supporting the rapid growth of bacteria.
2. Potentially hazardous food served to customers or exposed to other contamination is served again.
3. A food handler infected with a communicable disease that may be transmitted by food, and/or persons not practicing strict standards of cleanliness and personal hygiene, which may result in the potential for transmission of illness.
4. Equipment, utensils, and working surfaces are not cleaned and sanitized effectively and may contaminate food during preparation, storage, transportation or service.
5. 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.
6. Toilets and facilities for washing hands are not provided, properly installed, designed, accessible, or convenient.
7. Operator and/or employee failing to properly wash hands when necessary.
8. The supply of potable water is not approved or does not meet the applicable requirements for sampling and public notification set forth under the Safe Drinking Water Act and any regulations adopted pursuant thereto, and an operator does not use items intended for a single use and bottled water from an approved source.
9. A defect or condition exists in the system supplying potable water that may result in the contamination of the water.
10. Food that has been subject to, or contaminated by, insects, rodents, or other vermin.
11. Toxic items are labeled, stored, or used improperly.

Emergencies.

If an emergency such as a fire, flood, loss of power, or similar event results in the contamination of food or prevents potentially hazardous food from being maintained at required temperatures, the person in charge of the food establishment shall immediately notify the health authority. Upon notice, the Health Authority will respond as necessary to protect the public health. Failure to report an emergency condition will result in the issuance of a Cease and Desist Order or suspension of health permit.

REGULATION 00.03, GENERAL REQUIREMENTS OF  
FARMERS' MARKETS AND SATELLITE FOOD ESTABLISHMENTS

Supervision of Farmers= Market.

Responsibility for Knowledge of and Compliance with Regulations; Supervision of Establishment                      The operator of each farmers= market shall be responsible for meeting the following common area requirements:

1. Suitability of location and operation.
  1. Farmers= markets shall be located and operated in compliance with the agency of jurisdiction=s planning, zoning, and special event requirements and applicable local ordinances.
  - b. Outdoor farmers= markets shall be located on graded (smooth) asphalt, concrete, or grass.
  - c. Indoor farmers= markets shall be located in a building which is in compliance with all local building and fire codes.
  - d. Farmers= markets located in parking lots, shall have sufficient traffic barriers and markers to clearly indicate that the area is being used for pedestrians.
  - e. Farmers= markets shall not be located where they may be adversely affected by dust, weather conditions, or vermin.
  - f. Parking lots serving farmers= markets shall be covered with graded (smooth) asphalt or concrete and graded to drain.
  - g. An on-site potable water supply which is adequate, of a safe, sanitary quality, and from an approved public or private water supply system shall be available for all culinary purposes at each farmers' market.
2. Hand washing facilities.
  - a. Farmers= markets located indoors shall have hand washing lavatories located in, or immediately adjacent to, rooms with toilets or in toilet vestibules.
  - b. All permanent indoor hand washing lavatories shall have hot and cold water tempered by a mixing valve or a combination faucet. Any faucet that closes automatically shall provide a flow of water for at least 20 seconds.
  - c. Dispensers of liquid antimicrobial soap or detergent for cleaning hands shall be available at all hand washing lavatories.
  - d. A supply of sanitary paper disposable towels for drying hands shall be conveniently located near each hand washing lavatory such location shall be out of the hand sink splash zone.
  - e. Waste receptacles with plastic trash liners that can be easily cleaned shall be conveniently located near the hand washing lavatory.
  - f. Sinks used for preparing food or for washing equipment or utensils shall not be used for hand washing.
  - g. Each food establishment shall have an operable handwashing facility at their place of business. All handwashing facilities shall have one of the following handwashing setups:
    - (1) A portable hand sink provided with running water which drains to an enclosed integral waste water tank, integral liquid soap and disposable paper towel dispensers, and a trash receptacle for waste; or
    - (2) A gravity feed water dispenser of a five gallon capacity with a spigot which will dispense water without manual contact, a drain bucket or similar device of equal or greater capacity than the water dispenser, a disposable paper towel dispenser, and trash receptacle for waste materials.
  - h. Hand washing lavatories, dispensers for liquid soap, paper towel dispensers, and all related fixtures shall be kept clean and in good repair.
3. Toilet facilities.
  - a. Outdoor farmers= markets.
    - (1) Portable toilets shall be adequate in number and located in easily accessible areas for both employees and the public.

- (2) Toilet facilities, including the toilet room and fixtures, shall be kept clean and in good repair, and free of objectionable odors.
- (3) A supply of toilet tissue shall be provided at each toilet at all times.
- (4) One portable hand sink provided with running water which drains to an enclosed integral waste water tank, integral liquid soap and disposable paper towel dispensers, and a trash receptacle for waste shall be provided for every 5 portable toilets.

b. Indoor farmers= markets.

- (1) Indoor toilet facilities shall meet all local building and fire codes.
- (2) Hand washing lavatories plumbed with hot and cold running water shall be available in each restroom.
- (3) The water temperature at the faucet at each lavatory shall not exceed 115° F.
- (4) The minimum water temperature at the faucet of each lavatory after 15 seconds of flow shall not be less than 100° F.
- (5) A wall-hung liquid soap dispenser containing soap shall be available at each lavatory in the restroom.
- (6) Each soap dispenser shall be kept adequately stocked.
- (7) A supply of sanitary, disposal towels for drying hands shall be conveniently located near each hand washing lavatory. Shared common towels are prohibited at hand-washing lavatories.
- (8) Hand-washing lavatories, dispensers for soap, towel dispensers, and all related fixtures shall be kept clean and in good repair.
- (9) Toilet facilities, including the toilet room and fixtures, shall be kept clean and in good repair, and free of objectionable odors.
- (10) A supply of toilet tissue shall be provided at each toilet at all times.
- (11) Easily cleanable-covered receptacles with plastic trash liners shall be provided for waste materials. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

4. Garbage disposal.

- a. All garbage containers used for food waste shall be constructed of durable metal or other approved types of materials that do not leak and do not absorb liquids.
- b. All garbage containers shall be provided with tight-fitting lids and plastic trash liners.
- ~~2.~~ Each garbage container shall be emptied and thoroughly cleaned daily.
- d. There shall be one waste container every 50 feet to hold food waste that accumulates during the farmers= market hours of operation.
- e. Garbage storage facilities shall be clean, adequate, and shall not create a nuisance. All food waste shall be inaccessible to vermin. All garbage shall be stored in a manner approved by the health authority.
- f. Wash water, rinse water or waste water generated at farmers' markets must be properly handled and disposed of into a public sewer system.

