



## **COMPREHENSIVE POLICY**

### **SERVICE OF FOODS WITHIN THE CLARK COUNTY PUBLIC, PRIVATE, AND CHARTER SCHOOLS**

This policy is established to define our authority and enforcement procedures in relation to NRS 446 as amended by Senate Bill 352, as adopted and placed in effect on 7-1-01.

The Southern Nevada Health District derives permitting and enforcement authority regarding food service from NRS 446 (Nevada Revised Statutes), and general authority over sanitation, healthfulness, cleanliness and safety in schools from NRS 444.335. NRS 446, as amended by SB 352, defines a "Food Establishment" for the purposes of being subject to permitting and enforcement, as follows:

"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;
- 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.

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 only handles, stores, transports, sells or otherwise comes in contact with food that is permanently sealed or packaged for sale directly to the consumer and who, if the food is potentially hazardous food, handles the food only occasionally or incidentally outside the normal and usual course and scope of his responsibilities or employment.
3. As used in this section, "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 human resources has adopted a later edition of the Food Code for this purpose.

Sec. 3. NRS 446.870 is hereby amended to read as follows:

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."

The Southern Nevada Health District interprets the aforementioned statutes, in relation to food service activities within the Clark County schools, as follows:

- A. All operators selling food on school grounds must have and maintain an active health permit to operate. All employees of these operators must have a valid health card as issued by the Southern Nevada Health District.
  1. This includes, but is not limited to, the following:
    - a. Public, private, or charter school food service kitchens or serving sites, generally used for the purpose of providing regular meal service to students. This includes on campus child-care facility kitchens that regularly or routinely supply or prepare potentially-hazardous foods, including baby formula, or wash for reuse any bottles, utensils, or containers.
    - b. Student Stores, open on a regular or routine basis, that sell potentially-hazardous foods, whether or not those items are pre-packaged, or any open, non-pre-packaged food items. This includes such items as frozen burritos, hotdogs, sandwiches, nachos, dispensed drinks, ice, etc.
    - c. Home Economics, School-to-Work Programs, business education programs, or other classes or groups that sell potentially-hazardous foods, whether or not those items are pre-packaged, or any open foods, as part of their programs on a regular or routine basis. This includes such operations as "espresso cafes" (coffee only, without additives such as

milk, cream, syrups, etc., is specifically exempt under NAC 446).

- d. All activities at which vendors, organizations, or other persons not directly affiliated with the school, sell or give away any open or potentially-hazardous foods on school grounds. This does not include student or parent organizations selling foods **occasionally** for fund raising purposes.

## **B. Outside Vendors – Delivery / Catering**

An outside vendor must have a Food Establishment Health Permit. The handling of the food product once it arrives at the school will determine the necessity for a food establishment health permit for the school. The following levels and catering option shall apply:

### **Level I:**

The school has no permitted kitchen. The single service packaged food delivery from a permitted food establishment is **IMMEDIATELY** provided to the child. If there is any delay in service, Level I will not be an option. This level may be appropriate for very small settings where classroom scheduling can be determined by the time of the food delivery.

### **Level II:**

There are regular food deliveries on a pre-ordered basis from permitted food establishments. The orders are single service packaged, but due to volume or scheduling, the food cannot be immediately provided to the child upon delivery. In this case, the school will be required to have a health permit comparable to a market. No open food preparation will be permitted. A plan of the proposed delivery area must be submitted to the CCHD Environmental Health Plan Review section with applicable plan review and health permit fee. A stocked hand washing sink, commercial warm/cold holding equipment adequate for the type/volume of food, a thermometer to check delivery temperatures and cleanable interior finishes will be required. The person responsible for monitoring the food temperatures and equipment must have a current food handler health card.

### **Level III:**

The school is conducting open food service on a regular basis. This will require a fully commercial kitchen (3-compartment sink, hand washing sink, etc.) and a Health Permit to operate. Properly developed plans for the kitchen and anticipated menu must be submitted to the CCHD Environmental Health Plan Review section with applicable plan review and Health Permit fee.