00.03.0200 Personnel Requirements.

.04.0200.Hand WashingFood Safety Training.

1. All persons working as food handlers in permitted food establishments at a farmers= market shall possess a valid Food Handler=s Health Card as issued by the Clark County Health District (CCHD). Persons without a valid Food Handler's Health Card shall not be permitted to work in any food establishment at a farmers' market.
2. Handwashing.
  - a. All food handlers working at a farmers= market shall thoroughly wash their hands and the exposed portions of their arms with soap and water before starting work; during work; after smoking, eating, drinking, handling money, or using the toilet and before and after handling raw foods.
  - b. All food handlers shall clean their hands, under their fingernails, and exposed portions of their arms by vigorously rubbing together the surfaces of their lathered hands and arms for at least 20 seconds and then rinsing with water.
  - c. All food employees shall keep their nails trimmed, filed, and maintained so the edges and surfaces are

smooth and cleanable. Artificial nails are prohibited on food handlers involved in food preparation.

- d. While preparing food, food employees may not wear jewelry on their arms and hands except for a plain ring such as a wedding band.

3. Clothing and hair.04.0300.Clothing and Hair.

- a. The outer clothing of all food handlers shall be clean and well maintained.
- b. All food handlers shall effectively restrain their hair to prevent the contamination of food or surfaces that may come into contact with food. Restraints may include nets, caps, hats, and hair spray.
- c. All food handlers shall maintain their hair in a neat and clean condition.
- d. All food handlers engaged in the preparation of open food shall restrain their hair by a hairnet or a hat. If their hair extends past the collar, the hair must, in addition to a hat, be effectively restrained.

4. Health and disease control.04.0500.Health and Disease Control.

3. Food handlers shall maintain a high degree of personal cleanliness and conform to good hygienic practices while working.
- b. When the health authority has reasonable cause to suspect the possibility of disease transmission from any food handler, the health authority shall secure a morbidity history of the suspected food handler, or make other investigation as may be indicated, and take appropriate action, such as any or all of the following:

- (1) The immediate exclusion of the food handler from the establishment;
- (2) The immediate closure of the farmer=s booth or satellite food establishment until, in the opinion of the health authority, no further danger of disease outbreak exists; and
- (3) Requiring appropriate medical and/or laboratory examination of the food handler, of other food handlers, and/or of their bodily discharges.

.03.0300 Poisonous Materials.

1. Only those poisonous or toxic chemicals necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling vermin, may be present at farmers' markets.
2. Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents.
3. Poisonous or toxic chemicals may not be used in a way that contaminates food, equipment, or utensils, or that constitutes a hazard to employees or other persons, or in any manner other than in full compliance with the manufacturer's labeling.
4. These chemicals shall be stored in a manner that prevents inadvertent spillage or mixing that may create a safety or health concern.
5. First-aid supplies shall be stored in a way that prevents them from contaminating food and surfaces that come in contact with food.
6. Only those articles that are necessary for the operation and maintenance of the establishment may be stored on the premises.

00.03.0400 Lighting.

1. A lighting level of 35 foot-candles shall be provided during all night-time food operations in all food handling

areas.

2. Shielding to contain broken glass must be used for all artificial lighting fixtures that are located over, by, or within all food handling areas.

## REGULATION 00.04, EXEMPT STATUS FOR CERTIFIED PRODUCERS OF FARM PRODUCTS

00.04.0100 Farmers are exempt from these regulations and associated permit fees as specified in NRS 576.128 as long as the farmer sells only farm products that are in their natural and unprocessed state. To qualify for exemption status, farmers shall comply with the following additional requirements:

1. Except for whole intact fruits or vegetables, sampling of these farm products is prohibited.
2. The farmer shall possess a current producers certificate or certificates for all farm products being offered for sale.
3. The farmer shall prominently display all certificates, licenses, and permits for which he is selling farm products in a conspicuous location easily readable by the public at each point of sale.
4. The farmer shall store, handle, and display produce in a manner which does not allow adulteration or create a public health hazard or nuisance.
  - a. Farmers shall provide and use waterproof and clean tarps for storing their farm products on graded (smooth) asphalt or concrete graded to drain, or grass. In the alternative, the farmer may use shelving with 6-inch ground clearance.
  - b. Farm products shall not be stored in any area exposed to run-on or run-off of water or sewage.
5. The farmer shall provide adequate storage, handling and display equipment which protects the farm produce from adulteration.
6. The health authority reserves the right to conduct surveys to verify exempt status.



## REGULATION 00.05, SAMPLING OF FARM PRODUCTS BY CERTIFIED PRODUCERS

### 00.05.0100 Sampling of Farm Products by Certified Producers.

1. Farmers who prepare or offer samples of farm products shall apply for and receive a health permit from the health authority prior to operation.
2. The farmer shall possess a current producer's certificate or certificates for all farm products being offered for sale.
3. The farmer shall prominently display all certificates, licenses, and permits under which he is selling farm products in a conspicuous location easily readable by the public at each booth or area of sale.
4. The farmer shall store, handle, and display farm products in a manner which does not allow adulteration, or create a public health hazard or public health nuisance.
  - a. Farmers shall provide and use waterproof and clean tarps for storing their farm products on graded (smooth) asphalt, concrete, or grass. In the alternative, the farmer may use shelving with 6 inch ground clearance.
  - b. Farm products shall not be stored in any area exposed to run-on or run-off of water or sewage.
5. Raw farm products shall be thoroughly rinsed with potable water by one of the following methods before being prepared for sampling:
  - a. Rinsed in cold running water at the commissary in a clean utility sink or 3-compartment sink.
  - b. Rinsed in cold running water in a clean and sanitized utility sink used solely for that purpose at the farmers= market. This sink may be of the portable hand sink design if the sink is labeled on the front in conspicuous three-inch letters "PRODUCE RINSE STATION ONLY."
6. Sample preparation requirements including kitchenware and utensils:
  1. The preparation of samples is limited to the peeling, cutting, or portioning of farm products.
  - b. Clean, sanitary disposable plastic gloves shall be used when cutting or portioning samples. Gloves shall be replaced whenever contaminated, soiled, torn, ripped, or removed. Gloves may not be reused. The use of disposable gloves does not replace the requirement to wash hands.
  - c. Kitchenware and Utensils:
    - (1) Characteristics. Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of harmful substances or impart colors, odors, or tastes to food and under normal use conditions shall be:
      - (a) Safe, durable, corrosion-resistant, and nonabsorbent;
      - (b) Sufficient in weight and thickness to withstand repeated warewashing;
      - (c) Finished to have a smooth, easily cleanable surface; and
      - (d) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.
    - (2) Utensil sanitation.
      - (a) Utensils shall be washed, rinsed, and sanitized at a commissary as needed. If a commissary is not on-site, then additional clean and sanitized utensils shall be stored in a sanitary sealable food grade plastic bag or bags sufficient to handle the duration of the farmers' market hours of operation.
      - (b) Soiled and used utensils shall be replaced every two hours from the time the farmers' market opens.

- (c) Dirty utensils shall be stored in a separate plastic bag or container.
- (d) If vermin are present and observed landing on food or food contact surfaces such as cutting boards, knives etc., the contaminated item shall be removed from use immediately or disposed of as appropriate.

(3) Sanitation methods.

- (a) A three-compartment sink shall be used for washing, rinsing, and sanitizing utensils.
- (b) Sinks used for sanitizing utensils shall be cleaned before use.
- (c) Utensils shall be thoroughly washed in the first compartment, with a solution of detergent and hot water (at least 110° F) that is changed as necessary.
- (d) Utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
- (e) Utensils shall be sanitized in the third compartment, according to one of the following methods:

[1] Immersion for at least one minute in a clean solution containing 50-to-100 parts per million (ppm) of available chlorine as a hypochlorite, at a temperature of at least 75° F, but not to exceed 140° F;

[2] Immersion for at least one minute in a clean solution containing any other agent used for sanitizing which is approved by the health authority and provides the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine as a hypochlorite. For example, quaternary ammonium compounds shall be used at the concentration that is indicated by the manufacturer's instructions on the label.

[3] A kit for testing or other device that accurately measures the concentration of the sanitary solution in parts per million shall be available and routinely used to verify the sanitizing solution concentration.

7. Sample display requirements.

- a. After samples are prepared, they shall be placed on display immediately.
- b. After preparation, samples shall be served within 2 hours.
- c. After 2 hours, leftover samples shall be discarded into a covered and lined trash receptacle.
- d. Samples shall be displayed in a manner which prevents contamination from the customer, the environment, and vermin. Acceptable options include:
  - (1) Display domes over clean plates or trays;
  - (2) Covered display cases; and
  - (3) Wrapping the samples in food grade plastic wrap.

8. Sample service requirements. Samples shall be served by any of the following methods:

- a. Handing the sample to each customer if wearing single service gloves;
- b. By placing the sample by use of a utensil in a small sampling cup;
- c. By use of a toothpick;

- d. By dropping the sample into the customer=s hand with clean tongs or scoops; and
  - e. By placing the sample on a single service wax paper or similar tissue for the customer.
9. Prepared or cut farm products may not be placed in storage or on display for sale.

## REGULATION 00.06, FARMERS WHO SELL PROCESSED FARM PRODUCTS

### 00.06.0100 Farmers who sell processed farm products.

1. Farmers who sell processed farm products shall apply for and receive a permit from the health authority prior to operation.
  - a. The farmer shall possess a current producer=s certificate or certificates for all processed farm products being offered for sale.
  - b. The farmer shall prominently display all certificates under which he is selling farm products including processed farm products in a conspicuous location easily readable by the public at each booth or area of sale.
  - c. The farmer shall store, handle, and display farm products in a manner which does not allow adulteration, or create a public health hazard or public health nuisance.
2. Farmers shall provide and use clean tables or shelving with a minimum of 6-inch ground clearance for storing their processed farm products.
  - e. All food ingredients used in the manufacture, preparation, and packaging, shall be obtained from approved sources that comply with federal, state, and local laws.
  - f. Farm kitchens in which processed farm products are manufactured, prepared, packaged, and labeled shall possess a valid health permit from the local agency of jurisdiction.
  - g. Farmers who use another food establishment to manufacture, prepare, package, and label their farm products shall have a current copy of the health permit of the manufacturer whose food is being sold. Such permit shall be at the point of sale.
2. Labeling requirements:
  - a. Processed farm products shall not be misbranded; and
  - b. Processed farm products shall be labeled in accordance with the Code of Federal Regulations (CFR) Part 101. A copy of CFR 101 is available at the Health District office and via the Health District website, [www.cchd.org](http://www.cchd.org).
3. Sample preparation requirements including kitchenware and utensils.
  3. The preparation of processed farm products is limited to cutting or otherwise portioning of the product.
  4. Clean, sanitary disposable plastic gloves shall be used when cutting or portioning samples. Gloves shall be replaced whenever contaminated, soiled, torn, ripped, or removed. Gloves may not be reused. The use of disposable gloves does not replace the requirement to wash hands.
  5. Kitchenware and Utensils:
    - (1) Characteristics. Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of harmful substances or impart colors, odors, or tastes to food and under normal use conditions shall be:
      - (a) Safe, durable, corrosion-resistant, and nonabsorbent;
      - (b) Sufficient in weight and thickness to withstand repeated warewashing;
      - (c) Finished to have a smooth, easily cleanable surface; and
      - (d) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.
    - (2) Utensil sanitation.
      - (a) Utensils shall be washed, rinsed, and sanitized at a commissary as needed. If a commissary is not on-site, then additional clean and sanitized utensils shall be stored in a sanitary sealable food grade plastic bag or bags sufficient to handle the duration of the farmers' market hours of operation.
      - (b) Soiled and used utensils shall be replaced every two hours from the time the farmers' market opens.
      - (c) Dirty utensils shall be stored in a separate plastic bag or container.
      - (d) If any vermin is present and observed on food or food contact surfaces such as cutting boards, knives etc., the contaminated item shall be removed from use immediately or disposed of.