### **Catering Option:**

Unless the vendor has a permanent location on school grounds, the contracted vendor that plans to serve food on school premises must have a catering health permit in addition to their permanent location health permit. Caterers must meet fully all requirements for transport, hot/cold holding, handling and service of foods as provided by the Southern Nevada Health District Regulations 1996 Governing the Sanitation of Food Establishments.

If a school opts to contract with a permitted caterer to provide foodservice, then the caterer must remain responsible for the food until served directly to the students. A hand washing area must be available for the caterer's use and all food must be properly held until service. Otherwise, food dropped off will be considered a delivery, the operator must accept responsibility for the food from that point and the levels above shall apply.

- C. School staff, faculty, student organizations or other school affiliated groups may sell **non-potentially hazardous foods** on a regular or routine basis on campus without a health permit under the following provisions:
1. The foods are pre-packaged either commercially or in a permitted facility prior to transport to the school and are not subsequently handled.
  2. The foods are transported, stored, and sold under conditions not likely to cause contamination of the product.
  3. Transportation, storage, and sale of the product does not adversely affect the sanitary condition of the school.
  4. Certain open, non-potentially-hazardous foods, such as candy, pepperoni sticks, pickles, etc., may be served from a student store, or snack room, on a regular basis without a permit, provided a hand-washing station is provided in the same room and serviced with hot and cold running water, soap and paper-towels, or another procedure has been approved by the Health District to protect the foods being served.
- D. School staff, faculty, student organizations or other school affiliated groups may sell or give away food **occasionally** on campus without a health permit. Concession stands are considered to be in this category, provided:
1. The student, teacher, or parent group that operates the stand at each event represents a non-profit organization.

2. The student, teacher, or parent group operates the concession stand only “occasionally”. For example, operation will be considered “occasional” if various different groups rotate fund raising food sales at the concession stand during the different sports seasons.
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- E. All adult persons engaged in food operations subject to permit must obtain a Food Handler’s Health Card. Students are exempt from this requirement unless they are acting as a food handler while engaged in non-school affiliated food service employment.
  - F. Fairs and other short-term special events will require temporary food vendor permits for each non-school affiliated vendor present. Faculty, student, or parent booths selling foods will not be required to obtain a temporary permit.
  - G. On-campus childcare facilities may be exempt from obtaining a Health Permit, providing that service is limited to baby foods and formula supplied by the parent, and served using single service utensils. Rinsing of containers and bottles for return to the parent is allowed, provided said rinsing takes place at a sink designated for that purpose and where hand-washing does not take place. A “Child Care Health Card”, as issued by the Southern Nevada Health District, will be required of all employees assigned to on-campus childcare facilities, whether or not they meet the criteria for a Health Permit.
  - H. Any fixed-location facility required to have a Health Permit must meet fully the requirements set forth in the Southern Nevada Health District Regulations 1996 Governing The Sanitation of Food Establishments (Amended April 1999), and all construction and equipment requirements provided in the FOOD SERVICE ESTABLISHMENT PLAN REVIEW REQUIREMENTS FOR EQUIPMENT & FACILITIES checklist (see attached).
  - I. Facilities or groups required by this policy to have a Health Permit may apply at the following locations.
    1. Otto Ravenholt Public Health Center  
625 Shadow Lane, Wing 1
    2. North Las Vegas Public Health Center  
1820 E. Lake Mead, Suite G
    3. East Las Vegas Public Health Center  
560 N. Nellis Blvd., Suite E-11

4. Henderson Public Health Center  
520 E. Lake Mead Drive
  
5. Spring Valley Public Health Center  
6330 W. Spring Mountain, Suite A

Please be advised that failure to follow the aforementioned criteria is a violation of NRS 446.945 (see below) and, failing administrative compliance efforts, may be referred for prosecution.

(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.)

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