(3) Sanitation methods.

- (a) A three-compartment sink shall be used for washing, rinsing, and sanitizing utensils.
- (b) Sinks used for sanitizing utensils shall be cleaned before use.
- (c) Utensils shall be thoroughly washed in the first compartment, with a solution of detergent and hot water (at least 110° F) that is changed as necessary.
- (d) Utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
- (e) Utensils shall be sanitized in the third compartment, according to one of the following methods:

- [1] Immersion for at least one minute in a clean solution containing 50-to-100 parts per million (ppm) of available chlorine as a hypochlorite, at a temperature of at least 75° F, but not to exceed 140° F;
- [2] Immersion for at least one minute in a clean solution containing any other agent used for sanitizing which is approved by the health authority and provides the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine as a hypochlorite. For example, quaternary ammonium compounds shall be used at the concentration that is indicated by the manufacturer's instructions on the label; or
- [3] A kit for testing or other device that accurately measures the concentration of the sanitary solution in parts per million shall be available and routinely used to verify the sanitizing solution concentration.

4. Sample display requirements.

- a. After samples are prepared, they must be placed on display immediately.
- b. After preparation, samples shall be served within 2 hours.
- c. After 2 hours, leftover samples shall be discarded into a covered and lined trash receptacle.
- d. Samples shall be displayed in a manner which prevents contamination from the customer, the environment, and vermin. Acceptable options include:
  - (1) Display domes over clean plates or trays;
  - (2) Covered display cases; and
  - (3) Wrapping the samples in food grade plastic wrap.

5. Sample service requirements. Samples shall be served by any of the following methods:

- a. Handing the sample to each customer if wearing single service gloves;
- b. By placing the sample by use of a utensil in a small sampling cup;
- c. By use of a toothpick;
- d. By dropping the sample into the customer's hand with clean tongs or scoops; and
- e. By placing the sample on a single service wax paper or similar tissue for the customer.

6. Samples of processed farm products may not be placed in storage or on display for sale.

## REGULATION 00.07, LOW-RISK SATELLITE FOOD ESTABLISHMENTS

00.07.0100 Operators of a satellite food establishment who sell low-risk foods at farmers' markets shall apply for and receive a permit from the health authority prior to operation.

00.07.0200 Food Protection.

7. All food, including ice, while being stored, prepared, displayed, served or sold in food establishments, or transported between such establishments, shall be protected against contamination from dust, flies, rodents, and other vermin; unnecessary handling; coughs, sneezes, flooding, draining, overhead leakage; unclean utensils and work surfaces; and any other source of contamination.
8. The operator shall prominently display all licenses, and permits under which he is selling low-risk foods in a conspicuous location easily readable by the public at each booth or area of sale.
9. Operators shall provide and use clean tables or shelving with a minimum of 6-inch ground clearance for storing their low-risk foods.
10. All food shall be stored within the immediate area of the permittee's operation, an approved food establishment, or a clean enclosed vehicle in a manner that prevents contamination from any source.
5. Cloth napkins for covering bread are acceptable when changed daily or after soiled. All towels and napkins shall be stored in a location separate from any food handling areas.
11. Labeling requirements:
  - a. Processed pre-packaged food shall not be misbranded; and
  - b. Processed pre-packaged food shall be labeled in accordance with the Code of Federal Regulations (CFR) Part 101. A copy of CFR 101 is available at the Health District office and via the Health District website, [www.cchd.org](http://www.cchd.org).
12. All pre-packaged food shall not be misbranded or mislabeled.

00.07.0300 Food Preparation.

1. All food contact surfaces shall be washed, rinsed, and sanitized prior to use.
2. All food contact surfaces shall be washed, rinsed, and sanitized between the processing of raw foods.
3. Food may be wrapped with any of the following: food grade plastic, food grade paper, or waxed paper.
13. Clean, sanitary disposable plastic gloves shall be used when preparing low-risk foods. Gloves shall be replaced whenever contaminated, soiled, torn, ripped, or removed. Gloves may not be reused. The use of disposable gloves does not replace the requirement to wash hands.
14. No food shall be prepared, manufactured, stored or displayed at a private residence or anywhere other than a food establishment operating under a health permit from the health authority or agency of jurisdiction.

00.07.0400 Food Service.

1. Adequate supervision shall be provided to prevent customers from contaminating food.

2. Food in a serving line, or other kind of display shall be protected against contamination by customers or the environment through the operator's use of appropriate devices, such as sneeze shields, easily cleanable counters, protective packaging, display cases, or other effective means. Adequate supervision shall be provided to protect food against contamination by customers.
15. All liquid condiments, seasonings, and dressings for customers who serve themselves shall be provided in single packages.

00.07.0500 Sampling of Low-Risk Food.

16. The operator shall store, handle, and display low-risk foods in a manner which does not allow them to become adulterated.
17. Operators shall provide and use clean tables or shelving with a minimum of 6-inch ground clearance for storing their low-risk foods.

00.07.0600 Sample Preparation Requirements Including Kitchenware and Utensils.

18. The preparation of low-risk foods is limited to cutting or otherwise portioning of the product.
19. Clean, sanitary disposable plastic gloves shall be used when preparing samples. Gloves shall be replaced whenever contaminated, soiled, torn, ripped, or removed. Gloves may not be reused. The use of disposable gloves does not replace the requirement to wash hands.
20. Kitchenware and utensils:
  - a. Characteristics. Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of harmful substances or impart colors, odors, or tastes to food and under normal use conditions shall be:
    - (1) Safe, durable, corrosion-resistant, and nonabsorbent;
    - (2) Sufficient in weight and thickness to withstand repeated warewashing;
    - (3) Finished to have a smooth, easily cleanable surface; and
    - (4) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.
  - b. Utensil sanitation.
    - (1) Utensils shall be washed, rinsed, and sanitized at a commissary as needed. If a commissary is not on-site, then additional clean and sanitized utensils shall be stored in a sanitary sealable food grade plastic bag or bags sufficient to handle the duration of the farmers' market hours of operation.
    - (2) Soiled and used utensils shall be replaced every two hours from the time the farmers' market opens.
    - (3) Dirty utensils shall be stored in a separate plastic bag or container.
    - (4) If any vermin is present and observed on food or food contact surfaces such as cutting boards,

knives etc., the contaminated item shall be removed from use immediately or disposed of.

c. Sanitization methods.

- (1) A three-compartment sink shall be used for washing, rinsing, and sanitizing utensils.
- (2) Sinks used for sanitizing utensils shall be cleaned before use.
- (3) Utensils shall be thoroughly washed in the first compartment, with a solution of detergent and hot water (at least 110° F) that is changed as necessary.
- (4) Utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
- (5) Utensils shall be sanitized in the third compartment, according to one of the following methods:
  - (a) Immersion for at least one minute in a clean solution containing 50-to-100 parts per million (ppm) of available chlorine as a hypochlorite, at a temperature of at least 75° F, but not to exceed 140° F;
  - (b) Immersion for at least one minute in a clean solution containing any other agent used for sanitizing which is approved by the health authority and provides the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine as a hypochlorite. For example, quaternary ammonium compounds shall be used at the concentration that is indicated by the manufacturer's instructions on the label.
  - (c) A kit for testing or other device that accurately measures the concentration of the sanitary solution in parts per million shall be available and routinely used to verify the sanitizing solution concentration.

21. Sample display requirements.

- a. After samples are prepared, they shall be placed on display immediately.
- b. After preparation, samples shall be served within 2 hours.
- c. After 2 hours, leftover samples shall be discarded into a covered and lined trash receptacle.
- d. Samples shall be displayed in a manner which prevents contamination from the customer, the environment, and vermin. Acceptable options include:
  - (1) Display domes over clean plates or trays;
  - (2) Covered display cases; and
  - (3) Wrapping the samples in food grade plastic wrap.

22. Sample service requirements. Samples shall be served by any of the following methods:

- a. Handing the sample to each customer if wearing single service gloves;
- b. By placing the sample by use of a utensil in a small sampling cup;
- c. By use of a toothpick;
- d. By dropping the sample into the customer's hand with clean tongs or scoops; and
- e. By placing the sample on a single service wax paper or similar tissue for the customer.

23. Samples of low-risk food may not be placed in storage or on display for sale.

00.06.0700 The use of tableware and utensils when serving food. Utensil Sanitation:

24. Utensils shall be washed, rinsed, and sanitized at the commissary as needed. If a commissary is not on



site, then additional clean and sanitized utensils shall be stored in a sanitary sealable food grade plastic bag or bags sufficient to handle the duration of the farmers' market hours of operation.

2. Soiled utensils shall be replaced every two hours from the time the farmers' market opens.
3. Dirty utensils shall be stored in a separate plastic bag or container.
4. If any vermin is present and observed on food or food contact surfaces such as cutting boards, knives, etc., the contaminated items shall be removed from use immediately or disposed of as appropriate.
25. Only prepackaged single-service tableware shall be provided for use by customers.

## REGULATION 00.08, HIGH-RISK SATELLITE FOOD ESTABLISHMENTS

08.0100 Operators of a satellite food establishment who sell high-risk foods at farmers' markets shall apply for and receive a permit from the health authority prior to operation.

08.0200 Food Protection.

26. All food ingredients used in the manufacture, preparation, and packaging, shall be obtained from approved sources that comply with federal, state and local laws.
27. All food, including ice, while being stored, prepared, displayed, served, or sold in food establishments, or transported between such establishments, shall be protected against contamination from dust, flies, rodents, and other vermin; unnecessary handling; coughs, sneezes; flooding, draining, overhead leakage; unclean utensils and work surfaces; and any other source of contamination.
3. All food shall be stored within the immediate area of the permittee's operation, an approved food establishment, or a clean enclosed vehicle in a manner that prevents contamination from any source.
4. All perishable foods shall be stored at temperatures that will minimize spoilage.
5. Cloth towels used to drain grease from any food product may not be used for any other purpose. All towels and napkins shall be stored in a location separate from any food handling areas.

00.08.0300 Storage and Holding of Refrigerated and Frozen Food.

1. Mechanically refrigerated equipment, that maintains food at 40° F. if cold, 0° F. if frozen or below, shall be provided to ensure that all potentially hazardous foods are held within a safe temperature range. Such equipment must meet NSFI standards or equipment.
2. An accurate  $\pm 2^{\circ}$  F thermometer shall be present on either the exterior or interior of each refrigeration unit. Each thermometer shall be graduated in 2° F. increments or less and have an accuracy of  $\pm 2^{\circ}$  F. The temperature scale range shall be appropriate for the intended use of the equipment. All thermometers shall be easy to read, securely mounted, and readily visible. The thermostat for each refrigeration unit shall be of an easily cleanable design and located in the warmest part of the unit.
3. All refrigerated equipment shall be maintained in a clean and sanitary manner.
4. Frozen foods shall be held in a refrigeration unit which maintains an air temperature of 0° F. or below, except during defrost cycles and brief periods of loading or unloading. Frozen foods shall be displayed below or behind the manufacturer's recommended load limit lines.
5. Foods requiring refrigeration shall be transported in a manner that does not allow food to rise above 40° F. if held cold, or 0° F. if frozen. Supplemental dry ice or block ice may be used for this refrigeration purpose only. If these requirements are not met, the food establishment operator shall contact the health authority immediately to evaluate the food in question.
6. No food shall be prepared, manufactured, stored, or displayed at a private residence or anywhere other than a food establishment operation under a health permit from the health authority or other agency of jurisdiction.

Storage and Holding of Hot Food.

1. Mechanically heated equipment that reliably maintains food at 140° F. or above shall be provided to ensure that all potentially hazardous foods are held at a safe temperature.
2. An accurate  $\pm 2^{\circ}$  thermometer shall be present on the exterior of each hot holding cabinet. Each thermometer shall be graduated in 2° F. increments or less and have an accuracy of  $\pm 2^{\circ}$  F. The temperature scale range shall be appropriate for the intended use of the equipment. Hot holding cabinet thermometers shall

be easy to read, securely mounted, and readily visible. The thermostat shall be easily cleanable and located in the coolest part of the cabinet.

3. Hot holding "steam" tables and similar equipment shall be operated in a manner which ensures that the food being held is maintained at or above 140° F.

#### 00.08.0500 Preparation of Food, General.

1. All food contact surfaces shall be washed, rinsed, and sanitized prior to use.
  2. All food contact surfaces shall be washed, rinsed, and sanitized between the processing of raw foods.
  3. Ingredients of ready-to-eat potentially hazardous foods must be prepared from chilled ingredients.
28. Food may be wrapped with any of the following: food grade plastic, aluminum foil, food grade paper, or waxed paper.

#### 00.08.0600 Preparation of Potentially Hazardous Food.

1. Potentially hazardous food shall not be thawed at a farmers' market except during the cooking process. These foods shall be thawed only at a permanent, approved commissary or food establishment.
2. Raw potentially hazardous foods that must be cooked shall be heated to an internal temperature of at least 145° F. for a minimum of 15 seconds, with the following exceptions:
  - a. Poultry, stuffing for poultry, stuffed meats, and stuffing containing meats shall be cooked to an internal temperature of 165° F.
  - b. Pork and any food containing pork shall be cooked to an internal temperature of 155° F.; or, if cooked in a microwave oven, to at least 170° F.
  - c. Roast beef shall be cooked to an internal temperature of at least 130° F. and held at 130° F. for a minimum of two hours prior to service. If cooked in a microwave oven, roast beef shall be cooked to an internal temperature of 145° F. Beef steak shall be cooked to an internal temperature of 130° F., unless otherwise ordered by the immediate customer.
  - d. All ground beef products shall be cooked to an internal temperature of 160° F. and held at 160° F. for 15 seconds.
3. Previously cooked potentially hazardous foods shall not be reheated unless the food was processed at a U.S. Department of Agriculture inspected establishment.
4. Metal-stem indicating thermometers that are numerically scaled and accurate to  $\nabla 2^{\circ}$  F. must be used to verify the attainment and maintenance of proper internal temperatures for cooking, holding, or refrigerating all potentially hazardous foods. At least one such thermometer shall be available at each work area for use by employees at all times. The thermometers shall be washed, rinsed, and sanitized before insertion into a food. If proper sanitizing facilities are not available, alcohol wipes may be used to clean and sanitize the thermometers.

#### 00.08.0700 Food Service.

1. Adequate supervision shall be provided to prevent customers from contaminating food.
2. Food in a serving line, or other kind of display shall be protected against contamination by customers or the environment through the operator's use of appropriate devices, such as sneeze shields, easily cleanable counters, protective packaging, display cases, or other effective means. Adequate supervision must be provided to protect food against contamination by customers.
3. If raw or undercooked food of animal origin is offered in a ready-to-eat form, as a deli, menu, or other item; or as a raw ingredient in another ready-to-eat food, the permit holder shall inform consumers by placards or menu advisories of the significantly increased risk associated with certain especially vulnerable consumers eating such foods

in a raw or undercooked form. This section does not apply to approved smoked or cured meat. The following language shall be used for this consumer advisory:

Thoroughly cooking foods of animal origin such as beef, pork, eggs, fish, lamb, milk, poultry, or shellfish reduces the risk of foodborne illness. Individuals with certain health conditions may be at higher risk if these foods are consumed raw or undercooked.

4. Milk and prepackaged milk products for drinking shall be served in an unopened package that was commercially filled and does not exceed one pint in capacity.
5. Cream, half and half, nondairy cream, or whitening agents shall be served in a container intended for a single use.
6. All liquid condiments, seasonings, and dressings for customers who serve themselves must be provided in single packages.

#### The Use of Tableware and Utensils When Serving Food.

##### Utensil sanitation.

1. Utensils shall be washed, rinsed, and sanitized at the commissary as needed. If a commissary is not on-site, then additional clean and sanitized utensils shall be stored in a sealable and closed food grade plastic bag or bags sufficient to handle the duration of the farmers' market hours of operation.
2. Soiled utensils shall be replaced every two hours from the time the farmers' market opens.
3. Dirty utensils shall be stored in a separate plastic bag or container.
4. If any vermin are present and observed on food or food contact surfaces such as cutting boards, knives etc., the contaminated item shall be removed from use immediately or disposed of as appropriate.
29. Only prepackaged single-service tableware shall be provided for use by customers.
30. Sanitation methods:
  - a. A three-compartment sink shall be used for washing, rinsing and sanitizing utensils.
  - b. Sinks used for sanitizing utensils shall be cleaned before use.
  - c. Utensils shall be thoroughly washed in the first compartment, with a solution of detergent and hot water (at least 110° F) that is changed as necessary.
  - d. Utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
  - e. Utensils shall be sanitized in the third compartment, according to one of the following methods:
    - (1) Immersion for at least one minute in a clean solution containing 50-to-100 parts per million (ppm) of available chlorine as a hypochlorite, at a temperature of at least 75° F, but not to exceed 140° F;
    - (2) Immersion for at least one minute in a clean solution containing any other agent used for sanitizing which is approved by the health authority and provides the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine as a hypochlorite. For example, quaternary ammonium compounds shall be used at the concentration that is indicated by the manufacturer's instructions on the label; and
    - (3) A kit for testing or other device that accurately measures the concentration of the sanitary solution in parts per million shall be available and routinely used to verify the sanitizing solution concentration.
7. Providing samples to the customer at high-risk satellite food establishments is prohibited.

REGULATION 00.09, GENERAL EQUIPMENT AND UTENSILS REQUIREMENTS  
FOR LOW-RISK AND HIGH-RISK SATELLITE FOOD ESTABLISHMENTS

General: In addition to the requirements of chapters six and seven, the following additional requirements apply to all low-risk and high-risk satellite food establishments.

31. Construction, materials, and installation of equipment and utensils shall meet the Standards of the National Sanitation Foundation, International (NSFI), or shall meet these Standards as determined during the initial inspection.
2. All equipment and utensils shall be so durable under normal conditions and operations as to be resistant to denting, buckling, pitting, chipping, crazing, and excessive wear, and shall be capable of withstanding repeated scrubbing, scouring, and the corrosive action of cleaning and sanitizing agents and food with which they come in contact.
3. Cutting blocks and boards and bakers' tables must be made of hard maple or equivalent material that is nontoxic, smooth, and free of cracks, crevices, and open seams. Cutting boards shall be easily removable. Wicker or plastic bread baskets, when suitably lined using clean linen, aluminum foil or plastic wrap may be used for unwrapped food.
4. Wood may be used for articles designed for a single use, such as chopsticks, stirrers.
5. Single-service articles shall be made from nontoxic materials. Articles that are designed for a single use may not be used more than once.
6. Containers used to store poisonous or toxic materials shall not be used to store, transport, or dispense food.

Shelves.

1. All shelves located in refrigerators and freezers shall be made of metal, plastic, or plastic coated with surfaces that can be easily cleaned, and shall be removable. These shelves shall not be covered with aluminum foil, metal sheets, or any other material that restricts or prevents the circulation of air within a refrigerator or freezer.
2. Shelves that are located in an area where food is prepared or an area where utensils are washed shall be made of metal, plastic, or material that is plastic coated, and have surfaces that can be cleaned easily and are resistant to corrosion.

00.09.0300 Equipment installation.

1. All equipment, except tables, and small appliances shall be set on lockable wheels as provided by the manufacturer.
2. Aisles or working spaces between equipment, and between equipment and walls, shall be unobstructed, and of sufficient width to permit employees to readily perform their duties without contamination of food or food contact surfaces by clothing or through personal contact.

Cleanliness of equipment and utensils.

1. All food contact surfaces shall be cleaned and sanitized at least every two hours from the time the farmers' market opens. Moist cloths used for this purpose shall be clean and rinsed frequently in a sanitizing solution. Such cloths shall be used for no other purpose and shall be stored in a sanitizing solution between uses. Other methods may be approved by the health authority. Approved sanitizing solutions for this purpose include:
  - a. A water solution of 50 to 100 parts per million (ppm) of available chlorine as a hypochlorite, at a temperature of at least 75° F, but not to exceed 140° F.
  - b. A water solution of quaternary ammonium compounds at the concentration indicated by the manufacturer's instructions on the label.
  - c. A kit for testing or other device that accurately measures the concentration of the sanitizing solution in parts per million shall be available and routinely used to verify the sanitizing solution concentration.
2. Food contact surfaces and equipment shall be cleaned and sanitized after preparing raw potentially hazardous food and before preparing ready-to-eat foods.
3. Surfaces of equipment that do not come in contact with food must be maintained clean from accumulated dust, dirt, particles of food, and other debris.

#### Handling of Kitchenware and Utensils After Cleaning and Sanitization.

1. After sanitization, all kitchenware and utensils shall be air dried and handled in a way that protects them from contamination.
2. Tableware shall be touched by the handles only.
3. Cleaned and sanitized kitchenware and utensils shall be stored at least six inches off the ground in a clean, dry location in a way that protects them from contamination.

#### 00.09.0600 Storage and Handling of Single-Use Items.

1. Articles designed for a single use shall be stored at least 6 inches above the floor in closed cartons or containers that protect them from contamination.
  2. Single-service eating utensils shall be handled and dispensed in a manner that prevents the contamination of surfaces that may come in contact with food or with the mouth of the user.
  3. Only prepackaged single-service tableware shall be provided for use by customers.

## REGULATION 00.10, PROHIBITIONS

### 00.10.0100 Prohibitions.

1. Milk, milk products, eggs, modified atmosphere packaging products, raw fish, and raw shellfish are prohibited from being sold at a farmers' market.
2. The reuse of leftover food products is prohibited from being sold at a farmers' market.
3. Non-dairy creaming, whitening or whipping agents which are reconstituted on the premises are prohibited.
4. Resale of any food products that have been returned by a customer is prohibited.
5. Packaged ice offered for sale is prohibited.
6. Drop-in cold plates are prohibited from use at farmers' markets.
7. The reuse of metal cans or other such food containers for the purpose of cooking, preparing or storing food is prohibited.
8. Ice chests used to refrigerate and store potentially hazardous foods are prohibited.
9. The sale or use of hollandaise or other sauces that contain eggs are prohibited.
32. Potentially hazardous foods shall not be thawed at a farmers' market except during the cooking process.
4. Common cloth towels used for handwashing are prohibited.
5. Dumping wash water, rinse water or waste water onto the ground is prohibited.
6. The rinsing of food and utensils in hand-washing facilities is prohibited.
7. No person shall bring, expose or offer for sale, or sell in any city or town within this state for human food any unsound, diseased farm products.
15. Any potentially hazardous food/farm product displayed for exhibit purposes shall not be sold.
16. Animals are prohibited in the farmers' market; except service animals accompanying visually, aurally or physically disabled persons are permitted in the farmers' market.
17. The use of portable hand sinks, restroom lavatories, or janitorial sinks to wash, rinse or sanitize utensils is prohibited.
18. Offering or selling food products from a foreign country is prohibited.
19. Providing samples to the customer at high-risk satellite food establishments is prohibited.
20. Food prepared or processed at an unapproved source is prohibited.

## REGULATION 00.11, PERMIT REQUIREMENTS, COMPLIANCE AND ENFORCEMENT

### 00.11.0100 Inspection of Food Establishments.

33. A health permit issued by the health authority is required for all food establishments at or associated with a farmers' market.
2. The health authority shall inspect each food establishment while in operation. If the health authority is unable to conduct an inspection, during operation, the health permit shall be placed on inactive status after notice has been properly served.
3. As many additional inspections and reinspections shall be made as are necessary for the enforcement of these Regulations.
4. The owner, manager, or operator of each food facility is responsible for any violations found at the food establishment.
5. As stated in NRS 199.300, it is unlawful for any person to interfere with the health authority in the performance of its duties.

### 00.11.0200 Access to Establishments; Inspection Records, Demerit Values, and Scores.

1. The health authority, after he has properly identified himself, shall be permitted to enter at any reasonable time any food establishment within the District for the purpose of making an inspection to determine compliance with these Regulations. Records of the establishment shall be made available for examination 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 these Regulations, and shall set forth demerit point values for each such requirement. Upon completion of an inspection, the health authority shall total the demerit point values for all requirements in violation, and this total will constitute the demerit score for the establishment. Based upon the demerit score, the food establishment at the farmers' market will be given a "pass" or "fail" status.

### 00.11.0300 Issuance of Notices.

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 these Regulations 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 shall:

1. Set forth the specific violations found, together with the demerit score of the establishment;
2. Establish a specific period of time for the correction of the violations found;
3. State that failure to comply with the requirements of any notice issued in accordance with the provisions of these Regulations may result in immediate suspension of the permit; and
4. 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.

### 00.11.0400 Permit.

20. Health permits issued under the provisions of chapters 4, 5, 6 and 7 shall be issued semiannually. These permits are valid at all farmers' markets throughout Clark County.
34. Permits are not transferable from one person to another person.



35. The current health permit issued by the health authority shall be displayed conspicuously. The permit shall be removed by the health authority when the permit is suspended, or the food establishment is closed.

00.11.0500 Status of Food Establishments at Farmers' Markets.

1. Certified producers of farm products that retain their exempt status will be allowed to operate without a health permit. Sampling of farm products, except for whole intact fruit or vegetables, or the sale of processed farm products are prohibited to maintain the exemption. When determined by the health authority that farm product sampling is occurring, or processed farm products are being sold, the operation shall immediately cease and will be documented by the health authority of the change in status on an inspection report. Re-opening under the exempt status, or through acquiring a health permit for sampling farm products, or for the sale of processed farm products will only be allowed after an inspection by the health authority.
2. Certified producers of farm products, who offer samples of farm product, other than farm products that are whole and intact, or who sell processed farm products at a farmers' market, shall obtain a health permit prior to operation. These food establishments will be subject to inspection by the health authority. A pass/fail status will be determined by a representative of the Health District. Failure to provide information concerning farm products obtained from approved sources, or farm products that are determined to be unwholesome or adulterated, will result in immediate suspension of the permit. During an inspection, the food establishment will be deemed to pass when the demerit score ranges from 0 to 15. During an inspection, a facility will be deemed to fail when more than 15 demerits are found. At that time, the food establishment's health permit shall be suspended, and the establishment will not be allowed to re-open until all violations are corrected, and the establishment is reinspected and approved by the health authority. Any food establishment which demonstrates a pattern of repeatedly failing inspection shall be subject to health permit revocation.
3. High-risk and low-risk satellite food establishments shall obtain a health permit prior to operation. These establishments will be subject to inspection from the health authority. A pass/fail status will be determined by a representative of the Health District. A low-risk satellite food establishment shall be deemed to pass when the demerit score ranges from 0 to 15. For a high-risk satellite food establishment, it shall be deemed to pass when the demerit score ranges from 0 to 25. During an inspection of a low-risk satellite food establishment, it shall be deemed to fail when more than 15 demerits are found. During an inspection, a high-risk satellite food establishment will be deemed to fail when more than 25 demerits are found. At that time, the establishment's permit will be suspended, and the establishment will not be allowed to reopen until all violations are corrected and verified by a health authority representative.
36. Health permit suspension: 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 shall 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 shall be afforded a hearing as soon as possible.
37. Health permit revocation: For substantial health hazards 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 may be suspended for cause pending its revocation or a hearing relative thereto.
38. 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.

39. 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 shall be furnished to the permit holder by the health district.

00.11.0600 Cease and Desist Order. Based upon violations noted during an inspection or survey which constitutes a hazard to the public health and welfare to the citizens of Clark County, the health authority shall issue a Cease and Desist Order. The order will suspend all food operations at the food establishment and will remain in effect until all violations are corrected and verified by the health authority.

00.11.0700 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 that the health authority determines is or has probable cause to believe may be unwholesome or otherwise adulterated or misbranded.

40. 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 with the health authority's Environmental Health Director, 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 that was placed under the hold order to denature or destroy such food, or to bring it into compliance with the provisions of these Regulations. Such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of these Regulations shall be stayed if the order is appealed to a court of competent jurisdiction within three days.

00.11.0800 Service of Notices. The health authority shall properly serve notice by:

1. Delivering it to the food establishment owner;
2. Delivering it to the person in charge of the food establishment; or
3. Sending it by registered or certified mail, return receipt requested, to the last known address of the food establishment owner. The health authority shall file a copy of the notice in the records of the health authority.

00.11.0900 Severability Clause.

41. Should any section, paragraph, sentence, clause, or phrase of these Regulations be declared unconstitutional or invalid for any reason, the remainder of said Regulations shall not be affected thereby.

2. These Regulations shall become effective upon approval by the State Board of Health.

.11.1000 The food establishment applicant shall:

42. Provide a listing of the food to be handled, processed, or packaged, or a sample menu
43. Provide any label for packaging which has been proposed for a food product
44. Provide a description of all the steps required to process each potentially hazardous food (PHF) product. The description shall include:
  1. The amount of time required for each step;
  2. The amount of time required between each step;
  3. Proposed temperatures of the food product;
  4. Rates of heating the food product; and
  5. The process for handling food by employees of the establishment
4. All information required by the provisions of this section shall be reviewed and approved by the health authority, in writing, prior to final approval and issuance of the health permit.

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